

Land Code of the Azerbaijan Republic

Chapter I. General provisions

Article 1. Land legislation of the Azerbaijan Republic

1. The land legislation of the Azerbaijan Republic consists of the present Code, the Law of the Azerbaijan Republic «On the land reform» and other regulatory and legal acts.
2. Relationships in the area of using the subsurface resources, water facilities, forests, flora and fauna, cultural and natural landscapes, atmospheric air and their protection shall be governed by relevant legislation of the Azerbaijan Republic.

Article 2. Objective of the Land Code of the Azerbaijan Republic

The Land Code of the Azerbaijan Republic aims to regulate land relations in the Azerbaijan Republic arising on the basis of application of different types of land ownership, exercise of the land-related responsibilities of owners, users and lessees of land, protection of their right to land, creation of relevant conditions for rational use of lands and their protection, restoration and increase of the fertility of land, re-cultivation of lands which have become unusable as a result of pollution and destruction, and preservation and improvement of the natural environment.

Article 3. Land relationships

1. Land relationships are public relations between state bodies, municipalities, legal entities and private individuals in the area of issuing instructions on land ownership, use of land and on land proper, and in the area of management of natural resources on the part of the state.
2. Participants in land relationships are the Azerbaijan Republic, state bodies, municipalities, citizens and legal entities of the Azerbaijan Republic, as well as foreigners and people without nationality, foreign legal entities, international associations and organizations, and foreign states.
3. Foreigners and people with nationality, foreign legal entities, international associations and organizations, as well as foreign states can act as participants of land relationships with organizations envisaged under Article 48 of the present Code.
4. The object of land relationships consists of a land plot and right to it.

Article 4. Land plot

1. A land plot is a part of the surface of the Earth registered with the state land cadastre and documents of state registration of right to land with its borders, size, geographic location, legal status, regime, function and other indicators.
2. The borders of a land plot are reflected on topographic plans and are applied in situ (in kind). After the borders of a land plot are viewed in situ (in kind), its size is determined.

3. The legal status of a land plot covers its function, form of ownership right for the land plot (ownership, use or lease right), as well as the burden (restrictions) established with regard to using the land plot.

4. Land plots and rights to them, as well as any immovable property pertaining to the land plot (ground formation, bodies of water, forests, perennial plants, structures, facilities and other similar installations), are an integral component of the turnover.

5. The land plot may be dividable and non-dividable.

Dividable land plots are ones which, in terms of their function and purpose, may be divided in different parts and, after division, each of these parts turns into an independent land plot and may be registered by the state.

Non-dividable land plots are ones which, in terms of their function and purpose, cannot be divided in different independent land plots.

In order to avoid excessive division of land, an relevant body of executive authority establishes regulations for determining the minimum area of the land plot which may be registered by the state.

Article 5. Ownership of land plots and types of such ownership

1. There are state, municipal and private ownership types for a land plot in the Azerbaijan Republic. Types of ownership are equal and are safeguarded by the state.

2. The subjects of the ownership right are: for land plot owned by the state — the Azerbaijan state, for land plots owned by municipalities — municipalities, for land plot owned privately — citizens and legal entities of the Azerbaijan Republic.

3. The ownership right to a land plot consists of the rights of the owner to sole or joint ownership, use and disposal of a land plot.

Article 6. Authority of the state in the area of regulating land relationships

The authority of the state in the area of regulating land relationships includes:

- Preparation of suggestions towards improving the land legislation of the Azerbaijan Republic;
- Adoption of regulatory and legal acts ensuring the use of the land legislation; and introduction of changes to them;
- Establishment of rules for conducting the state land cadastre, monitoring and land structure;
- Transfer of land plots owned by the state on lease in an order established by the present Code and other legislative acts, and receipt of the said land plots to secure state *interests*;
- Alienation of land plots owned privately in an order established by the present Code and other legislative acts;
- Establishment of rules for determining minimum sizes of land plots which may be registered by the state;
- Attribution of lands to categories and their transfer from one category to another;

- Transfer of summer and winter pastures for use to administrative and territorial units;
- Establishment, for the purposes of taxation, of conditional points while taking into account the function, geographic location and quality of agricultural lands depending on the cadastre cost and the administrative districts included into such lands;
- Development and implementation of state programs on rational use of lands, increase of their fertility, protection of land resources and other measures towards nature conservation;
- Implementation of the state environmental expertise of activities pertaining to the use of lands owned by the state, and decision-making on suspension of construction or reconstruction of facilities without approval of the state environmental expertise;
- Organization and implementation of state control over the use of lands in accordance with legislation, and their protection;
- Organization and implementation of the state land cadastre, monitoring and land structure;
- Settlement of land disputes mentioned in the present Code which must be settled in an out-of-court manner;
- Exercise of other authority established by legislation ([13](#), [16](#))

Article 7. Authority of the Nakhchivan Autonomous Republic in the area of regulating land relationships

The authority of the Nakhchivan Autonomous Republic in regulating land relationships includes the authority indicated in paragraphs 5-16 of Article 6 of the present Code within the borders of the Autonomous Republic.

Article 8. Authority of municipalities in the area of regulating land relationships

The authority of municipalities in the area of regulating land relationships within the boundaries of their administrative territories includes:

- to issue, in an order established by legislation, instructions regarding the possession and use of land owned by municipalities and regarding these lands proper;
- to provide, in an order established by legislation, land plots owned by municipalities for ownership, use and lease;
- to organize the development and implementation of master plans of residential settlements, planning and construction projects, land structure and economic plans;
- to exact payment for the lease of land plots from users of municipal land;
- *to file legal suits with regard to mandatory withdrawal for public needs of land plots handed over by a municipality to private individuals and legal entities on a complimentary basis;*
- to protect, as far as their authority permits, the rights of owners, users and lessees of land;
- to development and implement programs on protection and improvement of municipal lands;
- to establish the minimum area of land plots handed over (sold) for ownership, ~~use~~ and lease to legal entities and private individuals;

- to exercise control, as far as their authority permits, over the use of municipal lands and their protection;
- to resolve, as far as their authority permits, any disputes pertaining to municipal lands which must be dealt with in an out-of-court manner;
- to carry out other authorities established by legislation. ([13](#), [20](#))

Chapter II. Single land fund of the Azerbaijan Republic

Article 9. Single land fund of the Azerbaijan Republic and its composition

1. All the lands located within the borders of the Azerbaijan Republic shall form a single land fund.
2. Depending on their function and legal status, lands of the Azerbaijan Republic are subdivided in the following categories:
 - lands of agricultural purpose;
 - lands of residential settlements (cities, settlements and rural residential settlements);
 - lands of industry, defense, transport, communication and other purposes;
 - lands of specifically protected territories;
 - lands of the forest fund;
 - lands of the water fund;
 - lands of the reserve fund.
3. Attribution of lands to categories and their transfer from one category to another shall be carried out by an relevant body of executive authority in an established order.

Article 10. Designation and legal status of lands

1. Designation of lands means the rules, conditions and limits established by the present Code and other regulatory and legal acts for using land with a specific objective in line with its category.
2. Legal status of lands is the combination of rules established by the legislation on land, town-planning, water, forests, subsurface resources and nature conservation pertaining to the use, protection, registration and monitoring of land. It covers all land plots attributed to a certain land category.
3. Rules and limitations established for each category shall apply to identical lands attributed to many categories. In the event of dispute with regard to the legal status of a land plot, preference shall be given to the land category possessing a stricter legal status.
4. The designation and legal status of land categories shall be established by legislation and reflected in documents on town-planning and land structure. The rules for land use within categories shall be established by owners, users and lessees in accordance with documents on natural and economic division into regions, zones, territorial planning, use and land structure.

5. Categories of land are reflected in the decision of an relevant body of executive authority or municipality on the provision of land, documents on the state land cadastre, books of land registration and other documents indicated in the present Code ([12](#)).

Article 11. Limited use of land plots

1. A limited use of land plots means the use of a land plot in accordance with its designation and with established limitations and obligations.
2. A limited use of land plots is established on the basis of division of lands into zones, documents on town-planning and land structure regardless of the proprietary status of a given land plot.
3. The requirements pertaining to the limited use of a land plot are regulated by relevant regulatory and legal acts.
4. Arbitrary change in the limited use of a land plot shall be prohibited.

Chapter III. Lands of agricultural purpose

Article 12. Lands of agricultural purpose and their composition

1. The land plots intended in the territorial planning of land use for agricultural needs shall be considered the lands of agricultural purpose.
2. The lands of agricultural purpose include agricultural areas (arable lands), lands occupied by forests, domestic roads, communication lines, swamps, ponds, structures and facilities required for conducting agricultural activities.
3. Agricultural areas (arable lands) include lands sown with grains, perennial crops, derelict lands, meadows, pastures and grazing fields.
4. Agricultural areas (arable lands) shall be specifically protected. Transfer of these lands for non-agricultural purposes to other categories shall be allowed in exceptional cases by the decision of an relevant body of executive authority ~~or municipality~~ in an order established by the present Code and other legislative acts.
5. *The municipalities shall submit application to the relevant executive authority to convert municipally owned agricultural lands into other categories of non-agricultural purposes.* ([19](#))

Article 13. Designated use of lands of agricultural purpose

1. The lands of agricultural purpose are used for production and processing of agricultural products, as well as in scientific-research, educational, practical and testing purposes in the agricultural sector.
2. The lands of agricultural purpose can be used for the construction of communication facilities, temporary structures and installations required for effective organization of agriculture and meeting environmental and technical requirements.

3. Use of lands of agricultural purpose with any other aims is carried out in an order envisaged by paragraph 3 of Article 9 of the present Code.

Article 14. Land plots for production and processing of agricultural products

1. Citizens and legal entities of the Azerbaijan Republic can acquire land plots of agricultural purpose for production and processing of agricultural products according to the following regulations:

- provision for private ownership of allotments which, according to the Law of the Azerbaijan Republic «On land reform», have been separated from privatized lands of collective and state farms;
- purchase, in an order established by legislation, of lands belonging to the reserve land fund of municipalities, as well as owned by citizens and legal entities;
- *receipt for use and lease of a land plot from the lands belonging to state and private property and receipt for lease of a land plot from the lands belonging municipal property.*

2. Foreigners, persons without nationality and foreign legal entities can acquire land plots of agricultural purpose for production and processing of agricultural products only on the basis of the lease rights.[\(20\)](#)

Article 15. Land plots for scientific research, educational, practical and testing purposes in the area of agriculture

1. Land plots are usually provided for use to state enterprises, departments and organizations engaged in scientific research, educational, practical and testing activities in the area of agriculture from state lands of agricultural purpose.

Land plots are provided for use and lease to similar institutions owned by municipalities from municipal lands of agricultural purpose *in an order established by the legislation.*

2. Enterprises, departments and organizations engaged in scientific research, educational, practical and testing activities in the area of agriculture owned by private individuals and legal entities of the Azerbaijan Republic may acquire land plots of agricultural purpose on the basis of the right to buy out and lease in an order established by the present Code and other regulatory and legal acts.

3. Enterprises, departments and organizations engaged in scientific research, educational, practical and testing activities in the area of agriculture owned by foreigners, persons without nationality and foreign legal entities can receive land plots of agricultural purpose only on the basis of the lease right.[\(20\)](#)

Article 16. Peculiarities of using land plots as pastures, grazing fields and meadows

1. Summer and winter pastures, areas for grazing fields and meadows are provided to private individuals and legal entities possessing their own livestock. The summer and winter pastures owned by the state are provided to administrative and territorial units

with due consideration of the needs of state livestock breeding farms and on a decision of an relevant body of executive authority.

2. To develop livestock breeding, summer and winter pastures are provided to enterprises owned by municipalities for use following a decision of the municipality and to any other legal entities and private individuals only on lease.

3. Of the lands owned by municipalities, sections for grazing publicly owned cattle are provided for common use, while the grazing sections and meadows remaining in the reserve fund are provided to legal entities and private individuals on lease *in an order established by the legislation*.

4. The sections of grazing fields in common use are provided to the population for use over an indefinite period of time.

Summer and winter pastures, as well as sections of grazing fields and meadows from the municipal reserve fund, may be leased to legal entities and private individuals mainly for a period between 10 and 15 years. When the lease term for sections of grazing fields, pastures and meadows expires, the agreement *may be extended as per results of conducted land bids or tenders*. When the livestock owned by the users and lessees of summer and winter pastures, sections of grazing fields and meadows reduces by more than in half, or in the event of complete demise of the animals, or in the event of change of their owner, the lease agreement and the decision on using them is reconsidered in an order established by legislation.

5. When calculating the need for winter pastures per hectare depending on the plant cover, quality and capacity, as well as the mechanical composition and power of the humus layer of the soil, 1-4 head of sheep and goats is taken into consideration, while for summer pastures twice as many.

When calculating the need for commonly used sections of grazing fields, as well as the sections of grazing fields and meadows leased to legal entities and private individuals, the number of cattle head, volume, capacity and location of sections are taken into account, together with the possibility of irrigation, quality of the land and other regulatory and technical requirements.

6. The sowing of winter and summer pastures shall be unacceptable. It is only possible to sow barley for green crops on a section of less than 3 per cent of usable area.

7. Legal entities and private individuals must use summer and winter pastures, sections of grazing fields and meadows in a rational way, try to preserve the plant cover, sources of water, routes and herding locations, observe sanitary and veterinarian rules and other regulations. If required, summer and winter pastures may accommodate dwelling facilities for shepherds, sheep shelters and other structures of the cultural-domestic and industrial purpose (except for capital structures).

8. Rules for the provision of sections of grazing fields, pastures and meadows for use and lease, as well as the rules for using them, are established in accordance with legislation by an relevant body of executive authority.[\(20\)](#)

Article 17. Establishing the suitability of lands for agricultural needs

The suitability of lands for agricultural needs is established by the state service of land structure on the basis of information of the state land cadastre.

Chapter IV. Lands of residential settlements

Article 18. Lands of residential settlements and their composition

1. All lands within the boundaries of cities, settlements and villages shall be considered to be the land of residential settlements.
2. The lands of residential settlements include:
 - land plots located under residential, cultural-domestic, administrative, cult and other buildings, structures and facilities located in public and residential compounds, as well as those designed to accommodate these;
 - land plots located under publicly used squares, streets, subway crossings, roads, coasts, parks, forest parks, alleys, boulevards, bodies of water, beaches and other facilities which are intended to serve public needs of the population;
 - land plots located under industrial, public utility and warehouse facilities in industrial, commercial, public utility and warehousing construction compounds and intended for the construction of similar industrial facilities;
 - land plots located under buildings, structures and facilities of transport, engineering communications and communication lines and belonging to railway, automobile, river-borne, maritime, pipeline transport, engineering infrastructure and communication lines, as well as those intended for these purposes;
 - lands of specifically protected territories accommodating natural monuments, natural parks, national dendrology parks, botanical gardens and forests used for the purposes of *tourism and recreation, as well as* public recreation, conservation sites, nature reserves, ~~recreation and~~ health-improving objects, cultural and historical institutions, as well as the land plots accommodating springs possessing natural curative qualities, cultural and historical institutions, museums and wild life refuges, parks, graveyards and tombs;
 - lands of water-borne facilities accommodating above-ground watercourses, bodies of water, basins, restricted water zones, hydro-technical and other facilities of the water economy;
 - land plots of areas used in agriculture, lands in tillage and sown with perennial crops, as well as agricultural buildings, structures and facilities;
 - land plots of military and other zones with a special legal status;
 - land plots not engaged in town planning and other activities and remaining in the reserve.
3. *The territorial structure and administrative territorial decision are determined in an order established by an relevant law. (2, 18)*

Article 19. Limits (boundaries) of residential settlements

1. Boundaries of residential settlements imply the border which separates the lands of cities, settlements and villages from other lands.
2. Boundaries of residential settlements are established on the basis of approved documents on town-planning and land structure.

The Boundaries of residential settlements are established in accordance with the borders of land plots owned by citizens and legal entities.

3. Inclusion of a land plot into the boundaries of a city, settlement and rural residential settlement does not entail cessation of the ownership right to land, to the use and lease of land.

Article 20. Use of the land of residential settlements

1. The lands of residential settlements are used in accordance with their master plans, planning and construction projects on their territories, as well as land structure and economic plans.

2. Master plans of residential settlements establish main directions for the use of lands of cities, settlements and rural settlements for the construction of dwelling, industrial, cultural-domestic facilities and other construction sites, for the determination and improvement of public recreation locations. Planning and construction projects prepared on the basis of the master plan establish the use of lands for construction purposes.

3. Land structure and economic plans establish main directions for the use of city lands and areas where construction operations must not be carried out and where construction operations have been suspended on a temporary basis.

4. Rules for the provision and withdrawal of land plots on the territory of a residential settlement according to land structure and economic plans, as well as the conditions for the use of the said land plots, are established by the present Code and other regulatory and legal acts.

Article 21. Lands of suburban zones

1. The lands located outside the boundaries of a city and considered to be part of the reserve territory of a city, which are intended for the placement and construction of necessary facilities pertaining to the modernization and normal operation of the city economy, as well as the lands covered by forests, parks and other plantations, designed as protective, sanitary and hygienic facilities and serving as places of public recreation, are allocated to be part of the suburban zone of a city after approval of an relevant body of executive authority affected by this activity.

2. The lands of suburban zones are used in accordance with an approval project for planning of these zones. These lands are specifically protected, and it is prohibited to build structures and facilities on them which would not meet sanitary and hygienic, health-improving and public recreation requirements.

3. When including land plots into suburban zones, the rights of their owners, users and lessees shall be retained.

4. The rules for severing suburban zones, as well as land use in these zones, are established by relevant regulatory and legal acts.

Chapter V. Lands of industrial, transport, communication, defense and other purposes

Article 22. Lands of industrial, transport, communication, defense and other purposes

1. The land plots allocated and acquired in an order established by legislation for the placement and construction of industrial, transport, commercial, public catering and other manufacturing and servicing facilities are considered to be the lands of industrial, transport, communication, defense and other purposes.
2. To ensure the security of the population, create necessary conditions for the operation of industrial, transport, communication, defense and other purposes, special (security, sanitary, etc.) protection zones possessing a legal status shall be established around them. *The dimensions of land plots being allocated to private individuals and legal entities for telecommunication activities, including protection zones and stripes, shall be established in accordance with the norms for allocating lands for this type of activity and in line with design and technical documentation (14).*
3. The owners, users and lessees of land on whose territory a protection zone has been established in line with the regime pertaining to this zone shall not be deprived of their rights to the land plot, except for cases which envisage complete withdrawal of lands from economic turnover. The owners, users and lessees of land must observe the rules established for these zones within the boundaries of the protection zone.
4. The lands withdrawn from economic turnover shall be handed over to enterprises where protection zones of a special legal status will be set up or shall be attributed to the lands of the reserve fund.
5. The rules for using the lands of industrial, transport, communication, defense and other purposes shall be established by an relevant body of executive authority, while the rules for determining protection zones of a special legal status shall be established on the basis of relevant regulatory and legal acts.

Article 23. Lands of defense and security purpose

1. The lands provided for permanent placement and functioning of military units, military educational institutions, enterprises, departments and organizations of defense and security bodies shall be considered to be the lands of defense and security purpose.
2. The land plots provided for the construction of military facilities with established security, sanitary and protection zones shall be dealt with together with the lands covered by such zones. Reimbursement of losses of agricultural and forest economies shall be carried out on the general area.
3. The lands of defense and security purpose shall be the exclusive property of the state, while limitations on their use shall be regulated by relevant legislative acts of the Azerbaijan Republic.
4. The requirements pertaining to the security of population during the use of lands of defense and security purpose shall be established after coordination with an relevant body of executive authority and local governments.
5. The land plots of citizens and legal entities can be provided for use to enterprises, departments and organizations of defense and security bodies for temporary exercises and

other activities pertaining to the needs of defense and security in an order and on the terms and conditions established by an relevant body of executive authority.

6. The unused sections of lands suitable for agricultural purposes and provided for the needs of defense and security on the basis of consent indicated in paragraph 1 of the present Article can be transferred by the decision of an relevant body of executive authority ~~and local governments~~ for temporary use and lease to private individuals and legal entities of the Azerbaijan Republic for agricultural production.

7. Upon completion of the term for the provision of sections of land plots of defense and security purpose for use indicated in paragraph 1 of the present Article, users shall bring these plots to their initial condition at their own expense.

8. The rules for the provision of land plots for the needs of defense and security, their use and reclamation shall be established by an relevant body of executive authority.[\(20\)](#)

Chapter VI. Lands of specifically protected territories

Article 24. Lands of specifically protected territories and their composition

1. The lands of specifically protected territories are the lands possessing the meaning of specific nature protection, scientific, cultural, historical, esthetic, *tourist and recreational*, health-improving and other valuable purposes which are fully or partially withdrawn by an relevant body of executive authority or local governments from economic use and civil turnover, with a special legal established over them.

2. The lands of specifically protected territories include:

- lands of the nature protection purpose;
- lands of the natural reserve purpose;
- lands of the health-improving purpose;
- lands of *tourist and recreational* purpose;
- lands of cultural and historical purpose.

3. The rules for attributing lands to the lands of specifically protected territories, their use and protection shall be established by relevant legislative acts of the Azerbaijan Republic.[\(18\)](#)

Article 25. Lands of the nature protection purpose

1. The lands of the nature protection purpose include the following land plots:

- water protection zones of above-ground watercourses and bodies of water;
- protection zones for spawning caviar;
- forests performing protective functions;
- forest plantations protecting pastures, fields and waters from erosion;
- other land plots playing the function of nature protection.

2. Limited economic activity is allowed on the lands of the nature protection purpose provided that the legal status established for them by the relevant legislation is observed.

3. On the borders of rivers, lakes, water reservoirs and other objects of the water economy, and on the borders of other lands of the nature protection purpose, protection zones shall be established with a special legal status. The land plots of owners, users and lessees of land located on the borders of lands of the nature protection purpose shall not be exacted. The use of these land plots shall be carried out in accordance with the legal status established by the legislation.

4. Enterprises, departments and organizations possessing the lands of the nature protection purpose shall establish special warning signs on the borders of these land plots.

Article 26. Lands of the natural reserve purpose

1. The lands of the natural reserve purpose include the lands of natural reserves, wildlife sanctuaries (with the exception of hunting sanctuaries), natural monuments, natural (national) dendrology and zoology parks and botanical gardens.

2. The lands of natural reserves imply the land plots belonging, in an order established by legislation, to natural reserve organizations within which there are natural facilities possessing scientific and cultural value (typical and rare landscapes, rare geological formations, types of plants and animals, groups of living organisms, etc.). The lands of natural reserves shall be provided for use for the preservation of the natural status of typical and rare natural complexes for a particular landscape together with all the components for studying the natural course of processes and manifestations characteristic of such area and academic foundation of nature conservation.

Any activity undermining the natural complexes of natural reserves or posing a threat to the protection of natural facilities which represent particular scientific or cultural value shall be prohibited on the territories of natural reserves, as well as protection zones established around them.

3. The lands of wildlife sanctuaries include the lands intended for the preservation, restoration, increase of natural resources, as well as the conservation of the overall ecological balance of landscapes and complex biological, paleontology, hydrology and geological sites.

4. The lands of natural monuments are the land plots of rare or typical, as well as valuable, from the scientific, cultural and health-improving standpoints, monuments (except for the cultural and historical monuments).

5. Any activity which is not part of their designated purpose shall be prohibited on the lands of the nature reserve purpose. When these lands do not meet the legal status established for them, they, in an order established by legislation, shall be withdrawn from economic use.

6. The lands of national parks are the land plots whose natural and cultural landscape possesses a special environmental, historical and esthetic value. The lands of dendrology and zoology parks, as well as botanical gardens, include land plots provided for use for the storage, study and increase, in artificial conditions, of the reserves of different flora and fauna, and their rational use in scientific, cultural and economic activities.

Article 27. Lands of the health-improving purpose

1. The lands of the health-improving purpose include the plots of land which are or can be used for the organization of prevention of diseases and curative practices in health-improving locations and resorts (beaches, springs of mineral waters, health-improving deposits of oil and mud, etc.) which possess naturally favorable health-improving qualities.

2. With the aim of protecting the factors of natural treatment, health-improving locations and sanitary protection sections shall be established on the territories of all resorts. It is forbidden within the boundaries of such areas to provide land plots for use or lease to enterprises, departments and organizations whose activities do not pursue protection of naturally curative qualities and favorable conditions for the recreation of the population.

3. The land plots located within the boundaries of sanitary and protection zones shall not be exacted from owners, users and lessees with the exception of cases which, in accordance with the established sanitary status, complete withdrawal of land plots from the economic turnover.

Article 28. Lands of tourist and recreational purpose

1. The lands designed and being used for recreation of the population, tourism, organization of physical education and sporting activities shall be considered to be the lands of *tourist and recreational purpose*.

2. Such lands shall include land plots accommodating recreation centers, sanatoria, camps, tourist centers, children's tourist stations, forest parks, natural green belts, educational and training centers, tourist paths, marked roads, children's and sporting camps and other similar facilities.

3. The land plots crossed by educational and training centers, tourist paths and marked roads shall not be withdrawn from their owners, users and lessees, and can be used with their consent on the basis of the servitude right (right to limited use of someone else's land plot).

4. Any activity which may impede the use of the lands of *tourist and recreational purpose* in accordance with their designation shall be prohibited.[\(18\)](#)

Article 29. Lands of cultural and historical purpose

1. The lands of cultural and historical purpose shall include the lands of cultural and historical reserves, memorial parks, cemeteries, tombs, archeological monuments and rare geological formations.

2. Any activity which may impede the use of the lands of cultural and historical purpose in accordance with their designation shall be prohibited.

Article 30. Establishment of borders of protection and sanitary zones

1. Protection and sanitary zones shall be established around reserved lands, health-improving lands of residential settlements, rivers, water springs, water basins, hydro-technical facilities and water intake structures, sources of drinking and technical water supply.

2. The rules and conditions for using the lands of protection and sanitary zones, as well as their total area, shall be established by relevant regulatory and legal acts.

Chapter VII. Lands of the forest fund, water fund and reserve fund

Article 31. Lands of the forest fund

1. Forest and non-forest lands with forest cover and those without the forest cover but still designed for the needs of the forest economy shall be considered to be the lands of the forest fund.
2. The lands of the forest fund are mainly used with the aim of keeping and expanding (restoration, establishment of forests, etc.) of the forest economy.
3. The lands of the forest fund are used by bodies of the forest economy for running the forest economy, as well as other state and non-state enterprises, departments and organizations which operate the lands of the forest fund for implementation of their charter activities.
4. The lands of the forest fund are used to meet the manufacturing and other needs of enterprises, departments and organizations which are engaged in the production, in an order established by legislation, of timber and other wooden material or implementing other activities (construction of buildings and other facilities, roads, running of electricity lines, etc.).
5. The purchase and sale, mortgaging and other transactions leading or capable of leading to alienation of lands of the forest fund, as well as their use for any other purpose, shall be unacceptable.
6. The lands of the forest fund can be leased in line with their designation in order to ensure restoration of lands in an order established by the Land Code of the Azerbaijan Republic.
7. Users of the lands adjacent to those of the forest fund shall take measures in their land plots to protect the forests from fires and other calamities.
8. In order to establish forests in areas without forests and with scanty forests, to prevent the deepening of gorges and ravines, to establish protective forest lines, to set up green belts around cities and industrial centers, the lands of the forest fund can, in an established order, incorporate the lands of some other purposes, first of all the lands from areas which are not suitable or are of little use for agriculture.
9. The rules for the provision, withdrawal and use of the lands of the forest fund shall be established by the present Code, the Forest Code of the Azerbaijan Republic and other regulatory and legal acts.

Article 32. Lands of the water fund

1. The lands of the water fund include the following land plots:

- the lands located underneath the domestic waters of the Azerbaijan Republic and the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic;
- the lands, islands and swamps located underneath water protection zones and coastlines;
- the lands located underneath hydro-technical facilities, facilities of melioration and water economy.

2. The lands of the water fund shall be used for the construction and operation of facilities meeting the population demand for drinking water, domestic, health-improving and other needs, and for meeting the needs of the water economy, agriculture, fishing economy, industry, energy, transport and other state *needs*.

3. The lands of the water fund can be provided for municipal ownership, ~~use and~~ lease to legal entities and private individuals in an order established by the present Code, the Water Code of the Azerbaijan Republic and other laws.

4. The rules for the provision, withdrawal and use of the lands of the water fund shall be established by the present Code, the Water Code of the Azerbaijan Republic and other regulatory and legal acts of the Azerbaijan Republic. ([13](#), [16](#), [20](#))

Article 33. Lands of the reserve fund

1. The lands of the reserve fund consist of state and municipal reserve lands.
2. The lands of the state reserve fund include state lands which have not been provided for ownership, use and lease to municipalities, citizens and legal entities.

The lands of the state reserve fund include land plots with a suspended right to use, as well as the lands withdrawn from economic turnover as a result of mothballing.

3. The lands of the reserve fund of municipalities include the lands indicated in paragraph 5 of Article 47 of the present Code.
4. The use of the lands of the reserve fund shall be permitted after they have been transferred to an relevant category.
5. The rules for using the lands of the reserve fund shall be established by relevant regulatory and legal acts.

Chapter VIII. Protection of lands

Article 34. Aim and objectives of the protection of lands

1. Protection of lands consists of a system of legal, organizational, economic and other measures implemented with the aim of their rational use, prevention of unfounded withdrawal of the most valuable lands from the turnover of agricultural and forest economy, protection from hazardous natural and man-made impacts, and restoration and increase of fertility of lands and the forest fund.
2. Protection of land envisages protection of the nature with due consideration of zonal and regional peculiarities on the basis of a comprehensive approach to them as complex

natural (environmental) systems. It also envisages saving of natural resources and preservation of lands, restriction of a hazardous impact on the vegetation and animal world, geological formations and other components of the environment.

3. Protection of lands is carried out by means of the practical application of scientifically justified norms for the use of lands which reflect the best structure for their use, as well as effective organization of territories on the basis of the land structure.

4. Implementation of agro-technical, agro-melioration and melioration activities and coordination of relationships with the aim of rational use of irrigable and melioration lands, control over their quality, preservation and increase of their fertility, regulation of the water, salt, air and nutrition regimes, as well as the formation of a rational structure of land farming, shall be carried out in line with special programs established by the state.

5. Owners, users and lessees of land shall carry out activities to ensure protection of the nature in the following directions:

- protection, restoration and increase of fertility and other favorable qualities of land;
- protection of lands from water and wind erosion, floods, inundation, swamping, repeated salinization, condensation and draught, industrial and domestic wastes, pollution with chemical and radioactive substances, desertification, landslides, abrasion and other destructive processes;
- protection of agricultural lands from weeds, other processes which may deteriorate the cultural and technical condition of lands, as well as the condition of melioration and irrigation systems;
- mothballing of agricultural lands with worsened quality for the restoration of their fertility;
- bringing spoiled lands to usable condition again (re-cultivation), increase of their fertility and other favorable qualities of lands;
- in the event of inevitability of damage to lands as a result of economic activities, removal of their fertile layer and repeated use of it.

6. When locating, designing, constructing and commissioning new facilities, structures and installations being reconstructed and capable of causing an adverse impact on the condition of lands, and when applying new technologies, necessary measures shall be envisaged and implemented in the area of protection of lands.

7. It is prohibited to engage in commissioning and application of facilities and technologies without carrying out measures on protecting lands from the deterioration of their quality and destruction.

8. Placement of facilities capable of causing an adverse impact on the condition of soils shall be agreed with relevant owners, users and lessees of the land, and with an relevant body of executive authority.

9. Rules for protecting lands shall be established by relevant regulatory and legal acts.

Article 35. Economic stimulation of the protection of lands

1. Economic stimulation of the protection of lands shall be carried out with the aim of encouraging owners, users and lessees of land to protect and increase the fertility of soils and to protect them from hazardous impacts of economic activities.
2. The rules for economic stimulation of the protection of lands in connection with the restoration of the fertility of lands, implementation of forest-melioration activities, development of industrial and social infrastructure facilities and residential settlements, implementation of state and local programs, as well as exemptions, for a certain period of time, for owners, users and lessees of land from payment for the use of lands, reimbursement of damages caused as a result of a calamity, mothballing of lands and other cases, as well as the implementation of similar activities, shall be established by relevant regulatory and legal acts.

Article 36. Use of lands which have been subjected to radioactive and chemical pollution

1. The lands which have been subjected to radioactive and chemical pollution, capable of causing harm to the life and health of the population and not meeting requirements, relevant norms and regulations with regard to production shall be withdrawn from agricultural turnover and transferred for mothballing to the state reserve land fund. It shall be prohibited to engage in production of any agricultural products on these lands prior to initial re-cultivation and improvement of these lands.
2. Rules for withdrawing the lands which have been subjected to radioactive and chemical pollution from economic turnover, mothballing, protection and improvement shall be established by relevant regulatory and legal acts approved by an relevant body of executive authority.

Article 37. Use of lands which have been subjected to exogenous geological processes

The territories of lands which have been subjected to exogenous geological processes (landslides, floods, weathering, avalanches, caving, erosion, abrasion, deflation, Aeolus, swamping, formation of ravines, etc.) shall be withdrawn from the turnover of economic activity until work is carried out to ensure technical melioration and to bring such lands to usable condition (restoration). Depending on the scale of such processes, such lands can be transferred to the relevant reserve fund. Any engineering, technical and agricultural activities on such lands shall be allowed after these territories (sections) have been brought to a usable condition in an order established by an relevant body of executive authority.

Chapter IX. State regulation of the use and protection of the land fund

Article 38. Objectives of the state in the area of using and protecting the land fund

The state shall have the following objectives in the area of using and protecting the land fund:

- implementation of the state policy in the area of organization of a rational use of lands and their protection;
- exercise of the state control over the use and protection of lands;
- keeping state record of the work pertaining to the state land cadastre, monitoring of lands and land structure and rights to land, and keeping the land balance;
- registration, in an order established by the present Code, of documents pertaining to the withdrawal and provision of lands for state *needs*, changing the main designation of lands and solution of other issues of land structure, as well as their submission for approval to an relevant body of executive authority;
- raising, in an established order, cases on repealing the decisions (*agreements*) which do not meet the land legislation adopted by an relevant body of executive authority and a municipality;
- filing claims with a court, in an order established by legislation, filing claims with regard to compensation for the damage caused to the land fund, industrial losses of agricultural and forest economy, payment of fines and other financial sanctions for breach of the land legislation;
- provision of excerpts from the land structure plan of land plots and information from the state land cadastre;
- approaching relevant bodies of executive authority and municipalities with the suggestion to stop construction operations being carried out in contravention of the land legislation and requirements pertaining to the protection of land, as well as the production of mineral resources, implementation of agro-chemical, geological, prospecting and other activities, to ban such activities until the discovered violations have been eliminated;
- implementation of the expertise of investment programs on restoration and improvement of the fertility of lands, their use and protection;
- bringing, in an established order, to administrative responsibility those guilty of breaching the land legislation;
- implementation of other activities established by legislation.([16](#), [20](#))

Article 39. Planning the use of land resources

1. Land resources are the lands which are being used or can be used.
2. The use and appropriation of land resources shall be carried out on decisions of an relevant body of executive authority and municipality pertaining to the planning of development of a territory.
3. Planning the use of land resources shall be carried out with the aim of establishing long-term prospects for developing a territory on the basis of socio-economic programs, documents on land structure, town planning, nature protection, etc.

Article 40. Zoning of lands

1. Zoning of lands is the division of lands into land plots of different designation and legal status.
2. The zoning of lands shall be carried out in accordance with the plan on the development of a territory. General provisions and principles for zoning lands shall be established by an relevant body of executive authority of the Azerbaijan Republic.

3. Plans for zoning lands shall be approved by decisions of relevant bodies of executive authority and municipalities.

4. The decisions on zoning the lands of cities and other residential settlements shall establish requirements for the following:

- density of construction;
- main parameters of engineering and transport communications, plantations, pedestrian roads, sanitary and protective fencing and other structural elements of immovable property taken into account during town planning activities;
- placement of social, domestic and cultural facilities providing services to the population;
- extent of coverage and intensity (activity) of modern exogenous geological processes;
- other spheres of land use in residential settlements.

The requirements for zoning lands shall be compulsory for execution regardless of the proprietary status and other rights to land plot.

Article 41. State land cadastre

1. The state land cadastre is a combination of necessary and reliable information on state registration of land use, quantitative and qualitative record, inventory and economic assessment of lands.

2. The information of the state land cadastre shall be applied during an assessment of the economic activity pertaining to the planning of the use and protection of lands, provision and withdrawal of lands, establishment of regulatory cost of lands, payment for them, implementation of activities pertaining to land structure, establishment of alienation zones, use of land, and during the implementation of other relevant activities pertaining to the use and protection of lands.

3. The keeping of the state land cadastre shall be supplied with geodetic, topographic and mapping activities, activities pertaining to land structure, study of land, agro-chemical, melioration, geo-botanical and other research and exploration activities.

4. Rules for keeping the state land cadastre shall be regulated by relevant legislation of the Azerbaijan Republic.

Article 42. Monitoring of lands

1. The monitoring of lands consists of a system of long-term observation, control over the condition of the land fund for the purpose of timely discovery and assessment of changes in certain indicators which would characterize the qualities of land fertility, as well as prevention of negative processes and elimination of the consequences of their impact.

2. Rules for monitoring lands shall be regulated by relevant legislation of the Azerbaijan Republic.

Article 43. Land structure

1. Land structure is a system of relevant legal, economic and technical measures of the state towards resolving issues of arranging land relations and rational use of lands.
2. Land structure is intended to organize a justified, from a scientific and practical point of view, rational use of lands, regulate land relations, keep record and make assessment of land resources, protect and preserve the favorable ecological environment, improve natural and man-made landscapes, ensure stability and protect lands.
3. Land structure envisages the following activities:
 - organization of planning of rational use and protection of lands regardless of their proprietary status and economic form;
 - increase of the fertility of land given the town planning, environmental, economic and other peculiarities of territories, preparation of republican and regional programs and forecasts of their protection, as well as the schemes of land structure;
 - in order to eliminate drawbacks and shortcomings in the area of land use, preparation of corrections and improvement of land plots, their allocation on the spot (in kind), compilation of documents in a form established by legislation; ([12](#))
 - preparation of comprehensive and domestic land structure projects;
 - registration of projects and other documents pertaining to land structure, use and protection of lands;
 - preparation of justifications for the allocation and establishment of borders for territories with the status of special protection, as well as reserves and sanctuaries;
 - establishment of borders of cities, settlements and rural communities and registration of documents on changing them;
 - implementation of geodetic, topographic and mapping activities of special designation, land, geo-botanical and other research and exploration activities;
 - implementation of an inventory of lands, regular discovery of unused land plots, as well as those being used irrationally or contrary to their intended purpose;
 - compilation of maps and atlases reflecting the condition and use of lands;
 - implementation of relevant economic and technical measures involving the assessment of lands;
 - preparation of working cost estimate documentation on re-cultivation of lands spoiled as a result of natural and man-made processes;
 - other measures pertaining to the regulation of land relations and rational use and protection of lands.
4. Land structure shall be carried out by the decision of relevant bodies of executive authority and on the initiative or order of owners, users and lessees of land.
5. Projects of comprehensive land structure owned by the state or municipalities shall be approved by an relevant body of executive authority or municipalities, while projects of domestic land structure owned privately shall be approved by land owners.
6. Rules for carrying out activities on land structure shall be regulated by relevant legislation of the Azerbaijan Republic.

Chapter X. State control over the use and protection of lands

Article 44. Objectives of state control over the use and protection of lands

The objectives of state control over the use and protection of lands consist in ensuring that all state bodies, municipalities, legal entities and private individuals comply with the requirements of the land legislation in order to ensure rational use and protection of land.

Article 45. Bodies exercising state control over the use and protection of lands

1. State control over the use and protection of lands shall be exercised by relevant bodies of executive authority.
2. Instructions of these bodies within the framework of their authority as regards the use and protection of lands shall be binding upon all owners, users and lessees of land.
3. Rules for exercising state control over the use and protection of lands shall be established by relevant regulatory and legal acts.

Chapter XI. Right of the state and municipality to own land

Article 46. Right of the state and municipality to own land

1. The lands owned by the state include:
 - lands on which bodies of state power are located;
 - lands on which state facilities are located, including enterprises of the mining industry, confirmed mineral deposits, single energy system, trunk pipelines, transport, communication and defense, facilities of state border lines, important facilities of melioration and water economy;
 - lands of summer and winter pastures, cattle grazing fields and migration routes;
 - lands of the forest fund (including forests of state agricultural enterprises);
 - lands of the water fund of the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic;
 - lands located underneath the coastal 20-50 m coastline of the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic;
 - lands of the nature protection purpose, natural reserves, *tourism and recreation*, health-improving, cultural-historical, as well as the lands of other territories with a prohibited economic activity and protected by law;
 - lands of state scientific research institutes and educational institutions, their experimental bases, machine testing stations, state seed-trial ground, seed production and livestock farms;
 - lands permanently used by state enterprises, departments and organizations, or on the territory of which construction of state facilities is planned;
 - lands of the state reserve fund.
2. The indicated lands are in the exclusive property of the state and can be provided for use and lease in an order established by the present Code and other regulatory and legal acts.

2-1. Lands located underneath the coastal 20-50 m coastline of the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic, while remaining in the ownership of the state, cannot be alienated and, by the decision of an relevant body of executive authority, can be provide for use and lease in state purposes . Land plot that is underneath 20-50 m coastline of the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic, as regards of which in accordance with the first sentence of this article is taken the decision to transfer it to use or lease, under the permission of the relevant executive authority may be closed by way of fencing or by any other means, provided that it does not restrict access to the seashore. Access to the said lands and land plots can be limited only by the decision of an relevant body of executive authority only in connection with ensuring economic interests and the interests of national security of the state. Graphical depiction of the said coastline shall be approved by an relevant body of executive authority. The coastline shall be established on the basis of the existing line connecting the water surface in the sector of the Caspian Sea (lake) owned by the Azerbaijan Republic, which shall assume legal power after the present Law becomes effective, with the coast.

3. Provision of lands owned by the state for municipal and private property shall be established by law.

4. State management in the area of use and protection of state-owned lands shall be carried out by relevant bodies of executive authority within the framework of their responsibilities. ([7](#), [18](#), [21](#))

Article 47. Municipality's right to land ownership

1. Municipal ownership of land occurs at the expense of the lands allocated for municipal property in accordance with the Law of the Azerbaijan Republic «On the land reform», as well as the lands transferred to municipalities from other land-owners in an order established by legislation.

2. The lands owned by a municipality shall be divided into:

- lands in common use;
- lands used by private individuals and legal entities;
- lands of the reserve fund.

3. The lands in common use mainly include the lands under streets and squares of cities, settlements and rural communities, roads of the local importance and domestic roads, parks, forest parks, bodies of water, stadiums, sporting grounds, as well as the lands on accommodating green belts, water economy facilities, hydro-technical facilities, other installations and facilities of the local importance and of common use, and the lands of pastures used for grazing the cattle owned by the population.

4. The lands used by private individuals and legal entities shall include municipal lands which is in legitimate use and lease.

5. The lands of the municipal reserve fund include:

- lands engaged for future development of residential settlements;

- municipal lands with a suspended right to be used by legal entities and private individuals;
- other municipal lands pursuing reserve purposes.

6. The lands owned by a municipality can be provided for ownership, use and lease in an order established by the present Code, laws on municipalities and other regulatory and legal acts.

7. Disposal of the lands owned by a municipality, as well as management in the area of use and protection of these lands, shall be carried out by municipalities. If it is necessary to receive land for municipal ownership, municipalities shall file a petition with an relevant body of executive authority to receive land from the state [\(5\)](#).

Chapter XII. Rights of legal entities and private individuals to a land plot

Article 48. General characteristics of rights of legal entities and private individuals to land

1. The rights of legal entities and private individuals to land differ for the volume of such rights established by the present Code, the Civil Code of the Azerbaijan Republic, other regulatory and legal acts and agreements on transaction pertaining to land.
2. Citizens and legal entities of the Azerbaijan Republic can acquire land plots on the rights of ownership, use and lease.
3. Foreigners and persons without nationality, foreign legal entities, international associations and organizations, as well as foreign states, can acquire land plots of the Azerbaijan Republic only on the basis of lease.
4. A land plot is provided to an owner, user or lessee of the land in accordance with its designation and legal status established for this land plot.
5. While exercising their rights to a land plot, legal entities and private individuals who are owners, users and lessees of the land shall not cause damage to the environment, as well as the rights and interests of other persons.
6. The owners, users and lessees of land can insure their land plots from the impacts of a natural calamity.

Article 49. Right of private ownership of land

1. The right of private individuals and legal entities to private land ownership is the right to own, use and dispose of lands while observing limitations and other conditions established by law and an agreement.
2. The right of private individuals and legal entities to private land ownership occurs on the basis of privatization, purchase and sale, inheritance, presentation, exchange of state and municipal lands, and other transactions pertaining to land, as well as the transfer into the charter (share) fund of legal entities.

3. Restitution of the rights of former land-owners (their heirs) to land plots shall be unacceptable.

4. The right to private ownership transferred to foreign legal entities and private individuals as a result of transactions on inheritance, presentation and mortgage of land plots shall be alienated within one year in accordance with legislation of the Azerbaijan Republic. In the event of non-alienation of the right of foreign legal entities and private individuals to a land plot in accordance with legislation of the Azerbaijan Republic, an relevant body of executive authority or municipality shall buy out the land plot in a compulsory manner in an order established by the present Code.

Article 50. Right to use a land plot

1. The right to use a land plot shall imply permanent and temporary use of the land on the basis of an relevant decision (agreement). No other payment than the land tax shall be exacted for the use of land.

The use of land without prior establishment of terms shall be considered to be permanent use of land.

2. With the aim of performing their functions and ensuring that the population enjoys the right to housing, state and municipal lands are mainly provided for permanent use to:

- bodies of state power and local governments;
- enterprises, departments, organizations and associations financed from the state and municipal budgets;
- trade unions and religious organizations;
- mining, petrochemical, energy and transport bodies, bodies of the communication, defense sectors, as well as nature protection, reserves, cultural-historical, scientific research, educational institutions, and enterprises and facilities of state importance;
- other enterprises, departments and organizations owned by the state and municipalities;
- relevant housing and utilities organizations of multi-storey and multi-apartment blocks built at the expense of the state, municipality or the population and not associated with entrepreneurial activity.

In exceptional cases, when the terms for using land by similar users (except for housing construction) are known, state and municipal lands can also be provided for temporary use.

3. Temporary use of land can be established as short-term for a period of up to 15 years, and long-term from 15 to 99 years.

4. Lands owned by the state and a municipality can be provided for permanent and temporary use by relevant bodies of executive authority and municipalities.

The terms for using land can be extended by the bodies which provided the said land plots for temporary use.

4-1. The right to use municipal land may be granted only to enterprises, institutions, organizations, being in municipal property.

5. Provision for use of land plots owned privately can be carried out on the basis of an agreement signed in an order established by legislation between the owners of these land plots and their users.

Prolongation of the term of temporary use of land plots owned privately shall be carried out on the basis of a new agreement with the owners of such land plots.

6. Rules and conditions for the provision of lands for use shall be regulated by the land and civil legislation of the Azerbaijan Republic.

7. Users of land can exercise their authority to pass on (sell) their right to use land to other persons in accordance with the existing legislation of the Azerbaijan Republic.(20)

Article 51. Right to lease a land plot

1. The right to lease a land plot means urgent paid use of land on the basis of an agreement.

2. Land plots are provided for lease to citizens and legal entities of the Azerbaijan Republic, foreigners and persons without nationality, foreign legal entities, international associations and organizations, as well as foreign states.

3. Relevant bodies of executive authority act as the lessor of the lands owned by the state, municipalities act as the lessor of lands owned by municipalities, while owners of lands act as the lessor on lands owned privately.

4. Conditions, terms of lease and the lease payment shall be established with mutual consent of the parties and certified through an agreement signed by the parties in an order established by legislation.

5. The lessee may pass on the leased land plot to another person on sub-lease (secondary lease) with the permission of the *owner*.

6. State and municipal lands are provided for use to legal entities and private individuals engaged in activities with the aim of making profit mainly on the basis of lease *in an order established by legislation*.

In cases envisaged by documents on the use of land, the user of land can provide it on lease.

7. In the event of death of the lessee before the expiration of the lease term, the right to lease a land plot shall be transferred to his heirs.

8. Relations pertaining to the lease of land shall be regulated by relevant legislation of the Azerbaijan Republic..(3, 16, 20)

Article 52. Joint rights to a land plot

1. Joint rights to a land plot take place when two or more persons own, use and lease a land plot, and when land plots of the owner, user and lessee is merged on the basis of an agreement signed between them in an order established by legislation.

2. The land plot owned, used or leased by two or more persons can belong to these persons on the basis of the joint ownership, joint use and joint lease rights. Ownership, use and disposal of the land plots which are owned jointly shall be carried out in accordance with provisions of the Civil Code of the Azerbaijan Republic pertaining to the right of joint ownership.

Article 53. Obligations and limitations pertaining to a land plot

1. When providing the land plots owned by the state or a municipality for use and lease (sale), the following obligations and limitations may be introduced with regard to them:

- prohibition on leasing (sub-leasing) a land plot when providing it for use;
- commencement and completion of construction operations on the land plot in accordance with the established schedule and in line with agreed projects, or appropriation of the land plot;
- compliance with the requirements on nature protection, protection of the animal world on the land plot, preservation of the fertile layer of the soil, rare plants, natural, geological, cultural-historical monuments and archeological sites;
- issue of permission for the use, in an established order and within agreed terms, of the provided (sold) land plots for the purposes of hunting, fishing or the collection of wild growing fruit;
- preservation of natural habitats of wild animals and their migration routes;
- other obligations and limitations which do not run counter to legislation.

2. Limitations and obligations introduced with regard to a land plot provided for use and lease and sold into private hands shall be established by an relevant agreement or decision of a court.

3. Obligations and limitations introduced with regard to a land plot shall be reflected in its legal status and undergo state registration. When ownership rights to a land plot, the right to use and lease it are passed on to another person, the given obligations and limitations shall be retained.

Article 54. Servitudes on a land plot

1. Servitude is the right if a limited use of land plots by one or several neighboring (strange) owners. Relationships pertaining to the servitude of a land plot shall be regulated by the present Code and the Civil Code of the Azerbaijan Republic.

2. Servitude may be established by way of agreement between owners, users and lessees of land or by the decision of a court.

3. The owner of a land plot, the user and lessee of land have the right to demand the establishment of servitude on the land plots of neighboring owners, users and lessees of land, including in a judicial order.

4. The following servitudes may be established for a land plot:

- to pass or drive through a land plot;
- to use a land plot with the aim of installing and renovating individual, communal, engineering, electric and other lines and networks;
- to conduct drainage operations on a land plot;

- to collect water on a land plot and withdraw drinking water (to be provided to cattle)
- to walk cattle through a land plot;
- to mow grass and graze cattle on someone else's land plot with due consideration for local conditions and customs;
- to temporarily use a land plot to conduct exploration, research and other work;
- to build structures and facilities with pillars on a neighboring land plot or crossing into a neighboring land plot at a certain height;
- to prohibit the construction of structures and facilities on the neighboring land plot which exceed a certain height;
- to raise protective forest plants and stripes on the land plot and create other nature protection facilities;
- other servitudes for land which do not run counter to legislation.

5. Servitudes shall be carried out in methods which create as few limitations as possible for the land plot on which they are established.

6. The owner of a land plot on which servitude has been established has the right to demand that the person using this servitude make relevant payment unless otherwise envisaged by legislation.

7. No payment shall be exacted for agricultural servitudes established in favor of agricultural communities or their associations.

8. Servitudes can be temporary and permanent. Servitude can be established for an entire land plot regardless of its proprietary status.

9. Servitudes shall undergo registration in an order established by legislation.

10. When a land plot is transferred from one person to another the servitude established by legislation shall be retained.

11. If the foundation for the establishment of servitude is subsequently eliminated, then, on the demand of the land-owner, this servitude may be suspended. In cases when it is impossible to use a land plot in accordance with its designation due to the establishment of servitude, the owner of this land plot has the right to demand in a judicial manner that this servitude be suspended (3).

Article 55. Justification for rights to a land plot

The rights of legal entities and private individuals to a land plot appear on the basis of:

- decisions of relevant bodies of executive authorities or municipalities and agreements signed with them;
- agreements signed between legal entities and (or) private individuals and other land-related transactions;
- decision or verdict of a court establishing the rights to a land plot;
- inheritance right and other methods established by legislation

Chapter XIII. Provision of land plots for ownership, use and lease

Article 56. General provisions for the provision of land plots for ownership, use and lease

1. In accordance with the land legislation of the Azerbaijan Republic, the rules for the provision of state lands for ownership, use and lease shall be established by an relevant body of executive authority and for the provision of municipal lands by municipalities.

2. The lands from the reserve fund of municipalities which can be privatized can be provided for private ownership. *Land plots of the serve fund of municipalities engaged in the future development of residential settlements, as well as the lands of little or no value for agriculture, the lands of agricultural purpose brought to a usable condition at the expense of legal entities and private individuals who received the lands of little or no value for use or lease, as well as the land plots provided for use and lease for non-agricultural purposes, may be privatized.* Before the decision on their privatization has been made, these lands can be provided for temporary use and lease to legal entities and private individuals provided that no damage is caused to the program of future development of the territory. *Except for the allocation of land for construction of private residential houses to the ownership of citizens of the Azerbaijan Republic, residing in the territory of the municipality and simultaneously being registered at the place of residence for at least five years, in other cases, ownership and lease rights for municipal land can only be obtained through open land bids or tenders.*

3. The lands of agricultural purpose of the reserve fund of municipalities can be provided for use and lease only for agricultural production.

4. *In case of making equal offers during the land bids and tender for the transfer of municipal land to ownership (lease), preference is given to the following persons:*

- *previous users or tenants of these lands;*
- *persons disabled in the battles for the territorial integrity of Azerbaijan and the families of the victims;*
- *military personnel, transferred to the reserve or retired from active military service by age, illness, redundancy, marital status, and served 20 or more calendar years (other than conscripted military service);*
- *young people living in border and mountainous areas, moved for permanent residence to these territories wishing to engage in farming;*
- *displaced persons temporarily settled on the respective territory;*
- *Azerbaijani citizens residing in the territory of the municipality and held simultaneously on the registration of residence for at least five years.*

5. *Alienation and leasing of municipal lands are formalized by respective agreement.*

6. The lands from the reserve fund of municipalities which can be privatized can be provided for private ownership by the decision (*agreement*) of a municipality; the lands owned by the state and municipality can be provided for use and lease by the decisions (*agreements*) of an relevant body of executive authority and municipality respectively.

Such decisions shall establish the dimensions of land plots being provided in accordance with the existing technical norms with due consideration of local conditions, volume of land resources, density of the population, as well as design documents on land structure and town planning.

The decision of the municipality on the transfer of land plot to municipally owned enterprises, institutions and organizations or on the transfer of it to the ownership of citizens of the Azerbaijan Republic for the construction of private residential homes, and bidding (tender) in order to transfer it to the ownership (lease) to physical and legal persons shall be taken in accordance with the peculiarities of the land plot, as well as land-structure and town planning documents after receiving of the conclusion of the relevant executive authority.

7. The land plots located within the limits of commonly used systems of melioration and irrigation can be provided for ownership, use and lease to legal entities and private individuals provided that these systems shall not be divided and that the technology for their use shall be observed.

8. Relevant bodies of executive authority and municipalities shall inform the population of the programs intended for the provision for ownership, use and lease of vacant lands and new lands into civil turnover, and shall public annual reports in the media.

9. Alienation, as well as the provision for ownership, use and lease of land plots owned privately shall be carried out on the basis of an agreement signed between the parties in an established order and duly approved by a notary office..([5](#), [6](#), [11](#), [20](#))

Article 57. Peculiarities of allocating land plots for non-agricultural needs

1. Land plots for the construction of industrial facilities, railway and automobile roads, electricity transmission lines and communication lines, trunk pipelines, as well as other non-agricultural needs shall be mainly allocated from the lands of little or no value for the agricultural economy. Land plots from the lands of the forest fund shall be mainly allocated from the land plots not covered by plants or from land plots of little or no value for the establishment of forests.

2. The allocation of land plots for the construction operations involving extraction of mineral resources shall be carried out in an order established by legislation on subsurface resources.

3. Electricity lines and communication lines, as well as other linear communications, shall be run mainly along roads, canals, existing lines and not cause inconveniences to the implementation of agricultural activities.

4. The allocation of land plots for non-agricultural purposes and the purposes of non-forest economy shall be carried out in two stages:

- preliminary approval (design) for the placement of a facility;
- registration of the provided land plot.

5. Land plots for the construction of industrial facilities, railway and automobile roads, electricity transmission lines and communication lines, trunk pipelines shall be mainly allocated from the state and municipal lands. In an order established by legislation, the cost of privately owned lands affected by the construction of such facilities shall be paid for or reimbursed by another land plot.

6. Rules for the allocation and use of land plots for non-agricultural needs shall be regulated by the present Code and relevant legislative acts of the Azerbaijan Republic.

Article 58. Implementation of construction of a land plot

1. The owner, user or lessee of land shall have the right to carry out construction, build temporary facilities, knock down or build newly acquired buildings and facilities on the land plot provided that the obligations and limitations established for town planning, residency, protection of the nature and cultural heritage are observed and are carried out in line with relevant regulatory and legal acts.

2. Temporary structures built by the user (lessee) shall be carried out at his expense after the expiration of the temporary use (lease) of the land plot, unless otherwise envisaged by legislation and the agreement on the use and lease of the land plot.

Article 59. Provision of land plots for the construction of individual and cooperative residences, summer houses and garages, as well as the construction of necessary structures to engage in entrepreneurial activity

1. Land plots from the reserve fund of municipalities shall be allocated in residential settlements with the following objectives:

- *ownership* on the part of housing and construction cooperatives for the construction of multi-storey and multi-apartment apartment blocks;
- private ownership of citizens with payment of the cost for the construction of individual housing and summer houses;
- *ownership* of legal entities engaged in housing construction, for the construction of multi-storey and multi-apartment apartment blocks;
- for ownership ~~or~~ lease to private individuals and their cooperatives with payment of the cost for the construction of individual and cooperative garages;
- for lease to legal entities and private individuals, *specified in clause 3 of article 48 of this Code*, for the construction of necessary structures with the aim of engaging in entrepreneurial activity, and for ownership of citizens and legal entities of the Azerbaijan Republic with payment of the cost.

2. Land plots for temporary construction of commercial, domestic facilities, public catering and other necessary facilities intended as part of entrepreneurial activity on the lands located in common use, on squares, streets, in subways, on pavements, on seashores, parks, forest parks, alleys, boulevards, beaches and other locations serving the public needs of the population, shall be provided for lease to legal entities and private individuals in accordance with the legislation on municipal lands.

3. The size of a land plot being allocated with the aim of construction of cooperative and other multi-apartment buildings and garages shall be established in specific cases by the municipality in accordance with the layout of relevant residential settlements and construction projects, as well as construction norms and regulations.

4. The size of a land plot being allocated for the construction of individual housing and a summer house, garage, as well as necessary facilities with the aim of engaging in entrepreneurial activity shall be established by the municipality depending on local conditions and opportunities of land reserves.[\(20\)](#)

Article 60. Peculiarities of providing a land plot on which the enterprise (facility) being privatized is located

1. According to relevant regulatory and legal acts on the privatization of state property, the legal entity and private individual of the Azerbaijan Republic acting as the owner of the enterprise (facility) being privatized can buy or lease with the right to purchase a land plot which accommodates the said enterprise (facility) in an order established by relevant regulatory and legal acts.
2. If an enterprise (facility) being privatized is owned by a foreigner or a person without nationality, or a foreign legal entity, they can lease the land plot without the right to buy it.
3. When privatizing an enterprise (facility), the cost of the land plot on which it is located shall be established separately regardless of the cost of the enterprise (facility).

Article 62. Provision of lands plots located under electric, transport lines, lines of communication and sanitary-protection zones of industrial enterprises

The land plots located under electric, transport lines, lines of communication and sanitary-protection zones of industrial enterprises can, with the consent of their owners and users, be provided only for short-term use and lease with the aim of raising garden crops and vegetables, as well as grazing cattle and haymaking.

Article 63. Requirements on the use of land plots for prospecting and exploration activities

1. The use of lands in conducting geodetic, geological, exploration, archeological, cadastre, land improving and other prospecting and exploration activities shall be carried out without their return from owners, users and lessees on the basis of agreements signed between relevant parties and registered with an relevant body of executive authority or municipality;
2. Permission for engaging in geological, exploration and prospecting, oil and gas exploration and drilling activities on the lands, except for land improving and cadastre activities, shall be issued by an relevant body of executive authority or municipality for a period envisaged by project documentation on the implementation of this work.
3. The terms and place of commencement of prospecting and exploration work, the amount of fee for the use of land, compensation for the damage caused, obligations and limitations on the designated use and legal status of the land, as well as other conditions, shall be established by the agreement signed between the parties implementing these operations and owners, users or lessees of land.
4. To ensure the use of lands in accordance with their designation after prospecting and exploration operations, the enterprises, departments and organizations carrying out this work shall, at their own expense, bring the used land to a usable condition in established terms and return them to their owners, users and lessees on the basis of an act compiled with the participation of the parties.

5. Land plots shall be brought to a usable condition mainly during the implementation of prospecting and exploration operations. In the event of absence of such an opportunity, land plots shall be brought to a usable condition not later than within three months after the completion of prospecting and exploration operations.

6. The enterprises, departments and organizations carrying out prospecting and exploration operations shall fully pay the land tax deducted from owners, users and lessees, or the lease payment, as well as the damage caused and profit unmade.

Article 64. Provision of lands on the part of state enterprises, departments and organizations to their employees

State enterprises, departments and organizations can provide their employees with lands for temporary use or lease without causing damage to their main areas of activity. The lands can be provided from the lands in their use with the consent of an relevant body of executive authority and on the basis of a decision of the trade union administration.

Article 65. Layout of a land plot. Establishment of borders of a land plot in situ (in kind)

1. The layout of a land plot is a map of the land plot made in an established scale and reflecting, by means of signs and indicators, the condition of the entire territory (plant cover, rivers, roads and other facilities) as of the planning moment.

2. When selecting a land plot for the allocation of land prior to the adoption of a decision on the provision (sale) of the said land plot for use and lease, its borders shall be established in situ (in kind) and on the map.

~~3. After the adoption of an relevant decision on the provision of the land plot for use and lease, the borders of the land plot shall be established in situ (in kind)~~

Establishment of borders of land plots in situ (in kind) shall be carried out in the order of the land structure.

4. Preparation of the *layout and dimensions* of a privately owned land plot and the establishment of boundaries shall be carried out at the expense of the person buying the land unless otherwise envisaged by legislation.

5. Preparation of the *layout and dimensions* of a land plot, relocation of its boundaries in situ (in kind) shall be carried out by organizations authorized to engage in land structure activity, and are approved by an relevant body of executive authority after an in situ examination.

6. The approved layout of a land plot shall be an integral part of the agreement on the provision (sale) of a land plot for use or lease.

7. After the boundaries of a land plot are moved in situ (in kind), its area of measured and agreement is signed on the provision (sale) of lands for use or lease.

8. The original layout of the land plot is kept in the cadastre, while a copy is issued to the owner, user or lessee of land.

9. Establishment in situ (in kind) of the borders of different parts of the land plot in the event of their alienation shall also be held in an order envisaged in the present article.(20)

Article 66. Documents certifying rights to land plots

1. Provision, on the basis of any rights, of state and municipal land plots to legal entities and private individuals shall be carried out with permission of an relevant body of executive authority or municipality and on the basis of the agreement signed between the parties. The transition of all rights to lands owned privately to another person shall be carried out on the basis of the agreement signed between parties and certified by the notary office. The agreement establishes the rights and responsibilities of parties, the legal status of the land plot, obligations, limitations and servitudes, grounds for the termination of the agreement and other conditions for using and protecting the lands.

2. *The rights to land (with the exception of the rights to lease and use for a period of less than eleven months) shall, in an order established by legislation, be subjected to state registration with the state register of immovable property and provision of an excerpt from the register.*

4. Sample forms of agreements on the purchase and sale, use and lease shall be approved in an order established by legislation ([3](#), [12](#), [15](#)).

Article 67. Mandatory nature of state registration of rights to land plots

1. *State registration of rights to land shall be carried out in an order established by legislation by means of the register of immovable property.*

2. State registration of rights emerging with the acquisition of land plots owned by the state and municipality, as well as the rights acquired as a result of transactions pertaining to land plots and other immovable property is mandatory.

3. The state does not guarantee protection and inviolability of rights to land plots which have not been registered ([3](#), [12](#)).

Article 68. Time of acquisition of rights to land plots

The rights to land plots appear after the establishment of borders of land plots, completion of their *layout and dimensions*, conclusion of an agreement on the provision of land plots and state registration in an established order.(20)

Article 69. Appeal against the decision not to grant a land plot

1. The decision of an relevant body of executive authority or municipality on the refusal to provide land plots to legal entities and private individuals can be appealed against in a judicial manner. Delay in the consideration of an application within the established period of time shall be deemed as a refusal to provide a land plot.

2. When considering a case, the court can make the decision on legitimacy or illegitimacy of the refusal to provide a land plot. In the latter case the decision of the court shall serve as justification for registration of rights to a land plot and shall be executed in an order established by legislation.

Chapter XIV. Withdrawal of land plots

Article 70. General rules for withdrawing land plots

1. The land plots owned, used and leased can be withdrawn for *state or public needs*.
2. With the consent of owners, users and lessees, land plots may be withdrawn (bought out) on the basis of the decision (or agreement) of an relevant body of executive authority or municipality.
3. Alienation of owned or leased lands for *state or public needs* shall be carried out by the decision of an relevant body of executive authority. Mandatory withdrawal of lands which are used on a complimentary basis shall be carried out by the decision of a court following a motion by a relevant body of executive authority or municipality.
4. Alienation of privately owned lands for *state or public needs* shall be permitted in cases and on the conditions envisaged by the Civil Code of the Azerbaijan Republic.
5. In the event of alienation, in an order established by legislation, of land plots owned by legal entities or private individuals for *state or public needs*, their cost shall be fully paid to the said person in the market price as of the moment of withdrawal of the land at the expense of the enterprise, department or organization, or at the expense of the relevant body of executive authority or municipality in whose favor the land plot is acquired.
6. In the event of need for the withdrawal of state lands being used and leased for *state needs*, the municipality shall file a motion to that effect with an relevant body of executive authority.
7. Decisions on withdrawal of lands can be appealed against in a judicial manner.
8. When withdrawing a land plot for *state or public needs*, its owner and user (lessee) can, on mutual consent, be also provided with a land plot of the same size and quality at another location.
9. The rules for filing motions with regard to withdrawal of land plots and their allocation for *state needs*, as well as their consideration, shall be regulated by relevant legislation of the Azerbaijan Republic. ([13](#), [16](#), [17](#))

Article 71. Conditions for exacting land plots for transfer under construction projects

1. In order to transfer a privately owned, used or leased land plot for a construction project, an relevant body of executive authority or municipality may withdraw it in an order established by the present Code and other regulatory and legal acts. In doing, the following conditions shall be observed:
 - alienation zones shall be established for the land plot slated for withdrawal and this zone shall be reflected in the state land cadastre and other registration documents;
 - a competition (tender, auction) shall be announced in an order established by legislation for the transfer of the land plot for construction after the sale of

immovable property located in the land plot slated for withdrawal, including the land plot privately owned, or withdrawal of the land plot on the part of the relevant body of executive authority or municipality performing the act of withdrawal.

2. Inclusion of land plots into alienation zones shall be carried out only with the aim of meeting state ~~or public~~ needs and shall be performed by an relevant body of executive authority or municipality in line with the plan of the territory and the master plan of residential settlements.

3. *A lawsuit against the decision on the withdrawal of the land plot may be filed within one year from the day of written notification of the owner of the said land plot.* ([3](#), [13](#), [16](#))

Article 72. Participation of legal entities and private individuals in the hearing of cases pertaining to the withdrawal of land plots

1. If the case pertaining to the withdrawal of a land plot affects the interests of certain legal entities or private individuals, then this person (his proxy) has the right to attend the hearing.

2. If the decision of an relevant body of executive authority or municipality pertaining to the withdrawal of a land plot affects the interests of certain legal entities or private individuals, this decision may be made only if their opinion is taken into account.

Chapter XV. Limitation and termination of the right to own, use and lease land plots

Article 73. Grounds for terminating the right of legal entities and private individuals to land plots

1. The right to own or lease a land plot or a part of it shall be terminated in the following cases:

- voluntary abandonment or alienation of a land plot by its owner;
- expiration of the term of use or lease of the land plot;
- cessation of activities of a legal entity;
- use of the land contrary to its designation;
- termination of individual employment agreements of workers pertaining to the land plots in temporary use according to labor relations;
- breach of the terms of the agreement on use or lease;
- failure to pay land tax and lease payment *during one year* without a valid excuse;
- failure, for two years without a valid excuse, to use the land plot provided for agricultural production, and for one year the land plot provided for non-agricultural needs;
- failure to prevent, during use, deterioration of quality and erosion of land, pollution of it with chemical and radioactive substances, swamping, repeated salinization, breach of regulations while operating melioration and irrigation systems, pollution of the environment;
- establishment of law of the need for withdrawing land plots for state ~~and public~~ needs;

- *in case of transfer of the title for buildings and structures, belonging to the land plot owner and located at this plot;*
- transfer of the ownership right to a structure and facility or the right to practically manage it to another person;
- death of the owner, user (lessee) of the land and absence of heirs;
- pledge (mortgage) of the land plot and failure to deliver on the obligation secured by the pledge.

2. Provisions stipulated under passages 5, 8, 9 and 10 of paragraph 1 of the present Article shall not hold true for the lands owned privately.

3. Establishment of cases serving as grounds for the withdrawal of lands provided for temporary use and lease, as envisaged under passage 7 of paragraph 1 of the present Article, shall be carried out by court (in the event of withdrawal of these lands with the consent of the parties this rule shall not apply).

4. Legislation can envisage other grounds for terminating the right to own, use and lease land. ([9](#), [13](#), [16](#), [20](#))

Article 74. Retention of the right to use land in the event of destruction as a result of fire, other disasters and natural calamities

If the destruction of the structure as a result of fire, other disasters and natural calamities is followed, no later than two years afterwards, by the commencement of restoration operations and construction of a new structure, then the right to use the land plot shall be retained. In cases when the layout and construction of a residential settlement envisages the use of this land plot for other purposes, then another land plot shall be provided for the restoration of destroyed structures in an order established by the present Code.

Article 75. Rules for terminating the right to own, use and lease of land plots

1. In the case envisaged under passage 6 of provision 1 of Article 73 of the present Code, termination of the right to use land shall be carried out by management of the enterprise, department and organization; in the case envisaged under passage 11 termination of the right to use land shall be carried out by an relevant body of executive authority; termination the right to use land free of charge shall be carried out by court on a motion from an relevant body of executive authority or municipality, while in cases envisaged under other passages, termination the right to own, use and lease land shall be carried out by court, whereas of the permanent right to use by an relevant body of executive authority or municipality.

2. Termination of the right to own, use and lease a land plot shall occur from the date of adoption of the decision by court, an relevant body of executive authority or municipality, while in case of a voluntary abandonment of the land or part of it by its owner, user or lessee — from the date of filing a corresponding application.

3. In cases envisaged under passage 5, 7 and 10 of provision 1 of Article 73 of the present Code, the decision to terminate the right to use and lease land plots shall be made if no measures are taken following a warning to eliminate drawbacks (breaches) in an established time-frame.

4. When adopting the decision on terminating the right to own, use or own a land plot, court, an relevant body of executive authority or municipality may also order that the expenses incurred by owners, users and lessees on improving the quality of lands be reimbursed or the damage caused by them to the land as a result of irrational use be compensated.
5. The decision of court, an relevant body of executive authority or municipality on terminating the right to use or own a land plot may be appealed against with an relevant court in an order established by legislation.
6. *If the order of terminating the right to land is not envisaged by the present Code, it shall be established by the Civil Code of the Azerbaijan Republic ([3](#), [13](#)).*

Article 76. Requirements taken into account when terminating rights to land plots

Termination of the right to own, use or lease land plots does not deprive the person exercising this right of the right to collect harvest and does not absolve him of responsibility for payment of tax and preservation of the fertility of land.

Article 77. Limitation of rights to land plots

Limitation of the rights of owners, users and lessees of land shall be established in accordance with the decisions adopted in an relevant order with regard to territorial planning of the use of land, zoning and establishment of public servitudes.

Chapter XVI. State registration of rights to land plots

- removed according to Law No 100-IIIIGD dated 21 April 2006. ([12](#))

Chapter XVII. Rights and responsibilities of owners, users and lessees of land

Article 80. Rights of land owners

Land owners shall have the following rights:

- to use land on the basis of independent operations;
- in an order established by relevant legislation, to use the forest cover available on the land plot to meet economic needs, widely spread mineral resources and water resources;
- to receive compensation for land plots temporarily withdrawn (deposited) by an relevant body of executive authority from the seeding turnover due to the restoration of the lost natural fertility of land and for other reasons;
- to build residential houses, structures and facilities of industrial, cultural-domestic and other purpose in accordance with the designated purpose of the land;
- in the event of withdrawal of land and voluntary abandonment of a land plot, to receive compensation for the expenses incurred on improving the quality of land; the cost of land as calculated in an order established by the present Code and other regulatory and legal acts; or to receive it in kind;

- in an order established by legislation and in line with land structure projects and requirements of the nature protection, to conduct melioration work on land plots, create ponds and other bodies of water;
- in an order established by the present Code and other regulatory and legal acts, to provide the land plot or part of it for use or lease;
- in an order established by legislation, to sell, present, change, pledge (mortgage), transfer into the charter (share) capital and bequeath, and to conclude other transactions not running counter to law, and to engage in other activities.

Article 81. Rights of land users and lessees

Users and lessees of land shall have the following rights:

- to use the land in accordance with its designation;
- to exercise the ownership right to agricultural plantations and products manufactured, except for banned plants;
- in an order established by legislation, to use the mineral and water resources which are widely spread on the land plot to meet domestic economic needs;
- to build, in accordance with the conditions for the provision of land, temporary auxiliary structure and facilities of manufacturing purpose;
- in the event of termination of the use and lease of land, to receive, in an order established by legislation, the cost of the work carried out on the land on improving it and compensation for profit unmade;
- to transfer, in an order established by the present Code and other regulatory and legal acts, a land plot or part of it for temporary use and lease (sub-lease) to another person;
- to engage in other activities which do not run counter to legislation.

Article 82. Responsibilities of owners, users and lessees of land

Owners, users and lessees of land shall have the following responsibilities:

- to use the land in accordance with its designation, rationally and in accordance with the establishment regime of using it, apply industrial technologies on nature protection, prevent a deterioration of the environmental condition of the territory as a result of economic activities;
- to carry out comprehensive protection activities on the said land as envisaged by the present Code;
- to carry out activities involving construction and improvement on the land plot in accordance with effective planning, architectural, construction, sanitary, hygienic, fire safety and other established requirements (norms, rules and regulations);
- to observe the obligations pertaining to the land plot, as well as the limitations and servitudes established for the land;
- to pay, in a timely fashion, the land tax or the lease payment;
- not to breach the rights of other owners, users and lessees of land;
- to preserve the boundaries existing on the land plot, as well as natural monuments, geological images, geodetic pillar stations and signs, meteorology networks and measuring facilities, as well as melioration and irrigation systems;
- to provide, in a timely fashion, information about the condition of the use of land to relevant institutions;
- to fulfill other obligations as established by legislation.

Article 83. Exercising rights to a land plot

1. Legal entities and private individuals shall exercise their rights to a land plot at their own discretion unless otherwise envisaged by legislation.
2. Refusal to exercise rights to a land plot may be accepted provided that such refusal does not affect the rights and interests of other persons and does not cause damage to the environment.
3. Refusal of legal entities and private individuals to exercise their rights to a land plot does not exempt from obligations established by Article 88 of the present Code and the agreement signed.
4. Termination of rights to a land plot due to a refusal to exercise rights on it shall be carried out in an order established by the present Code and shall be reflected in the state registration (register).

Article 84. Protection and guarantee of the rights of owners, users and lessees

1. The rights of owners, users and lessees of land shall be protected by law.
2. Interference of state bodies, municipalities, legal entities and private individuals in the activities of owners, users and lessees of land shall be prohibited except for cases when legislation has been breached.
3. Breach of the rights of owners, users and lessees of land shall be restored in an order established by legislation, and the damage caused to them as a result of breach of their rights shall be reimbursed in full.
4. Disputes over compensation of the damage shall be considered by an relevant court.
5. The land plot provided for *use* to legal entities and private individuals may be withdrawn for state ~~and public~~ *needs* only on the condition that the relevant body of executive authority or municipality will allocate another land plot of similar size and quality to the owners of land being withdrawn. Also, the legal entities and private individuals in favor of which the land plot of being withdrawn shall, instead of the dwelling, industrial and other structures received together with the land, build new structures in the new place and reimburse in full, in accordance with the present Code, the rest of the damage. *Conditions and cases of withdrawal of the land plots owned by or leased to legal entities and private individuals for state needs shall be regulated by the Civil Code of the Azerbaijan Republic.*
6. The rights of owners, users and lessees of land may be limited only in cases envisaged by the present Code and other regulatory and legal acts. ([9](#), [13](#), [16](#))

Chapter XVIII. Turnover of land plots

Article 85. Concept of turnover of a land plot

The turnover of a land plot is the transition of a land plot from one types of ownership to another, rights to a land plot from one participant in land relationships to another by ways of agreements or other transactions in an order and in compliance with the peculiarities envisaged by the Civil Code of the Azerbaijan Republic and the present Code.

Article 86. Peculiarities of buying and selling a land plot

1. The object of sale and purchase can be the following land plots and rights pertaining to land registered in an order established by the land legislation of the Azerbaijan Republic:

- land owned privately;
- lands of the reserve fund of municipalities which can be privatized;
- land plots considered, by the legislation of the Azerbaijan Republic on pledge, to be the subject of pledge (mortgage);
- land plots on which privatized state facilities are located;
- rights to use and lease land plots located in state, ~~municipal~~ and private ownership;
- *rights to lease land plots located in municipal property.*

2. The commonly used state lands envisaged by the present Code, as well as the lands of municipalities which are usable for agricultural needs and are being used and leased by legal entities and private individuals shall not be objects of purchase and sale.

3. Lands of the Azerbaijan Republic can be sold into state ownership, municipal ownership and the ownership of citizens and legal entities of the Azerbaijan Republic.

4. Foreigners and persons without nationality, foreign legal entities, international associations and organizations, as well as foreign states can receive lands only on the rights of ~~use and lease with payment for their cost.~~

5. Rights of ownership, use and lease of land plots can be bought out and sold by the decision (with the consent) of the owner of their authorized persons or bodies directly through land auctions or competitions.

6. Purchase and sale of lands in municipal ownership shall be carried out by municipalities on the basis of development plans, land structure of the territory, master plan of a residential settlement, documents on town-planning and in an order established by legislation.

Purchase and sale of *municipal lands*, as well as the rights to lease them, shall be carried out through land auctions and competitions.

7. In the event of direct sale of lands owned by citizens and legal entities, as well as the rights to use and lease them, purchase and sale shall be carried out on the basis of purchase and sale agreements signed between the parties and approved by a notary office.

8. Rules for purchase and sale of a land plot shall be regulated by relevant legislation of the Azerbaijan Republic.[\(5, 20\)](#)

Article 87. Transfer of a land plot into a charter (share) fund

1. A land plot owned privately shall be transferred into a charter (share) fund of legal entities in the form of the right to own and use it.
2. A land plot owned by the state and municipality can be transferred into the charter (share) fund only on the basis of the right to use it.
3. Land users can temporarily transfer the right to use land into the charter (share) fund only with the consent of the owner.
4. The cost of a land plot transferred in the form of a share or the right to use it shall be established by an agreement signed between the parties on the transfer of the land plot into the charter (share) fund.
5. The right to own or use a land plot shall be transferred to the charter (share) fund after state registration in an order established by the legislation. Registration of rights to a land plot shall be kept on the basis of an agreement between parties on the transfer of a land plot into the charter (share) fund.

Article 88. Peculiarities of receiving rights to a land plot due to the conclusion of transactions involving immovable property

1. When the ownership right to structure, facility or enterprises is transferred to another person, the right to own the land plot on which these are located shall also be transferred to this person in accordance with the present Article in the volume which belonged to the previous owner of the structure, facility or enterprise and with preservation of conditions and limitations established for the use of this land plot.
2. When selling, in an order established by legislation, of structure, facilities or enterprises owned by the state or municipality to private ownership, the land plot on which this immovable property is located shall also be sold or leased together with the property.
3. *When the ownership right to a building, including private dwelling house, and also structure, which are owned by the land owner and are located at the land plot belonging to the owner, the right for the land plot, stipulated by the agreement of the parties, shall pass to the buyer of the building (private dwelling house) or structure. The right of ownership to the section of the land plot on which the building (private dwelling house) or structure is located and which he requires for using, shall pass to the buyer.*

~~*Unless otherwise is envisaged by an agreement between the parties, when the ownership right to a house, which is owned by the land owner and is located on the said land plot, is transferred to another person, the right to the said land plot shall pass on to the buyer of the said house. If the agreement on the purchase of the house does not envisage special regulations, the buyer shall acquire the right of ownership to the section of the land plot on which the house is located and which he requires for using it.*~~

Land plots of multi-apartment houses, as well as the non-dwelling structures attached to them, shall be transferred into common ownership of the owners of constituent parts of the said houses.

4. When selling structures, facilities and enterprises to foreigners and persons without nationality, foreign legal entities, international organizations and associations, as well as

foreign states, the lands on which such facilities are located shall be leased to them. ([13](#), [16](#))

Article 89. Peculiarities of pledging (mortgage) of a land plot

1. The land plots owned by legal entities and private individuals can be pledged according to the mortgage agreement.
2. The mortgage of commonly used lands in residential settlements, including urban lands, where town-planning regulations prohibit construction of buildings and structures, the lands located on specifically protected territories, and the lands located in zones of special conditions of use and owned by the state and municipality, shall be prohibited.
3. The land plots owned by the state and municipality, as well as the right to use and lease such land plots, with the exception of the lands which cannot be mortgaged in accordance with legislation of the Azerbaijan Republic, may be the subject of pledge (mortgage).
4. *The mortgage of agricultural lands shall be allowed only with the aim of fulfilling the obligations directly association with production and processing of agricultural products, as well as the designated use of the lands of this category in accordance with the land legislation.*
5. *Buildings, structures, facilities and other immovable property can be mortgaged only together with the land plot on which they are located or which ensure their operation.*
6. When mortgaging a part of the land plot, the boundaries of this part shall be established before the mortgage.
7. If the pledger (mortgagor) fails to fulfill the obligation, a sanction may be imposed on the pledged (mortgaged) land plot in an order established by an relevant law.
8. If the pledger is a foreign legal entity or foreign person, then the mortgage agreement shall contain a provision on mandatory sale of the land plot not later than one year if the obligation secured by the pledge is not fulfilled.
9. Rules for pledging (mortgaging) a land plot shall be regulated by the legislation of the Azerbaijan Republic on mortgage and the Civil Code of the Azerbaijan Republic ([3](#), [15](#)).

Article 90. Exchange of a land plot

1. Privately owned land plots may be exchanged for other land plot in any proportion in accordance with the Civil Code of the Azerbaijan Republic.
2. Those using land plots owned by the state or municipality on the basis of the right to use or lease them can, with the consent of an relevant body of executive authority of municipality, exchange the said land plots for other land plots located on the same territory on the basis of the right to use or lease them.
3. The exchange of land plots shall be regulated by relevant regulatory and legal acts in accordance with the civil legislation of the Azerbaijan Republic.

Article 91. Donation a land plot

1. A land owner can, in an order and form established by the Civil Code of the Azerbaijan Republic, donate a land plot or part of free of charge on the basis of a donation agreement into the ownership of any citizen or legal entity of the Azerbaijan Republic, as well as the state or municipality.
2. Donation of state and municipal land shall be prohibited. The rights to use and lease these lands can be donated in an order established by legislation.
3. Rules for donating a land plot shall be regulated by the Civil Code of the Azerbaijan Republic.

Article 92. Transition of a land plot in the order of inheritance

1. In the event of death of the owner, the right to the entire land plot or part of it shall be transferred, in an order established by the Civil Code of the Azerbaijan Republic and in accordance with the law on the order of inheritance, to other persons (heirs).
2. In the event of absence of lawful heirs and testamentary heirs or rejection of the inheritance or deprivation of the heirs of the inheritance right, the land which does not have heirs shall be transferred to the state; if the person leaving inheritance was kept by institutions for the elderly, handicapped people, as well as medical, correctional institutions and institutions of social protection, then the heritage shall be transferred to the said institution.
3. State and municipal lands may be inherited only on the basis of the right of use and lease.
4. When a land plot is inherited by a person who hasn't come of age yet, its legal proxies can lease out the said plot until the owner of it comes of age (3).

Article 93. Registration of transactions involving a land plot

1. Transactions involving a land plot shall be carried out in accordance with provisions of the Civil Code of the Azerbaijan Republic in writing by way of compilation of documents to be signed between parties to the transaction or their proxies.
2. A transaction involving a land plot or immovable property located on it shall be concluded with an agreement.
3. Unless otherwise envisaged by legislation, the agreement shall indicate the following:
 - parties to the agreement;
 - type of agreement;
 - legal status of a land plot, including the subject of the agreement, layout, picture of the land plot, limitations and servitudes, registration number in the State land register, information about immovable property located on the land plot (structures, facilities, perennial plantations, bodies of water and other objects);
 - grounds for the acquisition of the land plot and immovable property located on it prior to the signing of the agreement (purchase and sale, inheritance, donation or other grounds);

- entries with regard to prohibitions pertaining to the land plot and the immovable property located on it (as a result of arrest of property or other reasons);
- information about the existence or non-existence of third party limited liability pertaining to the land plot (mortgage, lease, special status of use, servitudes and other instructions);
- date of provision of rights to the land plot;
- statements of parties on the price and credibility of the transaction which shall be signed by parties thereof;
- obligations of the parties.

Chapter XIX. Evaluation of land and basics of establishing a land fee

Article 94. Evaluation of land

1. Lands as a natural resource shall be evaluated with the aim of establishing the amount of the land fee, cost of the land and amount of duties, as well as the regulation of the land turnover process.
2. The normative price of land and the market price shall be taken into account when evaluating lands.

Article 95. Normative price of land

1. The normative price of land is the value indicator which is equivalent to the natural and economic potential of a land plot.
2. The normative price of land is used as a criterion in the following cases:
 - withdrawal and confiscation of lands plot from their owners;
 - purchase and sale, pledge (mortgage) of land plots, transfer into the charter (share) fund and lease, and insurance;
 - transition of a land plot from one category to other categories.
3. The tariffs used in calculating the normative price of land shall be indexed in line with the level of inflation and relevant body of executive authority.
4. Rules for establishing the normative price shall be regulated by the relevant legislation of the Azerbaijan Republic.

Article 96. Grounds for the formation of the market price of land

1. The market price of land is formed depending on the type of land transactions, form of sale, designation of the object being sold, legal status, regime and normative price of lands, as well as the supply and demand.
2. When the land plots owned privately are being sold directly, prices shall be established in accordance with the market rate.
3. When the land plots owned by municipalities are being sold, *for construction of private residential house, prices as well as asking price (prices) of the land plot in*

municipal ownership and being the subject of the competitive bidding or tender, shall be established by municipalities, provided that they shall not be lower than the normative price with due consideration for the market rate. The cost of each 0.01 hectares of land plot allocated for construction of private residential house, can not be less than the price paid for every 0.01 hectares of land sold by the last land auction or tender in the appropriate area of the city and district center, or administrative district of the respective cadastral value.

~~4. When the land plots of little or no value for agricultural purposes are sold to legal entities and private individuals of the Azerbaijan Republic who bring the lands to usable condition at their own expense and start producing agricultural produce on them, beneficial prices established by the land legislation shall be applied on these lands.~~

5. When selling land plots owned by a municipality and privately (except for the land plots which are the subject of mortgage) through an auction and competition, the preliminary price (price in a competition) shall be established on the basis of an agreement between the owner and organizer of sale with due consideration for the market rate and provided that it is not lower than the normative price of land.

6. When receiving land plots from owners with a compensation of their cost for state needs, their selling price shall be established on the basis of an agreement between the parties in line with the Civil Code of the Azerbaijan Republic. Any disputes between parties shall be settled in a judicial manner.

7. The price of the right to use and lease land shall be established on the basis of the market rate, in the event of direct sale — on the basis of mutual agreement, while in the event of sale through an action (or competition) as a preliminary price (price) — on the basis of agreement between the owners and organizers of sale.

~~8. When donating, exchanging and inheriting land plots (except for the lands owned privately) they shall be evaluated in an order established by an relevant body of executive authority or municipality provided the price is not lower than the market rate.~~

9. The cost of the land plot or rights to a land plot being transferred into a charter (share) fund shall be established by an agreement between parties in line with the market rate.

10. When sending a sanction, the initial cost of the land plot which is the subject of mortgage shall be established in line with the legislation on mortgage in line with the market rate. ([5](#), [13](#), [15](#), [16](#), [20](#))

Article 97. Forms of the land fee

1. The use of land in the Azerbaijan Republic shall be paid for.
2. The land fee shall be established in the form of a land tax and lease payment.

Article 98. Land tax

Rules for establishing and paying the land tax for the use of land in the Azerbaijan Republic shall be established by the Tax Code of the Azerbaijan Republic ([1](#), [2](#)).

Article 99. Lease payment

1. The lease payment for land is the amount paid by the lessee to the lessor for urgent use of land.

2. If the lessor is the payer of the land tax, the land tax shall be included into the lease payment.

If the lessor is not the payer of the land tax, the land tax shall not be included into the lease payment.

3. The lease payment for privately owned land shall be established with the consent of the parties.

4. The lower limit of the lease payment for state ~~and municipal~~ land *and basic price (prices) of rental for land in state and municipal ownership and being the subject of tender (bidding)* shall be established on the basis of regulations approved by an relevant body of executive authority depending on the designation, area, geographic location and quality of these lands. These documents shall reflect the price of land, land tax, as well as the supply and demand.

5. In case of exceeding the proposed requirements to agricultural land, the rental for the land in state property, the primary price (price) of the rental for land in state or municipal property and being the subject of bid (tender) can be fixed on favorable terms.

~~6. When lands of little or no value for agricultural purposes are leased for agricultural purposes, benefits established by the land code shall be applied.~~ [\(20\)](#)

Article 100. Payments applied to land related transactions

1. Relevant bodies of executive authority and municipalities shall, within the framework of their authority, establish differentiated rates and rules of payment depending on the type of land related transactions and price of a land plot.

2. The part of the resources incoming from payments applied to land related transactions shall, as established by an relevant body of executive authority, be spent on engaging new lands in agricultural turnover, improvement of the quality, re-cultivation of lands on the basis of state programs, state land cadastre, land monitoring, land structure and scientific and research work, implementation of other activities pertaining to the use and protection of lands.

Discounts on land payments shall be established by relevant regulatory and legal acts of the Azerbaijan Republic.

Chapter XX. Compensation for the losses incurred by owners, users and lessees of land and for the losses of agricultural and forest production

Article 101. Compensation for the losses incurred by owners, users and lessees of land

1. The loss caused as a result of withdrawal (compulsory buy-out) of land plots or their temporary withdrawal, as well as the limitation of the rights of owners, users and lessees of land, or deterioration of the quality of land as a result of an impact caused by the activity of legal entities and private individuals, and the potentially lost profit, shall be compensated to the owners, users and lessees of land in full. When withdrawing land plots, together with the said losses, those incurred by the owners in connection with an early termination of obligations taken before third parties shall also be compensated.
2. Legal entities and private individuals who have acquired withdrawn lands, as well as legal entities and private individuals whose activity has led to the limitation of the rights of owners, users and lessees of land or deterioration of the quality of adjacent lands, shall compensate the damage caused, including the potentially lost benefit, in an order established by the present Code and other regulatory and legal acts.
3. Any disputes related to the compensation of damages shall be considered in an order established by legislation by an relevant court (3).

Article 102. Compensation for the losses of agricultural and forest economies

1. The withdrawal of agricultural and forest lands for purposes not associated with agricultural and forest economies, as well as agricultural and forest losses resulting from limitations emerging on the section of the land as a result of activities of legal entities and private individuals, shall, in addition to the compensation for the damage, be compensated according to Article 101 of the present Code.
2. Losses of agricultural and forest economies shall be compensated by:
 - legal entities and private individuals who have received agricultural and forest lands for the needs not associated with agricultural and forest economies;
 - legal entities and private individuals who withdrew agricultural and forest lands from the turnover during the installation of protection, sanitary and security zones and transferred them to less valuable lands.
3. In the event of deterioration of the quality of agricultural and forest areas under the influence of activities of legal entities and private individuals, they shall also compensate the losses of agricultural production.
4. The proceeds incoming in an order of compensation for agricultural and forest losses shall be transferred into the account of an relevant body of executive authority. These resources shall first of all be used on development of land in the area on the territory of which land was received, improvement of the fertility of lands, increase of productivity of lands under forests and the forest fund, protection of lands and other activities.
5. Rules for establishing the volume and compensation for losses and damage shall be established on the basis of regulatory and legal documents approved by an relevant body of executive authority of the Azerbaijan Republic.

Chapter XXI. Settlement of land disputes

Article 103. Bodies settling land disputes

1. Land disputes shall be settled by an relevant body of executive authority, municipality and court within the framework of their authority.
2. When parties do not agree with the decision of an relevant body of executive authority or municipality, disputes shall be considered by an relevant court in an order established by legislation.
3. Property disputes pertaining to land relationships, including the compensation and establishment of the volume of the damage caused, shall be considered by an relevant court in an order established by legislation.
4. Disputes between owners, users and lessees of land on issues of land ownership, use within the boundaries of districts (cities) shall be considered by an relevant body of executive authority, municipality and court.
5. Disputes pertaining to the establishment of borders of residential settlements within the boundaries of a district (city) shall be considered by an relevant body of executive authority or municipality. If parties do not agree with their decision, they may apply to higher state bodies or court ([KC1](#)) (4).

Article 104. Settlement of territorial disputes between administrative and territorial units

Disputes on territorial issues between administrative and territorial units shall be considered by special commissions established by the Milli Mejlis of the Azerbaijan Republic and the Supreme Mejlis of the Nakhchivan Autonomous Republic.

Article 105. Settlement of land disputes between the Azerbaijan Republic and other states

In the event of territorial disputes between the Azerbaijan Republic and other states, this issue shall be settled on the basis of legislation of the Azerbaijan Republic, as well as international legal norms and principles.

Article 106. Rules for considering out-of-court land disputes

1. An relevant body of executive authority or municipality shall consider land disputes on the basis of application by one of the parties within one month after receiving it.
2. Land disputes shall be considered with the attendance of interested parties. In the event of absence of one of the parties at the time the first settlement is reached and in the absence of its official consent for the consideration of the issue, it shall be postponed.
3. Absence of one of the parties without a valid excuse at the second consideration shall not stop consideration of land disputes and decision-making on this issue.
4. The decision of the body considering land disputes shall envisage rules for executing it and measures towards restoring any breached rights.
5. The decision shall be forwarded to parties not later than five days after being made.

Article 107. Rights of parties involved in out-of-court land disputes

Parties involved in land disputes being considered in an out-of-court order shall have the right to familiarize themselves with the documents pertaining to their disputes, make excerpts from them, take part in the consideration of disputes, submit documents and other evidence, file motions, provide written and verbal explanation, protest at motions and agreements of the opposing party, receive a copy of the decision on land disputes and, in the event of disagreement with the decision of an relevant body of executive authority or municipality, appeal against it with an relevant court.

Article 108. Execution of decisions on out-of-court disputes

1. The decision of an relevant body of executive authority or municipality on land issues shall become effective from the moment of being made. Appealing against the decision with an relevant court shall stop its execution.
2. Control over the execution of the decision of an relevant body of executive authority or municipality over a land dispute shall be exercise in an established order by an relevant body of executive authority.
3. Execution of the decision on land disputes can be stopped or prolonged by the body which handed down the decision or a higher body.

Chapter XXII. Responsibility for breaching land legislation

Article 109. Invalidation of transactions pertaining to land

Transactions concluded by users and lessees of land with regard to purchase and sale, donation of land owned by someone else, agreed exchange of land plots, as well as those concluded by owners in contravention of the provisions of the present Code shall be considered null and void.

Article 110. Responsibility for breaching land legislation

Persons guilty of committing the following acts shall be held accountable in an order established by legislation:

- conclusion of transactions indicated in Article 109 of the present Code;
- arbitrary occupation of land plots;
- conduct of illegal construction on land plots;
- change of the category of land without observing the legislation;
- littering and pollution of lands with industrial and domestic wastes, chemical and radioactive substances, as well as effluents, contamination with bacterial and parasitic and hazardous quarantine organisms;
- failure to take mandatory measures to improve lands, protect them from wind and water erosion and other processes affecting the fertility of lands;
- decay of the fertile layer of lands, including forest lands;
- design, construction and commissioning of facilities which have an adverse impact on the condition of lands;

- failure to timely return lands provided for temporary use and lease or failure to honor commitments on bringing them to usable condition for use in accordance with designation, fencing of land plots located in *20-50 meter coastal zone of the sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic by way of illegal erection of a fence or in other ways or limiting access to the seaside*;
- elimination of boundary signs on the borders of lands being owned and leased;
- concealing lands from state record, registration, distortion of information about the volume and quality;
- disrepair of meteorology networks and metering facilities on the land plot, as well as geodetic pillar stations and above-ground signs, melioration and irrigation systems.[\(8, 21\)](#)

Article 111. Return of lands occupied (captured) arbitrarily

1. Arbitrary occupation (capture) of lands in the Azerbaijan Republic shall be prohibited.
2. Arbitrary occupied (captured) land plots shall be returned without compensation of the expenses incurred during illegal use.
3. Bringing lands to the original condition (including the knocking down of buildings, facilities and installations located on them) shall be carried out by the legal entities and private individuals which had captured the lands or at their expense. ~~If the lands arbitrarily occupied (captured) are not returned in an order established by legislation, the land plot shall be returned to its legitimate owner and the person who had occupied it shall pay the cadastre cost of the land.~~[\(16\)](#)

Article 112. Compensation of the damage caused with breach of the land legislation

Legal entities and private individuals shall compensate the damage caused as a result of breach of the land legislation.

Chapter XXIII. International covenants

Article 113. International covenants

If international covenants supported by the Azerbaijan Republic envisage rules different from those indicated in the present Code, the rules of international covenants shall apply.

Law of the Azerbaijan Republic

On approving the Land Code of the Azerbaijan Republic

The Milli Mejlis of the Azerbaijan Republic **resolves**:

1. To approve the Land Code of the Azerbaijan Republic.

2. The Land Code of the Azerbaijan Republic shall become effective from the date of publication.

President of the Azerbaijan Republic

Heydar ALIYEV

Baku city, 25 June 1999

№ 695-IQ

Published in the Azarbaycan newspaper (8 August 1999, No 179)

Published in the Collection of laws of the Azerbaijan Republic, 1999, No 8, Article 478

List of documents introducing amendments and additions to the Code

1. Law of the Azerbaijan Republic dated 23 November 2001 № 219-IIGD - "Azerbaijan" newspaper, 29 December 2001, № 298.
2. Law of the Azerbaijan Republic dated 19 April 2002 № 306-IIGD - "Azerbaijan" newspaper, 29 December 2001, № 298.
3. Law of the Azerbaijan Republic dated 23 April 2002 № 311- IIGD - "Azerbaijan" newspaper, 4 May 2002, № 101.
4. Ruling of the Constitutional Court of the Azerbaijan Republic dated 27 July 2000.
5. Law of the Azerbaijan Republic dated 3 December 2002 № 393-IIGD - "Azerbaijan" newspaper, 15 January 2003, № 11.
6. Law of the Azerbaijan Republic dated 25 March 2003 № 426-IIGD - "Azerbaijan" newspaper, 7 June 2003, № 128.
7. Law of the Azerbaijan Republic dated 20 June 2003 № 483-IIGD - "Azerbaijan" newspaper, 6 August 2003, № 178.
8. Law of the Azerbaijan Republic dated 13 January 2004 № 587-IIGD - "Azerbaijan" newspaper, 14 February 2004, № 37.
9. Law of the Azerbaijan Republic dated 1 June 2004 № 677-IIGD - "Azerbaijan" newspaper, 20 June 2004, № 142.
10. Law of the Azerbaijan Republic dated 7 September 2004 № 731-IIGD - "Azerbaijan" newspaper, 22 October 2004, № 246.
11. Law of the Azerbaijan Republic dated 23 December 2005 № 36-IIIGD - "Azerbaijan" newspaper, 16 February 2006, № 34.

12. Law of the Azerbaijan Republic dated 21 April 2006 № 100-IIIIGD — "Respublika" newspaper, 25 June 2006, № 139.
 13. Law of the Azerbaijan Republic dated 30 May 2006 № 122-IIIIGD - "Azerbaijan" newspaper, 4 August 2006, № 172.
 14. Law of the Azerbaijan Republic dated 20 October 2006 № 170-IIIIGD - "Azerbaijan" newspaper, 2 December 2006, № 270.
 15. Law of the Azerbaijan Republic dated 26 December 2006 № 219-IIIIGD - "Azerbaijan" newspaper, 24 January 2007, № 14.
 16. Law of the Azerbaijan Republic dated 17 April 2007 № 315-IIIIGD - "Azerbaijan" newspaper, 19 August 2007, № 184.
 17. Law of the Azerbaijan Republic dated 1 April 2008 № 588-IIIIGD - "Halg" newspaper, 14 May 2008, № 103.
 18. Law of the Azerbaijan Republic dated 2 June 2008 № 615-IIIIGD - "Respublika" newspaper, 24 June 2008, № 136.
 19. Law of the Azerbaijan Republic dated 4 July 2008 № 666-IIIIGD - "Azerbaijan" newspaper, 10 August 2008, № 176.
 20. Law of the Azerbaijan Republic dated 28 October 2008 № 709-IIIIGD - "Azerbaijan" newspaper, 12 December 2008, № 277.
 21. Law of the Azerbaijan Republic dated 2 December 2008 № 728-IIIIGD - "Respublika" newspaper, 17 February 2009, № 37.
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(KC)1. From the standpoint of provisions of Section I of Article 60, Parts II and VII of Article 71, part I of Article 60, parts II and VII of Article 71, part I of Article 147, part III of Article 149 of the Constitution of the Azerbaijan Republic, the provision envisaged under part 2 of Article 103 of the Land Code of the Azerbaijan Republic does not exclude a person's right to apply directly to court for the settlement of land disputes.

2. The person who considers that his rights have been breached over land disputes can apply for their restoration at his own discretion to an relevant body of executive authority, municipality or directly to court.

Unofficial translation