



The Water Code of the Azerbaijan Republic

(Adopted by the Law of Azerbaijan Republic № 418-IG of December 26, 1997)

The internal waters of the Azerbaijan Republic, the sector of the Caspian Sea (lake), belonging to the Azerbaijan Republic constitute the national wealth of the Azerbaijan People, are being used and protected as the basis for vital functions of the population and ensure the existence of flora and fauna.

This Code regulates the juridical relations, related to the usage and protection of the water objects in the Azerbaijan Republic.

Section I. General Provisions

Chapter I: Basic Provisions

Article 1: General Definitions

The definitions, applied to this Code, are used in the following definitions:

- **Water object** — a naturally formed landscape or a geological structure, within the borders of which in correspondence with the relief the surface and underground waters concentrate, and which have the size and specific features of the water regime;
- **Water resources** — the volume of the surface and underground waters available in the water objects, which are being used or could be used;
- **User of water object** — a physical or juridical person which granted the of usage of the water objects;
- **Water consumer** — a physical or juridical person, obtaining water from the user of water object to ensure his demands;
- **Waterworks object** — systems and buildings, created in regard with the usage, restore and protection of water objects;
- **Pollution of water objects** — dumping or discharge of detrimental substances, worsening the quality of water and making a negative impact on the surface, bottom and surroundings of the water objects;
- **Contamination of water objects**— discharge of articles, particles of solid substances, various wastes of the man-caused origin and domestic wastes , which aggravate the use of water objects;
- **Hazardous impact of water** — flood, inundation, other impact of the surface and underground waters on specific territory or specific object.

Article 2. The Water Legislation of the Azerbaijan Republic

The Water Legislation of the Azerbaijan Republic consists of this Code and the other normative and legal documents, adopted with correspondence to this Code.

If the international agreements of the Azerbaijan Republic contain other regulations, related to the usage and protection of water objects, than those specified by this Code, then the regulations of the international agreements, joined by the Azerbaijan Republic, are being applied.

Article 3. Regulation of relations with regard of usage and protection of water objects

The relations, concerning the usage and protection of water and their water resources (the water relations), are being regulated by the Water Legislation of the Azerbaijan Republic.

The relations on usage of water are being regulated by the civil legislation, legislative acts on sanitary-and-epidemiologic welfare and other legislative acts along with this Code.

The relations on provision of drinking water and discharge of waste waters are regulated by the correspondent legislation of the Azerbaijan Republic along with this Code.

The relations on earth, forest, depths, flora and fauna, atmospheric air, exploration and protection of underground waters, as well as private and other administrative relations, emerging during the usage and protection of water objects, are regulated by the correspondent legislation of the Azerbaijan Republic along with this Code.

Article 4. Objects of the water relations

The objects of the water relations are the water fund of the Azerbaijan Republic (hereafter, '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 belonging to the Azerbaijan Republic sector of the Caspian Sea (lake) (the water objects) constitute the water fund of the Azerbaijan Republic.

The water fund of the Azerbaijan Republic upon its residence in nature, physical and geographical, administrative and territorial characteristics and other features consists of the surface, underground, boundary water objects and the sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic.

Article 6. The Surface Water Objects

The surface water objects include the surface water streams, surface water reservoirs, glaciers and snow blankets, situated on the surface of the earth.

The surface water objects consist of the surface water part, bed, bottom and shore.

The surface water objects have multifunctional importance and can be used with one or several purposes simultaneously.

Article 7. The Underground Water Objects

The underground water objects include the waters, concentrated in geological structures, situated in the depths.

The underground water objects include:

- Water-bearing horizon — the layer (stratum) of the mountain rocks, situated in the depths within the limits of the hydraulically connected geological structure, in interstice, cracks and cavities where the water gathers;
- Underground water pool — the assembly of water-bearing horizons, water cracks, situated in the depths within the limits of specific geological structure;
- Underground water deposit — part of the water-bearing horizon, having favorable conditions for the extraction of the underground waters.

Article 8. Boundary water objects

The surface and underground water objects, defining interstate border, crossing the border or being crossed by the State border of the Azerbaijan Republic, are applied to the boundary water objects.

The rules of usage and protection of the boundary water objects are determined by this Code, the legislation of the Azerbaijan Republic on the State border, international agreements and contracts, joined by the Azerbaijan Republic.

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

Rules of usage and protection of the sector of the Caspian Sea (lake), belonging to the Azerbaijan Republic are determined by this Code, other legislative acts of the Azerbaijan Republic, international legal acts joined by the Azerbaijan Republic.

Article 10. Land of the water Fund

The lands of the water fund include the following land areas:

- Lands under internal waters of the Azerbaijan Republic and belonging to the Azerbaijan Republic sector of the Caspian Sea (lake) (water objects);
- Lands, islands and swamps under water protection zone and river sides;
- Lands under hydro technical installations, melioration and water industry objects.

Article 11. Subjects of water relations

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

On behalf of the Azerbaijan Republic and The Nakhchivan Autonomous Republic the correspondent organs of executive power participate in water relations in the framework of their authorities.

Municipalities participate in water relations in the framework of the authorities granted to them by the legislative acts, defining their status.

The users of water objects and water consumers participate in water relations in the order envisaged by the legislation of the Azerbaijan Republic with the purpose of satisfaction of their demands and realization of entrepreneurship activity.

Chapter II. Forms of ownership of water objects

Article 12. State ownership of water objects

The State ownership includes the following water objects:

- The sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic;
- Boundary water objects;
- Surface and underground water objects of the national and local importance;
- Specially protected water objects.

The water objects in the State ownership can be granted for usage, for rent and municipal ownership in the order, defined by the legislation.

The State supervision in the issues of usage and protection of water objects, staying in the State ownership is being implemented by correspondent organs of executive power within the frames of their authorities.

Article 13. Municipal ownership for water objects

The water objects of local importance, situated on the land zones, belonging to the municipal ownership, are transferred to the municipal ownership in the order, established by the legislation of the Azerbaijan Republic.

The water objects, belonging to the municipal ownership can be given for general usage, to use, for rent to physical and juridical persons, as well as to the ownership of the citizens and juridical persons of the Azerbaijan Republic in the order, established by the legislation of the Azerbaijan Republic. The State supervision as regards the usage and protection of the water objects belonging to the municipal ownership is implemented by the municipalities within the frames of authorities, granted by the legislation.

Article 14. Private ownership on water objects

Small water reservoirs, situated on the private land areas, not having hydraulic connection with the other water objects and flows, can be given in private ownership in the order envisaged by the legislation of the Azerbaijan Republic.

The water objects can't be given in private ownership to the persons which aren't citizens of the Azerbaijan Republic nor to the juridical persons of foreign countries.

Article 15. Ownership for water industry objects

The forms of the State, municipal and private ownership are applied to the water industry objects.

The water industry objects, belonging to the State ownership, which are to transfer to municipal and private ownership, are defined by the correspondent legislation of the Azerbaijan Republic.

Section II. Management in usage and protection of water objects

Chapter III. Management organization in usage and protection of water objects

Article 16. Main principles of management in usage and protection of water objects

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

- Economical development and environment protection;
- Provision of population with quality water;
- Coordination of *territorial demarcation* principle with the basin principle;
- Separation of management functions on protection of water objects from the functions of usage of water objects and water industry functions. (2)

Article 17. Management system in usage and protection of water objects

Management system in usage and protection of water objects includes correspondent organs of executive power of the Azerbaijan Republic, correspondent objects of executive power of the Nakhchivan autonomous republic, users of water objects authorized in the order envisaged by the legislation, and municipalities.

Article 18. Tasks of the State in usage and protection of water objects.

The tasks of the State in usage and protection of water objects are:

- Definition of State policy in the sphere of usage and protection of water objects;
- Implementation of investment policy in the sphere of usage and protection of water objects;
- Adoption and realization of State programs on usage and protection of water objects, prevention of negative impact of waters, organization of supervision for their implementation;
- Implementation of scientific and technical policy in the sphere of usage and protection of water objects;
- Definition of the rules of managing the State monitoring of water objects, the State water cadastre, and registration of the surface and underground waters;
- Definition of the rules of water objects usage and their implementation provision;
- Definition of rules of issuing *permit* for the usage of water objects in special purposes;
- Definition of rules of establishing the water protected areas of water objects, protected river sides, the regime of usage of these territories;
- Definition of principles for the usage, revival and economical regulation of water objects protection charging for the usage of water object and water and the rules of payment;
- Definition of rules for organization and realization of the State control upon the usage and protection of water objects;
- Approval of the standards, norms, and rules in the sphere of usage and protection of water objects;

- Provision of the State ecological expertise of projects for construction, reconstruction of industrial and other objects, making impact on condition of water objects;
- Prohibition for entering in exploitation of technical installations, equipment, enterprises and other objects, making negative impact on condition of water, and limitation, stoppage of their exploitation and prohibition of activity;
- Establishment of regime for the specially protected water objects, including sources of drinking water supplies, their zones and areas of sanitary protection;
- Preparation and implementation of measures against mudflows, and prevention and liquidation of consequences from the negative impact of waters;
- Definition of measures for preventing and liquidation of consequences of disasters and accidents, environmental crisis, organization of implementation of these measures;
- Implementation of the other tasks established by the water legislation of the Azerbaijan Republic in the sphere of usage and protection of water objects.[\(7\)](#)

Article 19. Tasks of the Nakhchivan Autonomous Republic in the sphere of usage and protection of water objects

The tasks of the Nakhchivan Autonomous Republic in the sphere of usage and protection of water objects are:

- Preparation, adoption and implementation of programs in the sphere of usage, reconstruction and protection of water objects, organization of control upon their implementation;
- Realization of the State control upon the usage and protection of water objects;
- Limitation, stoppage and prohibition of water objects usage in the order, established by the legislation;
- Preparation and realization of measures against mudflows, on prevention and liquidation of consequences of negative impact of waters and also reconstruction of water industry objects, damaged or destroyed in the result of natural disaster or an accident;
- Prohibition on entering in exploitation of industrial or other objects, making a negative impact on condition of waters, and also limitation, exploitation stoppage and activity prohibition;
- Realization of the other tasks, established by the legislation of the Azerbaijan Republic in the sphere of usage and protection of water objects.

Article 20. Authorities of municipalities in the sphere of usage and protection of water objects

The authorities of municipalities in the sphere of usage and protection water objects are as follows:

- Ownership on water reservoirs, situated on municipal property, the usage and command;
- Realization of control on following the measures on environment protection in correspondent territories while conducting measures on usage and protection of water objects;
- Establishment of places of diversion flow for provision of drinking and domestic needs, places prohibited for swimming, livestock ponds, and other terms of general water usage, on water objects, situated in correspondent territories, and

also places of usage of water objects for recreation and sports *by agreement with respective executive power authorities*;

- Realization of the other authorities, established by the legislation of the Azerbaijan Republic in the sphere of usage and protection of water objects.[\(3\)](#)

Chapter IV. State regulation in the sphere of usage and protection of water objects

Article 21. Water industrial balances

Water industrial balances consist of comparative reporting materials on water resources and water demands on the correspondent territory.

Water industrial balances are constituted with the purpose of assessment of water resources availability in water objects on correspondent territories and their usage degree, and are used for the planning and decision making in the issues of the usage and protection of water objects. Water industrial balances are constituted upon the Republic, water basins and administrative territorial units by the correspondent organs of executive power.

Article 22. Schemes of complex usage and protection of water resources

The schemes of complex usage and protection of water resources unite in themselves the systematic research and project materials on condition of water resources and prospective of usage and protection of water objects

Schemes of complex usage and protection of water resources are worked out in order to define water industrial measures and prospective demand of the country in water resources, ensure of rational usage and protection of water objects, and also prevention and liquidation of consequences from the negative impact of waters.

Schemes of complex usage and protection of water resources are worked out by the correspondent organs of executive power. Rules of preparation coordination, State expertise, approval and realization of the schemes of complex usage and protection of water resources are established by the correspondent organ of executive power.

Article 23. State programs on usage, protection of water objects and prevention of negative impact of waters

For preparation and realization of measures on usage, protection of water objects and prevention of negative impact of waters the State programs are worked out on the base of water industrial balances, schemes of complex usage and protection of water resources, data bank of the state water cadastre.

The state programs on usage and protection of water objects are worked out and implemented by the correspondent organs of executive power with the considering proposals of municipalities, users of water objects and social organizations in the order, established by the legislation.

Article 24. State monitoring of water objects

State monitoring of water objects consists of a system of regular observations on hydrologic and hydro geologic indices of water objects with the purpose of timely revealing and evaluation of the current processes, forecast development of these processes and prevention of their negative impact, provision of efficiency of the conducted water protection measures.

The state monitoring of water objects is the main part of the state environment monitoring system.

The state monitoring of water objects is conducted by the correspondent organs of executive power in the order, established by the legislation of the Azerbaijan Republic.

Article 25. State water account

The state water account consists of regular defining in the established order of quality and quantity of water resources, available on the correspondent territory.

The state water accounts purpose is provision of current and prospective planning of rational usage and protection of water objects.

The indicators of the State water account characterize condition of the surface and underground water objects upon their quantitative and qualitative indicators, their research and usage degree.

In the Azerbaijan Republic the state water account is held upon the unified system in the order established by the correspondent organ of executive power, and is based on the account reports of users of the water objects and the state monitoring.

Article 26. State water cadastre

The state water cadastre consists of the digest of data on water objects, water resources, usage of water objects and users of water objects. In the Azerbaijan Republic the state water cadastre is held on a unified system and is based on the data from the state water account.

Submission of the data by the users of the water objects to the correspondent orders of executive power, which is to be included into the state water cadastre, is obligatory.

The data of the state water cadastre is the basis for decision making by the correspondent organs of executive power.

The state water cadastre is held by the correspondent organs of executive power in the order established by the legislation of the Azerbaijan Republic.

Article 27. State ecological expertise of projects for construction and reconstruction of industrial and other objects, making an impact on condition on water objects

The state ecological expertise, held with the purpose to define compliance of the projects for construction and reconstruction of industrial and other objects making an impact on water objects, to the established normative, technical conditions and demands, is implemented by the correspondent organs of executive power in the order established by the legislation of the Azerbaijan Republic.

Article 28. State control on usage and protection of water objects

The state control on usage and protection of water objects ensures the compliance of:

- The rules of usage and protection of water objects;
- Limits of water usage;
- Sanitary, hygienic, ecologic, hydro geologic, hydrologic, technologic, metrological standards, norms and regulations in the sphere of usage and protection of water objects;
- Regime of usage of the territories in the water protected zones and other requirements of the water legislation of the Azerbaijan Republic

The rules of implementing the state control on usage and protection of water objects are established by the correspondent organ of executive power.

Article 29. Regulation in the sphere of usage and protection of water objects

Regulation in the sphere of usage and protection of water objects consist of defining the limits of water usage and preparation and adoption sanitary, hygienic, ecologic, hydro geologic, hydrologic, technologic, metrological standards, norms and rules in the sphere of usage and protection of water objects.

Rules of regulation in the sphere of usage and protection water objects are established by the correspondent organ of executive power.

Section III. Usage and protection of water objects

Chapter V. Usage of water objects

Article 30. Usage by water objects

Enterprises, institutions, organizations and other juridical persons not depending of property forms (hereafter, 'juridical persons') citizens of the Azerbaijan Republic, foreigners, stateless persons (hereafter, 'physical persons') can be the users of water objects in the order envisaged by the legislation of the Azerbaijan Republic.

The users of water objects can transfer water for the usage of juridical and physical persons (consumers) in the order established by the legislation.

Rules and terms of water usage, mutual rights and obligations of the parties are regulated in accordance with agreements.

Article 31. Right for usage of water objects

Juridical and physical persons, which are not the owners of water objects, may have the following rights for water objects:

- long-term usage by water objects;
- short-term usage by water objects;
- time-limited usage by water objects (water servitudes).

Users of water objects realize the usage of water objects in the order established by this Code.

Users of water objects may manage the right of usage of water objects in the cases envisaged by this Code.

Leasing of water objects should be done in the order established by the legislation of the Azerbaijan Republic on Leasing, in accordance with this Code.

Changes of river-beds or other changes in location of water objects, unless it is envisaged by this Code, do not bring to a change or discontinuation of the right for water objects.

Article 32. Right for long-term and short-term usage of water objects

The water objects which are in the state property depending on the purpose of usage, resource potential and ecological condition can be given for long-term or short-term usage to physical or juridical persons in the order established by the legislation of the Azerbaijan Republic.

The right for a short-term usage of water objects is set up to three years, and for a long-term usage — up to twenty five years.

The term of the right for usage of water objects can be prolonged in the order established by the legislation.

Article 33. Right of the limited usage by water objects (water servitude)

The rights of juridical and physical persons, which have been granted the right for usage or ownership for water objects, can be constrained in the form of general and special water servitudes for the benefit of other persons.

In the form of water servitude any person, unless it is said otherwise in the legislation of the Azerbaijan Republic, can use the water object of general usage and other water objects.

Interested persons can use water objects, staying in special usage of other persons, in the form of special water servitude. Special water servitude can be established on the basis of court decision.

General rules on servitudes, envisaged by the Civil Code, are applied within the limits not contradicting to the requirements of this Code.

General and special water servitudes can be set up for the following purposes:

- water diversion without usage of technical facilities and buildings;
- livestock pond and livestock crossing through the water object;
- usage of the water object as a waterway for ferries, boats and other small-size floating vehicles.

Other servitudes can also be established by the Water legislation of the Azerbaijan Republic.

For realization of water servitudes a *permit* is not required. (7)

Article 34. Receiving right for usage of water objects

The right of usage of water objects can be received in the order envisaged by the legislation of the Azerbaijan Republic. The forms of usage of water objects, requiring *permit and regulations of permit issue* are established by the correspondent organs of executive power.

In case of death of user of water objects — physical person or reorganization of the user of water objects — juridical person the right of usage of water objects passes on to their successors.

The right for usage of water objects can pass from one person to another in the order established by this Code under condition of not changing the purpose of usage of water objects.

The rights for usage of water objects, which are in the private ownership, are purchased in the order envisaged by the Civil Code, the Land Code and this Code.(7)

Article 35. Ways of usage of water objects

Water objects can be used for:

- drinking and domestic needs;
- medical, resort and sanitary purposes;
- recreation and sports;
- industrial, constructing and energetic purposes;
- agricultural purposes;
- forestry purposes;
- hydro energy purposes;
- transport purposes;
- fishing;
- hunting;
- waste water disposal;
- fire safety and other purposes.

Water object or part of it can be given simultaneously for usage for one or several purposes.

Article 36. Usage of water objects for general purposes

Water objects of general purposes are the water objects which are open and can be used by anybody. Physical persons use these water objects to cover their need (swimming, boating, sports, amateur fishing, livestock pond, water diversion with no technical buildings, etc.) free of charge.

During the usage of water objects for general purposes the requirements of environment protection and state sanitary control organs, fish resources protection, navigation regulation organs, and also safety rules for people on waters, rational water usage and water protection rules must be followed.

In order to protect life and health of population and to create necessary sanitary conditions the correspondent organs of executive power and municipalities within the frames of their authorities can set up the places forbidden for swimming, boating, fishing, water diversion for drinking and domestic needs, livestock pond and other water usage, and also on the water objects situated on the territory of a city, district, village, settlement.

Permission for a general usage of water objects, which are under the ownership of physical and juridical persons and leased and in severalty can be given under the conditions set up by the owners and user of water objects or upon decision of correspondent organs of executive power.

Along the sides of water objects of general purposes the land stripes are assigned. Any person has the right to move on this land, use it for fishing, and ensure boats berthing.

Limitation for water usage on the water objects of general purposes can be allowed only in the cases envisaged by the legislation of the Azerbaijan Republic.

Water objects of general purposes are set up by the correspondent organs of executive power.

Article 37. Individualized usage of water objects

Water objects of individual usage are the water objects used by the limited group of people.

The water objects, staying in the state property, by decision of the correspondent organ of executive power can be transferred fully or partially for the limited usage with the purposes of defense, energetic, transport, and also *other state or public needs* in the order established by the legislation of the Azerbaijan Republic.

In the decision on the transfer of water objects into the limited usage the purpose and main conditions of the usage of water objects are shown.

When transferred into the limited usage the water objects are taken out of the number of water objects for general purposes.

In exceptional cases, the water objects transferred to the limited status, can be given for general purposes or withdrawn by decision of correspondent organ of executive power. [\(6\)](#)

Article 38. Usage of water objects for special purposes

Usage of water objects for special purposes is implemented on the basis of a *permit* with the use of technical facilities and equipment with the purposes to satisfy drinking, domestic, medical, sanitary and other needs of the population, and also agricultural and forestry, industrial, energetic, transport, fishing and other state and community needs.

Ways of usage of water objects for special purposes are set up by correspondent organs of executive power. [\(7\)](#)

Article 39. Limits of water usage

Limits of water usage are the accepted volumes of water diversion from water objects or discharge of water into water objects, established for users and consumers of each water object.

The rules of preparation and realization of the limits of water usage are set up by the correspondent organs of executive power.

Article 40. The rules of provision of water objects for usage

Water objects are provided for usage on the basis of a *permit* or agreement on the water usage.

The surface water objects are provided for usage with condition of allocation of the part of water area, places of water diversion and water discharge in the order established by the legislation of the Azerbaijan Republic.

The underground waters are provided for usage in accordance with the water legislation of the Azerbaijan Republic and legislation of the Azerbaijan Republic on the depths.

Provision for usage of belonging to the Azerbaijan Republic sector of the Caspian Sea (lake), boundary water objects is realized in accordance with the legislation of the Azerbaijan Republic and international agreements, joined by the Azerbaijan Republic. (7)

Article 41. Antitrust requirements to the usage of water objects

Activity of water objects users, aimed towards antitrust and groundless competition, which results or may result in limitation of rights and legal interests of other users of water objects, and also other physical and juridical persons, is forbidden by law.

Correspondent organs of executive power are prohibited to take decisions and show activities, resulting in monopolization of water usage, creating unequal conditions for the activities of some users of water objects and, by this, violating the rights and legal interests of the other users of water objects.

Substantial violation of the rights and legal interests of the other users of water objects, bringing to monopolization in the sphere of water usage, entails application of sanctions, envisaged by the legislation of the Azerbaijan Republic.

Article 42. Limitation, suspension or prohibition of usage of water objects

In order to ensure defense and security of the country, health protection of population, environment and historical and cultural heritage, and also legal rights and interests of other persons, usage of water objects can be suspended and prohibited in the order established by the legislation of the Azerbaijan Republic.

Limitation, suspension or prohibition of usage of water objects is realized on the basis of appeal of correspondent organs of executive power, according to this Code and other legislative acts of the Azerbaijan Republic.

Chapter VI. Rights and obligations of water users

Article 43. Rights of water users

Water users have the following rights:

- to use water repeatedly;
- to install correspondent facilities and constructions for realization of usage of water objects with special purposes;
- to check the quantity and quality of the given for usage water and sewage water;
- to demand compensation of water in the volumes, established by the agreement, except the cases, envisaged by the legislation;
- to realize other rights envisaged by the water legislation of the Azerbaijan Republic.

The violated rights of the users of water objects should be restored in the order established by the legislation of the Azerbaijan Republic.

Article 44. Discontinuance of rights for water usage

The right of juridical and physical persons for water usage not depending of the form of ownership ceases in the cases:

- when there is no more need in water usage or refuse of water usage;
- end of time for usage of water objects;
- liquidation of juridical persons;
- transfer of water objects for the usage of water objects in violation of the legislation;
- requisitioning of water objects from limited usage;
- not paying for water usage and waste water discharge;
- usage of water object in unforeseen way (except the right of usage for satisfaction of drinking and domestic needs) and other cases, envisaged by the legislation

Article 45. Obligations of water users

Water users are obliged:

- to use water objects rationally, to ensure economical water consumption and improvement of water quality;
- to prevent violation of rights, granted to the other users of water objects on the basis of water servitudes, and also to avoid damage to domestic and natural objects (soil, forest, animals, minerals, etc.);
- to use water objects in correspondence with purpose;
- to keep water industrial constructions and technical equipment in working condition, to improve the quality of their work;
- to keep account of water usage;
- to pay timely for water usage and water discharges, payments and penalties for water objects and water discharges, made into environment;
- to realize other obligations, envisaged by the water legislation of the Azerbaijan Republic.

Article 46. Compensation of losses, made in result of the work of water industry

The losses, made to physical and juridical persons in the result of the arrangement of water industry measures, cease of right for usage of water objects or change of the terms

of water usage is compensated in the order established by the legislation of the Azerbaijan Republic.

Chapter VII. Use of water objects for drinking, domestic, resort, recreation and sports purposes

Article 47. Water objects provided for drinking and domestic needs of population

Water objects, where quality of water complies with the established sanitary norms and state standards, are provided for drinking and domestic needs of population.

Provision of population with drinking water is realized, as a rule, by the means of centralized water-supply constructions.

In the absence of running water for satisfaction of drinking and domestic needs of the population the water taken directly from rivers, water wells, kahrizes, springs and other water sources can be used only on condition that it corresponds the sanitary norms established by the legislation.

The natural water sources of settlements, used with purpose of satisfaction of drinking and domestic needs of population, are set up by municipalities in correspondence with legislation and accordance of the correspondent organs of executive power.

Article 48. Limitation of usage of drinking water for other purposes

Usage of drinking water for the purposes not related with drinking and domestic needs as a rule is not allowed.

In the regions not having enough of surface water sources, but with big reserves of underground drinking water, these waters can be used for other purposes upon agreement of the correspondent organs of executive power.

Article 49. Use of water objects, referred to category of medical objects

The water objects situated on the territory of the Azerbaijan Republic and having natural curing features are referred to the category of medical objects by decree of correspondent organ of executive power.

Water objects, referred to the category of medical objects, are used primarily for medical and resort purposes.

As an exception, the usage of water objects, referred to the category of medical objects, for other purposes can be permitted by the agreement of correspondent organs of executive power.

Discharge of waste waters into water objects, referred to the category of medical objects, is not allowed.

Article 50. Usage of water objects for recreation and sports

Usage of water objects of general use with purposes of recreation and sports is allowed without getting a *permit*, with compliance to the requirements of the Article 36 of this Code.

To ensure organization of mass recreation and satisfaction of demands in sport activities, the water objects can be transferred fully or partially to the limited usage.

Usage of water objects for recreation and sports in cases and order, envisaged by the Articles 36 and 37 of this Code, can be prohibited and limited.

The rules of use of water objects for recreation and sports are set up by the Regulation, approved by the correspondent organ of executive power.[\(7\)](#)

Chapter VIII. Usage of water objects for the needs of agriculture

Article 51. Usage of water objects for the needs of agriculture

Usage of water objects for the needs of agriculture is realized in the order of use for general and special purposes with compliance of limits of water usage.

Water usage in agriculture is realized on the basis of inter-industrial and general system plans.

Article 52. Plans of inter-industrial water usage

The plans of inter-industrial water usage should be prepared by water users.

The plans of inter industrial water usage should be approved in the order established by the correspondent organ of executive power.

The plans of inter industrial water usage should take into consideration the demands in water of all consumers not depending on their forms and ways of ownership.

Article 53. General system plans on water usage

General system plans on water usage are being prepared upon irrigation systems of district and national importance.

General system plans on water usage are being prepared by the users of water objects on the basis of the plans of inter industrial water usage and agreements on water usage.

General system plans on water usage are being approved in the order established by the correspondent organ of executive power.

Agreements on water usage are being made between the users of water objects and consumers of water.

In the agreements the quantity and location of the provided water, terms, mutual obligations of the Parties and other information should be indicated.

Article 54. Change of the plan of water usage

The plan of water usage can be changed only upon agreement of the organ, which has approved it, in case of:

- lack of water;
- change in weather conditions, irrigation norms or irrigation lots
- refuse of water consumers from the water , referred to them by plan
- in other cases, established by the correspondent organ of executive power

In emergency circumstances the users of water objects can change norms of water usage and temporarily suspend water delivery. They must immediately inform the water users and the correspondent organ of executive power, approved the plan of water usage, on the indicated measures. Not-delivered amount of water can be compensated afterwards depending on condition of water sources.

Article 55. Usage of water reservoirs, located on territories of land owners and land users, for agricultural needs

Agricultural enterprises, *family peasant farms*, other juridical and physical persons have rights to use springs, kahrizes, other water sources, to install water reservoirs and agricultural constructions on these water sources on the lands of agricultural purpose owned by them or granted to them for use in the order established by the legislation.

The indicated juridical and physical persons have a right to hold large scale irrigation works or implement the reorganization and liquidation of the implemented irrigation works on the lands owned by them or granted to them in accordance with the rules on usage and protection of waters, established by the correspondent organ of executive power.⁽⁵⁾

Article 56. Usage of waste water for agricultural needs

Usage of waste waters for agricultural needs can be made upon agreement with the correspondent organ of executive power.

Article 57. Irrigation of forest belts and greenhouses

Irrigation of forest belts and greenhouses is being made in the order of usage of water objects for agricultural needs.

Article 58. Defining places for livestock passage and pools and transport vehicles passage

Livestock passage through the channels and other hydro technical constructions, passage of tractors, agricultural vehicles, cars and other transport means through the territories of water objects not referred for this purpose is forbidden. Livestock pools allowed on the rivers, channels and other surface water reservoirs only in the presence of a specially appointed areas or places assigned for this purpose.

The places for the passage of transport means and agricultural vehicles, passage and pools of livestock are set up by the correspondent organ of executive power and marked with special signs.

The roads, where the livestock will be run, must be ensured with water in the order and in terms, defined by the correspondent organ of executive power.

Chapter IX. Usage of water objects for industrial purposes and hydro energetic needs

Article 59. Usage of water objects for industrial purposes

For industrial purposes, as a rule, the technical waters are being used.

The persons, using water objects for industrial purposes, must follow the limits, technological norms and rules, established in regard of water usage, and also take measures to decrease water usage and to prevent waste water discharge by the way of improvement of industrial technology and water supply schemes.

The enterprise, using the drinking water for technical purposes in the order envisaged by the legislation, as a rule, must transfer into system of secondary and repeated water supply.

Article 60. Limitation of usage of drinking water in industrial purposes

In terms of natural disaster, accident and in case of other emergency circumstances or when an enterprise uses drinking water beyond the referred limit the correspondent organs of executive power may limit or forbid water diversions from water pipelines for industrial purposes in favor of primary satisfaction of drinking and domestic needs of population, and also temporarily limit the water diversion for industrial purposes from drinking water pipelines, belonging to some enterprises, institutions and organizations.

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

The underground waters, referred to the category of drinking or medical waters, can be used for technical supply, industrial purposes, including extraction of chemical elements containing in water, production of thermal energy, and other purposes in the order established by the correspondent organs of executive power.

Article 62. Usage of water objects for mining operations

Mining operations on water objects, geological surveys and drilling works, construction of underground facilities is realized in correspondence with the legislation of the Azerbaijan Republic on depths and this Code.

Article 63. Usage of water objects for needs of hydro energetic

Usage of water objects for needs of hydro energy is held in consideration of the interests of other spheres of economy, and also considering conditions of the complex water usage, in accordance with the rules, established by the correspondent organ of executive power.

The water objects granted for use of hydro energy can be simultaneously used for other purposes.

The enterprises of hydro energy are obligated to follow the rules on usage of water objects, fill-up of water reservoirs and their regime of exploitation, ensure free and safe passage of ships and ferries, and also allow fish to pass to the spawning places.

Chapter X. Usage of water objects for transport needs

Article 64. Water ways of general use

Rivers, lakes, water reservoirs, canals of the Azerbaijan Republic, the sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic, other surface water objects, unless the use of them is not forbidden fully or partially or these objects are not transferred into the limited usage, are referred to be water ways of general use.

Juridical and physical persons may use the water ways of general use for passage of belonging to them means of water transport in the order established by the legislation of the Azerbaijan Republic.

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

Referring of water objects to category of water ways of general use, rules of their exploitation for the needs of water and air transport are set up by the correspondent organs of executive power in correspondence with the legislation of the Azerbaijan Republic.

Chapter XI. Usage of water objects for fishing and hunting

Article 66. Usage of water objects for fishing

Water objects of fish importance or a part of these objects, assigned for growth, breeding and catch of fish reserves in the order established by the legislation of the Azerbaijan Republic, are used for the needs of fish industry.

Juridical and physical persons, using water reservoirs of fish industry or their separate parts, must take measures on protection of these water reservoirs from pollution and contamination.

Users of water objects with agreement of the correspondent organs of executive power must hold measures on fish breeding and irrigation measures in fish industry, ensuring improvement of conditions of water reservoirs and reproduction of fish reserves, and also to keep places of installation of catching tools in sanitary conditions.

Article 67. Usage of water reservoirs, situated on the territory of land owners and land users, for breeding and catching fish

Juridical and physical persons can use pools, backwaters, dams, situated on the lands of their ownership or use, for breeding and catching fish.

Usage of water objects for breeding and catching fish is held in accordance with the rules approved by the correspondent organs of executive power.

Article 68. Usage of water objects for sporting and amateur fishing

All water reservoirs, except preserves, farms on fish growth and breeding, can be used for sporting and amateur fishing in consideration with the rules established by the legislation of the Azerbaijan Republic.

The correspondent organs of executive power must allot water reservoirs or some part of theirs for the indicated purposes.

Sporting and amateur fishing on water objects, allotted for organization of fishing farms, can be realized upon the consent of the owners and users of these objects.

Article 69. Limitation of rights of the users of water objects on water reservoirs of fish industry importance

The rights of water users on reservoirs or some parts of theirs, having great importance for protection and breeding of valuable breeds of fish, water animals and plants, can be limited in favor of fish industrial farm. The list of such water reservoirs and the rules of limitation of water usage are set up by the correspondent organs of executive power.

Article 70. Exploitation of hydro technical constructions on water reservoirs of fish industry importance

During exploitation of hydro technical and other constructions on water reservoirs of importance for fish industry the measures should be taken ensuring protection and reproduction of water reserves.

During water diversion from the water reservoirs of importance for fish industry they must be equipped with the fish protection facilities.

Article 71. Protection of water reservoirs of importance for fish industry from pollution, contamination and shallowing.

On the water reservoirs of importance for fish industry it is forbidden:

- to produce diking and restoration of destroyed banks in the places of fish spawning without the consent of the correspondent organs of executive power
- to make blockages and solid blockades of rivers, flows and canals, to drain water from lakes and dams, except the cases of holding sanitary or hydro technical measures with the consent of the correspondent organs;
- to discharge wastes created in result of wood processing into the water reservoirs and store them on the shores and in submerged places of these water reservoirs;
- to discharge soil, created in result of holding of dredging and bottom cleaning works, in the places of fish spawning and wintering fish pits;
- in other cases established by the legislation of the Azerbaijan Republic

Article 72. Usage of water objects for hunting purposes

Water objects, which are the places of inhabitation of waterfowls and valuable fur-bearing animals, belonging to hunting objects, are transferred for usage with the hunting purposes in the order established by the legislation of the Azerbaijan Republic.

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

The rules of usage of water objects for needs of fishing and hunting farms are set up by the correspondent organs of executive power of the Azerbaijan Republic.

Chapter XII. Usage of specially protected water objects

Article 74. Specially protected water objects

Water objects of a special scientific, historical, cultural, aesthetic and environment importance are the specially protected water objects.

These objects inviolable in the order established by the legislation of the Azerbaijan Republic.

The specially protected water objects in accordance with the legislation of the Azerbaijan Republic fully or partially, permanently or temporarily are taken out of industrial activity on the basis of request of the correspondent organs of executive power.

The specially protected water objects belong to the specially protected water objects of the national, zonal and local importance.

The specially protected water objects can exist in the form of a separate natural territory or a part of a specially protected natural territory, established by the legislation of the Azerbaijan Republic.

The following categories of the specially protected water objects are established:

- parts of internal waters of the Azerbaijan Republic and the waters of the sector of the Caspian Sea (lake), belonging to the Azerbaijan Republic;
- waterlogged places;
- flows and water reservoirs, belonging to rare natural landscapes;
- zones of protection of springs and outfalls of water objects;
- places of spawning and wintering of valuable breeds of fish;
- water objects, inseparably linked with forests, flora and fauna and other specially protected natural resources.

Assignment of the specially protected water objects to categories is being made in the order established by the correspondent organs of executive power.

The legislation of the Azerbaijan Republic may consider also other categories of the specially protected water objects.

Article 75. Water usage on specially protected water objects

The rules of water usage on specially protected water objects are set up by the correspondent legislation.

In specially protected water objects it is forbidden to catch fish, hunt, collect water plants and hold other works, which change natural condition of these water objects.

Discharge of water to the specially protected water objects and to feeding it water reservoirs in the absence of other opportunities is allowed upon the consent of the correspondent organ of executive power with consideration of requirements of the Articles 77-79 of this Code.

The works which can change the natural condition of the specially protected water objects can be held only upon the consent of the correspondent organ of executive power.

Article 76. Withdrawal of inviolability of specially protected water objects

Inviolability of specially protected water objects is withdrawn only in most urgent cases by the decree of the correspondent organ of executive power.

Chapter XIII. Usage of water objects for water discharge, fire prevention and other purposes

Article 77. Usage of water objects for discharges of water

Usage of water objects for discharges of industrial, communal, domestic, derange and other waste waters is allowed in the order established by the legislation of the Azerbaijan Republic with the consent of the correspondent organ of executive power.

The rules of usage of water objects for discharges of waste waters are set up by the correspondent organ of executive power.

Article 78. Discharge of waste waters into water objects

Discharge of waste waters into water objects is allowed only in those cases, when it does not bring to exceeding of quantity of contaminants in water objects, established norms, and the users of water objects arrange treatment of waste waters bringing them to the established norms.

Categorically forbidden to discharge waste waters into the water reservoirs, used as sources of drinking water or which feed underground waters good suitable for drinking.

Article 79. Limitation, discontinuation and prohibition on discharge of waste waters into water objects

In case of violation of the Article 78 of this Code the correspondent organs of executive power put limits or forbid the waste water discharge into water objects.

In case of danger of the waste water discharge for the health of population the functioning of the industrial constructions and organizations is ceased.

Article 80. Usage of water objects for fire safety needs

Water diversion for fire safety needs from all water objects is allowed.

The rules of usage of water objects for fire security needs are set up by the correspondent organ of executive power.

Chapter XIV. Protection of water objects

Article 81. Protection of waters

All waters (water objects) must be protected and defended of pollution, contamination, exhaustion, which may bring damage to the health of population, and also may cause decrease of fish reserves, worsening of conditions for water supply and other unfavorable phenomena as a result of changed physical, chemical, biological characteristics of waters,

decrease of their abilities for natural self-cleaning, violation of hydrologic and hydro geologic regime of waters.

The rules of protection of waters (water objects), their defense from pollution, contamination and exhaustion, and also improvement of quality and regime of waters are set up by the correspondent organ of executive power.

Article 82. Water protected zones

In order to keep condition of water objects in correspondence with ecological requirements, prevention of pollution, contamination and exhaustion of surface and underground waters, and also protection of habitat of flora and fauna, the water protected zones are defined.

Water protected zone is a territory adjacent to the area of water of water object, where a special regime on usage, protection of natural resources and realization of industrial activities has been established.

Within the limits of the water protected zones the bank-protection strips are established. On bank-protection strips it is forbidden to plow and sow, to cut forests, to extract trees and bushes with roots, to place animal breeding farms and camps, cemeteries, dumps, and other ways of activities, except the cases envisaged by this Code.

On bank-protection strips on the basis of a *permit* it is allowed to place the objects of water supply, recreation, sporting, fishing and hunting farms, and also ports and hydro technical constructions.

The rules of definition of size, boundaries and usage of water protected zones, their bank-protection strips are set up by the correspondent organ of executive power.

Water protected zones of water objects, having springs of drinking water and places for spawning of fishes, in the order established by the legislation of the Azerbaijan Republic are announced as specially protected territories.⁽⁷⁾

Article 83. Giving for usage the lands of water protected zones

The land lots, situated in the water protected zones, can be given for usage to physical and juridical persons in the order established by the land legislation of the Azerbaijan Republic and this Code, upon the consent of the correspondent organ of executive power.

The state control on observance of regime of usage and protection of natural resources, the other industrial activity of physical and juridical persons in water protected zones within their authorities are realized by the correspondent organs of executive power.

Article 84. Protection of water objects from pollution and contamination

Physical and juridical persons, making impact on the quality of water with as result of their activities, are forbidden to:

- discharge industrial, domestic or other wastes into water objects;

- pollute and contaminate the waters by discharge of lubricants, wood, petrol, chemical or other products of industry in the result of a technical or technological malfunction;
- pollute and contaminate surfaces of lodgments, water reservoirs, snow or ice blankets, surface of icicles with industrial and domestic wastes, oil products;
- *burial of industrial and household wastes in sanitary-protective zones of water sources and mineral springs, in resurgences of rocks and aquifers, as well as in the catchment areas of ground water objects used for drinking water supply and domestic uses.*
- pollute waters with radioactive elements and insecticides;
- ~~*bury industrial and domestic wastes in the places of location of underground waters, domestic and drinking water reservoirs.*~~

Discharge of sewage waters into water objects can be allowed by following the requirements envisaged by the Articles 77-79 of this Code. ([1](#), [8](#))

Article 85. Establishment of zones of sanitary protection

In order to protect waters, used for provision drinking and domestic needs of population, medical, resort and recreation purposes, in correspondence with the legislation of the Azerbaijan Republic the zones of sanitary protection are established.

Article 86. Establishment of water protected forest belts

In order to maintain favorable water regime of rivers, lakes, water reservoirs, canals, collectors, underground waters and other water objects, prevention of water and wind erosion of soils, silting of water reservoirs, worsening of conditions of habitat for water animals, decrease of excessive drainage of surface waters and in other purposes in the order envisaged by the legislation of the Azerbaijan Republic, the water-restraining and soil-protection forest belts are established around these objects.

Control over protection of the water protected forest belts is realized by the correspondent organ of executive power, which have right to suspend or discontinue the works, showing negative impact on condition of water objects.

Article 87. Protection of surface waters

The enterprises, whose activities impact negatively on surface water objects, jointly with the correspondent organs of executive power are obliged to hold actions on preservation of quantity, quality, cleanness of waters of surface water objects.

Water protected zones of surface water objects and rules of their usage are set up by the correspondent organ of executive power.

Article 88. Protection of underground waters

If during implementation of drilling and other mining works, held with regard of search, exploration and exploitation of fields of gas, oil and other minerals, the underground water bearing horizons are discovered, the organizations, implementing the mining works, should immediately report about it to the organs of executive power and to take measures on protection of underground waters in the established order.

The flowing wells, and also exploration wells, unserviceable or with discontinued exploitation, must be equipped with regulatory gadgets, closed and liquidated.

In zones of location of underground fields of drinking water it is not allowed to construct collectors of solid and liquid wastes, dumps, to place industrial, agricultural and other objects, activities of which may bring to pollution of the underground fields of water.

Control for protection of underground waters is realized by the correspondent organ of executive power in the order established by the legislation of the Azerbaijan Republic.

Article 89. Allowable norms of harmful impact on water objects

Allowable norms of harmful impact on water objects are set up by legislation on environment and water legislation.

Allowable norms of harmful impact on water objects are set up by the correspondent organ of executive power.

Article 90. Ecological issue of water

In order to maintain water objects in a condition, answering to correspondent ecological requirements, the issue of water (ecological water issue) from water reservoirs is realized and the volume of issue of waters without their reproduction is set up.

The volumes of ecological issue and diversion of waters without their reproduction are set up for each water objects by from water reservoirs in the order defined by the legislation of the Azerbaijan Republic.

Satisfaction of the needs of consumers at the account of ecological issue of waters is not allowed.

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

Water objects (part of these objects) and their lodgments, which may create danger to people, flora and fauna, environment in result of industrial activity or natural processes, can be declared by the correspondent organ of executive power as the zones of emergency ecological situation or ecological disaster.

The legal regime of the emergency ecological situation of ecological disaster is set up by the legislation of the Azerbaijan Republic.

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

The correspondent organ of executive power and users of water objects should take correspondent measures for liquidation of consequences of:

- floods, submergence and underflooding;
- collapse of shores and other constructions;
- erosion, swamping and salinization of soils
- creation of ravine, land slides and soil subsidence, mudflows and other harmful events

In order to prevent and liquidate consequences of harmful impact of waters in the cases, envisaged by the legislation of the Azerbaijan Republic, correspondent organs of executive power create special commissions. Decisions, adopted by these commissions within the frames of their authorities, are obligatory for physical and juridical persons.

Works on prevention and liquidation of consequences of emergency situation, created on territories of *territorial units* in the result of floods and mudflows, are organized by the correspondent organ of executive power and municipalities.

In cases of natural disasters and accidents on water objects the users of water objects should participate in holding actions on prevention and liquidation of consequences of harmful impact of waters. Such actions are realized by the way of coordination with the correspondent organ of executive power and municipalities. (2)

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

Basin agreements in the sphere of restoration and protection of water objects can be made in order to coordinate and unite the activity aimed towards restoration and protection of water objects.

Basin agreements are made between the correspondent organs of executive power, municipalities and water users.

In order to achieve the goals and tasks of basin agreement in accordance with the legislation of the Azerbaijan Republic a special water fund can be created for financing the actions related to restoration and protection of water objects.

Basin agreements are prepared on the basis of water industry balances, schemes of complex usage and protection of water resources, state programs and other projects on exploitation, restoration and protection of water objects upon proposal of the correspondent organ of executive power.

Chapter XV. Placement, design, construction, re-construction and exploitation of enterprises, buildings, and other objects, affecting condition of waters

Article 94. Conditions of placement, design, construction, re-construction and exploitation of enterprises, buildings, and other objects, affecting condition of waters

During placement, design, construction, re-construction and enter in exploitation of enterprises, buildings and other objects, affecting the condition of waters, and also while embedding new technological processes the rational usage of waters must be ensured with consideration of public opinion in condition of satisfaction of drinking and domestic needs of population. Simultaneously, the actions should be envisaged to ensure account of water, taken from and returned to water objects, protection of waters from contamination, limitation of soil flooding till the necessary minimal level, protection of soils from contamination, flooding or drainage, and also maintaining favorable natural conditions and landscapes.

During placement, design, construction, re-construction and enter in exploitation of new or re-constructed enterprises, buildings and other objects on the water reservoirs with importance for fish industry, along with the mentioned-above measures the other

measures should be realized to ensure conditions for protection and breeding of fish, other water animals and plants.

Project of construction of enterprises, buildings and other objects, affecting condition of waters, should be prepared with consideration of opportunity to use the water objects for recreation and sports.

The rules of defining the place for construction of enterprises, buildings and other objects, affecting condition of waters, and the correspondent organ of executive power is in charge to coordinate in the issues of projecting of their construction, holding of state expertise and entering into exploitation

Article 95. Prohibition of entering into exploitation of enterprises, buildings and other objects, affecting condition of waters

Enter in exploitation of new and re-constructed enterprises, buildings and other objects, affecting condition of waters, is forbidden if:

- they are not equipped with gadgets, preventing pollution and contamination of waters, or their harmful impact;
- the measures envisaged by the projects on prevention of flooding, swamping, salinization and soil erosion are not held;
- water inlets and other buildings envisaged by the projects are not ready
- fish protection facilities and fish passing facilities envisaged by the projects are absent
- the volumes of reserves for water diversion, assigned for extraction of underground waters, are not approved;
- water wells are not equipped with water regulatory facilities and the zone of their sanitary protection in specific cases are not established;
- in other cases affecting infill of water reservoirs and water condition till taking the measures on preparation of bed, envisaged by the projects.

Section IV. Economical regulation of measures on usage and protection of water objects, conflict resolution and responsibility for violation of water legislation

Chapter XVI. Economical regulation of measures on usage and protection of water objects

Article 96. Principles of economical regulations of measures on usage and protection of water objects

Economical regulation of measures on usage and protection of water objects is based on the principles of:

- chargeable water usage;
- payments, related to the usage of water objects;
- financing of measures on usage and protection of water objects;

Article 97. Chargeability of water usage

In the Azerbaijan Republic water usage is chargeable, except the cases, envisaged by this Code.

The goal of the chargeable water usage is to reimburse state expenses, directed to water supply, ensure of activity of water industry enterprises, institutions and organizations on the principles of self-financing, rational and careful usage of water resources and creation of material commitment in improvement of protection of waters, precise account of water and stimulation of capital investments into the sphere of water industry.

The rules of chargeable water usage are set up in accordance with the provision, approved by the correspondent organ of executive power.

The rules and regulations of chargeable water usage at municipality water objects shall be established by this Code, other respective legal acts and also municipal acts. [\(3\)](#)

Article 98. Definition of payment for water usage

While defining the charge for water usage the cost of consumed water is taken as the basis.

Payment for water usage differs on separate water industry systems depending on quality of water, purpose of use (drinking, technical, irrigational, etc.), technical condition of water industrial objects, methods of diversion and pumping of water and other factors, influencing the volume of industrial expenses.

While calculating the payment for usage of underground water the expenses on their search, exploration and capacity learning are also taken into consideration in the order established by the legislation.

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

Payment for water usage on water objects, which are situated on municipal property, is set up by the municipalities in the order established in the first section of this article.

Payment for water usage on water objects, which are situated on private property, is set up on the basis of agreement, made between the owners and water consumers.

Article 99. Types and rules of payments, related to usage of water objects

The following types of payments for usage of water objects are established:

- for diversion of water from water objects for special purposes and discharge of waste waters into water objects;
- for usage of water objects with purposes of hydro energetic and transport;
- for extraction of minerals from water objects and holding geological surveys and mining works on water objects, and also construction and exploitation of underwater buildings;
- for usage of water objects with purposes of organized sports, recreation and tourism;

- for usage in other goals envisaged by the legislation.

Types of payments, related to the usage of water objects, and the rules of their paying are established by the correspondent organ of executive power.

Article 100. Financing of measures on usage and protection of water objects

Measures on usage and protection of water objects of national importance are financed on the basis of the correspondent programs at the account of the state budget.

Measures on usage and protection of water objects, transferred to the limited usage and ownership, are financed by the owners and users of water objects.

Measures on prevention and liquidation of harmful impact of waters is realized in the order, established by the legislation at the account of users, owners of water objects, local budgets and state budget.

Chapter XVII. Dispute resolution on the issues of usage and protection of water objects for violation of water legislation

Article 101. Dispute resolution on the issue of usage and protection of water objects

Disputes between physical and juridical persons on the issues of usage and protection of water objects are resolved legally in correspondence with the legislation of the Azerbaijan Republic.

Article 102. Invalidity of deals

Deals made with violation of the water legislation are not valid.

Article 103. Responsibility for violation of the water legislation of the Azerbaijan Republic

State officials and citizens, breaking the water legislation, carry civil, material, administrative and criminal responsibility in the order established by the legislation of the Azerbaijan Republic in the cases:

- shown in the Article 102 of this Code;
- unauthorized capture of water objects or unauthorized use of water;
- unauthorized construction of hydro technical and other buildings on water objects;
- violation of conditions in usage of water objects, established by *permit*;
- non-observance of limits of water usage;
- non-provision of consumers with water in the define terms and defined volumes;
- pollution, contamination and exhaustion of water objects;
- exploitation of enterprises, communal and other objects without facilities and gadgets, preventing pollution, contamination and harmful impact of water objects;
- squandering while using water resources;
- pollution of waters by violation of regime of protection of water objects in water collecting areas, water erosion of soil and other harmful events;
- unauthorized implementation of works, which are in competence of hydro technical and communal water industry;

- damage of water industrial buildings and installations, non-observance of the rules of their exploitation;
- violation of rules of exploitation of water industrial buildings and installations;
- usage of drinking water for watering of green plants and washing of transport vehicles, and also its usage not for (defined) purposes;
- unauthorized diversion of water from water pipelines, canals and other water systems, and also discharge of drinking, domestic, technical and waste waters not for (defined) purpose (to the fields, communication networks and energetic communication networks);
- soil erosion, destruction of collector and drainage systems, worsening irrigational condition;
- untimely payment for water usage and fines for violation of rules of water usage, and also payment for discharge of waste water into water objects and environment;
- violation of rules and technology of drilling of water wells;
- non-observance of water protected zones and protected shore strips;
- non-observance of the rules of conducting state monitoring of water objects, state account of water, state water cadastre;
- violation of regime of specially protected water objects;
- non-fulfillment to directives of organs, implementing control on usage and protection of water objects;
- violation of requirements of the zones of sanitary protection of sources of drinking water, water treatment facilities, water pipelines;
- non-correspondence of drinking water quality to sanitary requirements and state standards and in other cases, envisaged by the legislation of the Azerbaijan Republic.[\(7\)](#)

Article 104. Return of the water objects captured without permission

Correspondent organs of executive power in cases of violation of established rules on usage and protection of waters have the right to stop these works and usage of water from these sources.

The water objects captured without permission return to whom they belong without any reimbursement of expenses, made during illegal usage.

Article 105. Reimbursement of losses, caused by violation of the water legislation

Physical and juridical persons are obliged to reimburse the losses made by violation of the water legislation in the order established by the legislation of the Azerbaijan Republic.

Adopted by the law of the Azerbaijan Republic No 418-IG of 26 December 1997 («VneshExpertService»).

**The list of documents that affect changes and updates to this
Code**

- 1. Law of the Azerbaijan Republic / No 692-IIIGD, 22 June, 1999.*
 - 2. Law of the Azerbaijan Republic / No 306-IIIGD, 19 April, 2002.*
 - 3. Law of the Azerbaijan Republic / № 392-IIIGD, 3 December, 2002.*
 - 4. Law of the Azerbaijan Republic / № 568-IIIGD, 30 December, 2003.*
 - 5. Law of the Azerbaijan Republic / № 155-IIIGD, 10 October, 2006.*
 - 6. Law of the Azerbaijan Republic / № 314-IIIGD, 17 April, 2007.*
 - 7. Law of the Azerbaijan Republic / № 429-IIIGD, 9 October, 2007.*
 - 8. Law of the Azerbaijan Republic / № 524-IIIGD, 25 December, 2007.*
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