

**CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO
JUSTICE IN ENVIRONMENTAL MATTERS**

Report of 2005-2007

Question 1	<p>Give brief information on the involvement of state bodies and the public in the course of preparation of the report and to what extent the outcome of these consultations has been addressed in the report?</p> <p>The report has been prepared by a working group on Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters established by the Ministry of Ecology and Natural Resources. It should be mentioned that this working group is composed of representatives of various ministries and non-government organizations and meetings of the working group are regularly held. During the preparation of the report views of a wide range of the public were taken into consideration. Regular meetings with NGOs were held at the Aarhus Public Centre established within the Ministry of Ecology and Natural Resources and their views were taken into consideration in this project.</p>
Question 2	<p>Provide concrete information on the implementation of the Convention, e.g. information on any administrative tool on decision-making, the impact of the Convention since its entering into effect and financial constraints in the course of implementing the provisions of the Convention.</p> <p>As a follow-up to the implementation of provisions of the Convention considerable work has been done in Azerbaijan since the 2nd Ministerial Conference of the Parties to Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters held in Almaty, Kazaxstan on 25-27 May 2005.</p> <p>An active role of public institutions represented by different categories and layers of the citizens in the regulation of public political and social economical processes taking place within the society in the public and political area and the growth of people's self-consciousness has fostered a rapid development of civil society in the country. While public institutions take over more functions in the area of resolution of public related problems in Azerbaijan functions of policy determining and carrying out a control prevail in the activities of state bodies.</p> <p>Freedom enjoyed by public institutions of different orientation in their activities, the abolishment of censorship, freedom of publication enjoyed by media, radio and TV broadcasts are all evidences of the development of the freedom of views, democracy and civil society in Azerbaijan. As a legal basis of this process and as part of the fulfillment of the commitments under the Aarhus Convention a number of laws and legislative acts including the Law on Administration and the Law on Access to Information were adopted within the period covered by the report (2005-2007).</p> <p>In addition, on 30 March 2006 the President of the Republic of Azerbaijan signed a Decree on Ancillary Actions in Areas Pertaining to International Environmental Conventions and Agreements to Which the Republic of Azerbaijan is a Party to ensure to the fullest extent the implementation of commitments arising from international environmental conventions and agreements acceded by the Republic of Azerbaijan</p>

through urging state bodies to increase their efforts and enhance their performance in this area. The Government of Azerbaijan has allocated funds necessary for the implementation of international environmental conventions and agreements ratified by Azerbaijan.

Question 3 List legislative, regulatory and other actions in compliance with items 2, 3, 4, 7 and 8 of Article 3 of the Convention. To what extent are provisions of these items being fulfilled?

The objective of the legislation of the Republic of Azerbaijan on Access to Information is to stipulate legal principles of ensuring fundamentals of an open society and a democratic lawful state based on unrestricted and equal opportunities of everybody to enjoy the right of access to information proclaimed by Paragraph 50 of the Constitution of the Republic of Azerbaijan and to provide conditions for the public to be able to observe how public obligations are fulfilled.

The Law on Access to Information No.1024-IIQ signed by the President of the Republic of Azerbaijan on 30th September 2005 provides to the public a wide opportunity to have access to information.

Namely, according to Paragraph 2 of the Law:

2.1. Access to information in the Republic of Azerbaijan is unrestricted.

2.2. Everyone is entitled to the right to apply to a holder of information directly or by proxy and choose a type of information or a form of access to it.

In Paragraph 3 of the Law a definition of information is given:

3.0.1. Information are facts, views, knowledge, news or any other data emerging as a result of any activities irregardless of the time of emergence, a form of presentation and category;

3.0.3. Public information are facts, views, knowledge emerging or obtained in a process of the implementation of public duties defined by laws or any other regulatory legal acts;

3.0.4. Information services – activities intended for providing information to anyone applying with an inquiry;

3.0.5. Information holder – state bodies, municipalities, established legal entities irregardless of a form of property or individuals defined by paragraph 9 of the Law which are to meet the right of having access to information;

3.0.6. Information request – written application or oral request for information;

3.0.7. Applicant for information – legal entity or individual submitting written application for or requesting orally information;

3.0.8. Information dissemination – dissemination of information prior to information request through media, official publications, distribution of questionnaires and leaflets, by means of storing it in internet information databases, its announcement at briefings, conferences or via press releases, its declaration at official or mass events.

At the same time the Law on Public Administration signed by the President of the Republic of Azerbaijan on 21 October 2005 facilitates public access to information and public participation in decision-making.

According to Article 1 of the Law:

1.1 The Law defines legal basis, principles, and rules of procedure for activities carried out by administrative bodies concerning the adoption, execution and repeal of

	<p>administrative acts.</p> <p>1.2. Provisions of this Law are also applied to other activities (deeds) of administrative bodies in relation to legal entities and individuals.</p> <p>Article 2.</p> <p>2.0.1 Administrative body – relevant executive power authorities of the Republic of Azerbaijan, their local (structural) and other units, municipalities as well as any legal entity or individual empowered to adopt an administrative act in accordance with the Law.</p> <p>2.0.2. Administrative act – decision, decree or any other type of a power action bringing about some legal effects for a legal entity or individual for whom it is intended and adopted by an administrative body to settle or resolve an issue relating in general to the legal sphere.</p> <p>2.0.3. Party concerned – a party who applied to have an administrative body adopt of an administrative act or take appropriate actions or in relation to whom an administrative act was adopted or relevant action (lack of action) taken or any legal entity or individual on whom an administrative liability was imposed by an administrative body at its own request or based on its occupational responsibilities for making an impact or which are likely to make impact on an administrative act or rights or legally protected interests of an administrative body.</p>
<p>Question 4</p>	<p>What bottlenecks were encountered during the implementation of provisions of Article 3 above.</p> <p>There are no obstacles in public access to information on environmental issues in the Republic of Azerbaijan. The environmental legislation of the Republic grants to the public broad rights in this area. Any individual of public institution may apply to a relevant state body with inquiry and is provided an answer in accordance with the Law.</p>
<p>Question 5</p>	<p>Provide additional information on the practical implementation of general provisions of the Convention.</p> <p>In the course of 2005 to 2007 a number of laws and decisions in the area of environment protection were adopted in Azerbaijan and in these laws and decisions addressed public access to information and participation in decision-making and access to justice.</p> <p>In order to promote the implementation of the Aarhus Convention in Azerbaijan a Public Information Center for environmental issues was established within the administrative building of the Ministry and activities on fitting Public Information Centers in Ganja and Gazakh with necessary equipment are being now carried out. Aarhus Public Information Centers in other parts of Azerbaijan including Lankaran, Shaki, Ali Bayramli, Mingachevir, Guba and Nachchivan is also envisioned to be opened soon. Such functions as convening meetings between the Government and non-government organizations to exchange views on the development and implementation of environmental policy, providing assistance to local institutions to establish links with international organizations engaged in this area, coordinating activities of NGOs, providing access to free information obtained from books, internet resources, state bodies and other sources which the public is interested are carried out through these centers. All the above has been aimed towards public awareness raising and education on environmental issues. It is worth noting that during 2005 to 2007 more than 100 meetings covering various environmental topics were held at the Aarhus Center which is based in the administrative building of the Ministry and more than 3000 pupils,</p>

	<p>students, representatives of NGO and community members benefited from the opportunities provided by the center.</p>
<p>Question 6</p>	<p>Give information on relevant websites:</p> <p>Ministry of Ecology and Natural Resources of the Republic of Azerbaijan is currently taking appropriate actions to improve its website http://www.eco.gov.az to facilitate public access to its information. The information is being regularly updated. Besides, a 24 hours hot line service is maintained (Tel: 439-18-63, 438-13-35). In addition, Ministry of Ecology and Natural Resources has an Archived Information Fund and any individual or organization can obtain environment-related information from the Fund.</p> <p>Along with that, there are other state or non-government organizations maintaining web-pages covering environmental issues which can also be used.</p> <p>National Parliament of the Republic of Azerbaijan - http://www.meclis.gov.az Cabinet of Ministers of the Republic of Azerbaijan - http://www.cabmin.gov.az Ministry of Education of the Republic of Azerbaijan - http://www.min.edu.az Ministry of Economic Development of the Republic of Azerbaijan - http://www.economy.gov.az Ministry of Health of the Republic of Azerbaijan - http://www.mednet.az State Statistics Committee of the Republic of Azerbaijan - http://www.azstat.org State Oil Company of the Republic of Azerbaijan - http://www.socar.gov.az Ministry of Culture and Tourism of the Republic of Azerbaijan - http://www.culture.az National Academy of Sciences of the Republic of Azerbaijan - http://www.science.az Ecolex NGO - http://www.ecolex.az.org For access to international and national legislation - http://www.watercaucasus.org “Aarhus” Environmental Information Public Center – www.aarhuscenter.az</p>
<p>Question 7</p>	<p>List legislative, regulatory and other actions towards the implementation of Article 4 of the Convention. To what extent are provisions of the Article being implemented?</p> <p>The Law of the Republic of Azerbaijan on Access to Information stipulates that each individual irregardless of any time restraints or without being imposed special conditions is entitled to the right to have access to environment-related information. According to the Law while submitting an inquiry for information the inquirer is not required to present any legal or other interests (item 8.1) and once inquiry is filed copies of the required documents are enclosed with the information (item 9.3).</p> <p>According to the Law of the Republic of Azerbaijan on Access to Information the following are defined as information holders:</p> <ol style="list-style-type: none"> 1. State bodies and municipalities; 2. Legal entities carrying out public service including legal entities and individuals engaged in educational, healthcare, cultural and social areas based on legal regulatory acts or a contract; <p>The following are equivalent to information holders:</p> <ol style="list-style-type: none"> 9.3.1. Legal entities which take predominant position in the goods market, possess preferential or exceptional rights or holding natural monopoly over information on offers for goods and services and their prices and changes to those offers and prices; 9.3.2. Non-commercial institutions, non-state budgeted foundations which fully or partially owned by or dependent on the state, including those commercial associations to which the state is a party or shareholder in relation to information on the

use of funds or property allocated to them from the state budget.

Pursuant to Article 29 of the Law the information holder shall meet interests of the public in a simple and efficient manner and, in order to decrease bulk information inquiries, make instantly available the following information emerging from the fulfillment of public responsibilities:

29.1.1. Collated statistic information, including collated statistic information on crimes and administrative offences;

29.1.2. Budget forecasts;

29.1.3. Statutes of structural units of the government bodies;

29.1.4. Guidelines relating to activities of state bodies and municipalities;

29.1.5. Organization charts of state bodies and municipalities, names, surnames, telephone numbers, e-mail addresses of officials employed at these institutions as well as information on their education and specialities;

29.1.6. Reports on the accomplishments of state bodies and municipalities;

29.1.7. Names, surnames, telephone numbers, e-mail addresses of legal entities engaged in public service and those employed at governing institutions;

29.1.8. Information on state and municipal tender procedures and their results as well as the sale of state and municipal property and change of property rights;

29.1.9. Information on credits borrowed by and grants awarded to information holders defined in Item 9.1 of the Law and their procedures and use;

29.1.10. Drafts of regulatory legal acts made available to the public upon their submission for comments or approval;

29.1.11. Regulatory legal acts made available to the public from the date of taking effect;

29.1.12. Reports on the accomplishments by legal entities engaged in public service, information on their income and expenses;

29.1.13. Reports on the expenditure of the state budget and public budget;

29.1.14. Information related to a state of the environment, damage caused to the environment and hazardous environmental impacts;

29.1.15. Orders, decrees and decisions of state bodies and municipalities made available to the public from the date of taking effect;

29.1.16. State concepts of public importance, drafts of development plans and programmers before they are submitted for approval;

29.1.17. Information on vacancies at state and municipal institutions;

29.1.18. Information on goods and services to be offered by state bodies and municipalities;

29.1.19. Information on the use of property or funds allocated from the state budget to private legal entities established by state bodies or municipalities or operating with their participation;

29.1.20. Agendas of mass events;

29.1.21. Information on changes in the nature of services provided by state bodies and municipalities made available to the public maximum 10 days prior to the date such changes take effect;

29.1.22. Information on regular appointment hours of officials at state and municipal bodies;

29.1.23. Information on the existing rates of property tax imposed by state bodies and municipalities, rules of procedure on the remuneration of work as well as regulations on payment of other charges and special concessions;

29.1.24. Information possessed by legal entities engaged in public service concerning the fulfillment of relevant functions by them including private legal entities and individuals providing service in educational, healthcare, cultural and social spheres based on regulatory acts or contract;

29.1.25. Information on offers for goods and services and their prices and changes to those offers and prices possessed by legal entities which take predominant position in the goods market, enjoy preferential or exceptional rights or holding natural monopoly which shall be made available to the public 30 days prior to the date of their taking effect;

29.1.26. Information on the use of funds or property allocated from the state budget to non-commercial institutions, non-state budgeted foundations which fully or partially owned by or dependent on the state, including those commercial associations to which the state is a party or shareholder;

29.1.27. Information on public services available as well as changes made to prices for the services provided prior to the changes been made;

29.1.28. Acts issues by the court;

29.1.29. Information in state registers accessible to the extent envisioned by the Law;

29.1.30. Register of information holders;

29.1.31. Results of public opinion poll;

29.1.32. Information on the property of the information holder and its obligations arising from the ownership by this property;

29.1.33. List of information classified by the state;

29.1.34. Information the disclosure of which is defined by a special law, international agreement or by regulatory acts adopted based on them as well as other information considered by the information holder for disclosure.

In Articles 30 and 31 of the above Law there is a broad definition of ways the information can be disclosed and chosen.

30.1. Information defined in Item 29.1 of this Law shall be made available in internet resources.

30.2. Public information defined in Item 29.1 of this Law including:

30.2.1. through mass media;

30.2.2. in official publications;

30.2.3. through providing conditions for getting familiar with documents at libraries, public information centers and in other places where a mass use is possible;

30.2.4. and by other means envisioned in the Law can be made available.

31.1. The information holder shall make information available to the public the way which provides the quickest access possible for those in need of this information.

31.2. Should the way of information disclosure be envisioned by a special law of international agreement that way envisioned by the law or international agreement is applied while being made publically available. In case this requirement is, inter alia, set forth in Item 29.1 public information shall be published in internet resources as well.

31.3. The information holder shall made publically available information about threats to human life, human health and property or to the environment as well as other facts and events considered important for the public and urgently announce it through press, TV and radio and Internet resources in order to prevent this threat or mitigate its possible repercussions.

Articles 32 and 33 of the Law set forth provisions on the development of Internet resources and relevant requirements.

32.1. State bodies and municipalities shall develop Internet information resources to make publically available information defined in Item 29.1 of the Law.

32.2. Relevant executive power bodies shall provide conditions for the development of Internet information resources at their subordinate state agencies. To this end Internet information resources can be developed in corporative, regional and

other forms.

32.3. Information holders defined in Items 9.1.2 and 9.3 of the Law can create joint or isolated Internet information resources within the Internet network in order to make information available to the public.

32.4. Forms and rules of developing Internet information resources by state bodies and municipalities are defined by a relevant executive power body.

33.1. Information holders defined in Item 9.1 of the Law:

33.1.1. Shall make available to the public relevant addresses containing references to Internet information resources or changes made them through mass media means;

33.1.2. Shall publish in Internet information resources the most recent and topical information;

33.1.3. Shall reject outdated, incomplete, non-verified or confusing information in Internet information resources;

33.1.4. Shall ensure reliable performance of Internet information resources.

33.2. Shall indicate the date of publishing a document in Internet information resources and announce the date of making it available by other means.

33.3. Information holders defined in Article 9 of the Law shall provide conditions for instant and simple access to information available from Internet information resources.

In addition, detailed information is given in the Law on forms of making information available. Information dependent on the form of how it is obtained is divided into one open for general use and the other access to which is restricted and according to the Law of the Republic of Azerbaijan information access to which is not restricted is defined as open information. Information access to which is restricted by the law is defined as classified or confidential according to its legal status. State secret, professional (medical, legal, notary), commercial, investigational and trial secrets access to which is restricted for the sake of protection of legal interests of citizens, departments, enterprises, institutions and other legal entities irregardless of the form of their property as well as private information are all considered confidential. Information holder by restricting access to information can consider it as intended for professional use and shall consider the following information as intended for professional use within a specified period defined by the Law:

- Information gathered on criminal cases or administrative prosecution – until the case is submitted to the court or a decision is taken to close it;
- Information gathered in the course of carrying out a state control – until a decision is taken on the issue;
- Information untimely disclosure of which may affect the formation, development and success of a state policy – until there is an agreement on the completion of the process;
- Information untimely disclosure of which pose or is likely to pose a threat to the effectiveness of a test or financial investigation carried out by a state body – until the test of financial investigation is completed;
- Information untimely disclosure of which interfere with or is likely to interfere with the process of views exchange and discussions by a state body – until final decision is taken;
- Information untimely disclosure of which adversely affect or is likely to adversely affect the implementation of economic, credit or financial policy by a state body – until concrete economic, credit or financial transactions are completed;
- Information that cause trouble or is likely to cause trouble to the implementation

of a trial – until the court takes a decision;

- Documents received from overseas or international organizations – until mutual consent is achieved for the disclosure of the document;
- Information that pose or is likely to pose a threat to the environment, cause damage or is likely to cause damage to components of the environment– until the causes are eliminated;
- In cases the disclosure of information may cause damage to legal interests of the information holder or if no clause on a professional use of information is set forth in an agreement with private legal entities engaged in public services – information on technical solutions.
- Information holders may, on genuine grounds, consider the following information as intended for a professional use:
- Draft orders, resolutions, decisions of information holders defined in Item 9.1 of the Law – prior to submitting these orders, resolutions and decisions for final adoption;
- Acts and documents thereof concerning the fulfillment of responsibilities envisioned by Items 9.3.1 of the Law by legal entities defined in Item 9.3 of the Law – prior to adopting or signing these acts.
- Information envisioned by Item 35.2 of the Law can be considered for professional use in case damage that might be caused as a result of disclosure of this information prevails over the interest of the public in this information.
- Documents intended for professional use or folders containing such documents are marked by “for professional use” note. Documents intended for private use or folders containing such documents are marked with “for professional use / private information” note.
- In both cases the dates on which conditions of restricted use take effect and expire shall be specified on documents or folders containing these documents.
- Information holders defined in Item 9.1 of the Law may consider for professional use the following information:
 - results of a public opinion poll;
 - collated statistic information;
 - about economic and social forecasts;
 - about emergency events posing a threat to human life and health, natural disasters and accidents;
 - about a state of the environment, healthcare, demography, education, culture, economy including transport and agriculture as well as crime;
 - reports on the activities of the information holder including the quality of responsibilities fulfilled and shortcomings;
 - about concessions, subsidies and compensations provided by the state to citizens, officials and legal entities regardless of the form of property;
 - about a status of health of senior officials of the Republic of Azerbaijan;
 - about the violation of the law by state power bodies and their officials;
 - excluding information of a private nature, about a blemish on business reputation of government and municipal officials including individuals and legal entities engaged in public service;
 - about vacancies in state organizations and municipalities;
 - about the use of budget resources and a state of the country economy;
 - description of responsibilities of officials employed at state organizations and municipalities;
 - about the state’s reserve of precious metals and currency;
 - regulatory legal acts;

- minutes and proceedings of open meetings held by the National Parliament of the Republic of Azerbaijan;
- decisions by the court as from their effective date;
- list of information constituting a state secret;
- about grants;
- information about the property of the information holder and property obligations;
- orders, decrees and decisions adopted in the process of implementation of the state control;
- about the quality of products and services in protection of legal rights of consumers;
- results of surveys and analysis ordered or conducted by state bodies or municipalities provided the disclosure of this information does not cause any harm to the protection and security of the state;
- about changes in components of the environment occurred or which are likely to occur as a result of activities affecting or which are likely to affect the environment and human health, about their assessment and actions and expenses aimed at the protection and sustainable use of the environment;
- Internal documents not included in the registry – congratulation letters, guarantee letters, memorandums, agendas of mass events, different statistic reports.
- Legal entities defined in Item 9.3.1 of the Law cannot restrict for professional use information about offers and prices for goods and services and changes to these offers and prices as well as legal entities and individuals defined in Item 9.3.2 cannot restrict for professional use information about the use of funds or property allocated to them from the state or municipal budget.

According to the Law information on violation of the law or accidents raising an interest on the part of the public, before results are fully cleared up, shall be made publically available by the information holder in the manner and to the extent it does not affect the conduct of investigation or interfere with the process of clearing up the causes of the accident. Decision on the extent to which information is disclosed is determined by an official responsible for the investigation or control over it or clearing up causes of the accident. State and municipal officials are entitled to the right of using documents intended for professional use in connection with the fulfillment of their professional responsibilities. The manager of information holder can allow the third parties to use information intended for professional purposes provided such information does not cause any harm to interests of state and municipal bodies. Restrictions imposed on the disclosure of information are waived after 5 years following the elimination of reasons for such restriction. The expiration of restrictions imposed on the disclosure of information shall be indicated in files of the information holder and in the registry.

In addition, the information holder shall take administrative and technical measures for the protection of information intended for professional use. In case of publishing a restricted information in Internet information resources appropriate measures shall be taken to deny access to such information.

Question 8

What bottlenecks were encountered in the course of implementation of provisions of the aforementioned Article 4.

There is no obstacle for the implementation of Article 4 of the Aarhus Convention in the Republic of Azerbaijan. A list of institutions to be applied to for the environment-related information has been compiled at Ministry of Ecology and Natural Resources

	<p>and published on the website of the Ministry and according to the existing legislation everyone has the right to search for, access, transmit, prepare and disseminate in a legal manner any information of interest. In addition, the adoption of new laws in this area has significantly facilitated full and timely access to information needed.</p>
<p>Question 9</p>	<p>Provide additional information on a practical implementation of the provisions of the Convention and also share statistical information, if any.</p> <p>Because of giving particular attention to making appropriate environmental information available to the public and promoting environmental education and raising environmental awareness Ministry of Ecology and Natural Resources in its activities take as a guide provisions of the Laws of the Republic of Azerbaijan on Access to Information, Access to Environmental Information, Environmental Public Education and Raising Environmental Public Awareness in the Republic of Azerbaijan Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Public education, provision of environmental information to the public and transmission of this information based on modern technologies, highlighting causes and repercussions of environmental problems through the use of various awareness raising tools, ensuring the participation of mass media representatives at meetings with the public and NGOs are all carried out by Environmental Awareness Raising Division. In the course of 2005 through 2007 more than 1000 phone calls, 200 letters and e-mails were received by Ministry of Ecology and Natural Resources from representatives of NGOs and mass media. Applications were mainly concerned with materials for interviews and articles related to issues of environment protection, conservation of forests, a state of the environment in Azerbaijan, development of biodiversity, reproduction of aquatic bioresources, global environmental problems. All events held under the auspices of the Ministry addressing its major activities and a concept of sustainable development which are of particular interest to the public have a good coverage in mass media and awareness raising materials on accomplishments of the Ministry are periodically published on the website of the Ministry.</p>
<p>Question 10</p>	<p>Give information on relevant websites:</p> <p>http://www.eco.gov.az, http://www.min.edu.az, www.economy.gov.az, http://www.mednet.az, www.azstat.org, http://www.socar-cc.com, www.culture.az, http://www.ecolex-az.org , http://www. watercaucasus.org, www.aarhuscenter.az</p>
<p>Question 11</p>	<p>List legislative, regulatory or other actions towards the implementation of provisions of Article 5 of the Convention. To what extent are provisions of these items being implemented.</p> <p>Pursuant to the Law on Access to Information the information holder shall be obliged, in accordance with the Law, to meet the right of everyone to have independent, unrestricted access to information from its own information resources based on equal opportunity. To this end the information holder appoints an information officer or establishes a structural unit and provides information services. The failure to appoint an information officer or establish a structural unit does not exempt from an obligation to provide information services.</p> <p>Pursuant to the Law the information holder shall:</p> <ul style="list-style-type: none"> • Respond to an information inquiry within the shortest period of time and to the manner suitable for the inquirer;

- **Keep the registry of documents;**
- **Publicly share information about the fulfillment of its public service on a regular basis;**
- **Make available to the public information which is subject to public dissemination in accordance with the provisions of the Law;**
- **Render assistance to the inquirer;**
- **Inform the inquirer about restrictions imposed with regard to access to information;**
- **Protect information access to which is restricted by the Law;**
- **Refrain from providing unreliable, incomplete or incorrect information and in case of a doubt shall verify the reliability and correctness of the information.**
- **An information officer or a structural unit responsible for information is charged with the following duties:**
 - **Take appropriate decisions following a thorough analysis of an inquiry;**
 - **Respond to inquiries in accordance with the procedure set forth in the Law;**
 - **Control the provision of information services;**
 - **Take appropriate decisions following the investigation of complaints forwarded to the information holder regarding access to information;**
 - **Fulfill other duties linked to the provision of information services.**

Pursuant to the Law chief of the information holder determines an internal procedure on arrangements for information services. Information holders defined in Article 9 of the Law shall be legally liable for arrangements with regard to access to information. In case the information holder failed to appoint an information officer or to establish a structural unit to deal with access to information a person assigned by the information holder to be in charge of this capacity shall be liable for handling an information inquiry. In case the duty of handling information has not been assigned to anyone else, chief of the information holder shall be liable for making information available in accordance with the procedure defined by the Law.

There is also reference to the registry of documents in the Law. The registry of documents (hereinafter registry) is an electronic compendium of information received by the information holder and generated or obtained as a result of implementation of public duties which is accessible and subject to use by every person. Guidelines of the creation, maintenance of the registry and keeping it up-to-date on a regular basis are developed by a relevant executive power body. The information holder shall register the following documents in the registry within a period defined in this Article:

- **Documents received, sent and prepared within an institution – the same day the document was received, sent or prepared;**
- **Legal acts – as from the date of signature;**
- **Agreements – as from the date of effect.**
- **Accounting documents, congratulation letters, notifications, memorandums, guarantee letters as well as agendas of meetings, conferences and other mass events or information about such events, various statistic reports are referenced in the registry of documents.**

In addition to what is set forth in Item 5.1 of the Law the following information shall be included in the registry:

- **The way the document is received or sent (by electronic mail, mail, fax or in person);**
- **Type of the document (inquiry, offer, written request/application or complaint,**

- report, act of regulatory nature, etc.);
- Restrictions, if applicable, imposed on access to the document, etc.

Besides, a period specified by the Law for the response or review of the document, name of a structural unit as well as the name and surname of an authorized person responsible for a reply shall be indicated in the registry. A relevant executive power body shall develop guidelines for facilitating the use of the registry and retrieval of the document.

In addition the Law defines the ways and forms of ensuring access to information based on an inquiry. The inquirer submits his/her inquiry in the following ways:

- Verbally by approaching in person or contacting by telephone an officer of the information holder;
- In writing by submitting in person or sending an inquiry to the information holder by mail, fax or e-mail.

The inquirer is entitled to demand a response to a written inquiry in one of the following forms or existing other forms:

- To access a designated area to get familiar with a document;
- To rewrite a copy of the document;
- To make a photocopy of the document using technical capabilities of the information holder or obtain a certified copy of the document;
- To make a photocopy of the document using the inquirer's own technical capabilities;
- To be provided in an appropriate format proceedings or documents in a codified format so as to be able to review them;
- To have the documents translated;
- To copy the document into an electronic format, etc.

Legal forms of accessing information are as follows:

- Information that is subject to being made available in accordance with the provisions of this Law;
- Information made available by an agreement.

The information holder may reject handling information in the form specified in the inquiry in the following cases:

- Unavailability of technical means;
- Impossibility of handling on account of a type of the information storage device;
- If the handling of verbally required information takes long and prevents the information holder from fulfilling its direct duties.

In cases envisioned in Items 14.5.1 and 14.5.2 of the Law the information holder can, at its discretion, choose an appropriate form of handling the inquiry and if contact details contained in the inquiry make it possible this matter is discussed further with the inquirer. In case a verbal response of an officer or if it is defined by Item 14.5.3 of the Law the inquirer is offered to submit a written request. If the form of information providing is not clear from the inquiry and it is not possible to clear it up during the period intended for handling the inquiry the handling of the inquiry is carried out in a form chosen by the information holder. The following shall be specified in a written inquiry:

- Name and surname of the inquirer;

- In case the inquiry is submitted by a legal entity – the name of the legal entity;
- Contact details of the inquirer (mailing address or e-mail, telephone or fax numbers) to enable the information holder to appropriately handle the inquiry;
- Subject of the inquiry or type of document or its title or references of the document known to the inquirer;

If the inquirer wishes to obtain information of individual nature, he/she shall submit the inquiry directly to an officer of the information holder and simultaneously presents his/her personal identification document. In case of a query for information of individual nature or an inquiry by an officer of state body or municipality for the purposes of the fulfillment of his/her professional duties the necessity for information shall be justified. The inquirer cannot be granted access to information by bringing reasons of the need in information for professional purposes or by using his/her privileged position of a public servant or if obtained for professional purposes this information cannot be used for other purposes. A written inquiry shall be signed by an individual or head of a legal entity or by their proxy. Rejection of a written inquiry shall be prohibited.

The information holder handles the information requested in an inquiry in the following ways:

- By copying the information into a storage device or sending it to an e-mail address specified in the inquiry;
- By directly handing over a copy or excerpt of the document to the inquirer or sending it to his/her mailing address;
- By fax;
- verbally;
- by allowing to the designated area for access to information;
- by other means taking account of an information storage device.

Information inquiry is handled verbally in the following cases only:

- when directing an inquiry to officials;
- when asking for an update on the status of information inquiry;
- when verifying the availability of information needed by the inquirer with the information holder.

The information holder shall deliver to the inquirer, in a clear manner, conditions, rules of procedure, and methods of how the information can be accessed. In case the information holder does not possess the information inquired it shall provide assistance in locating its source. In case the information requested is not clearly specified in the inquiry or a form of its presentation is not defined, an official shall get in touch with the inquirer to clarify the matter in accordance with the procedure prescribed by the Law. A verbal inquiry of those who are incapable of submitting a written inquiry on account of being uneducated or physically handicapped shall be logged by officials of the information holder with an indication of their names, surnames and position and date when the inquiry is logged.

The information holder shall register the information inquiry as from the date it is received and enters information listed in Item 15.1 of this Law in the register specified in Article 12 of the Law. Information inquiry shall not be registered and responded to in writing in the following cases:

- if the inquiry is anonymous;

- the inquiry is submitted verbally.

If the inquiry is submitted on a letterhead of a legal entity or in case there is at least a single contact detail of an individual inquiring about information the inquiry shall not be considered anonymous.

The inquiry shall be thoroughly reviewed by an official of the information holder. To this end:

- the conformity of the way the inquiry is written to the requirements stipulated by the Law;
- the availability of the information requested in the archive;
- in case information is not available in the archive a further address where it needs to be redirected to;
- if the information requested is available in the archive its status as to whether it falls under the category of restricted information;
- if the information requested is open, however it is part of information access to which is restricted by the law possibilities of retrieval of this information;
- the possibility of providing the information in a form it is requested in the inquiry;
- the presentation of the information on a chargeable basis or free of charge of based on preferential terms are verified and an appropriate decision on the analysis made is taken.

An official of the information holder, dependent on the outcome of the analysis shall take one of the following decisions:

- refuses to handle the inquiry;
- handles the inquiry;
- redirects the inquiry to a relevant information folder.

The information holder may refuse to handle the inquiry in the following cases:

- if the information requested belongs within a category of restricted information or if the inquirer is not sufficient authorized to access this information or in case the inquirer has not presented his/her identification card should this be required by the law;
- if the information holder does not the information requested or if it is unable to identify the holder of the information;
- if it is not possible to identify what kind of information the inquirer has requested.

The information holder may refuse to handle the inquiry in the following cases:

- if the inquirer had already been given the same information and the necessity for its replication has not been justified;
- if the information requested from individuals and legal entities defined in Items 9.1.2 and 9.3 of the Law has nothing to do with the fulfillment of duties specified in Items 9.1.2-ci and 9.3;
- if the inquiry interfere with the fulfillment of public duties by the information holder on account of a lengthy format of the information requested or groundlessly entail enormous expenses;
- if the inquiry cannot be handled at once;
- if handling the inquiry requires a systematization, analysis or documentation of the information.

A response about a rejection of an inquiry shall be written in a clear and well grounded

form with a relevant reference to items of the legislation of the Republic of Azerbaijan and it shall also contain a remark about the inquirer's right to submit a claim to court in connection with the response.

The information holder, in compliance with Item 14.1 of the Law, shall facilitate access to information or presents information to the inquirer. If the information requested is part of a document access to which is restricted by the law, only its open component can be presented. The information holder presenting incomplete or incorrect information shall provide additional information free of charge upon a justified demand of the inquirer. If the issuance of certified information is required for meeting the rights and freedom of the inquirer or for the fulfillment of his/her professional duties the information holder shall issue this information or information that has already been made available by certifying it. If the information requested is not available with the information holder the latter shall identify a relevant information holder and redirect it respectively without delay but not later than 5 working days and inform the inquirer accordingly. Information holders defined in Items 9.1.2 and 9.3 of the Law may not forward the inquiry in to a relevant address provided they have informed the inquirer without delay, but later than 5 working days about unavailability of the information requested. The inquiry shall be handled within the shortest period of time but not later than 7 days. If the information may lose its topicality within the period specified above the inquiry shall be responded to immediately or, if it is not workable, not later than 24 hours. In case of a threat to human life, health, or personal freedom, information whose locating and handling is time consuming shall be presented within 48 hours (excluding holidays and weekends). If the information was not completely or correctly prepared an official shall inform the inquirer about the shortcomings detected within 5 working days.

The period of handling an inquiry as defined by the Law is counted as from the next working day following the day the inquiry was registered. In cases which are defined in Item 24.4 of the Law the period of handling an inquiry is counted as from the next working day following the day it was submitted afresh after the shortcomings were eliminated and in cases which are defined in Item 23.1 of the Law the period of handling an inquiry is counted not from the date it was received, but the next working day following the day it was received by the information holder to which it was redirected.

In case the information holder receives too many inquiries and therefore faces time deficiency to timely handle the inquiry or needs more time to verify the subject of the inquiry or review a large number of documents to examine the information, it may extend the period of information handling specified in the Law for another 7 days. The information holder shall inform the inquirer about the prolongation of the period within 5 working days by specifying the reason.

The inquirer, while getting familiarized with information and rewriting it or copying it using its technical capabilities as well as in other cases when technical support is not provided, does not pay any fee for the service of granting access to information. No fee is charged for public information. A fee for the service of providing information can be charged provided the fee charged is not higher the expenses incurred while preparing and presenting the information.

The inquiry for information shall be considered fulfilled in the following cases:

- when the information has been presented to the inquirer in the form and way prescribed by the Law;

	<ul style="list-style-type: none"> • when information is redirected to a relevant address and the inquirer is accordingly informed about it; • when the inquirer is instructed about opportunities of access to information disclosed; • when the inquirer is informed about a rejection of his/her inquiry in a justified form. <p>The following information is entered into the registry when the inquiry has been responded to or rejected:</p> <ul style="list-style-type: none"> • name and surname of the official assigned to deal with the inquiry; • reference numbers of documents whose copies, translations, or excerpts were provided; • the date of fulfillment or rejection of an inquiry; • grounds for a rejection of the inquiry defined by the Law.
<p>Question 12</p>	<p>What bottlenecks were encountered while implementing Article 5 of the Convention.</p> <p>There is no obstacle for the implementation of Article 5 of the Convention in Azerbaijan.</p> <p>Ministry of Ecology and Natural Resources of the Republic of Azerbaijan carries out significant work in this area. The website of the Ministry (www.eco.gov.az) already comprises over 1000 pages of information and it is being regularly updated. In addition, information related to the environment is also collected at Archived Information Fund of the Ministry where it is regularly updated and made widely available to the public.</p>
<p>Question 13</p>	<p>Provide additional information on a practical implementation of Article 5 of the Convention.</p> <p>In the course of 2005 through 2007 more than 1000 phone calls, 200 letters and e-mails were received by Ministry of Ecology and Natural Resources from representatives of NGOs and mass media. Applications were mainly concerned with materials for interviews and articles related to issues of environment protection, conservation of forests, a state of the environment in Azerbaijan, development of biodiversity, reproduction of aquatic bioresources, global environmental problems. All events held under the auspices of the Ministry addressing its major activities and a concept of sustainable development which are of particular interest to the public have a good coverage in mass media and awareness raising materials on accomplishments of the Ministry are periodically published on the website of the Ministry.</p> <p>The Ministry issued 14 posters specifically designed to raise environmental awareness and distributed them in educational institutions, among NGOs, companies and organizations. Leaflets and posters devoted to national parks and state nature reserves were prepared and disseminated.</p> <p>In order to develop the ability to have a conscious thinking and produce ideas on possible solutions to environmental problems, a debate contest in Karl Popper format entitled “Economic development is to be restricted for the sake of the environment” was held among students of educational institutions of Azerbaijan and winners and contestants were awarded diplomas, tributes and certificates.</p> <p>With a view to the improvement of a state of the environment in the country, protection of the environment, natural resources, biodiversity, dissemination of ideas of promoting a sustainable use of nature and raising public awareness a contest entitled “The Best TV Broadcasts and Articles on Environmental Subject” is held among TV broadcasting</p>

	<p>directors and journalists every year on International Day of the Environment on 5th June and the winners are awarded prizes.</p> <p>In addition, arts contests entitled “The Environment Through the Eye of a Child” and “Weather Through the Eye of a Child” were held among pupils, workshops on relevant subjects were organized at middle schools, round tables with the participation of teachers and students of higher educational institutions, municipalities and NGOs and subbotniks with the participation of the public, representatives of municipalities, local executive power bodies, institutions and enterprises were held.</p> <p>Regular meetings with NGOs were held at the Ministry and public relations were broadened. Round tables on “Environmental Challenges of the Caspian Sea”, “Sustainable Use of Water Resources and Protection of Water Bodies from Pollution”, “Protection of the Ozone Layer”, “the Caspian Sea is the Largest Lake of the World” and 7 more subjects were held with the participation of NGOs. Representatives of mass media took part at these round tables and they were highlighted in press. NGOs and public representatives took part at all events and NGOs were also represented in all commissions established at the Ministry.</p> <p>It should also be mentioned that last summer workshops were organized for representatives of NGOs and mass media.</p>
<p>Question 14</p>	<p>Give information on relevant websites:</p> <p>http://www.eco.gov.az, http://www.min.edu.az, www.economy.gov.az, http://www.mednet.az, www.azstat.org, http://www.socar-cc.com, www.culture.az, http://www.ecolex-az.org, http://www.watercaucusus.org, www.aarhuscenter.az</p>
<p>Question 15</p>	<p>The normative act regulating the estimation of influence on environment in Azerbaijan is the charter of EIE. The another method of ecological estimate, the Expertise of ecology is used widely and is regulated by the low of Environment protection. According to the low, the Ecological expertise defines to found the possible influence of the economy activity to the environment and the results connecting with it, to prevent or to predicate it, in order to determine the accordance the qualification normatives of the environment and ecological demands. The ecological expertise in the Republic of Azerbaijan is realized by the State Expertise Office and the according departments (state ecological expertise) of regional office of the Ministry of Ecology and Natural Resources and public organization (public ecological expertise). The state ecological expertise is organized and realized in order to define the fullness and correctness of the estimation of the influence to the environment in the result of the economy and other activities, the security degree of the accepted decisions, the measures of effective use of natural resources and protection of environment. The State ecological expertise prevents the acception of accidental decisions can negatively influence to the environment.</p> <p>The duties of the state ecological expertise are shown in the Low as following:</p> <ul style="list-style-type: none"> -To define the security degree of the mentioned and realized economic and other activities, can or shall directly or indirectly influence to the state of

environment and the health of population

- To estimate the accordance of the activity of the planned economy and other activities to the demands of the legislation of environment , sanitarian- hygienic norms and rules.

-to define how based are the quality of the mentioned measures of environment

The objects of the state ecological expertise are:

-The state and local programs of the development and the location of productive forces according the economic fields of the state

-The technicoeconomic accounts of the building and abolishment (reconstruction, broaden, providing with new technology) of economic objects and complexes, projects, the documents of the estimation of influence on the environment.

The documents of concerning the new technique, technology, creating the materials and matters, also import of its from other countries;

- The projects of instruction- methodic, normative- technical documents concerning the protection of the environment;
- The ecological situation arised from the result of economic activity and emergency situations
- The ecological situation in the region, in separate nature objects and complexes
- The ecological section of the contract projects mentioned the use of natural resources according to the decision of suitable executive body.

In the legislation of Azerbaijan about the EIE is mentioned the definite actions of investors that has to do in order to provide the participation of the public. To add the public opinion and suggestions to the Ecological Expertise is the demand. Also there is a demand of the participation of public in the Ecological Expertise. This is implemented by the way of entering the public representatives to the contents of Council of Advice and the Experts group.

Now the legislation of Ecological expertise and EIE is improved and new laws are prepared. There will be described the procedures of the public participation in the adoption of decisions on the Low

**Question
16**

The experiment of last time shows that, one of the elements strained the ecological situation is being the people uninformed and not knowing their laws. The observation realized in the regions of our republic shows that the people know their lows less in the field of protection of environment. In the process of adoption of the decisions against the interest of people is related to the passive participation of public. The Ministry of Ecology and Natural Resources of the Republic of Azerbaijan conducts the affaires in the regions in the direction to organize the information centers of Aauhus in order to solve these voids. Also the activities of ecological propaganda sector

departments in the Ministry of Ecology and Natural Resources are estimable. The propagandas are regularly realized in the regions by the collaborators acting in the department of propaganda of the ministry. The meetings are held in the education centers, NGO and enterprises, the lectures are organized on ecological field, the placards of propaganda are spreaded. Connecting with the ecological calendar days, also “Water day”, “ International Earth day”, “International environment protection day”, “ International sea day”, “ Sea mammals protection day”, “ Biodiversity day”, the articles of the experienced workers , the chief of departments of, the executive workers of the departments of the Ministry of Ecology and Natural Resources were published in the mass Media, their appeals for verdure, the importance of cleaning and renovation actions are transmitted by TV and radio

**Question
17**

Give extra information about practical performance of item 6 in Convention.

Ministry of Ecology and Natural Resources pays great attention to the public opinion during the performance of ecological inspection of projects and participation of public representatives during the discussion period of projects. Special attention is paid to the observance of social ideology prior to the submittal of project for approval. Ecological estimation of project is realized only after the highly appreciation of mentioned-above step.

Within the performance of long-lasting projects, according to the requirements of EIE regulations, discussions with the citizens of impact areas, consideration of their suggestions in the designing and risk estimation for the exploitation periods are performed. Opinions and suggestions of public and scientific organizations, specialists are also analyzed and estimated within this process.

EIE projects in 2005-2007 years based on the local and foreign investments are mainly performed in the spheres of oil-gas, energy, construction, road construction, irrigation works. The best examples for these kind of projects are: “Utilization of ground waters in the deposits of Azeri, Chirag , Guneshli” , “ The enlargement of technical equipment base”by BP Company, “ the intelligence boring works in Kalamaddin- Padar deposits“ by Garasu Operation Company, “Construction of Sumgait CCPP” by Azerenergy JSC, “Construction of Valvalichay - Taxtakorpu canal” by “Melioration and Water Economy” JSC, Restoration and modernization of Bahramtepe Main Hydroengineering complex”, “reconstruction of Baki-Russia Federation state border highway”, Construction of “Garadag – Sangachal oil terminal station”, construction of Yevlax – Gandja road, exlotation of gold fields in Gadabay region and so on. All the above-named proects have been performed learning public opinion according to the procedure rules.

Moreover, EIE representatives took an active part in the dicussions of E-forums on different issues and answered all necessary asked questions

**Question
18**

<http://www.eco.gov.az>, <http://min.edu.az>, www.economy.gov.az,

<http://www.mednet.az>, www.azstat.org, <http://www.socar-cc.com>,
www.aarhuscenter.az

**Question
19**

After getting independence the Republic of Azerbaijan has accepted the participation of the public in accepting the decisions and involving to all processes as the main issues. The bright example of the participation of public is the discussion of The Constitution of the Republic of Azerbaijan, the referendums held in 1995 and 2002 years connecting with the addition and amendments to it. This is the example of the preparing and the accepting of the legislation.

One of the excellent example of the participation of the public in preparing and accepting of governmental programs is the preparing and accepting of the State Program of elimination of poverty. Also the participation of the public in other programs have been provided. For example the opinion of the public is considered in the “ Red book” prepared by the Ministry of Ecology and Natural Resources.

“ The conception of state support to non- governmental organizations” has been signed accepted by the President of the Republic of Azerbaijan on 27 July in 2007 in order to form the stable and effective system of the cooperative relations of the state body with NGO, to involve the NGO to the solution of problems assumed important for the development of the state and the society and accelerate the development of the civil society. The signing of the Conception will stimulate the development of the civil society and has a special importance.

Till now the government has payed attention to NGO like the other fields. The important measures have been taken to perfect the legislation base for their normal activity, to simplify the governmental registration of NGO and to accelerate the work principles.

**Question
20**

Accurately defined procedures of participation of community in development of environmentally related policy have been prepared. These provisions will find its reflection in new laws on EIA and Environmental examination. Currently the public participation opportunities in adoption of such decision by the way of conducting of public examination have found its reflection in the legislation. The working groups on preparation of various environmentally related decisions, plans, program and policies includes the representatives of related NGOs, scientists, independent specialists mainly by initiative of the MENR. There were held consultations in regular meetings with the community. The community is involved to the activities on environmental monitoring, inventory of natural resources and other activities which create the positive experience of involvement of the community.

In the same time as a result of involvement of the Republic of Azerbaijan

	<p>into the “European Neighborhood policy ” of the European Union , adoption of the positive decision by the European Union on Development of the Action Plan for the Republic of Azerbaijan in accordance with the extension of the relations between European Union and our Republic with the aim of implementation of commitments derived from State Order of the President on Integration to Europe the representatives of NGOs has been involved into the Commission established according to the order of the Ministry of Ecology and Natural Resources.</p>
Question 21	<p>There are not any barriers with respect to the implementation of Article 7 of Aarhus Convention in the Republic of Azerbaijan.</p>
Question 22	<p>The legislation of the Republic of Azerbaijan broadly reflects the participation of the community in preparation of the normative provisions and generally applied legal commitments.</p>
Question 23	<p>www.eco.gov.az, www.min.edu.az, www.economy.gov.az, www.mednet.az, www.azstat.org, www.socar-cc.com, www.aarhuscenter.az</p>
Question 24	<p>The laws that were prepared in the relative commissions of the Milli Mejlis provides the active participation of the community in the working groups. In the other hand according to the law “On normative legal acts” it is emphasized the discussion of the laws by the community.</p>
Question 25	<p>There are not any obstacles with respect to the implementation of the Article 8 of the Aarhus Convention.</p>
Question 26	<p>The legislation of the Republic of Azerbaijan broadly reflects the participation of the community in the preparation of normative legal acts and legal commitments. As mentioned above there are great opportunities for community in the preparation and implementation of laws and meetings are held in regular manner.</p>
Question 27	<p>www.eco.gov.az, www.min.edu.az, www.economy.gov.az, www.mednet.az, www.azstat.org, www.socar-cc.com, www.aarhuscenter.az</p>
Question 28	<p>28. In accordance with the Article 26 of the Constitution of the Republic of Azerbaijan each person has rights to protect its own rights by the methods and means which are not prohibited by the law. The state vouches for the rights and liberty of each person. Appeal to the Justice and achievement of adoption of equitable decisions are at the focus of attention. So it is not possible to achieve progress in the field of the environmental protection without provision of supremeness of this process.</p>

According to the law on administrative execution the interested persons has the right to complaint in refusing from administrative act and adoption of administrative act with the aim of protection of rights and interests that are protected by the law.

According to the law about administrative execution interested persons have the right to complain from rejection of administrative act and adoption of administrative act in order to protect their rights and legally protected interests. The purpose of the person's appeal is to be able to complain of activity and inactivity of the administrative body in case of not being related to the adoption of administrative act. Only in following cases it can be independently complained of intermediate administrative acts to the subordinated upper administrative body or to the another body which has the authority to deal with the complaint:

- Connected with authority;**
- rejection;**
- rejection of informing the interested person on the work or presentation of the execution materials to the interested person to be acquainted with;**
- in the other legally indicated cases.**

The complaint can be made in an administrative or juridical way. In the cases the administrative act is claimed in both administrative and juridical way, the complaint is dealt in the juridical way and the execution begun on that complaint is put end in the complaint instance. The complaint in the administrative way is presented directly or by the administrative body adopted the administrative act. The administrative body should dispatch that complaint to the complaint instance. The complaint of administrative acts in juridical way is made according to the rule determined by the appropriate legislation of Azerbaijan Republic. If the other rule is not envisaged in the legislation, the complaint is submitted to the relevant complaint instance after the administrative act comes into force within the 30 days. If the administrative act does not consider any legal defense means, use of these defense means and term or the administrative act infringe its interest (for the first time) from the moment the day it came into force the complaint can be made. In case of the term of the complaint be delayed, the term may be restored by the complaint instance.

The following information must be indicated.

**The name of the administrative body and address, residential place
(Name of the legal person and legal address)**

Under complaint administrative act or action (inactivity)

Claims of the complainant and claim bases

Date of the complaint

Signature of the complainant

Irrespective of the administrative complaint, the interested side may address to the court for temporary defense. If the law does not consider other term, is obliged to consider and decide the complaint within the 1 month from the day of its entry.

When the complaint administrative act is presented to the instance body this body is obliged to send the complaint and materials to the complaint instance. In case of the complaint is introduced to the complaint instance the interested person directly, the body can demand the materials from the administrative body on the process. The complaint is considered by the complaint instance, its objective laws and advisability is studied.

After the study of the administrative complaint, the complaint instance:

It can maintain the administrative act without changing and not providing the administrative complaint

A new administrative act can be adopted on the basis of the introduced proofs.

It can change the administrative act.

The adopted decision by the complaint instance on the administrative complaint is considered an administrative act and must correspond to the requirements of the Law on administrative act.

Question
29

What difficulties were faced in the implementation of the 9th item of the article?

There is no any obstacle on implementation to the 9th article of the Aarhus Convention.

New laws and rules are adopted in this field in the country and in the protection of public interests the important works are carrying out.

Question
30

Give additional information on the implementation of the 9th article of Aarhus Convention.

In the legislative of Azerbaijan Republic apply of the courts and achievement just decisions in on the focus and person can apply to the court for the environment issue.

Question
31

Inform on relevant websites.

<http://www.eco.gov.az>,

<http://www.min.edu.az>,

www.economy.gov.az,

<http://www.mednet.az>,

www.azstat.org,

<http://www.socar-cc.com>,

www.aarhuscenter.az

Question
32.

Provide information for the living of current and future generation in health environment.

In Azerbaijan Republic one of the main directions of public life democratization is to develop civil societies. Fast economic and social development of our country extends the opportunities of government in assisting civil society activity, for support and promotion of non-governmental organizations improves the state policy.

In the period of independence in Azerbaijan, consisting of the public unions, funds and other non-governmental organizations, a non-governmental sector was formed. The analysis of these processes show that the non-governmental organizations formations have passed through some stages in our country.

In the first stage in creation of non-governmental organizations is characterized with and lack of system and incoherence. Besides this, the process of defining of the approaches and priorities to the non-governmental sector by the government is underway.

In 1995 after the adopt of the Constitution of Azerbaijan Republic the quality and quantity increase of non-governmental organizations, at the same time differential takes place on their activity. Corresponding legislation base is being created related with the activity of civil society. In 2000 on» non-governmental organizations» a new law was adopted. In many fields cooperations are carried out together with non-governmental organizations. Along with the UN Development Program Training and Resource Center was established of non-Governmental Organizations. In modern time non-governmental organizations become one of the main institutes of creation and democratization of civil society building. Under this circumstance, in our country on the basis of equal right cooperation principles of state bodies and non- governmental sector, close cooperation gives a an enormous importance to the civil society development, deepening of democracy , coordination of legislation to the international standards and national interest defense.

The activity analysis of non-governmental organization shows that, on different directions stable groups of civil society institutes were formed currently.

In the country in the of field solving the problems of refugees, disabled and veterans 73, legal defense 121, children and youth 191, gender issues79, health 68,ecology 77, economic 218, entrepreneurship 63, education, science and technique 176, journalist issues 43, culture and art 113, other state organizations were registered.

The formation and implementation of state support to the non-governmental organizations bases the following principles.

Legality.

Partnership – join participation non-governmental organizations and state bodies in the solving of social problem and defining social policy priorities.

Transparency – presentation of state finance and other support for clarity and interested non-governmental organizations the chance to use of the information.

Coordination – in achieving of the objectives and adoption of agreed decisions related arrangement of general methods.

Responsibility – state financed programs and projects, rigid adherence to the agreements provisions .

It necessary to note that, the” State Support Conception to non-governmental organizations” signed in July 27, 2007 by the President of Azerbaijan Republic one of the main priority field of the state support to non-governmental organizations is to protect environment and finance support to non-governmental organizations for state and society considers on the competition basis, purposely program, projects and measures being financed by state budget.

The main means of provision of state support to the non-governmental organizations consist of the following in this Conception:

- 1. Improvement of legislation: Updating of the activity non-governmental organizations and deepening of the relations between state bodies and non-governmental organization for improvement of the legal acts by involving of civil society institutes.**
- 2. Improvement of cooperation mechanisms of state bodies and civil society institutes.**
 - Holding the forums for effective dialogue for the solution of the mutual activity problems between state and civil society;**
 - The creation of the organization for the non-governmental organizations as a form of cooperation of the state and non-governmental organizations in the deepening of democratization of society.**
 - The creation of aid fund which will render financial support for realization of important projects for the government and society.**
 - To effectively observe the development process of civil society, to carry out the monitoring of the cooperation programs, development of national information network.**
 - Creation of information base regarding with civil society institutes, also defining the forms and method of mutual cooperation, preparing of suggestions for state agencies on formation effective mechanisms.**

-
-
-

This Conception, also considers the creation of institutional mechanisms of state bodies support to non-governmental organizations, improvement of the cooperation between state bodies and non-governmental organizations, participation of non-governmental organizations in the formation of political, legal, civil culture, directions of international cooperation of civil society institutes.

- **In the Conception, the solution of problems of non-governmental organizations in Azerbaijan Republic , improvement of legislation base,creation of effective systems of partnership relation between state bodies and non-governmental organizations,also it will servedevelopment of civil society.**

- **In 1999 Azerbaijan Republic has joined Aarhus Convention and in respect has done much work,made reform in the legislature, civil society was formed , the ideas of non-governmental organizations were taken considerations.**