

WATER CODE OF AZERBAIJAN REPUBLIC

Internal waters of the Azerbaijan Republic, the sector of Caspian sea (lake) belonging to the Azerbaijan Republic make national wealth of Azerbaijan people, are used and protected as a basis of ability to live of the population and provide existence of flora and fauna.

The present Code regulates the legal relations connected to use and protection of water objects in the Azerbaijan Republic.

SECTION I. GENERAL PROVISIONS

CHAPTER I. BASIC PROVISIONS

Article 1. The basic concepts

The concepts used in the present Code, have the following meaning:

- - **water object** - naturally formed landscape or geological structure within which borders are concentrated surface and underground waters having dimensions and special features of water regime according to the form of relief;
- - **water resources** – the volume of surface and underground waters being in water objects which are used or can be used;
- - **user of water object** - the physical or legal person which is given the right of use of water objects;
- - **consumer of water** - the physical or legal person receiving water from the user of water objects for maintenance of the requirements;
- - **water economy object** - the systems and installations created in connection with use, restoration and protection of water objects;
- - **pollution of water objects** - discharge or dump of harmful substances worsening quality of waters, rendering negative impact on the surface, bottom and vicinities of water objects;
- - **clogging of water objects** - emission of subjects, particles of solid substances, various wastes of technogenic origin and household wastes complicating use of water objects;
- - **harmful influence of waters** - flooding, inundation, and other influences of surface and underground waters on the certain territory or the certain object.

Article 2. The water legislation of the Azerbaijan Republic

The water legislation of the Azerbaijan Republic consist of the present Code and other normative-legal acts adopted according to it.

If the international agreements of the Azerbaijan Republic contain other rules connected to use and protection of water objects, than what are provided by the present Code, the rules of the international agreements, which the Azerbaijan Republic has joined, are applied.

Article 3. Regulation of the relations connected to use and protection of water objects

The relations connected to use and protection of water objects and their water resources (water relations), are adjusted by the water legislation of the Azerbaijan Republic.

Relations on water use are regulated alongside with the present Code by the civil legislation, acts for sanitary-and-epidemiologic well-being and other acts.

The relations connected to supply with potable water and discharge of sewage, are regulated alongside with the present Code by the corresponding legislation of the Azerbaijan Republic.

Relations related with land, forest, bowels, flora and fauna, atmospheric air, investigation and protection of underground waters, and also the property and other administrative relations arising at using and protection of water objects, are regulated alongside with the present Code by the corresponding legislation of the Azerbaijan Republic.

Article 4. Objects of water relations

The objects of water relations are the inventory of water resources of the Azerbaijan Republic (hereinafter - «inventory of water resources») and the lands of the inventory of water resources.

Article 5. Inventory of water resources of the Azerbaijan Republic

Internal waters of the Azerbaijan Republic and a sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic (water objects) make the inventory of water resources of the Azerbaijan Republic.

The inventory of water resources of the Azerbaijan Republic according to the presence in nature, to physical-geographical, administrative-territorial features and other attributes consists of surface, underground, boundary water objects and a sector of the Caspian sea (lake) belonging to the Azerbaijan Republic.

Article 6. Surface water objects

The dry surface water streams, surface reservoirs, glaciers and snow covers being on a surface enter to the surface water objects.

Surface water objects consist of a surface water part, a bed, a bottom and coast.

Surface water objects have multipurpose value and may be simultaneously used for one or several purposes.

Article 7. Underground water objects

Underground water objects include the waters concentrated in geological structures being in bowels.

To underground water objects are attributed:

- - water-bearing horizon - a sheet (layer) of the rocks which are being in bowels within hydraulically bound geological structure, in which pores, cracks and cavities waters are collected;
- - underground water basin – a set of water-bearing horizons, water cracks which are being in bowels within the limits of certain geological structure;
- - underground water deposit - a part of water-bearing horizon, having favorable conditions for extraction of underground waters.

Article 8. Boundary water objects

The surface and underground water objects determining the interstate border, crossing border or through which the frontier of the Azerbaijan Republic passes, are attributed to boundary water objects.

Rules of use and protection of boundary water objects are established by the present Code, the legislation of the Azerbaijan Republic on frontier, the international agreements and contracts, which the Azerbaijan Republic has joined.

Article 9. Sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic

Rules of use and protection of a sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic are established by the present Code, other acts of the Azerbaijan Republic and the international legal acts, which the Azerbaijan Republic has joined.

Article 10. Lands of the inventory of water resources

The following land areas concern to the lands of the inventory of water resources:

- - the lands under internal waters of the Azerbaijan Republic and a sector of the Caspian sea (lake) belonging to the Azerbaijan Republic (water objects);
- - the lands, islands and bogs under water-protection zones and coastal belts;
- - the lands under hydraulic engineering constructions, objects of land improvement and water management.

Article 11. Subjects of water relations

Subjects of water relations are the Azerbaijan Republic, Nakhchivan autonomous republic, municipalities, and users of water objects and consumers of water.

On behalf of the Azerbaijan Republic and Nakhchivan autonomous republic, corresponding bodies of execution authority participate in water relations within the framework of the powers.

Municipalities participate in water relations within the framework of the powers given to them by acts, determining their status.

Users of water objects and consumers of water participate in water relations in the order envisaged by the legislation of the Azerbaijan Republic, with the purpose of satisfaction of the requirements and realization of business activity.

CHAPTER II. FORMS OF OWNERSHIP ON WATER OBJECTS

Article 12. State ownership on water objects

The following water objects are in the state ownership:

- - sector of the Caspian sea (lake) belonging to the Azerbaijan Republic;
- - boundary water objects;
- - surface and underground water objects of the state and local value;
- - specially protected water objects.

Water objects being in the state ownership may be delivered in use, rent and municipal property in the order established by the legislation.

Corresponding bodies of execution authority carry out the state government in the field of use and protection of the water objects being in the state ownership, within the framework of the powers.

Article 13. The municipal ownership on water objects

Located on the ground areas, being in the municipal property, local water objects in the order established by the legislation of the Azerbaijan Republic are transferred in the municipal ownership.

Water objects being in the municipal ownership in the order provided by the legislation of the Azerbaijan Republic, can be transferred in common use, in use, rent

to physical and legal persons, and also in the ownership of citizens and legal persons of the Azerbaijan Republic.

The government in the field of use and protection of water objects being in the municipal ownership is carried out by municipalities within the framework of the powers given to them by the legislation.

Article 14. Private ownership on water objects

Small reservoirs located on the ground areas being in private ownership, not having hydraulic connection with other water objects and drain, can be transferred in a private ownership in the order envisaged by the legislation of the Azerbaijan Republic.

Water objects cannot be transferred in private ownership to persons who are not the citizens of the Azerbaijan Republic, and to legal persons of foreign states.

Article 15. The ownership on water economy objects

The water economy are attributed the forms of state, municipal and private ownership.

Water economy objects being in state ownership, and transferred in municipal and private ownership are established by the corresponding legislation of the Azerbaijan Republic.

SECTION II. MANAGEMENT IN THE FIELD OF USE AND PROTECTION OF WATER OBJECTS

CHAPTER III. ORGANIZATION OF MANAGEMENT IN THE FIELD OF USE AND PROTECTION OF WATER OBJECTS

Article 16. Main principles of management in the field of use and protection of water objects

Management in the field of use and protection of water objects is based on the following principles:

- - development of economy and protection of the environment;
- - supply of the population with quality water;
- - harmonization of the administrative-territorial principle with the basin principle;
- - separation of the functions of management in protection of water objects from the functions of use of water objects and water economy functions.

Article 17. The control system in the field of use and protection of water objects

The control system on the field of use and protection of water objects includes the corresponding bodies of execution authority of the Azerbaijan Republic, the corresponding bodies of execution authority of Nakhchivan autonomous republic, users of water objects authorized by them in the order, envisaged by the legislation, and municipalities.

Article 18. Tasks of the state in the field of use and protection of water objects

Tasks of the state in the field of use and protection of water objects include:

- - determination of the state policy in the field of use and protection of water objects;

- - carrying out of investment policy in the field of use and protection of water objects;
- - approval and realization of the state programs on use and protection of water objects, prevention of harmful influence of waters, organization of the control over their performance;
- - carrying out of the scientific and technical policy in the field of use and protection of water objects;
- - determination of the rules of conducting the state monitoring of water objects, the state water cadastre, and surface and underground waters balance inventory;
- - determination of instructions for use by water objects and provision of their performance;
- - determination of rules of delivery of a special permit for use of water objects in special purposes;
- - determination of rules of establishment of water-protection zones of water objects, coastal protection belts, a regime of using of their territories;
- - determination of principles of use, restoration and economic regulation of protection of water objects, payments for use of water object and water and rules of its payment;
- - determination of rules of organization and realization of the state control over use and protection of water objects;
- - approval of standards, norms and rules in the field of use and protection of water objects;
- - provision of the state ecological examination of civil-engineering designs, reconstruction of the economic and other objects impacting a condition of water objects;
- - prohibition of commissioning of technical constructions, equipment, enterprises and other objects negatively impact a condition of waters and also restriction, termination of their operation and prohibition of activity;
- - establishment of the regime of specially protected water objects, including sources of supply of potable water, their zones and sectors of sanitary protection;
- - preparation and realization of actions against mud flows, and also for prevention and liquidation of consequences of harmful influence of waters;
- - determination of actions on prevention and liquidation of consequences of disasters and failures, ecological crises, organization of realization of these actions;
- - realization of other tasks established by the water legislation of the Azerbaijan Republic in the field of use and protection of water objects.

Article 19. Tasks of the Nakhchivan autonomous republic in the field of use and protection of water objects

Tasks of the Nakhchivan autonomous republic in the field of use and protection of water objects are:

- - preparation, approval and realization of programs in the field of use, reconstruction and protection of water objects, organization of the control over their performance;
- - realization of the state control over use and protection of water objects;
- - in the order established by the legislation, restriction, termination and prohibition of water objects use;
- - preparation and realization of actions against mud waters, on prevention and liquidation of consequences of harmful influence of waters, and also restoration

of the water economy objects damaged or destroyed as a result of natural disaster and failure;

- - prohibition of commissioning of the economic and other objects rendering harmful influence on a condition of waters, and also restriction, termination of their operation and prohibition of activity;
- - realization of other tasks established by the legislation of the Azerbaijan Republic in the field of use and protection of water objects.

Article 20. Powers of municipalities in the field of use and protection of water objects

Powers of municipalities in the field of use and protection of water objects consist in the following:

- - the property on the reservoirs being in the municipal property, use and disposal thereof;
- - control of observance of measures on environment protection in corresponding territories at carrying out of actions on use and protection of water objects;
- - establishment of places of potable water scoop for provision of drinking and household needs, the places forbidden for bathing, stock watering, and other conditions of common water use, on the water objects located in corresponding territories, and also places of use water objects for rest and sports;
- - realization of other powers established by the legislation of the Azerbaijan Republic in the field of use and protection of water objects.

CHAPTER IV. STATE REGULATION IN THE FIELD OF USE AND PROTECTION OF WATER OBJECTS

Article 21. Water economy balance

Water economy balance consists of comparative accounting materials on water resources and requirements for water on the corresponding territory.

Water economy balance is made with a view of estimation of availability of water resources on water objects of corresponding territories and a degree of their use and applied to conducting planning and decision-making in issues of use and protection of water objects.

Water economy balance is made on republic, water basins and administrative and territorial units by the corresponding bodies of execution authority.

Article 22. Schemes of multipurpose use and protection of water resources

Schemes of multipurpose use and protection of water resources unite regular research and design materials about a condition of water resources and prospects of use and protection of water objects.

Schemes of multipurpose use and protection of water resources are developed with a view of determination of water economy actions and perspective demand of the country for water resources, maintenance of rational use and protection of water objects, and also prevention and liquidation of consequences of harmful impact of waters.

Schemes of multipurpose use and protection of water resources are developed by the corresponding bodies of execution authority.

Rules of development, coordination, state expert appraisal, approval and realization of the schemes of multipurpose use and protection of water resources are established by corresponding body of execution authority.

Article 23. The state programs on use, protection of water objects and prevention of harmful influence of waters

The state programs are developed for preparation and realization of actions on use, protection of water objects and prevention of adverse effects of waters on the basis of water economy balances, schemes of multipurpose use and protection of water resources, data of the state water cadastre.

The state programs on use and protection of water objects are developed and carried out by corresponding bodies of execution authority in view of proposals of municipalities, users of water objects and public organizations in the order established by the legislation.

Article 24. The state monitoring of water objects

The state monitoring of water objects consists in the system of regular supervision over hydrological and hydro-geological parameters of water objects with the purpose of duly detection and estimation of processes occurring in their condition, forecasting of development of these processes and prevention of their adverse effect, maintenance of efficiency of conducted water-protection actions.

The state monitoring of water objects is a component of the system of the state monitoring of the environment.

The state monitoring of water objects is carried out by corresponding bodies of execution authority in the order established by the legislation of the Azerbaijan Republic.

Article 25. The state registration of waters

The state registration of waters consists in regular determination in accordance with established procedure of quantity and quality of the water resources available in the corresponding territory.

The state registration of waters is conducted with a view of maintenance of the current and long-range planning of rational use and protection of water objects.

Data of the state registration of waters characterize a condition of surface and underground water objects on their quantitative and qualitative indicators, a degree of their study and use.

In the Azerbaijan Republic the state registration of waters is conducted on uniform system in the order established by corresponding body of execution authority, and is based on registration data of users of water objects and the state monitoring.

Article 26. The state water cadastre

The state water cadastre represents a collection of data on water objects, water resources, use of water objects and users of water objects. In the Azerbaijan Republic the state water cadastre is conducted on uniform system and is based on data of the state registration of waters.

Representation by users of water objects in corresponding bodies of execution authority of the data subject to entering into the state water cadastre is obligatory.

Data of the state water cadastre are the basis for decision-making by corresponding bodies of execution authority.

The state water cadastre is conducted by corresponding bodies of execution authority in the order established by the legislation of the Azerbaijan Republic.

Article 27. The state ecological examination of civil engineering designs and reconstruction of the economic and other objects impacting a condition of water objects

The state ecological examination carried out with a view of determination of compliance of designs of construction and reconstruction of economic and other objects, impacting a condition of the water objects, to the established specifications, norms and requirements is carried out by the corresponding bodies of execution authority in the order established by the legislation of the Azerbaijan Republic.

Article 28. The state control over use and protection of water objects

The state control over use and protection of water objects provides observance of:

- - rules of use and protection of water objects;
- - limits of water use;
- - sanitary-and-hygienic, ecological, hydro-geological, hydrological, technological, metrological standards, norms and rules in the field of use and protection of water objects;
- - the regime of use of the territories of water protection zones and other requirements of the water legislation of the Azerbaijan Republic.

The corresponding body of execution authority establishes rules of realization of the state control over use and protection of water objects.

Article 29. Standardization in the field of use and protection of water objects

Standardization in the field of use and protection of water objects consists in determination of limits of water use and preparation and acceptance of sanitary-and-hygienic, ecological, hydro-geological, hydrological, technological, metrological standards, norms and rules in the field of use and protection of water objects.

Rules of standardization in the field of use and protection of water objects are established by the corresponding body of execution authority.

SECTION III. USE AND PROTECTION OF WATER OBJECTS

CHAPTER V. USE OF WATER OBJECTS

Article 30. Use of water objects

The enterprises, establishments, the organizations and other legal persons irrespective of the form of ownership (hereinafter -«legal persons»), citizens of the Azerbaijan Republic, foreigners, persons without citizenship (hereinafter -«physical persons») may be users of water objects in the order envisaged by the legislation of the Azerbaijan Republic.

Users of water objects can transfer water in use of legal and physical persons (consumers) in the order established by the legislation.

Rules and conditions of water use, mutual rights and duties of the parties are regulated on the basis of agreements.

Article 31. The right of use of water objects

The legal and physical persons, who are not proprietors of water objects, may have the following rights on water objects:

- - long-term use of water objects;
- - short-term use of water objects;
- - the limited use of water objects (water servitude).

Users of water objects carry out use of water objects in the order established by the present Code.

Users of water objects can dispose the right of use of water objects in the cases envisaged by the present Code.

Delivery of water objects in rent is carried out in the order established by the legislation of the Azerbaijan Republic about rent, in accordance with the present Code.

Change of the river-bed or other changes in location of water objects if other is not envisaged by the present Code, does not result in change or termination of the right of use of water objects.

Article 32. The right of long-term and short-term use of water objects

Water objects being in the state ownership depending on the purpose of use, resource potential and the ecological condition in the order envisaged by the legislation of the Azerbaijan Republic, can be transferred in long-term or short-term use of physical or legal persons.

Water objects establish the right of short-term use for the term of up to three years, long-term use – up to twenty-five years.

Term of the right of use of water objects may be prolonged in the order established by the legislation.

Article 33. The right of the limited use of water objects (water servitude)

The rights of legal and physical persons, whom is given the right of use or own the water objects, can be limited in the form of common and special water servitudes for the benefit of other persons.

In the form of the common water servitude each person can use water objects of common use and other water objects, if the legislation of the Azerbaijan Republic does not envisage otherwise.

Interested persons can use the water objects, which are in special use of other persons, in the form of special water servitude. Special water servitude can be established on the basis of judgment as well.

The general rules about servitudes, envisaged by the civil legislation, are applied in the limits, which do not contradict the requirements of the present Code.

The common and special water servitudes can be established for the following purposes:

- - water scoop without application of facilities and constructions;
- - stock watering place and cattle driving through water object;
- - use of water objects as waterways for ferries, boats and other self-floating means of small size.

The water legislation of the Azerbaijan Republic can establish other water servitudes as well.

For realization of water servitudes the special permit is not required.

Article 34. Reception of the right of use of water objects

The right of use of water objects can be received in the order envisaged by the legislation of the Azerbaijan Republic. The corresponding bodies of execution authority establish the kinds of use of water objects demanding the special permit.

In case of death of the user of water objects - a physical person or reorganization of the user of water objects - a legal person the right of use of water objects passes to their successors.

The right of use of water objects can pass from one person to another in the order envisaged by the present Code, under condition of not changing of the purposes of use of water objects.

Rights on the water objects, which are in a private property, are got in the order envisaged by the civil legislation, the land legislation and the present Code.

Article 35. Kinds of use of water objects

Water objects may be used for:

- - drinking and household needs;
- - medical, resort and improving purposes;
- - rest and sports;
- - industrial, building and power purposes;
- - agricultural purposes;
- - purposes of the forestry;
- - purposes of water-power engineering;
- - transport purposes;
- - fishery;
- - hunting;
- - discharge of sewage;
- - fire-prevention and other purposes.

The water object or its part may be transferred simultaneously to use for one or several purposes.

Article 36. Use of water objects for general purposes

Water objects of general purpose are water objects which use is possible and open for everyone. Physical persons use such water objects for maintenance of the needs (bathing, driving by boats, sports, amateur fishery, stock watering, water scoop without use of technical constructions, etc.) free-of-charge.

At use of water objects for common purposes the requirements of bodies of nature protection and the state sanitary inspection, protection of fish stocks, regulation of navigation, as well as a rule of protection of life of people on waters, rational water use and protection of waters should be observed.

With the purpose of protection of life and health of the population and creation of necessary sanitary conditions the corresponding bodies of execution authority and municipalities within the framework of the powers can establish the places forbidden for bathing, driving by boats, fishery, water scoop for satisfaction of drinking and household needs, stock watering and other water use, and also to establish other conditions of the general water use on the water objects located in territory of city, area, settlement, rural settlement.

The permit on common water use on the water objects being in the property of physical and legal persons both transferred to rent and detached use, can be given on the conditions established by proprietors and users of water objects or under the decision of corresponding bodies of execution authority.

Along coast of water objects of common use the belts of land are allocated. Each person has the right to move on this belt, to use it for fishing, to provide mooring of boats.

Restriction of water use on water objects of common use may be allowed only in the cases envisaged by the legislation of the Azerbaijan Republic.
The corresponding bodies of execution authority establish water objects of common use.

Article 37. The detached use of water objects

Water objects of the detached use are the water objects used by the limited circle of persons.

The water objects, which are in the state ownership, can be transferred by the decision of corresponding body of execution authority fully or partly to the detached use for needs of defense, power, transport, and also other state and municipal needs in the order established by the legislation of the Azerbaijan Republic.

In the decision on transfer of water objects in the detached use the purpose and the basic conditions of use are specified by water objects.

At delivery in the detached use the water objects are withdrawn from water objects of common use.

As an exception the water objects, which have been transferred in detached use, can be transferred by the decision of corresponding body of execution authority in use for common use or be withdrawn.

Article 38. Use of water objects for special purposes

Use of water objects for special purposes is carried out on the basis of the special permit with application of technical constructions and the equipment with a view of satisfaction of drinking, household, medical, improving and other needs of the population, and also agricultural and forestry, industrial, power, transport, piscicultural and others state or social needs.

The corresponding bodies of execution authority establish the kinds of use of water objects for the special purposes.

Article 39. Limits of water use

Limits of water use are acceptable volumes of scoop of water resources from water objects or discharge of sewage in water objects established for users and consumers of each water object.

Rules of preparation and realization of limits of water use are established by the corresponding body of execution authority.

Article 40. Rules of granting of water objects in use

Water objects are given in use on the basis of the special permit or the agreement of water use.

Surface water objects are given in use with a condition of allotment of a site of water area, places of water scoop and discharge of sewage in the order established by the water legislation of the Azerbaijan Republic.

Underground waters are given in use according to the water legislation of the Azerbaijan Republic and the legislation of the Azerbaijan Republic on bowels.

Granting in use of a sector of Caspian sea (lake) belonging to the Azerbaijan Republic, boundary water objects is carried out according to the legislation of the Azerbaijan Republic and the international agreements which the Azerbaijan Republic has joined.

Article 41. Antimonopoly requirements to use water objects

The law forbids activity of users of the water objects, directed on the monopolistic and unreasonable competition, resulting or able to result in restriction of the rights and legitimate interests of other users of water objects, and also other physical and legal persons.

Corresponding bodies of execution authority are forbidden to make of the decision and to carry out the activity, resulting to monopolization of water use, creating unequal conditions for activity of separate users of water objects and breaking rights and legitimate interests of other users of water objects.

Substantial infringement of the rights and legitimate interests of other users of the water objects, resulting to monopolization in the field of water use entails application of the sanctions envisaged by the legislation of the Azerbaijan Republic.

Article 42. Restriction, suspension or prohibition of use of water objects

With a view of maintenance of defense and safety of the country, public health care, the environment and the historical and cultural heritage, and also legitimate rights and interests of other persons the use of water objects or their part may be limited, suspended and is forbidden according to the legislation of the Azerbaijan Republic.

Restriction, suspension or prohibition of use of water objects is carried out on the basis of representation of corresponding bodies of execution authority in accordance with the present Code and other acts of the Azerbaijan Republic.

CHAPTER VI. RIGHTS AND DUTIES OF WATER-USERS

Article 43. Rights of water-users

Water-users have the following rights:

- - to use water repeatedly;
- - to erect corresponding installations and constructions for realization of use of water objects in the special purposes;
- - to check quantity and quality of water and sewage delivered in use;
- - to demand compensation of the water half-received by them in volume, envisaged by the contract, except for the cases envisaged by the legislation;
- - to carry out other rights envisaged by the water legislation of the Azerbaijan Republic.

The broken rights of users of water objects are subject to restoration in the order envisaged by the legislation.

Article 44. Termination of the right of water use

The right of water use of legal and physical persons irrespective of a form of ownership terminates in the following cases:

- - passing of a need for water use or refusal of water use;
- - termination of term of use of water objects;
- - liquidation of legal persons;
- - transfer of water objects to use of other persons in defiance of the legislation;
- - withdrawal of water objects from the detached use;
- - non-payment for water use and discharge of sewage;
- - use of water object in the unforeseen purposes (except for the right of use for satisfaction of drinking and household needs) and other cases envisaged by the legislation.

Article 45. Duties of water-users

Water-users are obliged:

- - to use water objects rationally, to provide an economical consumption of water and improvement of quality of water;
- - to observe plans, limits, rules, norms and a regime of water use;
- - to do not allow discharge in water objects of sewage in structure of which the amount of polluting substances exceeds the norm;
- - to not suppose infringement of the rights given to other users of water objects on the basis of water servitudes, and also causing of harm to economic and natural objects (to land, forest, fauna, minerals etc.);
- - to use water objects to destination;
- - to contain water economy constructions and the technical equipment in a serviceable condition, to improve quality of their work;
- - to keep registration of water use;
- - to bring a payment for water use, payments and penalties for water objects and sewage discharged in the environment in due time;
- - to carry out other duties envisaged by the water legislation of the Azerbaijan Republic.

Article 46. The indemnification, caused as a result of activity of water management

The losses caused to physical and legal persons owing to carrying out of water economy actions, the terminations{discontinuances} of the right of use by water objects or changes of conditions of water use, it is compensated in the order established by the legislation of the Azerbaijan Republic.

CHAPTER VII. USE OF WATER OBJECTS FOR DRINKING, HOUSEHOLD, MEDICAL - RESORT, IMPROVING PURPOSES, THE PURPOSES OF REST AND SPORTS

Article 47. The water objects given for drinking and household needs of the population

Water objects, quality of water in which corresponds to the established sanitary norms and state standards, are given for satisfaction of drinking and household needs of the population.

Maintenance of the population with potable water is made, as a rule, by means of the centralized water constructions.

At absence of a water pipe for satisfaction of drinking and household needs of the population water directly from the rivers, water well, kyagrizs, springs and other water sources can be used only at compliance to sanitary norms established by the legislation.

The natural water sources of settlements used with a view of satisfaction of drinking and household needs of the population are established by municipalities according to the legislation with the consent of corresponding bodies of execution authority.

Article 48. Restriction of use of potable water for other purposes

Use of potable water for the purposes, which are not connected to drinking and household needs, as a rule, is not allowed.

In the regions, which have not sufficient surface water sources, but with the big stocks of underground potable water, these waters with the consent of corresponding bodies of execution authority can be used for other purposes.

Article 49. Use of water objects attributed to the category of medical objects

The water objects located in territory of the Azerbaijan Republic and having natural medical properties, the decision of corresponding body of execution authority concern to a category of medical objects.

The water objects attributed to the category of medical objects, are used in the first priority for the medical and resort purposes.

As an exception use the water objects attributed to the category of medical objects for other purposes can be authorized with the consent of corresponding bodies of execution authority.

Discharge of sewage in the water objects attributed to the category of medical objects, is not permitted.

Article 50. Use of water objects for the purposes of rest and sports

Use of water objects of common use for rest and sports without reception of the special permit, with observance of requirements of the Article 36 of the present Code is allowed.

For provision of organization of mass rest and satisfaction of needs of sites of sports water objects can be transferred fully or partly in the detached use.

Use of water objects for rest and sports in cases and the order, envisaged by the Articles 36 and 37 present Codes, can be forbidden and restricted.

The statute approved by corresponding body of execution authority establishes rules for use of water objects for rest and sports.

CHAPTER VIII. USE OF WATER OBJECTS FOR NEEDS OF AGRICULTURE

Article 51. Use of water objects for needs of agriculture

Use of water objects for needs of agriculture is carried out by way of using for the common and special purposes, with observance of limits of water use.

Water use in agriculture is carried out on the basis of interfarm and system-wide plans.

Article 52. Plans of interfarm water use

Plans of interfarm water use are made by water-users.

Plans of interfarm water use are approved in the order established by corresponding body of execution authority.

Plans of interfarm water use should take into account requirement for water of all consumers irrespective of their form of ownership and kinds.

Article 53. System-wide plans on water use

System-wide plans on water use are made on irrigation systems of regional and republican value.

System-wide plans on water use are made by users of water objects on the basis of plans of interfarm water use and contracts of water use.

System-wide plans on water use are approved in the order established by corresponding body of execution authority.

Contracts of water use are concluded between users of water objects and consumers of water.

In contracts there are specified the quantity and a place of supplied water, terms, mutual obligations of the parties and other data.

Article 54. Change of the plan of water use

The plan of water use can be changed only with the consent of the body, which has approved it, in the following cases:

- - water shortage;
- - changes of weather conditions, irrigation norms or sites of irrigation;
- - refusal of water consumers from water allocated to them under the plan;
- - in other cases established by the corresponding body of execution authority.

In a case of force majeure users of water objects can change plans of water use and temporarily terminate water delivery. They are obliged to notify immediately on the specified actions of consumers of water and the corresponding body of execution authority, which has approved the plan of water use. Non-delivered water later may be compensated depending on a condition of water sources.

Article 55. Use for agricultural needs of reservoirs located in territory of land proprietors and land users

The agricultural enterprises, farms, other legal and physical persons have the right to use springs, kyagrizs, other natural water sources, to erect on these sources water reservoirs and agricultural constructions on lands given to them in property and use in the order established by the legislation.

The specified legal and physical persons have the right on given to them in the property and use the lands of agricultural purpose to carry out large-scale ameliorative works or to carry out reorganization and liquidation of the executed ameliorative works according to rules on use and protection of waters, established by corresponding body of execution authority.

Article 56. Use of sewage for agricultural needs

Use of sewage can be made for agricultural needs as agreed with corresponding bodies of execution authority.

Article 57. Irrigation of forest belts and nursery forests

The irrigation of forest belts and nursery forests is made by way of use of water objects for agricultural needs.

Article 58. Determination of places for cattle driving and stock watering and travel of vehicles

Cattle driving through channels and other hydraulic engineering constructions, travel of tractors, agricultural machines, automobiles and other vehicles through territory of the water objects, which are not allocated for this purpose, are forbidden.

The stock watering on the rivers, channels and other surface reservoirs is allowed only at presence of the specially equipped platforms or in the places allocated for this purpose.

Places for travel of vehicles and agricultural machines, cattle driving and stock watering are established by corresponding bodies of execution authority and designated by special signs.

The roads, on which the cattle is driven, should be provided with water in the order and on conditions, which are established, by the corresponding body of execution authority.

CHAPTER IX. USE OF WATER OBJECTS FOR INDUSTRIAL PURPOSES AND NEEDS OF WATER-POWER ENGINEERING

Article 59. Use of water objects for industrial purposes

For industrial purposes, as a rule, technical water is used.

The persons, using water objects for industrial purposes should observe the limits established on water use, technological norms and rules, and to take measures to decrease water consumption and prevent discharge of sewage by improvement of the "know-how" and the schemes of water supply.

The enterprise using potable water for the technical purposes in the order, envisaged by the legislation, as a rule, should transfer on the system of secondary water supply and water recycling.

Article 60. Restriction of use of potable water for industrial purposes

In conditions of natural disaster, failure and at other force majeure or at use by the enterprise of potable water over the allocated limit the corresponding bodies of execution authority can limit or forbid potable water scoop from water pipes for the industrial purposes for the benefit of primary priority satisfaction of drinking and household needs of the population, and also temporarily reduce potable water scoop for the industrial purposes from the drinking water pipes which are being in subordination of the separate enterprises, establishments and the organizations.

Article 61. Use of underground waters for technical supply and other industrial needs

The underground waters attributed to the category of drinking or medical waters, may be used for technical supply, the industrial purposes, including extraction of chemical elements contained in them, generation of thermal energy and other purposes in the order established by the corresponding body of execution authority.

Article 62. Use of water objects for extraction of minerals

Extraction of minerals from water objects, conducting prospecting and drilling works, construction of underground constructions are carried out according to the legislation of the Azerbaijan Republic on bowels and the present Code.

Article 63. Use of water objects for needs of waterpower engineering

Use of water objects for needs of waterpower engineering is fulfilled in view of interests of other branches of economy, and with observance of conditions of multipurpose water use, according to the rules established by corresponding body of execution authority.

The water objects given for needs of waterpower engineering at the same time may be used for other purposes.

The enterprises of waterpower engineering are obliged to observe the established rules on use of water objects, filling of water basins and the regime of their operation, to provide unimpeded and safe passage of ships and ferries, and also passing of fish to places of spawning.

CHAPTER X. USE OF WATER OBJECTS FOR TRANSPORT NEEDS

Article 64. General-purpose waterways

The rivers, lakes, reservoirs, channels of the Azerbaijan Republic, sector of the Caspian sea (lake) belonging to the Azerbaijan Republic, other surface water objects if the use thereof as waterways is not forbidden fully or partly or these objects have not been transferred to the detached use, are attributed to the waterways of common use.

Legal and physical persons can use for pass of units of water transport belonging to them through the waterways of common use in the order established by the legislation of the Azerbaijan Republic.

Article 65. Rules for use of water objects for needs of water and air transport

Attribution of water objects to the category of waterways of common use, rules of their use for needs of water and air transport are established by the corresponding body of execution authority according to the legislation of the Azerbaijan Republic.

CHAPTER XI. USE OF WATER OBJECTS FOR FISHERY AND HUNTING

Article 66. Use of water objects for fishery

Water objects of trade value or a part of these objects, intended for cultivation, breeding and catch of fish stocks, in the order envisaged by the legislation of the Azerbaijan Republic, are used for needs of fish industry.

The legal and physical persons using the reservoirs or their separate sites of fish industry value should take measures for protection of these reservoirs from pollution and clogging.

Users of water objects with the consent of the corresponding body of execution authority should carry out actions on cultivation of fish and fish industry ameliorative actions providing improvement of the condition of reservoirs and reproduction of fish stocks, and to contain installation sites of fishing instruments in appropriate sanitary condition.

Article 67. Use of the reservoirs located in territory of landowners and land users, for cultivation and catch of fish

Legal and physical persons can use ponds, backwaters, the dams located on the lands being in their property or use, for cultivation and catch of fish.

Use of the specified water objects for cultivation and catch of fish is carried out according to the rules approved by the corresponding bodies of execution authority.

Article 68. Use of water objects for sports and amateur fishery

All reservoirs, of industries for cultivation and breeding of fish, except for reserves, may be used for sports and amateur fishery with observance of the rules established by the legislation of the Azerbaijan Republic.

The corresponding bodies of execution authority are obliged to allocate reservoirs or their certain parts for the specified purposes.

Sports and amateur fishery on the water objects allocated for organization of fish farms can be carried out with the consent of proprietors and users of these objects.

Article 69. Restriction of the rights of users of water objects on the reservoirs of fish husbandry value

Rights of water-users on reservoirs or their separate parts having great value for protection and cultivation of valuable species of fish, water animals and plants, can be limited for the benefit of fish farms The list of such reservoirs and rules of

restriction of water use are established by the corresponding bodies of execution authority.

Article 70. Operation of hydraulic engineering constructions on reservoirs of fish husbandry value

At operation of hydraulic engineering and other constructions on the reservoirs of fish husbandry value should be carried out the actions providing protection and reproduction of fish stocks.

At water scoop from reservoirs of fish husbandry value they should be equipped with fish protective devices.

Article 71. Protection of reservoirs of fish husbandry value from pollution, clogging and shallowing

On the reservoirs of fish husbandry value it is forbidden:

- - to make embanking and restoration of the destroyed bank in places of fish spawning without consent of the corresponding body of execution authority;
- - to arrange blockages and total obstacles on the rivers, canals and channels, to discharge water from lakes and dams, except for cases of carrying out of sanitary and hydraulic engineering actions with the consent of corresponding bodies;
- - to discharge in reservoirs the wastes formed at processing of wood, and to store them on coast and in flooded places of these reservoirs;
- - to discharge a ground extracted at carrying out of dredging operations and bottom cleaning works, in places of spawning and wintering of valuable fish species;
- - in other cases established by the legislation of the Azerbaijan Republic.

Article 72. Use of water objects for the purposes of hunting

The water objects being the habitats of waterfowl and valuable fur animals, attributed to hunting objects, are transferred in use for the purposes of hunting in the order envisaged by the legislation of the Azerbaijan Republic.

Article 73. Rules for use of water objects for needs of fishing and hunting farms

The corresponding body of execution authority of the Azerbaijan Republic establishes the rules for use of water objects for needs of fishing and hunting farms.

CHAPTER XII. USE OF SPECIALLY PROTECTED WATER OBJECTS

Article 74. Specially protected water objects

The water objects of special scientific, historical, cultural, aesthetic and nature protection value are specially protected water objects.

These objects are declared to be inviolable in the order established by the legislation of the Azerbaijan Republic.

Specially protected water objects according to the legislation of the Azerbaijan Republic in full or in part, constantly or temporarily are withdrawn from economic activities based on representation of the corresponding bodies of execution authority. Specially protected water objects are attributed to specially protected water objects of the republican, zone and local value.

Specially protected water objects can exist as separate natural territory or a part of specially protected natural territory established by the legislation of the Azerbaijan Republic.

The following categories of specially protected water objects are established:

- - sites of internal waters of the Azerbaijan Republic and waters of the sector of the Caspian sea (lake) belonging to the Azerbaijan Republic;
- - boggy places;
- - channels and the reservoirs attributed to rare natural landscapes;
- - zones of protection of sources and mouths of water objects;
- - spawning and wintering places of valuable species of fish;
- - the water objects which were inseparably linked with forests, flora and fauna and other specially protected natural resources.

Attribution of specially protected water objects to the categories is made in the order established by the corresponding body of execution authority.

The legislation of the Azerbaijan Republic can provide other categories of specially protected water objects.

Article 75. Water use on specially protected water objects

Rules of water use on specially protected water objects are established by the corresponding legislation.

In specially protected water objects it is forbidden to fish, hunt, collect water plants and to make other works changing a natural condition of these water objects.

Discharge of sewage in specially protected water objects and reservoirs feeding thereof at the absence of other opportunities is allowed with the consent of corresponding body of execution authority with observance of requirements of the Articles 77 - 79 of the present Code.

Works, which can change a natural condition of specially protected water objects, are made only with the consent of the corresponding body of execution authority.

Article 76. A withdrawal of inviolability of specially protected water objects

Inviolability of specially protected water objects may be withdrawn only in the most necessary cases by the decision of the corresponding body of execution authority.

CHAPTER XIII. USE OF WATER OBJECTS FOR DISCHARGE OF SEWAGE, FIRE PROTECTION AND OTHER PURPOSES

Article 77. Use of water objects for discharge of sewage

Use of water objects for discharge of industrial, municipal, household, drainage waters and other sewage is allowed in the order envisaged by the legislation of the Azerbaijan Republic, with the consent of the corresponding bodies of execution authority.

The corresponding body of execution authority establishes instructions for use of water objects for discharge of sewage.

Article 78. Discharge of sewage in water objects

Discharge of sewage in water objects is allowed only when it does not result in excess of quantity of polluting substances in water objects of the established norms and users of water objects make sewage treatment with their reduction to the established norms.

It is strictly forbidden to discharge sewage in the reservoirs used as sources of potable water or feeding underground waters suitable for drink.

Article 79. Restriction, termination and prohibition of discharge of sewage in water objects

At infringement of requirements of the Article 78 of the present Code the corresponding bodies of execution authority limit or forbid discharge of sewage in water objects.

In a case of danger of sewage discharge to health of the population the action of the plants and enterprises is terminated.

Article 80. Use of water objects for fire protection needs

Water scoop from all water objects for fire protection needs is allowed.

The corresponding body of execution authority establishes the rules for use of water objects for fire protection needs.

CHAPTER XIV. PROTECTION OF WATER OBJECTS

Article 81. Protection of waters

All waters (water objects) should be protected and safeguarded from pollution, clogging, exhaustion which can harm health of the population, and also entail reduction of fish stocks, deterioration of conditions of water supply and other adverse effects owing to change of physical, chemical, biological properties of waters, decrease in their ability to natural clarification, infringement of hydrological and hydro-geological regime of waters.

Rules of protection of waters (water objects), their protection against pollution, clogging and exhaustion, and improvement of quality and a regime of waters are established by the corresponding body of execution authority.

Article 82. Water-protection zones

With a view of maintenance of a condition of water objects according to ecological requirements, prevention of pollution, clogging and exhaustion of surface and underground waters, and also protection of habitats of animals and flora water-protection zones are established.

The water-protection zone is a territory, adjoining to water area of the water object on which the special regime of use, protection of natural resources and realization of other economic activities is established.

Within the limits of water-protection zones the bank-protection belts are established. On bank-protection belts plowing of ground and crop, cutting of wood, extraction of trees and bushes with root, location of cattle-breeding farms and camps, cemeteries, dumps, and also other kinds of activity, except for the cases envisaged by the present Code is forbidden.

On bank-protection belts is allowed to locate on the basis of the special permit of objects of water supply, rest, sports, fish and hunting farms, and also ports and hydraulic engineering constructions.

The corresponding body of execution authority establishes rules of determination of the sizes, borders and uses of water-protection zones, their bank-protection belts.

Water-protection zones of the water objects having sources of potable water and spawning places of fish, in the order established by the legislation of the Azerbaijan Republic, are declared as specially protected territories.

Article 83. Provision in use of lands of water-protection zones

The land areas being in water-protection zones, can be transferred to use of physical and legal persons in the order established by the land legislation of the Azerbaijan Republic and the present Code, in coordination with the corresponding bodies of execution authority.

The state control over observance of the regime of use and protection of natural resources, other economic activities of physical and legal persons in water-protection zones within the framework of the powers is carried out by the corresponding bodies of execution authority.

Article 84. Protection of water objects from pollution and clogging

To the physical and legal persons which activity impacts quality of waters, it is forbidden:

- - to discharge in water objects industrial, household and other wastes;
- - to pollute and litter waters with discharge of oil, wood, chemicals, oil and other products of manufacture as a result of technical or technological malfunction;
- - to pollute and litter surfaces of catchment basins, reservoirs, snow and ice covers, surfaces of glaciers with industrial, household wastes, and oil products;
- - to pollute waters with radioactive substances and pesticides.
- - discharge of sewage in water objects can be allowed at observance of the requirements envisaged by the Articles 77 - 79 of the present Code.

Article 85. Establishment of sanitary protection zones

With a view of protection of waters used for provision of drinking and household needs of the population, the medical, resort and improving purposes, the sanitary protection zones are established according to the legislation of the Azerbaijan Republic.

Article 86. Establishment of water-protection forest belts

With a view of maintenance of favorable water regime of the rivers, lakes, reservoirs, channels, collectors, underground waters and other water objects, prevention of water and wind erosion of soils, reservoir silting, deterioration of conditions of dwelling of water animals, reduction of excessive drain of surface waters and in other purposes in the order envisaged by the legislation of the Azerbaijan Republic, around of these objects water detaining and soil-protective forest belts are established.

The control over protection of water-protection forest belts is carried out by the corresponding bodies of execution authority, which have the right to terminate or forbid the works rendering adverse effect on a condition of water objects.

Article 87. Protection of surface waters

The enterprises which activity negatively influence surface water objects, together with corresponding bodies of execution authority are obliged to carry out actions on preservation of quantity and quality, purity of waters of surface water objects.

Water-protection zones of surface water objects and rules of their use are established by the corresponding body of execution authority.

Article 88. Protection of underground waters

If at performance of drilling and other mining works carried out in connection with search, investigation and use of deposits of gas, oil and other minerals, will be found out underground water carrying horizons, the organizations which are carrying out mining works, should immediately inform about it the corresponding bodies of execution authority and in accordance with established procedure to take appropriate measures for protection of underground waters.

Flowing wells and also the prospecting wells, not serviceable or which operation is stopped, should be equipped with regulating devices, closed or liquidated.

In the zones of presence of underground deposits of potable water construction of collections of solid and liquid wastes, garbage dumps, location of industrial, agricultural and other objects which action can result in pollution of underground deposits of water is not permitted.

The control over protection of underground waters is carried out by the corresponding body of execution authority in the order established by the legislation of the Azerbaijan Republic.

Article 89. Permissible norms of harmful influence on water objects

Permissible norms of harmful influence on water objects are established by the legislation on environment protection and the water legislation.

Permissible norms of harmful influence on water objects are established by the corresponding body of execution authority.

Article 90. Ecological supply of water

For maintenance of water objects in a condition complying with corresponding ecological requirements, supply of water from water basins (ecological supply of water) is made and the volume of abstraction of waters without their reproduction is established.

Amounts of ecological supply of water and water scoop without their reproduction are established for each water object by the corresponding bodies of execution authority in the order determined by the legislation of the Azerbaijan Republic.

The satisfaction of needs of consumers of water is not supposed due to ecological supply of water.

Article 91. Zones of ecological state of emergency and ecological disaster on water objects

Water objects (part of these objects) and their catchment basins, which can create threat to people, to fauna and flora, and the environment owing to economic activities or the natural processes, the corresponding body of execution authority may be declared zones of ecological state of emergency and ecological disaster.

The legal regime of zones of ecological state of emergency or ecological disaster is established by the legislation of the Azerbaijan Republic.

Article 92. Prevention and liquidation of consequences of harmful influence of waters

The corresponding body of execution authority and users of water objects are obliged to take corresponding measures for prevention and liquidation of consequences:

- - flooding, inundation and underflooding;
- - crash of coasts and other constructions;
- - erosion, bogging and salinization of soils;

- - formation of ravines, landslips and floor convergence, earth flows and other adverse effects.

For prevention and liquidation of consequences of adverse effect of waters in the cases envisaged by the legislation of the Azerbaijan Republic, the corresponding bodies of execution authority create the special commissions. The decisions accepted by these commissions within the framework of their powers are obligatory for physical and legal persons.

Works on prevention and liquidation of consequences of the emergency state formed in the territories of administrative areas because of flooding and mudflows, are organized by the corresponding bodies of execution authority and municipalities.

In case of natural disaster and failure on water objects the users of water objects are obliged to participate in carrying out of actions on prevention and liquidation of consequences of adverse effect of waters. Such actions are carried out in coordination with the corresponding bodies of execution authority and municipalities.

Article 93. Basin agreements in the field of restoration and protection of water objects

Basin agreements in the field of restoration and protection of water objects can be concluded with a view of coordination and unification of the activity directed on restoration and protection of water objects.

Basin agreements are concluded between corresponding bodies of execution authority, municipalities and water users.

For realization of the purposes and tasks of basin agreements according to the legislation of the Azerbaijan Republic a special water fund on financing the actions related to restoration and protection of water objects may be formed.

Basin agreements are prepared on the basis of water economy balances, schemes of multipurpose use and protection of water resources, the state programs and other projects on use, restoration and protection of water objects under the proposal of the corresponding bodies of execution authority.

CHAPTER XV. LOCATION, DESIGNING, CONSTRUCTION, RECONSTRUCTION AND OPERATION OF ENTERPRISES, CONSTRUCTIONS AND OTHER OBJECTS AFFECTING A CONDITION OF WATERS

Article 94. Conditions of location, designing, construction, reconstruction and commissioning of the enterprises, constructions and other objects affecting condition of waters

At location, designing, construction, reconstruction and commissioning of the enterprises, constructions and other objects affecting a condition of waters, and also at introduction of new technological processes should be provided rational use of waters taking into account public opinion under condition of satisfaction of drinking and household needs of the population. The actions providing the registration of water, abstracted from water objects and returned in them, protection of waters from pollution, clogging and exhaustion, prevention of adverse effect of waters, restriction of flooding of soils up to minimally necessary limit, protection of soils from clogging, flooding or drainage, and also preservation of a favorable environment and landscapes should be simultaneously envisaged.

At location, designing, construction and commissioning of the new and reconstructed enterprises, constructions and other objects on reservoirs of piscicultural value alongside with the above-stated actions the actions providing conditions for

protection and cultivation of fish, other water animals and plants should be carried out.

The civil-engineering design of the enterprises, constructions and other objects impacting a condition of waters, should be made in view of opportunity of use of water objects for rest and sports.

Rules of determination of places for construction of the enterprises, constructions and other objects impacting a condition of waters, and coordination of projects of their construction, carrying out of state expert appraisal and commissioning are established by the corresponding body of execution authority.

Article 95. Prohibition of commissioning of the enterprises, constructions and other objects impacting a condition of waters

Commissioning of new and reconstructed enterprises, constructions and other objects impacting a condition of waters, is forbidden in the following cases:

- - lack of devices preventing pollution and clogging of waters or their adverse effect;
- - non-carrying out of the envisaged projects of actions for prevention of flooding, bogging, salinization and erosion of soils;
- - unreadiness of the water intake structures and other installations envisaged by project;
- - absence of fish-protection installations and fish ladders envisaged by projects;
- - non-approval of stocks of the water scoop intended for extraction of underground waters;
- - non-equipment of water wells with water regulation installations and non-installation for them in corresponding cases of sanitary protection zone;
- - in other cases impacting filling of reservoirs and a condition of waters before carrying out of actions envisaged by projects on preparation of bed.

SECTION IV. ECONOMIC REGULATION OF ACTIONS ON USE AND PROTECTION OF WATER OBJECTS, RESOLUTION OF DISPUTES AND RESPONSIBILITY FOR INFRINGEMENT OF THE WATER LEGISLATION

CHAPTER XVI. ECONOMIC REGULATION OF ACTIONS ON USE AND PROTECTION OF WATER OBJECTS

Article 96. Principles of economic regulation of actions on use and protection of water objects

Economic regulation of actions on use and protection of water objects is based on the principles of:

- - paid water use;
- - payments connected with use of water objects;
- - financing of actions on use and protection of water objects.

Article 97. Payable water use

In the Azerbaijan Republic water use is paid, excepting the cases envisaged by the present Code.

The purpose of paid water use consists in compensation of the state expenses directed on water supply, maintenance of activity of the water economy enterprises, establishments and the organizations by a principle of self-financing, rational and

economical use of water resources and creation of material interest in improvement of protection of waters, the exact registration of water and stimulation of investments in water economy branch.

Rules of paid water use are established according to the regulations approved by the corresponding body of execution authority.

Article 98. Determination of payment for water use

At determination of payment for water use the price of consumed water is accepted as a basis.

The payment for water use is differentiated on separate water economy systems depending on quality of water, destination of use (drinking, technical, irrigating, etc.), a technical condition of water economy objects, ways of water scoop and transmission of water and other factors affecting amount of industrial expenses.

At calculation of a payment for using underground waters there are taken into account also expenses for their search, investigation and development of stocks in the order established by the legislation.

Application of privileges for water use is established by the legislation of the Azerbaijan Republic.

The payment for water use on the water objects, being in the municipal property, is established by municipalities in the order specified in the first part of the present Article.

The payment for water use on the water objects, which are in private property, is established based on the contract made between proprietors and consumers of water.

Article 99. Kinds and rules of payments connected with using of water objects

The following kinds of payment are established for use of water objects:

- - for water scoop from water objects for the special purposes and discharge of sewage in water objects;
- - for use of water objects for needs of water-power engineering and transport;
- - for extraction of minerals from water objects and carrying out of prospecting and drilling operations on water objects, and also construction and operation of underwater constructions;
- - for use of water objects for the purposes of the organized sports, rest and tourism;
- - for use of water in other purposes envisaged by the legislation.

Kinds of payments connected with use of water objects, and corresponding body of execution authority establishes rules of paying up thereof.

Article 100. Financing of actions on use and protection of water objects

Actions on use and protection of water objects of the state value are financed on the basis of corresponding programs on the expenses of the state budget.

Proprietors and users of water objects finance actions on use and protection of the water objects transferred to detached use and the property.

Actions on prevention and liquidation of consequences of harmful influence of waters are carried out in the order established by the legislation, on the expense of users, proprietors of water objects, local budgets and the state budget.

CHAPTER XVII. RESOLUTION OF DISPUTES IN THE FIELD OF USE AND PROTECTION OF WATER OBJECTS AND RESPONSIBILITY FOR INFRINGEMENT OF WATER LEGISLATION

Article 101. The resolution of disputes in the field of use and protection of water objects

Disputes between physical and legal persons in the field of use and protection of water objects are resolved in the judicial order according to the legislation of the Azerbaijan Republic.

Article 102. Invalidity of transactions

The transactions made with infringement of the water legislation are not valid.

Article 103. The responsibility for infringement of the water legislation of the Azerbaijan Republic

Officials and citizens who have broken the water legislation, bear civil, material, administrative and criminal responsibility in the order envisaged by the legislation of the Azerbaijan Republic, in the following cases:

- - specified in the Article 102 of the present Code;
- - capture of water objects or water use without permission;
- - construction of hydraulic engineering and other constructions on water objects without permission;
- - infringement of conditions of use of water objects, established by special permission;
- - non-observance of limits of water use;
- - non-provision of consumers with water in target dates and in certain amount;
- - pollution, clogging and exhaustion of water objects;
- - operation of enterprises, municipal and other objects without constructions and installations preventing pollution, clogging and harmful influence of water objects;
- - squandering at use of water resources;
- - pollution of waters by infringement of the regime of water objects protection on the water catchment areas, a water soil erosion and other harmful phenomena;
- - conduction without permission of works, referring to competence of hydraulic engineering and municipal water management;
- - damage of water economy constructions and installations, non-observance of rules of operation thereof;
- - infringement of service regulations of water economy constructions and installations;
- - use of potable water for watering of green plantings and washing of vehicles, and also its use not to destination;
- - water scoop without permission from waterpipes, channels and other water systems, and also discharge of drinking, household, technical water and sewage not to destination (in fields, on streets, communication networks and power communication networks);
- - destruction of collector and drainage systems worsening a ameliorative condition of soils;

- - delayed payment for water use and penalties for infringement of rules of water use, and also a payment for discharge of sewage in water objects and an environment;
- - infringement of rules and technologies of drilling of water wells;
- - non-observance of water-protection zones and coast-protecting belts;
- - non-observance of rules of conducting state monitoring of water objects, state registration of waters, state water cadastre;
- - infringement of a regime of specially protected water objects;
- - non-implementation of instructions of the bodies which carry out the control over use and protection of water objects;
- - infringement of requirements of sanitary protection zones of potable water sources, water-treating facilities, and water-pipes;
- - discrepancy between quality of potable water and sanitary requirements and state standards and in other cases envisaged by the legislation of the Azerbaijan Republic.

Article 104. Return of water objects deforced without permission

Corresponding bodies of execution authority in case of infringement of the established rules on use and protection of water have the right to terminate these works and use of water of these sources.

Water objects deforced without permission, must be returned to their proper place without compensation of the expenses made during illegal using.

Article 105. The indemnification of losses caused by infringement of the water legislation

Physical and legal persons are obliged to pay for losses, caused by infringement of the water legislation, in the order established by the legislation of the Azerbaijan Republic.

**The president of the Azerbaijan Republic
Geidar ALIYEV**

**Baku
December 26, 1997
418-IQ.**