

THE WATER CODE OF THE AZERBAIJAN REPUBLIC

Internal waters of the Azerbaijan Republic and the Azerbaijani Sector of the Caspian Sea (Lake) shall be the national wealth of the people of Azerbaijan, used and protected as the base of the life and activities of people and provide the existence of flora and fauna.

This Code shall regulate legal relations concerning the protection and use of water bodies in the Azerbaijan Republic.

PART I

GENERAL PROVISIONS

CHAPTER I

MAIN PROVISIONS

Article 1. Main notions:

The notions used in this code shall have the following meanings:

Water body – naturally formed landscape or geological structure which possesses borders of accumulated subsurface or surface waters, sizes and special water condition (regime) in accordance with the relief form;

Water reserves - volume of used or usable subsurface and surface waters in water bodies;

User of water bodies – legal or/and physical person authorized to use water bodies;

Water consumers - physical or legal persons purchasing water from users of water bodies for their own requirements;

Water economy facilities - systems and installations set up in connection with the use, restoration and protection of water reserves;

Pollution of water bodies - discharge or pouring of harmful substances deteriorating the quality of water and negatively effecting the surface, bottom and surrounding of water bodies;

Soiling of water bodies – discharge of substances, various types of technogenetic and domestic wastes and solid things complicating the use of water reserves;

Harmful effect of waters – submergence, submersion and other effects of surface and subsurface waters to facilities and areas.

Article 2. Water Legislation of the Azerbaijan Republic

The water legislation of the Azerbaijan Republic shall consist of this Code and other normative legal acts adopted in accordance therewith. In the event of any contradiction between the provisions of this Code and those of international agreements of the Azerbaijan Republic adopted with respect to the use and protection of water bodies, the provisions of such international agreements to which the Azerbaijan Republic is a party shall prevail.

Article 3. Regulation of Relations (Rights and Obligations) with Respect to the Use and Protection of Water bodies

The relations (water relations) concerning the use and protection of water bodies and their water reserves shall be regulated subject to the water legislation of the Azerbaijan Republic.

Relations concerning the consumption of water shall, along with this Code, be regulated by the civil legislation, acts on sanitary-epidemiological health and other legislative acts of the Azerbaijan Republic.

Relations concerning potable water supply and discharge of waste waters, along with this Code, shall be regulated by the corresponding legislation of the Azerbaijan Republic.

Relationships concerning the prospecting and protection land, wood, subsurface resources, flora, fauna, atmospheric air and subsurface waters occurring in the process of the use and protection of water bodies, property and other administrative relationships shall, along with this Code, be regulated by the corresponding legislation of the Azerbaijan Republic.

Article 4. Objects of Water Relations

The objects of water relations shall be the water fund of the Azerbaijan Republic (hereinafter as the water fund) and the lands of the water fund.

Article 5. The Water Fund of the Azerbaijan Republic

Internal waters of the Azerbaijan Republic and the Azerbaijani sector of the Caspian Sea (lake) shall form the water fund of the Azerbaijan Republic. According to the location in the nature and to physical, geographic, administrative-territorial and other peculiarities the water fund of the Azerbaijan Republic shall consist of surface, subsoil, boundary water bodies and the Azerbaijani sector of the Caspian Sea (Lake).

Article 6. Surface Water bodies

Surface water bodies shall consist of surface water flows, surface water reserves, glaciers and snow caps.

Surface water bodies shall consist of their surface water part, bed, bottom, shore and may simultaneously be used for one or/and several purposes.

Article 7. Subsoil water bodies

Subsoil water bodies shall consist of waters accumulated in the bottom of geological formations.

The following shall be included in subsoil water bodies:

Aquatic horizon	rock formations situated inside subsurface geological structures in vacuums, fissures and porosities of which waters with hydraulic connection are accumulated;
Subsoil water basin	collection of aquatic fissures and aquatic horizons located inside a subsurface geological structure;
Subsoil water deposit	a part of an aquatic horizon with favorable conditions for extracting subsoil waters.

Article 8. Boundary Water bodies

Surface and subsoil water bodies which are intrastate boundaries, cross the boundary or over which the State boundary of the Azerbaijan Republic passes shall be included in boundary water bodies.

The rules concerning the protection and use of boundary water bodies shall be determined by this Code, legislation of the Azerbaijan Republic concerning the State boundary, international agreements and contracts to which the Azerbaijan Republic is a party.

Article 9. The Azerbaijani Sector of the Caspian Sea (Lake).

The rules concerning the use and protection of the Azerbaijani sector of the Caspian Sea (Lake) shall be determined by this Code, other legislative acts of the Azerbaijan Republic and international legal acts to which the Azerbaijan Republic is a party.

Article 10. Lands of the Water Fund.

The following land areas shall be included in the lands of the water fund:

- Land areas which are under the internal waters of the Azerbaijan Republic and the Azerbaijani sector of the Caspian Sea (Lake) (water bodies);
- Land areas, islands and swamps which are under water protection zones and strands (shore strips);
- Land areas under hydrotechnical installations and land improvement or water economy facilities.

Article 11. Subjects of Water Relations.

The Azerbaijan Republic, the Nakhchivan Autonomous Republic, municipals, users of water bodies and water consumers shall be subjects of water relations.

- The relevant executive authorities shall participate, within their power, in water relations on behalf of the Azerbaijan Republic and the Nakhchivan Autonomous Republic.
- Municipals shall participate in water relations within the authority stipulated in legislative acts determining their status.
- Users of water bodies and water consumers shall participate in water relations for their own needs and with the purpose of conducting ownership activity in the manner stipulated in the legislation of the Azerbaijan Republic.

II CHAPTER

TYPES OF OWNERSHIP OF WATER BODIES.

Article 12. State Ownership of Water bodies

The following water bodies shall be kept under the state ownership:

- The Azerbaijani sector of the Caspian Sea (Lake);
- Boundary water bodies;
- Surface and subsoil water bodies of the state and local significance;
- Specially protected water bodies.

State owned water bodies may be granted for use or lease and granted for the municipal ownership according to the rules stipulated in the legislation;

Relevant executive authorities shall perform, within their power, the state management with respect to the use and protection of state owned water bodies.

Article 13. Municipal Ownership of Water bodies.

- Water bodies of local importance located in land areas which are municipal property shall be granted for the municipal ownership according to the rules stipulated in the legislation of the Azerbaijan Republic.

- Water bodies which are municipal property may be granted for common use, lease, for use by physical and legal persons, and granted for the ownership by citizens and legal entities of the Azerbaijan Republic according to the rules stipulated in the legislation of the Azerbaijan Republic.
- Municipals, within their authorities stipulated in the legislation, shall carry out the state management with respect to the use and protection of water bodies which are municipal property.

Article 14. Private Ownership of Water bodies.

Small water reservoirs which are located in private land areas, and which are not hydraulically associated with other waters may be granted for private ownership in the manner established in the legislation of the Azerbaijan Republic.

Water bodies may not be granted for the ownership by persons who are not citizens of the Azerbaijan Republic and by legal entities of foreign states.

Article 15. Property on water economy facilities

Water economy facilities may be granted for municipal and private ownership.

Water economy facilities kept under the state ownership or granted for municipal and private ownership shall be determined by the appropriate legislation of the Azerbaijan Republic.

PART II

MANAGEMENT OVER THE USE AND PROTECTION OF WATER BODIES

CHAPTER III

ORGANIZATION OF THE MANAGEMENT OVER THE USE AND PROTECTION OF WATER BODIES

Article 16. Key principles of the management over the use and protection of water bodies

The following shall be the key principles of management over the use and protection of water bodies:

- Economic development and environmental protection;
- Supply of quality water for population;
- Co-ordination between the administrative territorial and basin principals;
- Differentiation between the management functions concerning the protection of water bodies and the functions concerning water economy and the use of water bodies.

Article 17. The System of Management over the Protection and Use of Water bodies

The system of management over the protection and use of water bodies shall include the relevant executive authorities of the Azerbaijan Republic, of the Nakhchivan Autonomous Republic and users of water bodies and municipals authorized by such authorities in the manner stipulated in the legislation.

Article 18. Obligations of the State with Respect to the Use and Protection of Water bodies

The followings shall be the obligations of the State with respect to the use and protection of water bodies:

- To determine the State policy concerning the use and protection of water bodies;
- To implement the investment policy concerning the use and protection of water bodies;
- To approve and carry out State programs on the use and protection of water bodies and prevention of harmful water effects and to organize supervision on the execution thereof.
- To carry out scientific-technical policy with respect to the use and protection of water bodies;
- To carry out the state monitoring of water bodies and state water cadastre, and to determine the accounting procedure concerning surface and subsoil waters;
- To determine the rules for using water bodies and to ensure the implementation thereof;
- To determine the special agreement procedure for the use of water bodies for special purposes;
- To establish the procedure for issuing a special permission to use water bodies for specific purposes;
- To determine the rules for establishing water protection zones and protection strands (shore strips) and conditions for using areas belonging to them;
- To determine the principles of economic regulation of the use, restoration and protection of water bodies and the rates and the procedure for the payment of fees for the use of water and water bodies;
- To determine the rules for organizing and implementing the state supervision on the use and protection of water bodies;
- To approve rules, norms and standards with respect to the use and protection of water bodies;
- To provide for a state ecological examination of projects concerning the building and reconstruction of economic and other facilities affecting the condition of water bodies;
- To ban the use of technical installations, equipment, enterprises and other facilities badly affecting the condition of waters and to restrict, terminate and prohibit their operation;
- To determine the conditions of specially protected water bodies, potable water supply sources and sanitary protection zones and circles;
- To prepare and implement actions against stream waters and to prevent and eliminate the results of the harmful effect of waters;
- To prepare and ensure the implementation of actions for preventing and eliminating the results of disasters, accidents and ecological crises;
- To perform other obligations in the area of the use and protection of water bodies stipulated in the water legislation of the Azerbaijan Republic.

Article 19. Responsibilities of the Nakhchivan Autonomous Republic with Respect to the use and protection of Water bodies

The following shall be the obligations of the Nakhchivan Autonomous Republic with respect to the use and protection of water bodies:

- To develop, approve, implement and supervise the implementation of programs concerning the use, restoration and protection of water bodies;
- To carry out state supervision on the use and protection of water bodies;
- To restrict, terminate and prohibit the use of water bodies in the manner stipulated in the legislation;
- To prepare actions against stream waters, for preventing and eliminating the results of the harmful effect of waters, and for the restoration of water bodies destroyed or damaged in the result of a natural disaster and an accident;

- To ban the use of economic or other facilities badly affecting the condition of waters, and to restrict, terminate and prohibit their operation;
- To carry out other obligations in the area of the use and protection of water bodies stipulated in the legislation of the Azerbaijan Republic.

Article 20. Authorities of Municipals in the area of the Use and Protection of Water bodies

The followings shall be the authorities of municipals with respect to the use and protection of water bodies:

- The ownership, use and disposal of water reservoirs which are municipal property;
- The supervision of the actions of environmental protection in relevant areas the use and protection of water bodies;
- The determining of areas which would be prohibited to be used as beaches, for taking potable and service water and watering cattle, and the establishment of other terms of the common use of water, including the terms for determining areas of water bodies to be used for sports and recreation purposes;
- To implement other authorities in the area of the use and protection of water bodies stipulated in the legislation of the Azerbaijan Republic.

IV CHAPTER

STATE REGULATION IN THE AREA OF THE USE AND PROTECTION OF WATER BODIES

Article 21. Balances of Water economy

- Balances of water economy shall consist of comparative accounting materials of water reserves and water demand in a relevant area.
- The balances of water economy shall be made to appraise water reserves of water bodies in relevant areas and the extent to which such reserves are used and shall be implemented for planning and issuing resolutions in the area of the use and protection of water bodies.
- The balances of water economy shall be compiled by relevant executive authorities on individual water basins and administrative territorial units.

Article 22. Comprehensive Use and Protection Schemes of Water Reserves:

Comprehensive use and protection schemes of water reserves shall consist of systematic investigation and draft materials concerning the condition of water reserves and the prospects of their use and protection.

Comprehensive use and protection schemes of water reserves shall be made to determine water economy actions and prospective demands of the Azerbaijan Republic for water reserves, to provide for an efficient use and protection of water bodies and to prevent and eliminate the results of the harmful effect of waters.

Comprehensive use and protection schemes of water reserves (projects) shall be developed by relevant executive authorities.

The procedure for the development, agreement, state examination, approval and implementation of comprehensive use and protection schemes of water reserves shall be determined by relevant executive authorities.

Article 23. State Programs on the Use and Protection of Water bodies and the Prevention of the Harmful Effect of Waters

With a view to preparing and implementing actions on the use and protection of water bodies and the prevention of the harmful effect of waters State programs shall be developed on the basis of balances of water economy, comprehensive use and protection schemes of water reserves and State water cadastre data.

State programs on the use and protection of water bodies shall be developed and implemented by relevant executive authorities, according to the rules stipulated in the legislation, taking into consideration proposals of public organizations, municipals and users of water bodies.

Article 24. The State Monitoring of Water bodies

The State monitoring of water bodies shall consist of a regular system observing hydrologic and hydrogeological indications of water bodies with the purpose of timely revealing and appraising processes occurring in their condition, forecasting the development of such processes, preventing the harmful effect of waters and ensuring the efficiency of water protection actions.

The State monitoring of water bodies shall be a part of the State environmental monitoring system.

State monitoring of water bodies shall be carried out by relevant executive authorities in the manner stipulated in the legislation of the Azerbaijan Republic.

Article 25. The State Recording of Waters

The State recording of waters shall consist in regular determining, in the established manner, of the quantity and quality of water reserves existing in a relevant area.

The State recording of waters shall be maintained to provide a current and prospective planning of the comprehensive use and protection of water bodies.

The data of the State recording of waters shall characterize the condition of surface and subsoil water bodies according to the quantity and quality indications and to the extension to which such waters have been studied and are used.

The State recording of waters shall be maintained on a single system in the Azerbaijan Republic in the manner established by relevant executive authorities and shall be based on the State monitoring data and on the data obtained from users of water bodies.

Article 26. The State Water Cadastre

The State water cadastre shall be a collection of data about water bodies, water reserves, use of water bodies and users of water bodies. The State water cadastre shall be maintained on a single system in the Azerbaijan Republic and shall be based on the State water recording data.

It is obligatory that data considered to be included in the state water cadastre shall be submitted by the users of water bodies to relevant executive authorities.

Data of state water cadastre shall be a basis for relevant executive authorities to issue decisions.

The State water cadastre shall be maintained by relevant executive authorities in the manner established in the legislation of the Azerbaijan Republic.

Article 27. The State Ecological Examination of Projects Concerning the Building and Reconstruction of Facilities Affecting the Condition of Water bodies

The State ecological examination shall be held by relevant executive authorities according to the rules stipulated in the legislation of the Azerbaijan Republic in order to determine whether such projects are in conformity with relevant standards and technical conditions and requirements.

Article 28. The State Supervision over the Use and Protection of Water bodies

The State supervision over the use and protection of water bodies shall ensure the compliance with:

- the rules for the use and protection of water bodies;
- limits on the use of water;
- sanitary-hygienic, ecological, hydrogeological, hydrological, technological and metrological standards, rules and norms in the area of the use and protection of water bodies;
- conditions of the use of areas belonging to water protection zones;
- other standards and requirements set forth in the water legislation of the Azerbaijan Republic.

The rules for the implementation of the State control over the use and protection of water bodies shall be established by relevant executive authorities.

Article 29. Normalization in the Area of the Use and Protection of Water bodies

Normalization in the area of the use and protection of water bodies shall consist in the determining of limits on the use of water and in the development and adoption of sanitary-hygienic, ecological, hydrogeological, hydrological, technological and metrological standards, rules and norms in the area of the use and protection of water bodies.

The rules of the normalization in the area of the use and protection of water bodies shall be established by relevant executive authorities.

PART III

THE USE AND PROTECTION OF WATER BODIES

CHAPTER V

THE USE OF WATER BODIES

Article 30. Users of water bodies

Enterprises, offices, organizations and other legal entities (hereinafter as legal entities), citizens of the Azerbaijan Republic, foreigners, non-citizens (hereinafter as physical persons) may, irrespective of the type of ownership, be users of water bodies according to the rules stipulated in the legislation of the Azerbaijan Republic.

- Users of water bodies shall be entitled, in the manner established in the legislation, to grant water for use to legal and physical persons (consumers).
- Terms, conditions and rules for using water, mutual rights and obligations of parties shall be regulated by contracts.

Article 31. The Right to Use Water bodies

Legal entities and physical persons that are not owners of water bodies shall have the following rights with respect to water bodies:

- Long-term use of water bodies;
- Short-term use of water bodies;
- Limited use of water bodies (water servitude).

Users of water bodies shall carry out the use of water bodies according to the rules stipulated in this Code.

Users of water bodies may dispose of the right to use water bodies as stipulated in this Code;

The leasing of water bodies shall be carried out according to this Code in the manner established in the legislation of the Azerbaijan Republic concerning lease;

Changing of the course of a river or other changes in the location of water bodies shall not, unless otherwise provided by this Code, change or terminate the right to use water bodies.

Article 32. Long-Term and Short-Term Rights to Use Water bodies

State owned water bodies may, depending on their purpose of use, reserve potential and ecological condition, be granted to physical and legal persons for a long-term or short-term use according to the rules stipulated in the legislation of the Azerbaijan Republic.

The right to a short-term use of water bodies shall be established for a period of up to 3 years. The right for a long-term use of water bodies shall be established for a period of up to 25 years .

The period of the right to use water bodies may be extended according to the rules stipulated in the legislation.

Article 33. Limited right to use water bodies (water servitude)

Rights of physical and legal persons to use or own water bodies may be limited in the favor of other persons in the form of a common or special water servitude. As for a common water servitude any person may, unless otherwise provided in the legislation of the Azerbaijan Republic, use water bodies of common use and other water bodies.

Interested persons may use, in the form of a special water servitude, water bodies that are in the private use of other persons. A special water servitude may be established on the basis of a court decision.

General provisions on servitudes set forth in the civil legislation shall be applied to the extent that they do not contradict the provisions of this Code.

Common and special water servitudes may be established for the following purposes:

- To take water without applying technical facilities and installations;
- To water cattle and drive them across a water body;
- To use water bodies as a water way for boats, rafts (ferries) and other small sailing facilities.

The water legislation of the Azerbaijan Republic may provide for other water servitudes.

No special agreement is needed for executing water servitudes.

Article 34. Obtaining the right to use water bodies

The right to use water bodies may be obtained in the manner established in the legislation of the Azerbaijan Republic. Types of the use of water bodies requiring special agreement shall be determined by relevant executive authorities.

In the event of the death of a user of water bodies that is a physical person or the re-organization of a user of water bodies that is a legal entity, the right to use water bodies shall be transferred to the assignee of such person or entity.

The right to use water bodies may be transferred from one person to another according to the rules stipulated in this Code provided that the purpose of the use of water bodies is not changed.

Rights to water bodies that are in private ownership shall be obtained according to the rules stipulated in the civil and land legislation and in this Code.

Article 35. Types of the Use of Water bodies

Water bodies may be used for the following purposes:

- potable and service water supply;
- health treatment and resort;
- recreation and sport;
- industry, construction and energetics;
- agriculture;
- wood industry;
- hydroenergetics;
- transport;
- fish-breeding;
- hunting;

- discharge of waste waters;
- fire security
- other purposes.

A water body or its part may simultaneously be granted to be used for several purposes.

Article 36. Using water bodies for common purposes

Water bodies for common use shall be those water bodies that are open and available for everybody's use. Physical persons shall use such water bodies free of charge for their own needs (beach, boating, sport, amateur fishing, watering cattle, taking water without using technical devices, etc).

It shall be obligatory, while using water bodies for common purposes, to comply with relevant requirements of authorities which carry out nature protection and state sanitary control, the protection of fish reserves and the regulation of the movement of vessels, and to observe the rules of the life protection in water, rational use and protection of waters.

In order to create necessary sanitary conditions and protect people's life and health relevant executive authorities and municipals may, within their authority, determine the places which would be prohibited to be used as beaches, for boat traveling, fishing, taking potable and service waters, and watering cattle, and establish other conditions for using water bodies for common purposes in relevant towns, districts or village areas.

An agreement to the common use of water that is in water bodies owned by physical persons or legal entities, leased or granted for separate use may be issued as determined by relevant owners or users of water bodies or on the basis of the decision of relevant executive authorities.

There are dry strips along the shores of water bodies for common use. Any person shall have the right to use such strips for walking, fishing and mooring boats.

The use of water that is in water bodies for common use may be restricted only in the cases stipulated in the legislation of the Azerbaijan Republic.

Relevant executive authorities shall determine water bodies for common use.

Article 37. Separate use of water bodies

Water bodies in separate use shall be those water bodies that are used by limited persons.

State owned water bodies may be granted, subject to the decision of relevant executive authorities, for a separate use, either fully or partially, to address the needs of defense, power engineering, transport and other state and municipal requirements, according to the rules stipulated in the legislation of the Azerbaijan Republic.

The decision on granting water bodies for a separate use shall provide for the purpose and main conditions of the use of relevant water bodies.

Water bodies granted for a separate use shall be excluded from the list of water bodies for common use.

Water bodies granted for a separate use may, in exceptional cases, be granted for the use for common purposes or taken back subject to the decision of relevant executive authorities.

Article 38. Using water bodies for special purposes

Water bodies shall be used for special purposes on a special agreement with a view to addressing the needs of the population for potable and service water, sports, recreation, treatment and resort, and to addressing the State and social needs in agriculture, wood industry, industry, energetics, transportation, fish industry and in other such areas.

Types of the use of water bodies for special purposes shall be determined by relevant executive authorities.

Article 39. Limits on the Use of Water

Limits on the use of water shall be the extension determined for each user and consumer of water bodies to which such a user or consumer may take water reserves from water bodies and discharge waste waters to water bodies.

The rules for the development and implementation of limits on the use of water shall be determined by relevant executive authorities.

Article 40. The Procedure for Granting the Use of Water Bodies

Water bodies shall be granted for use on the basis of a special agreement and a contract to use water.

Surface water bodies shall be granted for use according to the rules stipulated in the water legislation of the Azerbaijan Republic water legislation, provided that the aquatory area and the areas for taking water and discharging waste waters are determined.

Subsoil waters shall be granted for use according to the water legislation of the Azerbaijan republic and Law of the Azerbaijan Republic "On Subsurface Resources."

The Azerbaijan sector of the Caspian Sea (Lake) and boundary waters shall be granted for use according to the legislation of the Azerbaijan Republic and international agreements to which the Azerbaijan Republic is a party.

Article 41. Antimonopoly Requirements with Respect to the Use of Water bodies

Any activities of users of water bodies which are directed to monopolistic and unfair competition resulting or expected to result in the restriction of legal interests and rights of legal and physical persons and other users of water bodies shall be legally prohibited.

Relevant executive authorities may not effect decisions or act in a way resulting in the monopolization of the use of water, creating partiality and violating rights and legal interests of other users of water bodies.

A material breach of the rights and legal interests of other users of water bodies which brings to monopolization of the use of water shall cause the imposition of sanctions as stipulated in the legislation of the Azerbaijan Republic.

Article 42. Restricting, terminating or prohibiting the use of water bodies

The use of water bodies or a part of them may be restricted, terminated or prohibited according to the legislation of the Azerbaijan Republic for the purpose of ensuring the defence and security of

the country and protecting the health of the population, environment, historical-cultural heritage, legal rights and interests of legal and physical persons.

The restriction, termination and prohibiting of the use of water bodies shall be effected on the basis of a report of relevant executive authorities pursuant to this Code and other legal acts of the Azerbaijan Republic.

CHAPTER VI

RIGHTS AND OBLIGATIONS OF USERS OF WATER

Article 43. Rights of Users of Water

Users of water shall have the following rights:

- To reuse water;
- To construct appropriate facilities and installations for using water bodies for special purposes;
- To examine the quantity and quality of consumption water and waste waters;
- To demand a compensation with respect to the water which was not received in the amount provided for by the contract (except for cases stipulated in the legislation);
- To use other rights stipulated in the water legislation of the Azerbaijan Republic.

Violated rights of users of water bodies must be rehabilitated according to the rules stipulated in the legislation.

Article 44. Termination of the right to use water.

The rights of legal and physical persons to use water shall, irrespective of the type of ownership, be terminated in the event of:

- The absence of need or refusal to use water;
- The expiration of the term for the use of water bodies;
- Liquidation of a legal entity;
- Transfer of a water body to another person in a way contradicting the legislation;
- Removal of a water body from separate use;
- Failure to pay for the use of water and discharge of waste waters;
- Failure to use a water body for proper purposes (except for the right to use potable and service water);
- Other cases stipulated in the legislation.

Article 45. Obligations of Users of Water

The following shall be obligations of users of water:

To use water bodies effectively and economically and to ensure the improvement of water quality;

To comply with plans, limits, rules, norms and regimes concerning the use of water;

To prohibit the discharge of waste waters containing polluted substances higher than the established norm into water bodies;

On the basis of water servitude to prevent the damaging of economic facilities and natural bodies (land, wood, fauna, minerals, etc.) and the violation of the rights granted to users of water bodies;

To use water bodies for proper purposes;

To keep water economy devices and technical equipment in good condition and improve their working quality;

To maintain the recording of the use of water;

To execute payments for the use of water and pay charges or penalties for the discharge of waste waters in due time;

To execute other duties stipulated in the Water Law of the Azerbaijan Republic.

Article 46. Compensation for the Damage Caused by Water Economy activities

Any damage caused to physical and legal persons which results from water economy activities, termination of the right to use water or change in the conditions of the use of water shall be compensated according to the rules stipulated in the legislation of the Azerbaijan Republic.

CHAPTER VIII.

THE USE OF WATER BODIES AS POTABLE AND SERVICE WATER AND FOR THE PURPOSES OF HEALTH TREATMENT, RESORT, RECREATION AND SPORTS.

Article 47. Water bodies granted to address potable and service water needs

Water bodies containing water the quality of which addresses the requirements of relevant state standards and sanitary norms shall be granted for people's use to address their potable and service water needs.

Potable water for the public shall, as a rule, be supplied via centralized water pipeline facilities.

In the absence of a water pipe line river waters, springs, water-wells, underground water pipes and other water sources may be used directly to address people's potable and service water needs, provided, however, that sanitary norms stipulated in the legislation are observed.

In order to meet the needs of people for potable and service water, relevant executive authorities shall determine, according to each residence area, natural water sources to be used by the population.

Article 48. Restricting the Use of potable waters for other purposes

Potable waters, as a rule, may not be used for the purposes not connected with potable water and service needs.

In regions which do not possess sufficient surface water sources and are rich in subsoil potable water resources such waters may be used for other purposes only on the agreement of relevant executive authorities.

Article 49. the Use of Water bodies which Belong to the Category of Health Treatment Objects

Water bodies possessing natural treating features and located in the territory of the Azerbaijan Republic shall be included in the category of health treatment objects according to the decision of relevant executive authorities.

Water bodies included in the category of health treatment objects shall, first of all, be used for treatment and resort purposes.

In exceptional cases water bodies included in the category of health treatment objects may be used for other purposes with the consent of relevant executive authorities.

The discharge of waste waters into water bodies included in the category of health treatment objects shall not be allowed.

Article 50. Using water bodies for Recreation and Sports Purposes

Subject to the provisions of Article 36 of this Code, water bodies for common use shall be allowed to be used for recreation and sports purposes without a special consent being obtained.

Water bodies may entirely or partially be granted for separate use for the organization of mass recreation and for the needs of the sports area.

Using water bodies for recreation and sports may be prohibited or restricted according to the rules and cases stipulated in Articles 36, 37 of this Code.

The rules for using water bodies for recreation and sports shall be determined by the Statute approved by relevant executive authorities.

CHAPTER 8

THE USE OF WATER BODIES FOR AGRICULTURAL NEEDS

Article 51. Using water bodies for agricultural needs

Water bodies shall be used for agricultural needs in the manner established for general and special purposes, provided that the limits on the use of water are observed.

Water bodies shall be used for agricultural needs on the basis of internal economy and general system plans.

Article 52. Internal Economy Plans on the Use of Water

Internal economy plans on the use of water shall be developed by users of water.

Internal economy plans on the use of water shall be approved by relevant executive authorities according to the established rules.

Internal economy plans on the use of water shall take account of the water needs of all water consumers, irrespective of the type and form of ownership.

Article 53. General System Plans on the Use of Water

General system plans on the use of water shall be developed on the basis of irrigation systems of regional and Republican importance.

General system plans on the use of water shall be developed by the users of water bodies on the basis of internal economy plans and contracts on the use of water.

General system plans on the use of water shall be approved by relevant executive authorities according to the established procedure.

Contracts on the use of water shall be concluded between users of water bodies and water consumers.

Contracts on the use of water shall set forth the location and quantity of water granted for use, the term of the contract, mutual obligations of the parties and other relevant information.

Article 54. Changing the plan on the Use of Water

A plan on the use of water may be changed with the agreement of authorities that have approved such plan in the following cases:

- Water shortage;
- Weather changes and changes in irrigation standards or areas to be irrigated;
- Canceling by water consumers of the use of water allocated to them according to the plan;
- Other such cases determined by relevant executive authorities.

In emergency cases users of water bodies may change the plan on the use of water and suspend water supply. They must immediately inform water consumers and relevant executive authorities that have approved the plan on relevant actions.

Unsupplied water may later be compensated depending on the condition of water sources.

Article 55. Using water reservoirs located in areas belonging to owners and users of land for agricultural needs

Agricultural enterprises, farms and other legal entities and physical persons shall have the right to use springs, underground water supply pipes and other natural water sources located in land areas used or owned by them and install reservoirs and other water economy facilities on such sources according to the rules stipulated in the legislation.

Such legal and physical persons shall have the right to carry out, in land areas granted for their ownership and use for agricultural purposes, large-scale land improvement works or the re-organization and liquidation of the land improvement works performed, according to the rules established by relevant executive authorities for the use and protection of waters.

Article 56. Using Waste Waters for the Agricultural Needs

Waste waters may be used for agricultural needs subject to the agreement of relevant executive authorities.

Article 57. Irrigation of wood strips and wood seedling areas

The irrigation of wood strips and wood seedling areas shall be carried out according to the rules for using water bodies for agriculture needs.

Article 58. Determining of Areas to be Used for Driving and Watering Cattle and as a Passage for Transport Means

It shall be prohibited to move cattle through channels and other hydrotechnical devices and drive tractors, agricultural vehicles and transport means through areas that are not allocated for relevant purposes.

Watering cattle in rivers, channels and other surface reservoirs shall be allowed only in areas allocated for this purpose or if there are specially made watering sites.

Areas allocated for driving transport means and agricultural vehicles, and for moving and watering cattle shall be determined by relevant executive authorities and special sign-posts (signs) shall be placed in such areas.

Roads for driving cattle shall be provided with water subject to the conditions and rules determined by relevant executive authorities.

CHAPTER IX

USING WATER BODIES FOR INDUSTRIAL AND HYDROENERGETIC PURPOSES

Article 59. Using water bodies for industrial purposes

Technical waters shall, as a rule, be used for industrial needs.

Users of water bodies for industrial purposes shall follow limits and technological standards and rules determined with respect to the use of waters, and take appropriate actions, by improving production technology and water supply schemes, in order to reduce expenses incurred on water and to prevent the discharge of waste waters.

Enterprises using potable water for technical purposes as stipulated in the legislation must, as a rule, transit to repeated and circulated water supply system.

Article 60. Limited use of potable water for industrial purposes

When potable water is used, by an enterprise or in cases of natural disaster, accidents and other extraordinary circumstances, in an amount higher than the allowed limit, relevant executive authorities may restrict or prohibit taking potable water for industrial purposes, primarily for the purpose of addressing the needs of the population for potable and service water.

Article 61. Using subsoil waters for technical provision and other production needs

Subsoil waters that are not included in the category of potable and treatment waters may be used for technical provision and industrial purposes, including the extraction of chemical elements contained in them, using them for obtaining heating power and other purposes, according to the rules determined by relevant executive authorities.

Article 62. Using water bodies for the production of commercial minerals

Extraction of commercial minerals from water bodies, carrying out geological, exploration and drilling works and the construction of subsoil facilities shall be carried out in accordance with this Code and the Law of the Azerbaijan Republic “On Subsurface Resources.”

Article 63. Using water bodies for hydroenergetic needs

The use of water body for hydroenergetic needs shall be carried out in accordance with the rules determined by relevant executive authorities, taking into account the interests of other fields of economy and subject to the conditions of the comprehensive use of water.

Water bodies granted for hydroenergetical needs may simultaneously be used for other purposes.

Hydroenergetical enterprises shall follow rules determined with respect to the use of water bodies, the conditions of filling water reservoirs and operation conditions, provide a safe and unrestricted passage for vessels and rafts and ensure that they are allowed to enter spawning areas.

CHAPTER 10

USING WATER BODIES FOR TRANSPORT NEEDS

Article 64. Water Roads for Common Use

Rivers, lakes, water reservoirs, channels of the Azerbaijan Republic, the Azerbaijani sector of the Caspian Sea (Lake) and other surface water bodies shall be water roads for common use, provided that such use is not entirely or partially prohibited or that such bodies are not granted for separate use.

Legal and physical persons may use water roads for common use for sailing water transport facilities belonging to them according to the rules stipulated in the legislation of the Azerbaijan Republic.

Article 65. Using water bodies for the needs of water and air transport

The standards for including water bodies in the category of water roads for common use and the rules for using them for the needs of water and air transport shall be determined by relevant executive authorities according to the legislation of the Azerbaijan Republic.

CHAPTER XI

USING WATER BODIES FOR FISHING AND HUNTING

Article 66. Using water bodies for fishing

Water bodies of significant importance for fish breeding and the increase of fish resources, or a part of them, shall be used for the needs of fish industry according to the rules stipulated in the legislation of the Azerbaijan Republic.

Legal and physical persons using water reservoirs having significance for fish industry, or separate parts of them, shall take necessary actions to protect such reservoirs against pollution and soiling.

Users of water bodies shall take all necessary actions, with the agreement of relevant executive authorities, to improve the condition of water reservoirs and to restore fish resources and shall observe sanitary standards in places where fishing facilities are installed.

Article 67. Using Water Reservoirs located in areas belonging to owners and users of land for the needs of Fish Industry

Legal and physical persons may use pools, ponds and other water reservoirs located in land areas owned or used by them for fish breeding and fishing. The above mentioned water bodies shall be used for fish breeding and fishing in the manner determined by relevant executive authorities.

Article 68. Using water bodies for sport and amateur fishing

All water reservoirs except for reserves, fish-breeding and fish-increasing farms may be used for sport and amateur fishing subject to the rules stipulated in the legislation of the Azerbaijan Republic.

Relevant executive authorities must allocate water reservoirs or a part of them for the above mentioned purposes.

Sport and amateur fishing may be carried out in water bodies intended for the organization of fish farms with the agreement of owners and users of those objects.

Article 69. Restricting the Rights of Users of Water bodies in Water Reservoirs Having Significance for Fish Industry

The rights of users of water in water reservoirs which are of considerable significance for the protection and increase of valuable fish kinds, water animal and plants, or in separate parts of such reservoirs may be restricted in favour of fish industry. The list of such reservoirs and the rules for restricting the use of water shall be determined by relevant executive authorities.

Article 70. The Use of Hydrotechnical Devices in Water Reservoirs having significance for Fish Industry

Relevant actions shall be taken to protect and restore fish resources when operating hydrotechnical and other devices in water reservoirs having significance for fish industry.

When water is taken from water reservoirs having significance for fish industry fish protecting devices shall be installed in them.

Article 71. Protection of Water Reservoirs Having Significance for Fish Industry from Pollution, Soiling and Shoaling

The following actions shall be prohibited in water reservoirs having significance for fish industry:

- To build dikes or restore destroyed dikes in spawning places without the consent of relevant executive authorities;
- to create heaps or obstacles in channels, rivers and tributaries or to discharge water from lakes and harbors;
- To discharge waste materials produced in the process of wood manufacturing into water reservoirs or heap them at the shore of those reservoirs.
- To discharge the soil extracted during the bottom deepening and bottom cleaning works into spawning places and fish winter pits;
- To perform other such actions stipulated in the legislation of the Azerbaijan Republic.

Article 72. Using Water bodies for Hunting Purposes

Water bodies belonging to the category of hunting areas inhabited by water birds and valuable fur-skin animals shall be granted for use for hunting purposes according to the rules stipulated in the legislation of the Azerbaijan Republic.

Article 73. The rules for Using Water bodies for the needs of fish and hunting farms.

The rules for using water bodies for the needs of fish and hunting farms shall be determined by relevant executive authorities of the Azerbaijan Republic.

CHAPTER XII

THE USE OF SPECIALLY PROTECTED WATER BODIES

Article 74. Specially protected water bodies

Specially protected water bodies shall be water bodies of essential scientific, historic, cultural, aesthetic and nature protecting importance. These bodies shall be declared inviolable according to the rules stipulated in the legislation of the Azerbaijan Republic.

Specially protected water bodies shall be fully or partially and permanently or temporarily excluded from economic activity on the basis of a report of relevant executive authorities in accordance with the legislation of the Azerbaijan Republic.

Specially protected water bodies may exist as separate natural areas or a part of specially protected natural areas determined in the legislation of the Azerbaijan Republic.

The following categories of specially protected water bodies shall be determined:

Areas of internal waters of the Azerbaijan Republic and waters of the Azerbaijani sector of the Caspian Sea (Lake);

- Water-swamp areas;
- Running waters and reservoirs considered rare natural landscape;
- Protection zones of the source and confluence of water bodies.
- Winter and spawning places of valuable kinds of fish;
- Water bodies connected with woods, fauna, flora and other specially protected natural reserves.

Including water bodies to the category of specially protected water bodies shall be performed in accordance with the rules determined by relevant executive authorities.

The legislation of the Azerbaijan Republic may also provide for other categories of specially protected water bodies.

Article 75. Using the water of specially protected water bodies

Rules for using the water of specially protected water bodies shall be determined by current legislation in the relevant area.

Fishing, hunting, collecting water plants from specially protected water bodies and carrying out other works changing the natural condition of water bodies shall be forbidden. The discharge of waste waters into specially protected water bodies or reservoirs feeding them shall be allowed, if there are no other possibilities to discharge waste water, only subjects to the provisions of Articles 77-79 of this Code with the consent of relevant executive authorities.

Works changing the natural condition of specially protected water bodies may be performed only with the consent of relevant executive authorities.

Article 76. Removal of the Status of Inviolability of Specially Protected Water bodies

The status of inviolability of specially protected water bodies may be removed (taken back) only by the decision of relevant executive authorities in necessary cases.

CHAPTER XIII

THE USE OF WATER BODIES FOR THE DISCHARGE OF WASTE WATERS, FIRE PROTECTION AND OTHER PURPOSES

Article 77. Using water bodies for the discharge of waste waters.

Using water bodies for the discharge of industrial, domestic, service, drainage waters and other waste waters shall be allowed with the consent of relevant executive authorities according to the rules stipulated in the legislation of the Azerbaijan Republic.

The rules for using water bodies for the discharge of waste waters shall be established by relevant executive authorities.

Article 78. The discharge of waste waters into water bodies

The discharge of waste waters into water bodies shall be allowed only in those cases when the quantity of polluting substances in the water body does not exceed the determined norm and if waste waters are treated and brought to the established standard by users of water bodies.

It shall be prohibited to discharge waste waters into reservoirs feeding subsoil waters which are drinkable or which are used as a source of potable water.

Article 79. Restricting, terminating and prohibiting the discharge of waste waters into water bodies

In the event that the provisions of Article 78 of this Code are violated, the discharge of waste waters into water bodies shall be restricted or prohibited by relevant executive authorities. In cases where the discharge of waste waters is dangerous for people's health, the activity of industrial devices and enterprises shall be terminated.

Article 80. Using water bodies for fire protection needs.

It shall be allowed to take water from any and all water bodies for fire protection needs.

The rules for using water bodies for fire protection needs shall be determined by relevant executive authorities.

CHAPTER XIV

PROTECTION OF WATER BODIES

Article 81. Protection of waters

All waters (water bodies) must be protected against any pollution, soiling and depletion resulting from changes in the biological, chemical and physical properties of waters, the reduction of their natural cleaning ability and the violation of their hydrological and hydrogeological conditions which could damage the public health, bring to the reduction of fish resources and deteriorate water supply.

The rules for protecting water against pollution, soiling and depletion and for improving the quality and condition of waters shall be determined by relevant executive authorities.

Article 82. Water protection zones

Water protection zones shall be determined with a view to maintaining water bodies in accordance with the requirements of ecological standards, preventing the pollution, soiling and depletion of surface and subsoil waters and protecting the inhabitation environment for flora and fauna.

A water protection zone shall be an area adjacent to the water of a water body with a special regime (condition) as for the use and protection of natural resources and conduct of other economic activities.

Protection strand (shore strip)s (shore strips) shall be established at the boundaries of water protection zones.

It shall be prohibited to plough and plant land areas, cut wood, uproot trees and bushes, locate live-stock farms and camps, cemeteries, tips and carry pit other activities (except for activities stipulated in this Code) in protection strand (shore strip)s.

Water supply, recreation, sport, fishing and hunting facilities and harbor and hydrotechnical installations may be located in protection strand (shore strip)s (shore strips) only on a special agreement.

The procedure for determining the size and boundaries of water protection zones and of their protection strand (shore strip)s (shore strips) and the principles of their use shall be determined by relevant executive authorities.

Water protection zones of water bodies possessing potable water sources and spawning areas shall be declared specially protected areas according to the rules stipulated in the legislation of the Azerbaijan Republic.

Article 83. Granting the right to use land areas in water protection zones

Physical persons and legal entities may be granted the right to use land areas with the consent of relevant executive authorities subject to the protection established in this Code and in the land legislation of the Azerbaijan Republic.

The State supervision over the compliance with the procedure (condition, regime) concerning the use and protection of natural resources and other economic activities of legal and physical persons shall be performed by relevant executive authorities.

Article 84. Protection of water bodies from pollution and soiling

Legal and physical persons whose activity affect the quality of water shall be prohibited:

- To discharge industrial, domestic and other wastes of water bodies;
- Pollute or soil water with greases, wood and chemical, petroleum and other products leaked as a result of technical unfitness;
- Pollute or soil water collectors, reservoirs, snow and ice caps, glacier surfaces with industrial and domestic wastes and petroleum products;
- Pollute waters with radioactive and poisonous chemical substances;

The discharge of waste waters into water bodies may be permitted subject to the provisions of Articles 77-79 of this Code.

Article 85. The determining of sanitary-protection zones

Sanitary-protection zones shall be determined in accordance with the legislation of the Azerbaijan Republic in order to protect water which is used for potable, service supply, health treatment and resort needs.

Article 86. The establishment of water protecting wood strips

Water keeping and soil protecting wood strips shall be established around water bodies in accordance with the rules stipulated in the legislation of the Azerbaijan Republic in order to maintain the suitable water regime (condition) of rivers, lakes, water reservoirs, collectors, channels, underground waters and other water bodies, prevent the water and wind erosion of soil, silting of water reservoirs and deterioration of inhabitation conditions of water animals, and minimize unnecessary surface water flow.

Relevant executive authorities shall implement the control over the protection of water protecting wood strips and shall have the right to terminate or prohibit any works having a harmful effect on the condition of water bodies.

Article 87. Protection of surface waters

Enterprises whose activity negatively affect surface water bodies must take necessary actions together with relevant executive authorities to maintain the cleanness, quality and quantity of waters of surface water bodies.

Water protection zones of surface water bodies and the rules for using them shall be determined by relevant executive authorities.

Article 88. Protection of subsoil waters

Organizations engaged in mine works must immediately inform relevant executive authorities about subsoil water horizons discovered during drilling and other mine works relating to the exploration, development and use of gas, oil and other commercial minerals and take appropriate actions as established for the protection of subsoil waters.

Gushers and exploration wells which are unfit for development and the operation of which has been terminated shall be provided with regulating devices (installations), shut down or liquidated.

The construction of solid and liquid waste collectors and pits and the location of industrial, agricultural and other facilities which may pollute subsoil water beds shall be prohibited in zones with subsoil water resources.

Relevant executive authorities shall implement the control over the protection of subsoil waters according to the rules stipulated in the legislation of the Azerbaijan Republic.

Article 89. Allowed norms of the harmful effect of water bodies

The allowed norms of the harmful effect of water bodies shall be determined in the legislation concerning the environment protection and water.

The allowed norms of the harmful effect of water bodies shall be determined by relevant executive authorities.

Article 90. Ecological discharge of water

Water discharge (ecological water discharge) is realized from water reservoirs to keep water bodies fit for the conditions of appropriate ecological demands and volume of waters taken is defined without restoration.

Ecological water discharge and the volume of waters taken without restoration for every water bodies, is determined by the relevant executive authorities according to the rules stipulated in the legislation of the Azerbaijan Republic.

Water consumers shall not be permitted to fulfil their needs for water at the expense of ecological discharge of water.

Article 91. Zones of Ecological Emergency and Ecological Disaster in Water Bodies

The discharge of water from water reservoirs (ecological water discharge) shall be carried out and the volume of water to be taken without compensation shall be determined by relevant executive authorities.

The legal procedure (regime, condition) with respect to zones of ecological emergency and ecological disaster shall be determined by the legislation of the Azerbaijan Republic.

Article 92. Preventing and eliminating the Results of the Harmful Effect of Waters

Relevant executive authorities and users of water bodies shall take relevant actions in order to prevent and eliminate the results of:

- Overflows, submersion and submergence;
- Destruction of dikes and other facilities (and their shores);
- Erosion, swamping and salinization of soil;
- Forming of ravines, sliding and sinking of soil, stream flow occurrences and other harmful phenomena;

Relevant executive authorities shall set up special commissions in the events stipulate in the legislation of the Azerbaijan Republic to prevent and eliminate the results of the harmful effect of waters. The decisions taken by such commissions within their authorities shall be obligatory for physical and legal persons.

Relevant executive authorities and municipals shall organize the execution of works for preventing and eliminating the results of accidents caused by heavy streams and overflows in the territory of administrative territorial regions.

In the event of the natural disaster and accident in water bodies users of water bodies must participate in the actions taken to prevent and eliminate the results of the harmful effect of waters. The performance of such actions shall be agreed with relevant executive authorities and municipals.

Article 93. Basin contracts on the restoration and protection of water bodies

Basin contracts on the restoration and protection of water bodies may be concluded for the purpose of coordinating and connecting the activity directed towards the restoration and protection of water bodies.

Basin contracts shall be concluded between relevant executive bodies, municipals and water users.

With a view to performing the objectives of basin contracts a special water fund may be established for the financing of the restoration and protection of water bodies in accordance with the legislation of the Azerbaijan Republic.

Water economy balances of basin contracts and schemes of the comprehensive use and protection of water bodies shall be prepared on the basis of proposals of relevant executive authorities pursuant to State programs and other projects on the use, restoration and protection of water bodies.

CHAPTER XV

LOCATING, PROJECTING, BUILDING, RESTORATION AND USE OF ENTERPRISES, DEVICES AND OTHER FACILITIES AFFECTING THE CONDITION OF WATERS

Article 94. The Terms of Locating, Projecting, Building, Restoration and Use of Enterprises, Devices and Other Facilities Affecting the Condition of Waters

The rational use of potable water shall be ensured, with the account taken of the public opinion, when locating, projecting, building, restoring and using new or refurbished enterprises, devices and other facilities and implementing new technologies which affect the condition of waters. It shall also be ensured that the consumption metering of waters is maintained, waters are protected against pollution, soiling and depletion, submersion and submergence of soil is reduced to minimum, soil is protected from salinization, flooding and drought and other actions are taken to maintain favorable natural condition and preserve landscape.

Article 95. Prohibiting the Use of Enterprises, Devices and Other Facilities Affecting the Condition of Waters

The use of newly built and refurbished enterprises, devices and other facilities shall be prohibited in the event that :

- Actions are not taken, as stipulated in projects, to prevent the submersion, swamping, salinization and erosion of soil;
- Water receivers (water-receptive devices) and other installations, provided in projects, are not ready;
- Fish protecting devices and fish-passes, provided in projects, are not available (have not been built);
- Water reservoirs are filled with water before the conduct of deposit development actions stipulated in projects;
- Other cases affecting the condition of waters;

It shall also be prohibited to use water-intakes for extracting subsoil waters the reserves of which have not appraised and to operate water wells which are not provided with water regulating devices and with respect of which special sanitary zones have not been determined.

PART IV

ECONOMIC REGULATION OF ACTIONS CONCERNING THE USE AND

**PROTECTION OF WATER BODIES,
SETTLEMENT OF DISPUTES AND LIABILITY FOR
VIOLATING THE WATER LEGISLATION**

CHAPTER XVI

**ECONOMIC REGULATION OF ACTIONS CONCERNING THE USE AND
PROTECTION
OF WATER BODIES**

Article 96. The Principles of the Economic Regulation of Actions Concerning the Use and Protection of Water bodies

The economic regulation of actions taken with respect to the use and protection of water bodies shall be based on the following principles:

- chargeable basis of the use of water;
- payments of fees with respect to the use of water bodies;
- financing of actions taken with respect to the use and protection of water bodies.

Article 97. Chargeable Base of the Use of Water

The use of water shall be chargeable in the Azerbaijan Republic, except in the cases stipulated in this Code.

The purpose of the chargeable use of water shall be to reimburse the State Budget expenses incurred on water supply, to ensure the self-financing activity of water economy enterprises, offices and organizations, to create material interest in the improvement of water protection and the efficient and rational use of water reserves, to maintain exact water metering and to stimulate investment in water economy.

The principles of the chargeable use of water shall be determined according to a statute approved by relevant executive authorities.

Article 98. Fee amounts for the Use of Water

Fee amounts for the use of water shall be based on the price of the water used.

Fee amounts shall differ depending on the quality, purpose of the use (potable, technical use, use for irrigation etc.), technical level of water economy facilities, water intake and transportation methods and other factors affecting the production cost.

When calculating fee amounts on the use of subsoil water reserves an account shall be taken of expenses incurred on their prospecting, exploration and appraisal in accordance with the rules stipulated in the legislation.

Privileges with respect to the use of water shall be determined by the legislation of the Azerbaijan Republic.

Fee amounts on the use of water bodies which are private property shall be determined on the basis of contracts between owners and water consumers.

Article 99. Payment Types and Payment Procedure with Respect to the Use of Water Bodies

The following types of payment shall be established with respect to the use of water bodies:

- for taking water from water bodies for special purposes and discharging waste waters into water bodies;
- for using water bodies for hydroenergetic and transportation needs;
- for using water bodies for the production of commercial minerals, carrying out the geological exploration and drilling works in water bodies, building and operating underwater devices;
- for using water bodies for sport, tourism and recreation purposes;
- for using water bodies for other purposes stipulated in the legislation.

• Payment types and the payment procedure with respect to the use of water bodies shall be determined by relevant executive authorities.

Article 100. Financing of Actions Taken with Respect to the Use and Protection of Water Bodies

Actions taken with respect to the use and protection of State importance water bodies shall be financed from the State Budget on the basis of relevant programs.

Actions taken with respect to the use and protection of water bodies granted for special and private use shall be financed by owners and users of water bodies.

Actions taken to prevent and eliminate the results of the harmful effect of waters shall be financed at the expense of owners, users of water bodies and the State and local budgets.

CHAPTER XVII

SETTLEMENT OF DISPUTES CONCERNING THE USE AND PROTECTION OF WATER BODIES AND LIABILITY FOR VIOLATING THE WATER LEGISLATION

Article 101. Settlement of Disputes with Respect to the Use and Protection of Water Bodies

Disputes among legal or physical persons concerning the use and protection of water bodies shall be settled by court according to the legislation of the Azerbaijan Republic.

Article 102. Invalidity of Contracts

Any agreement concluded by violating the water legislation shall be invalid.

Article 103. Liability for the Violating of Water Law of the Azerbaijan Republic

Official persons and citizens violating the water legislation shall bear civil, material, administrative and criminal liability according to the rules stipulated in the legislation of the Azerbaijan Republic in the following events:

- cases indicated in Article 102 of this Code;
- unauthorized occupation and use of water bodies;
- unauthorized building of hydrotechnical and other devices in water bodies;
- violation of the terms determined on the basis of a special agreement on the use of water bodies;
- failure to observe the limits on the use of water bodies;
- failure to supply water consumers with a determined volume of water within a determined period;

- on polluting, soiling and depleting water bodies;
- operation of enterprises, communal and other facilities without devices and equipment preventing the pollution and soiling of water bodies and the harmful effect of waters:
- wasteful use of water reserves;
- pollution of water, water erosion of soil and other such events resulting from the violation of water bodies protection regime (procedure) in water collecting areas;
- unauthorized conduct of works relating to the hydrotechnical and communal water economy;
- damaging water economy installations and failure to observe operation rules;
- using potable water for watering verdure and washing transport facilities and failure to use it for proper purposes;
- violating the operation rules of water economy devices and equipment;
- taking water illegally from water pipes, channels and other water systems and discharge, not for proper purposes, of potable, service, technical and waste waters to fields, streets, communication and energy communication networks etc.;
- deteriorating the condition of soil by destroying collectors and drainage systems;
- failure to pay in due time fees for the use of water and penalties for the violation of the procedure for the use of water;
- violating the rules and technology for the drilling of wells for water extraction;
- failure to comply with the established procedure concerning water protection zones and protection strands (shore strips);
- failure to observe the established procedure for the State monitoring of water bodies and maintaining of water metering and water cadastre by the State;
- violating the regime of specially protected water bodies;
- failure to follow instructions of authorities controlling the use and protection of water bodies;
- violating standards of sanitary protection zones established with respect to potable water sources, water-cleaning devices and water pipes;
- unconformity of the quality of water with sanitary norms and State standards;
- other cases stipulated in the legislation of the Azerbaijan Republic.

Article 104. The Return of Illegally Occupied Water Bodies

Relevant executive authorities shall have the right to terminate the use of water bodies any time when the determined rules for the use and protection of water bodies are violated.

Illegally occupied water bodies shall be returned for being used for their proper purposes and expenses incurred during their illegal use shall not be returned.

Article 105. Compensation for Damages Caused by the Violation of the Water Legislation

Physical and legal persons must compensate for damages caused by the violation of water legislation in accordance with the rules stipulated in the legislation of the Azerbaijan Republic.

