



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/18/Add.2
8 April 2005

ENGLISH
Original: RUSSIAN

ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (a) of the provisional agenda)

IMPLEMENTATION REPORT

Azerbaijan^{*/}

Based on the reporting format annexed to decision I/8

1. Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

The Working Group on the Aarhus Convention, established by the Ministry of the Environment and Natural Resources (MENR), was involved in the preparation of this report. The membership of the Working Group included representatives of the MENR and the Ministry of Justice, as well as representatives of non-governmental organizations (NGOs) and associations.

It should be noted that the Working Group held regular meetings. Moreover, with the assistance of the European Union (EU), an "Environmental Information, Education and Public Awareness" project was carried out. In order to achieve the objectives of the project, a National Command

^{*/} Unofficial translation submitted by the secretariat. This document was submitted late due to the fact that various first-time problems had to be overcome as this is the first reporting cycle under decision I/8 of the meeting of the Parties. This was compounded by the fact that a considerable volume of other documentation being prepared for the second meeting of the Parties had to be processed during the same period.

was set up. The National Command included officials of the MENR, a partner in the project, and the Ministry of Justice, as well as representatives of civil society. The experience and opinions of the members of the National Command were also taken into account in the process of preparing the report.

In 2003, in the building housing the MENR, with the assistance of the Baku office of the Organization for Security and Cooperation in Europe (OSCE), an Aarhus public information centre was set up. Regular meetings were held in the centre with representatives of NGOs and associations in order to take their views and experience into account. The Report was repeatedly discussed in the MENR and the Aarhus public information centre.

2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

The Republic of Azerbaijan was one of the first (on 19 November 1999) to ratify the Convention. This Convention is of enormous significance for the country. Thus, following the signing of the Convention, the process of rapprochement with the public, which had been going on throughout the years of independence, received a sharp boost.

Under paragraph 2 of articles 148 and 151 of the Constitution, international treaties are part of the legal system. If their rules differ from those of the domestic legislation, the rules of the international treaty are applied. Thus, the legislation of Azerbaijan proclaims the primacy of signed and ratified international treaties over its national legislation.

At the same time, there are obstacles of a financial nature to the implementation of the provisions of the Convention. Thus, the experts of the MENR have the necessary knowledge and skills to implement the Convention, but the financial resources for holding regular meetings with the public in the regions are lacking.

Moreover, there are also financial obstacles in the way of publishing books, booklets and pamphlets explaining the Convention for dissemination among the public.

ARTICLE 3

3. List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

Under the Convention, every natural and legal person or association has the right to request environmental information, to participate in environmental decision-making and to receive guarantees of environmental justice and legal protection. The Constitution and national legislation on environmental protection give everyone broad rights of access to environmental information and participation in environmental decision-making, as well as guarantees of justice and legal protection in environmental matters. This is duly established in article 39 of the Constitution which defines the right of everyone to live in a healthy environment, to have access

to information about the true state of the environment and to receive compensation for damage caused to his or her health or property in connection with an environmental offence. Article 78 of the Constitution defines the duties of each individual in the field of environmental protection.

The Access to Environmental Information Act of 12 March 2002 gives citizens and voluntary organizations broad rights of access to environmental information. Article 1 of the Act defines the notion of environmental information as follows: environmental information means information on the state of the land, waters, subsoil, atmosphere and living organisms, changes, whether already taking place or potential, in the components of the environment as a result of activities affecting or capable of affecting the environment or human life, and the assessment of changes, measures and costs associated with the protection and management of the environment. According to the Act, the objects of environmental information are the central and local government authorities with powers relating to the protection and monitoring of human health and the environment, the protection of the land, waters, subsoil, atmosphere, forests, fauna and flora, the use of natural resources and secondary raw materials, the drafting of regulations and standards in this field, and the making of decisions liable to affect the state of the environment, the departmental subdivisions of those authorities and other forms of specialized activity.

Article 3 of the Act subdivides information into restricted and public information:

Information is classified as restricted by the Cabinet of Ministers. This information may not be monopolized by a single agency. Public information includes any information that is not restricted.

Article 7 of the Environmental Education Act defines the rights of natural persons and NGOs and other legal persons under the Act.

Article 58 of the Constitution provides for the possibility of joining together in voluntary associations and guarantees freedom of action for all associations. Under the national legislation, NGOs must register with the Ministry of Justice.

4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

There are no serious obstacles to the implementation of the provisions of article 3. As noted above, the existing national environmental legislation guarantees extensive rights for every citizen. Any individual or association can request information in which they are interested and obtain it within the time frame laid down in the legislation.

5. Provide further information on the practical application of the general provisions of the Convention.

Since the proclamation of independence in 1991 and the beginning of democratization, Azerbaijan has witnessed radical changes in every sphere, including environmental protection. The comprehensive study of water, air and soil pollution has been made accessible and open to the general public and at the same time the Government, having adopted the improvement of the environment as a priority aim of social development, has been making fundamental changes. It

was no accident that, after independence, one of the first laws to be passed by Parliament (Milli Medzhlis) was the Environmental Protection and Nature Management Act (25 February 1992). Apart from this Act, the following basic environmental protection laws have also been adopted:

- (1) Land Reform - 16 June 1996.
- (2) Protection of Flora - 3 December 1996
- (3) Pesticides and Agricultural Chemicals - 6 May 1997
- (4) Radiation Safety - 30 December 1997
- (5) Mineral Resources - 13 February 1998
- (6) Animal Kingdom - 4 June 1999
- (7) Environmental Protection - 8 June 1999
- (8) Environmental Safety - 8 June 1999
- (9) Access to Environmental Information - 12 March 2002, etc.

The democratization of the country, its integration into the pan-European process, the development of free enterprise, the ever-increasing role of foreign capital in the national economy, and the activities of the political parties, NGOs and civil society give reason to anticipate a change for the better in Azerbaijan's environmental development.

Following Azerbaijan's ratification of the Convention, its contents were disseminated among the public in the form of pamphlets and explanatory booklets written in Azerbaijani. In 2000, with the participation of representatives of the country's NGOs, the text of the Convention was published in a mass edition. Moreover, the MENR compiled a brochure entitled "The Environmental Legislation of the Republic of Azerbaijan and the Aarhus Convention" (2003). Proofs of this brochure were printed and discussed in the MENR with the participation of representatives of the NGOs.

Within the framework of a project carried out with the support of the EU, at the beginning of 2003, a National Command to implement the requirements of the Convention was set up in Azerbaijan. The MENR is a partner in this project.

Moreover, the MENR operates a 24-hour "hot line" (tel. +994 12 439-18-63, 438-13-35), which anyone can use to gain access to detailed information. It has also set up an environmental information archive widely open to members of the public and publishes a large-circulation monthly magazine "Nature of Azerbaijan", featuring reports on Azerbaijan's most pressing environmental problems. Representatives of the public and scientists are regularly invited to contribute to the magazine.

6. Give relevant web site addresses, if available:

The MENR pays close attention to relations with the general public. The Ministry also maintains its own website consisting of more than 800 pages, which are regularly updated. In particular, they contain exhaustive information about relations with the public and the environmental and nature conservation laws and regulations in force (<http://www.eco.gov.az>).

Apart from the website of the Ministry, websites containing environmental information are maintained by other ministries and departments, as well as by NGOs:

Milli Medzhlis (Parliament) - <http://www.meclis.gov.az>
Ministry of Education - <http://www.min.edu.az>
Ministry of Economic Development - www.economy.gov.az
Ministry of Health - <http://www.mednet.az>
State Statistics Committee - www.azstat.org
State Oil Company - <http://www.socar-cc.com>
Ministry of Sport, Youth and Tourism - www.mys.azeri.com
Ecolex - <http://www.ecolex-az.org>
National and international environmental legislation on water - <http://www.watercaucasus.org>
Aarhus Public Information Centre - www.aarhuscentre.az

ARTICLE 4

7. List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

There is no discrimination as far as access to environmental information is concerned. Under article 25 of the Constitution:

- (1) All are equal before the law and the courts;
- (2) Men and women have equal rights and freedoms;
- (3) The State guarantees equality of rights and freedoms for everyone regardless of race, nationality, religion, language, sex, origin, property, beliefs or membership of political parties, trade unions or other voluntary associations;
- (4) Restrictions on human and civil rights and freedoms based on race, nationality, religion, language, sex, origin, beliefs or political or social affiliation are prohibited.

Article 50 of the Constitution deals with freedom of information:

- (1) Everyone shall have the freedom lawfully to seek, acquire, communicate, compile and disseminate information;
- (2) Freedom of information is guaranteed. State censorship of the media, including the press, is prohibited.

According to the Access to Environmental Information Act, anyone may exercise the right of access to environmental information at any time and without any conditions, except for information with respect to which access is restricted. Central and local government authorities may refuse to respond to a petition or request for access to environmental information, as well as to disseminate information, if:

- (1) National security is involved;
- (2) There are references to secret government documents on international relations or defence;
- (3) The information relates to matters which are before a court or under investigation;
- (4) The confidentiality of commercial information is involved;
- (5) The disclosure of the information would present a threat to the environment or damage any of its component parts;

- (6) There are references to material supplied by a third party without that party having the legal authority to supply it or being under an obligation to do so and, moreover, where that party has not consented to the release of the material.

If on submission to the appropriate public authority the information is declared by the owner to be a trade secret, the person who has that information in his keeping must seek clarification of the owner's position regarding any injury which might be caused as a result of disclosure. An answer to this inquiry must be received within 15 days. Waste and other by-products of the entrepreneur's activities cannot be treated as a trade secret. The request for information may be refused, with reasons, except where the public interest in its disclosure outweighs the interest in keeping it secret.

When a request for information is refused, the person making the request must receive a reply, giving the reasons, within 10 days. If the information to which the request relates will become valueless if not promptly provided, the reply must be sent immediately or, if that is not possible, within 24 hours. Otherwise, the reply to a request for environmental information must be sent out within one month or, if the information is complex, within two months, in which case the person making the request must receive an interim reply.

Replies to requests for environmental information may be issued by the heads of central or local government authorities and also by the officials of those authorities responsible for environmental information. The reply must contain specific details relating to the information requested and, where necessary, copies of the corresponding documents must be enclosed. A reply relating to environmental information should note the conditions of communication of that information for commercial purposes, sale, reproduction or publication, or indicate that this is prohibited. The replying authority must justify the refusal of a request for access to environmental information.

8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

There are no serious obstacles to the implementation of the provisions of article 4 of the Convention. In order to simplify the procedure for obtaining environmental information, the MENR has issued a list of ministries and departments from which environmental information can be directly obtained. Moreover, the general public has access to the necessary information through the ministerial and departmental websites.

9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

The MENR replies promptly to all incoming letters and inquiries, regardless of their source. For example, in the course of the last three years the Ministry received more than 500 requests from NGOs and associations. All these request were dealt with within the time frame laid down.

10. Give relevant web site addresses, if available:

MENR - <http://www.eco.gov.az>.

ARTICLE 5

11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Azerbaijan's environmental legislation gives its citizens broad rights of access to information. Thus, in the Access to Environmental Information Act the guarantees of access to information are described in detail as follows: guarantee of access to environmental information means the assurance by central and local government authorities and their officials of the right to the creation of the conditions for seeking information, consulting documents, obtaining copies, obtaining interviews with officials, participating in press conferences and other measures, and receiving official replies to written requests.

To ensure the right of a requesting party to receive environmental information, central and local government authorities must:

- (a) Create the necessary systems for the collection of information on the foreseeable environmental impact of an activity;
- (b) Give notification of emergencies;
- (c) Consider petitions and requests and reply to them in accordance with the procedure and within the time frame laid down by law;
- (d) Regularly update the information collected;
- (e) Provide the requesting party on the basis of his request with a list of objects of environmental information and documents relating to environmental information.

Central and local government authorities may not refuse to provide environmental information, except in the cases specified by law. The procedure for the preparation, collection, use and dissemination of environmental information is laid down in the Act, while the analysis, storage and updating of the information, the list of objects of information, the register and the rules for its maintenance are the responsibility of the corresponding executive agency.

According to the same Act, the central government authorities shall:

- (1) Maintain a register of environmental information, ensure that the registers and archives are available to requesting parties and give out the related information;
- (2) Establish a single form and timetable for environmental information published periodically in the media;
- (3) Take measures to build up, using general means of communication and in accordance with the procedure and timetable laid down by the executive agency, the amount of public environmental information in the electronic databank;
- (4) Not less than once every three years, publish national environmental audits, together with information on the state (quality and pollution) of the environment;
- (5) Not less than once a year, compile reports on the state of the environment and include it in the electronic databank open to the public;
- (6) Take steps to improve the pollution inventory and registration systems.

Central and local government authorities which are objects of environmental information shall analyse, store, update and register environmental information. The information obtained shall be

divided into accessible and restricted, then carefully analysed and once a year an annual report on the state of the environment shall be compiled. Depending on the type, storage conditions, public interest, etc., daily, monthly, quarterly, half-yearly, etc. reports shall be compiled. Reports based on an analysis of the environmental information shall be included in the register.

Environmental information in printed form, on disks, and in audiovisual or other form shall be stored in special rooms, in accordance with the procedure for the storage of archive documents of the central and local government authorities. Out-of-date information shall be updated from time to time. If the information is confidential or relates to confidential information, it shall be stored as laid down in the legislation.

Lists of environmental information shall be kept in a single information register. Central and local government authorities which compile reports on the state of the environment shall input information into the electronic data bank open to the public and take steps to improve the pollution inventories and registers. Information archives shall be created for the purpose of storing the information until it is updated. The MENR has drawn up a list of objects of environmental information with their addresses and the names of the officials responsible for providing environmental information. This information is updated every year.

The environmental registers include those on:

- (1) The monitoring of natural resources, including the state of the atmosphere, water resources, the state of the soil, the geological situation, natural mineral resources, biological resources, and vegetation cover and fauna;
- (2) The monitoring of pollution, including pollution of the atmosphere, soil, water and the Caspian Sea, the transboundary movement of hazardous substances, and waste management;
- (3) The monitoring of specially protected nature areas, including the state of nature reserves, national parks and natural monuments, and on the state of protection of specially protected nature areas;
- (4) Environmental protection, including ecological security and measures to restore the environment.

12. Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

There are no serious obstacles to the implementation of the provisions of article 5 of the Convention. In order to simplify the procedure for obtaining environmental information, the MENR has issued a list of ministries and departments from which environmental information can be directly obtained. Moreover, the Aarhus Information Centre set up in the Ministry is a venue for regular meetings between officials of the various ministries and departments and representatives of the public.

13. Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Article 7 of the Statistics Act requires natural and legal persons to provide appropriate information (for example, information on emissions, reports, financial information, etc.). A list of departments able to provide environmental information has also been published.

14. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

ARTICLE 6

15. List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Environmental impact assessment (EIA) is governed by the Regulations on Environmental Impact Assessment. The other most widely used method of assessing environmental impact is an expert environmental appraisal under the Environmental Protection Act. Environmental appraisals are carried out by the State Environmental Administration of the MENR. There is also provision for public environmental appraisals. A State environmental appraisal involves the following:

- (a) A determination of the level of environmental risk to human and environmental health associated with the proposed activity;
- (b) An assessment of the compatibility of the proposed activity with the national environmental protection legislation;
- (c) A comprehensive social, environmental and economic assessment of the effect of the economic activity on the environment;
- (d) An assessment of the preservation of the environment as an integral part of social development.

A fundamental requirement in carrying out an environmental appraisal is the inclusion of the opinions and proposals of the public in the final documents. Representatives of the public must be included in the advisory council and the expert group.

16. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

The experience of recent years shows that the public is still unfamiliar with the environmental laws and environmental rights. This explains the low level of public participation in decision-making in the regions. To remedy these shortcomings, the MENR is planning to open regional Aarhus Information Centres.

17. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

The whole world is concerned about the problems of modern bioengineering and especially genetic engineering. In Azerbaijan, with the cooperation of the United Nations Environment Programme/Global Environment Facility (UNEP/GEF), the MENR is developing the Framework National Biosecurity Structures project. Representatives of the NGOs have been invited to participate in the implementation of this project.

18. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

ARTICLE 7

19. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The Republic is now making a determined effort to solve the environmental problems which, for objective and subjective reasons (economic, social and political), have built up over a long period of time. Thus, it has acceded to international conventions on environmental protection and the management of natural resources and adopted some important laws and regulations. Moreover, with the assistance of international organizations, practical efforts are being made to solve the various environmental problems. With a view to progressively solving the existing problems at national level, together with the corresponding State institutions and NGOs, the MENR has developed programmes for environmentally sustainable social and economic development and for the renewal and expansion of forests. The implementation of the measures for which these national programmes provide, together with the solution of the environmental problems mentioned above, is making it possible to solve other problems of public concern. Moreover, a State programme on the conservation of winter-summer pastures and hayfields and the prevention of desertification has also been approved. For the purpose of ensuring the development of the National Hydrometeorological Service in accordance with modern requirements a programme for the development of hydrometeorology, covering the period 2003-2010, has been drawn up. This programme provides for special measures in the field of specialized hydrometeorological services – for maritime, aviation-meteorological and agrometeorological forecasting – and the development of a communications system. For its part, the MENR has drawn up a State programme to ensure ecological balance and to regulate the use of natural resources.

To eliminate shortcomings and improve the Republic's towns and villages, the MENR has decided to hold a competition entitled "Beautiful City, Clean Village and Good Citizen". As the title shows, the Ministry is making a serious effort to improve and green the city and keep the

shoreline and villages clean. All citizens must display a knowledge of “good citizenship” by helping to improve and take care of their city, settlement or village and the street on which they live.

Monthly, half-yearly and annual reviews and reports on the collection, analysis and evaluation of information on the degree of pollution and state of the surface waters, including the Caspian Sea, are prepared. All this information is available to the public.

In the field of biological resource protection, the MENR, together with representatives of the NGOs, science and independent experts, is implementing plans to restore, survey and inventory the biological resources, including in the Azerbaijani sector of the Caspian Sea, to protect and monitor the specially protected nature areas and to create national parks.

It should be noted that there has been extensive public participation in all these measures and public opinion is reflected in the documents.

20. Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

The procedures for public participation in the preparation of policies relating to the environment are still in the development stage. All these provisions are reflected in the Environmental Impact Assessment and Environmental Appraisal Acts. As it stands, the existing legislation allows for public participation in decision-making through environmental appraisal. However, pending the preparation of new laws, the Government has adopted certain practices in this field. At the initiative of the MENR representatives of the NGOs and science and independent experts are participating in the process of preparation and adoption of decisions, plans, programmes and policies in the field of environmental protection. Similar practices have also been introduced at local level. Thus, the MENR is announcing a municipal waste management competition. Public participation is a mandatory requirement for the groups set up.

In connection with the pilot project being undertaken in the city of Mingechevira, with the support of the MENR and the EU, a household waste management plan has been drawn up with public participation and the local authority has set up a Public Environmental Council with broad powers.

21. Describe any obstacles encountered in the implementation of article 7.

The legislative framework for wider public participation in the preparation of plans and programmes relating to the environment is still in the development stage.

22. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

The national legislation provides for wide powers of public participation in decision-making. As indicated above, new laws offering even broader opportunities for public participation in decision-making are currently being developed.

23. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

ARTICLE 8

24. Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

In Parliament there is provision for extensive public participation in the preparation of environmental legislation. Representatives of the NGOs are involved in the discussion of bills. The Parliamentary Committee of the National Parliament on Energy, the Environment and Natural Resources regularly invites representatives of the NGOs whose opinions are discussed and taken into account. Representatives of the NGOs and independent experts also participate in parliamentary meetings. These occasions provide opportunities for the exchange of views on legislation.

25. Describe any obstacles encountered in the implementation of article 8.

The legislative framework for broader public participation in the adoption of laws and regulations relating to the environment is still in the development stage.

26. Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

The national legislation provides for wide powers of public participation in decision-making. As indicated above, new laws offering even broader opportunities for public participation in decision-making are currently being developed.

27. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

ARTICLE 9

28. List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Under article 26 of the Constitution everyone has the right to protect his or her rights and freedoms by any method or means not prohibited by law. Article 60 guarantees the protection of everyone's rights and freedoms in the courts. Anyone may appeal to the courts against the decisions and acts (or omissions) of public authorities, political parties, trade unions, other voluntary associations and officials. Moreover, everyone is entitled to professional legal aid. In the cases specified by law, legal aid is provided free, at the expense of the State.

The rights and obligations of citizens are fully explained in the Environmental Protection Act. Thus, the public has the right:

- (1) To request the administrative or judicial annulment of decisions concerning the siting, construction, reconstruction or commissioning of enterprises, plants and other environmentally harmful objects with an adverse effect on human life and the environment, as well as the restriction or temporary suspension of the activities of natural and legal persons and the closing down of legal persons (art. 6 of the Environmental Protection Act);
- (2) To institute proceedings before the appropriate organs or courts to have organizations, persons and citizens guilty of infringements of the environmental protection legislation called to account (art. 6 of the Environmental Protection Act);
- (3) To institute proceedings to have organizations, officials and citizens guilty of infringements of the environmental protection legislation called to account;
- (4) To request under the administrative or judicial procedure the complete phase-out, restriction or temporary or permanent suspension of the siting, construction, reconstruction and commissioning or economic activity of harmful enterprises, structures and plants, including those with an adverse effect on the environment and human health;
- (5) To bring legal actions seeking compensation for damage caused to the health or property of citizens as a result of infringements of the environmental protection legislation (art. 7 of the Environmental Protection Act).

Similar provisions can be found in other acts such as the Ecological Security Act (art. 7), the Sanitary-Epidemiological Well-Being Act (art. 8), the Radiation Act (art. 27), etc.

Article 5 of the Law on the Procedure for Considering Citizens' Petitions stipulates that if public authorities deny a request for information, citizens shall have the right to apply to the courts. Moreover, citizens who do not agree with a decision taken with respect to their representation, application or complaint have the right to appeal that decision to the courts (art. 9). The legislation also provides for a procedure for challenging the decisions and acts (omissions) of the corresponding executive agencies and local government authorities and their officials that infringe the rights and freedoms of citizens in matters relating to the protection of human health and the environment. For cases of this kind there is a special, more summary form of proceedings (Chapters 27 and 28 of the Civil Code). The Civil Code provides for proceedings seeking verification of the conformity of the normative acts of both legislative and executive

organs. The legislation also provides for actions for the full recovery of damages. Thus, on the basis of the Civil Code a person whose right has been infringed can sue for the full recovery of losses suffered, unless the law or a treaty provides for a lesser degree of compensation (art. 21 of the Civil Code).

29. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

The government's attention is closely focused on the administration of environmental justice. Thus, new legislation is being prepared in Parliament, with public participation, and its adoption will provide the public with even easier access to justice.

30. Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

The legislation gives citizens and voluntary organizations the right to apply freely to the courts if their environmental rights are infringed.

31. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

32. If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Since independence in 1991, in every area, including environmental protection, the role of the international organizations has grown in importance and they are now playing an active part in solving environmental problems. Azerbaijan has signed bilateral environmental protection agreements with countries such as Austria, Denmark, Georgia, Kazakhstan, Moldova, Norway, Turkey, etc. and has also acceded to international conventions. Accession to the Convention is of huge significance for our country. Many laws and regulations relating to access to information, public participation in decision-making and access to environmental justice have been adopted. In 2003, an Aarhus information centre, where frequent meetings are held with the public, was opened in the administrative building of the MENR. Representatives of the NGOs and science and independent experts are regularly invited to the Ministry's meetings and conferences, their role in decision-making is being strengthened and their positions and opinions are being taken into account. At the same time, there is a huge need for the preparation and adoption of new legislation in this field. To this end, expert groups, with the mandatory inclusion of representatives of the public, are being established.

The MENR intends to open, in the near future, new Aarhus information centres in the regions, which will encourage more fruitful cooperation between the public and the authorities in the provinces.