

**THE LAW OF THE AZERBAIJAN REPUBLIC ON MAKING AMENDMENTS TO CERTAIN
ACTS OF LEGISLATION OF THE AZERBAIJAN REPUBLIC FURTHER TO APPLICATION
OF THE WATER CODE OF THE AZERBAIJAN REPUBLIC**

The Milli Majlis of the Azerbaijan Republic hereby resolves as follows:

I. To repeal the Law of the Azerbaijan Soviet Socialist Republic of June 29, 1972 On Approval of the Water Code of the Azerbaijan SSR (Information of the Supreme Soviet of the Azerbaijan CCP, 1972, No. 12, Section 55; 1980, No. 11—12, маддя138; 1983, No. 21, Section 196; 1984, No. 19, Section 157; 1987, No. 24, Section 253).

II. To make the following amendments into the Administrative Default Code of the Azerbaijan Republic (Information of the Supreme Soviet of the Azerbaijan Republic, 1984, No. 23, Section 198; 1985, No. 3, Section 33, No. 9, Section 112, No. 11, Section 130, No. 21, Section 204; 1986, No. 6—7, Section 24, No. 12, Section 72; 1987, No. 1—2, Section 6, No. 6, Section 48, No. 12, Section 118, No. 15—16, Section 153, No. 21, Section 215, No. 24, Section 250; 1988, No. 1, Section 1, No. 5—6, Section 35, No. 8, Section 58, No. 10, Section 79, No. 15, Section 139, No. 16, Section 150, No. 18—19, Section 173, No. 22—23, Section 220; 1989, No. 4, Section 27, No. 9, Section 69, No. 13—14, Section 107, 1990, No. 8, Sections 53, 55, No. 12, Section 155; 1991, No. 12—13, Section 203, No. 14, Section 236; 1992, No. 16, Section 687, No. 18, Sections 828, 829, No. 21, Section 922; 1993, No. 6, Section 158, No. 15, Section 423; 1994, No. 9, Section 97; 1995, No. 7, Section 135, No. 22, Sections 348, 357; Compilation of Legislation of the Azerbaijan Republic, 1997, No. 2, Section 142, No. 3, Section 202, No. 4, Sections 287, 296, 301, 303, No. 5, Sections 388, 394, 419, 420, No. 6, Section 457; 1998, No. 1, Section 9, No. 2, Section 60, No. 5, Sections 305, 306, No. 6, Section 367, No. 8, Section 488; the Law of the Azerbaijan Republic of November 24, 1998, No. 542-ИГД):

1. In Article 50:

in the title of the Article to replace the words «State Ownership of Waters» with words “Right of ownership over water objects”;

in the text of the Article to replace the words «for transfer of right of use of waters to other persons, as well as for entering into transactions openly or secretly breaching right of ownership of the state over waters» with «unauthorised collection of water from water lines, channels and other water systems, as well as entering into transactions with breach of legislation».

2. Article 60 shall be read as follows:

«Article 60. Breach of rules of protection of water objects

For breach of rules of protection of water objects:

1) pollution, contamination or depletion of water objects;

- 2) contamination of water through breach of regime of protection of water objects in water collection areas, breaches causing water erosion or other negative impact upon lands;
- 3) deterioration of irrigation status of lands through destruction of collectors and drainage;
- 4) use of drinking water for plant watering or washing of means of transportation, as well as for unspecified purposes of use;
- 5) unauthorised disposal of drinking, household, technical and waste waters (to open areas, streets, communication and energy facilities);
- 6) failure to comply with water protection zones and shore protection zones;
- 7) breach of regime applicable to specially protected water objects;
- 8) operation of enterprises, utility and other services without facilities and equipment preventing pollution, contamination of water objects and negative impact upon waters;
- 9) breach of rules and technologies applicable to drilling of wells for water extraction purposes;
- 10) breach of requirements applicable to sanitary protection zones of drinking water sources, water treatment facilities, water pipelines;
- 11) non-compliance of the drinking water with sanitary requirements and state standards;
- 12) failure to perform instructions issued by authorities exercising control over use and protection of water objects —

individuals shall be fined in the amount of five to seven minimum salaries, and officials shall be fined in the amount of fourteen to seventeen minimum salaries».

3. Article 62 shall be read as follows:

«Article 62. Breach of rules of use of water objects

For breach of rules of use of water objects:

- 1) failure to comply with limits of water use;
- 2) failure to supply water consumers with water for a specified period of time and in specified volumes;
- 3) inefficient use of water resources;

- 4) unauthorised construction of hydro-technical and other facilities on water objects;
- 5) unauthorised carrying out of works related to hydro-technical and utility water services;
- 6) failure to comply with rules on state monitoring of water objects, state recordation of waters, maintenance of the state water cadastre;
- 7) failure to make timely payments of charges for the use of water or of fines for breach of rules on use of water, as well as of amounts due for release of waste-waters into water objects and to the environment -

individuals shall be fined in the amount of five to seven minimum salaries, and officials shall be fined in the amount of fourteen to seventeen minimum salaries».

4. In title of Article 63 to add the words “breach of rules of operations” after the word “damaging”, in the text of Article 63 to add the words “breach of rules of operations” after the word “damaging”.
5. Article 227 shall be read as follows:

«Article 227. Authorities for protection of water objects

The relevant executive authority shall consider cases of administrative default stipulated under Articles 50, 60, 61, 62 and 63 of this Code (except for cases where the authority to consider cases of administrative default is referred by this Article to other executive authorities).

The relevant executive authority shall consider cases of administrative default related to Articles 60, 62 and 63 of this Code in relation to contamination of water through breach of regime of protection of underground water objects and water objects in water collection areas and breach of rules and technologies applicable to drilling of wells for water extraction purposes.

The relevant executive authority shall consider cases of administrative default related to Article 60 this Code in relation to breach of regime of water objects, contamination, pollution of water objects and operation of enterprises, utility and other services without facilities and equipment preventing pollution, contamination of water objects and negative impact upon waters.

The relevant executive authorities shall consider cases of administrative default related to Articles 50, 60, 62 and 63 this Code in relation to use of drinking water for plant watering or washing of means of transportation, as well as for unspecified purposes of use, breach of rules applicable to sanitary protection zones of sources of drinking water, water treatment facilities, water lines, non-compliance of the drinking water with sanitary requirements and state standards, unauthorised disposal of drinking, household, technical and waste waters (to open areas, streets, communication and energy facilities) and water services in the utilities sector.»

III. In paragraph 1 of the 1st Section of Appendix 1 to the State Privatisation Program of the Azerbaijan Republic for 1995-1998 approved by the Law of the Azerbaijan Republic of September 29, 1995 (Information of the Supreme Soviet of the Azerbaijan Republic, 1995, No. 22, Section 361) to replace the words “water resources” with “water resources (except for cases stipulated by the legislation).

The President of the Azerbaijan Republic

Heydar ALIYEV

Baku, December 11, 1998

No. 584-ІГД.