



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/IR/2008/AZE
6 June 2008

Original: ENGLISH

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**

Third meeting
Riga, 11–13 June 2008
Item 6 (a) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY AZERBAIJAN*

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

* The present document was submitted on the above date due to resources constraints.

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

1. The report has been prepared by a working group on Convention 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 (NGOs) and that meetings of the working group are held regularly. 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.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

2. As a follow-up to the implementation of provisions of the Convention considerable work has been done in Azerbaijan since the second meeting of the Parties to Convention held from 25 to 27 May 2005 in Almaty, Kazakhstan.

3. The active role of public institutions, represented by different categories and layers of public participation in the regulation of public political and socio-economical processes taking place within the society in the public and political area and the growth of people's – consciousness, has fostered a rapid development of civil society in the country. While public institutions are taking over more functions in the area of resolving civic problems in Azerbaijan, the policy and control remain predominantly the activities of State bodies.

4. The freedom enjoyed by public institutions of different orientation in their activities, the abolishment of censorship, and the freedom of publication enjoyed by media, radio and TV are all evidence 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 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 to 2007).

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

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

6. 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.
7. The Law on Access to Information No.1024-IIQ signed by the President of the Republic of Azerbaijan on 30 September 2005 provides to the public a wide opportunity to have access to information.
8. Namely, according to paragraph 2 of the Law stipulates that :
 - (a) Access to information in the Republic of Azerbaijan is unrestricted.
 - (b) Everyone is entitled to the right to apply to a holder of information directly or by proxy and to choose a type of information or a form of access to it.
9. In paragraph 3 of the Law, a definition of information is given:
 - (a) Information consists of facts, views, knowledge, news or any other data emerging as a result of any activities irregardless of the time of emergence, form of presentation and category;
 - (b) Public information is the facts, views and knowledge emerging or obtained in a process of the implementation of public duties defined by laws or any other regulatory legal acts;
 - (c) Information services are activities intended for providing information to anyone applying with an inquiry;
 - (d) Information holder comprises State bodies, municipalities and , established legal entities, regardless 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;
 - (e) An information request is a written application or oral request for information; an Applicant for information is the legal entity or individual submitting written application for or requesting orally information;
 - (g) Information dissemination is the dissemination of information prior to information request through media, official publications, distribution of questionnaires and leaflets, by means of storing it in online information databases, its announcement at briefings, conferences or via press releases or its declaration at official or mass events.
10. 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.
11. According to Article 1 of the Law:

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

(b) Provisions of this Law are also applied to other activities (deeds) of administrative bodies in relation to legal entities and individuals.

12. According to Article 2 of the Law:

(a) An administrative body is the 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;

(b) An administrative act is a decision, decree or any other type of a power action bringing about some legal effects for the 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;

(c) The party concerned is the a party who applied to have an administrative body adopt an administrative act or take appropriate action 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.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

13. There are no obstacles in public access to information on environmental issues in the 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.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

14. Between 2005 and 2007 a number of laws and decisions in the area of environmental 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.

15. In order to promote the implementation of the Convention in Azerbaijan, a Public Information Centre for environmental issues was established in the administrative building of the Ministry of Environment and activities for fitting Public Information Centres in Ganja and Gazakh with the necessary equipment are being now carried out. Aarhus Public Information Centres in other parts of Azerbaijan, including Lankaran, Shaki, Ali Bayramli, Mingachevir, Guba and Nachchivan, are also envisioned to be opened soon. Such functions as convening meetings between the Government and NGOs 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 and providing access to free information obtained from books, Internet resources, state bodies and other sources in which the public is interested are carried out through these centres. All the above has been aimed towards public-awareness raising and education on environmental issues. It is worth noting that between 2005 and 2007 more than 100 meetings covering various environmental topics were held at the Aarhus Centre based in the ministry and more than 3,000 pupils, students, NGO representatives and community members have benefited from the opportunities provided by the centre.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

16. The Ministry of Ecology and Natural Resources of the Republic of Azerbaijan is currently taking appropriate actions to improve its website (www.eco.gov.az) in order to facilitate public access to its information. The information is being regularly updated. In addition, a 24- hour hotline service is maintained (Tel: 439-18-63, 438-13-35). In addition, the Ministry of Ecology and Natural Resources has an Archived Information Fund, and any individual or organization can obtain environment-related information from the Fund.

17. Together with this, there are other State bodies or NGOs that maintain webpages covering environmental issues:

National Parliament of the Republic of Azerbaijan (www.meclis.gov.az),
Cabinet of Ministers of the Republic of Azerbaijan (www.cabmin.gov.az),
Ministry of Education of the Republic of Azerbaijan (www.min.edu.az),
Ministry of Economic Development of the Republic of Azerbaijan (www.economy.gov.az),
Ministry of Health of the Republic of Azerbaijan (www.mednet.az),
State Statistics Committee of the Republic of Azerbaijan (www.azstat.org),
State Oil Company of the Republic of Azerbaijan (www.socar.gov.az),
Ministry of Culture and Tourism of the Republic of Azerbaijan (www.culture.az),
National Academy of Sciences of the Republic of Azerbaijan (www.science.az),
Ecolex NGO (www.ecolex.az.org),
For access to international and national legislation (www.watercaucasus.org),
Aarhus Environmental Information Public Center (www.aarhuscenter.az).

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

18. The Law of the Republic of Azerbaijan on Access to Information stipulates that each individual irregardless of time restraints and without being imposed special conditions, is entitled to the right to 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).

19. According to the Law of the Republic of Azerbaijan on Access to Information, the following are defined as information holders:

- (a) State bodies and municipalities;
- (b) Legal entities carrying out public service, including legal entities and individuals engaged in educational, health care, cultural and social areas based on legal regulatory acts or a contract.

20. The following are equivalent to information holders:

- (a) Legal entities which take predominant position in the goods market, possess preferential or exceptional rights or holding a natural monopoly over information on offers for goods and services and their prices and changes to those offers and prices;
- (b) 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.

21. 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:

- (a) Collated statistic information, including collated statistic information on crimes and administrative offences;
- (b) Budget forecasts;
- (c) Statutes of structural units of the government bodies;
- (d) Guidelines relating to activities of State bodies and municipalities;
- (e) 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;
- (f) Reports on the accomplishments of State bodies and municipalities;
- (g) Names, surnames, telephone numbers, e-mail addresses of legal entities engaged in public service and those employed at governing institutions;
- (h) 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;
- (i) Information on credits borrowed by and grants awarded to information holders defined in Item 9.1 of the Law and their procedures and use;
- (j) Drafts of regulatory legal acts made available to the public upon their submission for comments or approval;
- (k) Regulatory legal acts made available to the public from the date of taking effect;
- (l) Reports on the accomplishments by legal entities engaged in public service, and information on their income and expenses;
- (m) Reports on the expenditure of the state budget and public budget;
- (n) Information related to a State of the environment, damage caused to the environment and hazardous environmental impacts;

- (o) Orders, decrees and decisions of State bodies and municipalities made available to the public from the date of taking effect;
 - (p) State concepts of public importance, drafts of development plans and programmers before they are submitted for approval;
 - (q) Information on vacancies at State and municipal institutions;
 - (r) Information on goods and services to be offered by State bodies and municipalities;
 - (s) 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;
 - (t) Agendas of mass events;
 - (u) 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;
 - (v) Information on regular appointment hours of officials at State and municipal bodies;
 - (w) 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;
 - (x) 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, health care, cultural and social spheres based on regulatory acts or contract;
 - (y) Information on offers for goods and services and their prices and changes to those offers and prices possessed by legal entities which take a predominant position in the goods market, enjoy preferential or exceptional rights, or hold a natural monopoly, which shall be made available to the public 30 days prior to the date of their taking effect;
 - (z) Information on the use of funds or property allocated from the State budget to non-commercial institutions and 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;
- (aa) Information on public services available as well as changes made to prices for the services provided prior to the changes been made;
 - (bb) Acts issues by the court;
 - (cc) Information in State registers accessible to the extent envisioned by the Law;
 - (dd) Register of information holders;
 - (ee) Results of a public opinion poll;
 - (ff) Information on the property of the information holder and its obligations arising from the ownership by this property;
 - (gg) List of information classified by the State;
 - (hh) 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.

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

- (a) Information defined in Item 29.1 of this Law shall be made available online;
- (b) Public information is defined in Item 29.1 of this Law as including:

- (i) Through mass media;
- (ii) In official publications;
- (iii) Through providing conditions for getting familiar with documents at libraries, public information centers and in other places where a mass use is possible;
- (iv) And by other means envisioned in the Law can be made available.

(c) 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;

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

(e) The information holder shall make 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 the press, TV, radio and the Internet in order to prevent this threat or mitigate its possible repercussions.

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

(a) State bodies and municipalities shall develop web information resources to make publically available information defined in Item 29.1 of the Law;

(b) 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;

(c) Information holders defined in Items 9.1.2 and 9.3 of the Law can create joint or isolated Internet information resources on the web to make information available to the public;

(d) Forms and rules of developing Internet information resources by State bodies and municipalities are defined by a relevant executive power body;

(e) Information holders defined in Item 9.1 of the Law:

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

(ii) Shall publish in Internet information resources the most recent and topical information;

(iii) Shall reject outdated, incomplete, non-verified or confusing information in Internet information resources;

(iv) Shall ensure reliable performance of Internet information resources.

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

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

24. 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 to which access is restricted. 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 (e.g. 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, regardless 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:

- (a) Information gathered on criminal cases or administrative prosecution – until the case is submitted to the court or a decision is taken to close it;
- (b) Information gathered in the course of carrying out a State control – until a decision is taken on the issue;
- (c) 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;
- (d) Information untimely disclosure of which poses 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;
- (e) Information untimely disclosure of which interferes with or is likely to interfere with the process of views exchange and discussions by a State body – until a final decision is taken;
- (f) Information untimely disclosure of which adversely affects 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;
- (g) Information that cause trouble or is likely to cause trouble with respect to the implementation of a trial – until the court takes a decision;
- (h) Documents received from overseas or international organizations – until mutual consent is achieved for the disclosure of the document;
- (i) Information that pose or is likely to pose a threat to the environment, causes damage or is likely to cause damage to components of the environment– until the causes are eliminated;
- (j) In the event that 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;
- (k) Information holders may, on genuine grounds, consider the following information as intended for a professional use;
- (l) 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;
- (m) 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;
- (n) Information envisioned by Item 35.2 of the Law can be considered for professional use in the case damage that might be caused as a result of disclosure of this information prevails over the interest of the public in this information;
- (o) 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;
- (p) 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;

(q) Information holders defined in Item 9.1 of the Law may consider for professional use the following information:

- (i) Results of a public opinion polls;
- (ii) Collated statistic information;
- (iii) Economic and social forecasts;
- (iv) Documents about emergency events posing a threat to human life and health, natural disasters and accidents;
- (v) Documents about the state of the environment, health care, demography, education, culture or economy including transport and agriculture as well as crime;
- (vi) Reports on the activities of the information holder, including the quality of responsibilities fulfilled and shortcomings;
- (vii) Documents about concessions, subsidies and compensations provided by the State to citizens, officials and legal entities, regardless of the form of property;
- (viii) Documents about a status of health of senior officials of the Republic of Azerbaijan;
- (ix) Documents about the violation of the law by State power bodies and their officials;
- (x) Documents 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;
- (xi) Documents about vacancies in State organizations and municipalities;
- (xii) Documents about the use of budget resources and a state of the countries' economy;
- (xiii) Description of responsibilities of officials employed at state organizations and municipalities;
- (xiv) Documents about the State's reserve of precious metals and currency;
- (xv) Regulatory legal acts;
- (xvi) Minutes and proceedings of open meetings held by the National Parliament of the Republic of Azerbaijan;
- (xvii) Decisions by the court as from their effective date;
- (xviii) Lists of information constituting State secrets;
- (xix) Documents about grants;
- (xx) Information about the property of the information holder and property obligations;
- (xxi) Orders, decrees and decisions adopted in the process of implementation of the state control;
- (xxii) Documents about the quality of products and services in protection of legal rights of consumers;
- (xxiii) 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;
- (xxiv) Documents about changes in components of the environment, or changes which are likely to occur as the result of activities affecting or which are likely to affect the environment and human health, and about their assessment, actions and expenses aimed at the protection and sustainable use of the environment;

(xxv) Internal documents not included in the registry – congratulation letters, guarantee letters, memorandums, agendas of mass events and different statistic reports.

(xxvi) 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, 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.

25. 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, control over it, or clearing up causes of the accident. State and municipal officials are entitled to the right to use 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 that such information does not cause any harm to interests of State and municipal bodies. Restrictions imposed on the disclosure of information are waived after five 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.

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

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

27. There are no obstacles in Azerbaijan to implementation of article 4 of the Convention. A list of institutions to be applied to for the environment-related information has been compiled at Ministry of Ecology and Natural Resources and published on the ministry's website 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.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

28. Because of giving particular attention to making appropriate environmental information available to the public and promoting environmental education and raising environmental awareness, the Ministry of Ecology and Natural Resources in its activities takes 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. 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 and ensuring the participation of mass media representatives at meetings with the public and NGOs are all carried out by Environmental Awareness-Raising Division. Between 2005 and 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 the mass media. Applications were mainly requests for materials for interviews and articles related to issues of environment protection, conservation of forests, the state of the environment in Azerbaijan, the development of biodiversity, the reproduction of aquatic bioresources and global environmental problems. All events held under the auspices of the Ministry addressing its major activities and the concept of sustainable development, which are of particular interest to the public, have had good coverage in mass media, and awareness-raising materials on accomplishments of the Ministry are published periodically on the Ministry's website.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

29. www.eco.gov.az, www.min.edu.az, www.economy.gov.az, www.mednet.az, www.azstat.org, www.socar-cc.com, www.culture.az, www.ecolex-az.org, www.watercaucusus.org, www.aarhuscenter.az.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

30. 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 to provide information services. The failure to appoint an information officer or establish a structural unit does not exempt the information holder from the obligation to provide information services.

31. Pursuant to the Law, the information holder shall:

- (a) Respond to an information inquiry within the shortest period of time and to the manner suitable for the inquirer;
- (b) Keep a registry of documents;
- (c) Publicly share information about the fulfillment of its public service on a regular basis;
- (d) Make publically available information which is subject to public dissemination in accordance with the provisions of the Law;
- (e) Render assistance to the inquirer;
- (f) Inform the inquirer about restrictions imposed with regard to access to information;

- (g) Protect information access which is restricted by the Law;
- (h) Refrain from providing unreliable, incomplete or incorrect information, and in case of a doubt, shall verify the reliability and correctness of the information;
- (i) An information officer or a structural unit responsible for information is charged with the following duties:
 - (i) Take appropriate decisions following a thorough analysis of an inquiry;
 - (ii) Respond to inquiries in accordance with the procedure set forth in the Law;
 - (iii) Control the provision of information services;
 - (iv) Take appropriate decisions following the investigation of complaints forwarded to the information holder regarding access to information;
 - (v) Fulfill other duties linked to the provision of information services.

32. Pursuant to the Law, the head of 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 the case that the information holder fails 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 the case that the duty of handling information has not been assigned to anyone else, the head of the information holder shall be liable for making information available in accordance with the procedure defined by the Law.

33. 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 on the creation, maintenance of the registry and keeping it up-to-date on a regular basis have been 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:

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

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

- (a) The way the document is received or sent (by electronic mail, mail, fax or in person);
- (b) The type of the document (inquiry, offer, written request/application or complaint, report, act of regulatory nature, etc.);
- (c) Restrictions, if applicable, imposed on access to the document, etc.

35. In addition, the period specified by the Law for the response or review of the document, the 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 facilitating the use of the registry and retrieval of the document.

36. As well, 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:

(a) Verbally, by approaching in person or contacting by telephone an officer of the information holder;

(b) In writing, by submitting in person or sending an inquiry to the information holder by mail, fax or e-mail.

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

(a) To access a designated area to get familiar with a document;

(b) To rewrite a copy of the document;

(c) To make a photocopy of the document, using the technical capabilities of the information holder or obtain a certified copy of the document;

(d) To make a photocopy of the document using the inquirer's own technical capabilities;

(e) To be provided in an appropriate format proceedings or documents in a codified format so as to be able to review them;

(f) To have the documents translated;

(g) To copy the document into an electronic format, etc.

38. Legal forms of accessing information are as follows:

(a) Information that is subject to being made available in accordance with the provisions of this Law;

(b) Information made available by an agreement.

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

(a) Unavailability of technical means;

(b) Impossibility of handling on account of a type of the information storage device;

(c) If the handling of verbally required information takes a long time and prevents the information holder from fulfilling its direct duties.

40. 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 the event of 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 provided is unclear 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:

- (a) Name and surname of the inquirer;
- (b) If the inquiry is submitted by a legal entity, the name of the legal entity;
- (c) Contact details of the inquirer (mailing address or e-mail, telephone or fax numbers) to enable the information holder to appropriately handle the inquiry;
- (d) Subject of the inquiry or type of document or its title or references of the document known to the inquirer.

41. If the inquirer wishes to obtain information of an individual nature, he or she shall submit the inquiry directly to an officer of the information holder and simultaneously presents his/her personal identification document. In the 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 or 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; 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.

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

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

43. Information inquiry is handled verbally in the following cases only:

- (a) When directing an inquiry to officials;
- (b) When asking for an update on the status of information inquiry;
- (c) When verifying the availability of information needed by the inquirer with the information holder.

44. 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 the event that the information holder does not possess the information, it shall provide assistance in locating its source. In the event that 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 the date when the inquiry is logged.

45. The information holder shall register the information inquiry as from the date it is received and shall enter 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:

- (a) If the inquiry is anonymous;
- (b) The inquiry is submitted verbally.

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

47. The inquiry shall be thoroughly reviewed by an official of the information holder. To this end, the following are required:

- (a) The conformity of the way the inquiry is written to the requirements stipulated by the Law;
- (b) The availability of the information requested in the archive;
- (c) In the event that information is not available in the archive, a further address where it needs to be redirected to;
- (d) If the information requested is available in the archive, its status, in particular whether it falls under the category of restricted information;
- (e) If the information requested is open, and if it is part of information to which access is restricted by the law, the possibilities of retrieval of this information;
- (f) The possibility of providing the information in the form it is requested in the inquiry;
- (g) The presentation of the information on a chargeable basis or free of charge, based on preferential terms, must be verified and an appropriate decision on the analysis made must be taken.

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

- (a) Refuses to handle the inquiry;
- (b) Handles the inquiry;
- (c) Redirects the inquiry to a relevant information holder.

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

- (a) If the information requested belongs to the category of restricted information, or if the inquirer is not sufficiently authorized to access this information, or, if the inquirer has not presented his or her identification card, should this be required by the law;
- (b) If the information holder does not have the information requested, or if it is unable to identify the actual holder of the information;
- (c) If it is not possible to identify what kind of information the inquirer has requested.

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

- (a) If the inquirer had already been given the same information and the necessity for its replication has not been justified;
- (b) 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;
- (c) If the inquiry interferes with the fulfillment of public duties by the information holder on account of a lengthy format of the information requested or groundlessly entails enormous expenses;
- (d) If the inquiry cannot be handled at once;
- (e) If handling the inquiry requires a systematization, analysis or documentation of the information.

51. A response to a rejection of an inquiry shall be written in a clear and well-grounded way with relevant reference to items of the legislation of the Republic of Azerbaijan. It shall also contain a remark about the inquirer's right to submit a claim to court in connection with the response.

52. 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 to which access is restricted by the law, only its open component can be presented to the inquirer. 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 from the information holder, the latter shall identify a relevant information holder and redirect the inquiry respectively without delay but not later than five 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 to a relevant address, provided they have informed the inquirer without delay, but later than five working days about unavailability of the information requested. The inquiry shall be handled within the shortest period of time but not later than seven days. If the information might lose its topicality within the period specified above, the inquiry shall be responded to immediately or, if this is not feasible, 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 five working days.

53. 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.

54. In case the information holder receives too many inquiries and therefore faces time deficiencies for 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 seven days. The information holder shall inform the inquirer about the prolongation of the period within five working days by specifying the reason.

55. 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.

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

- (a) When the information has been presented to the inquirer in the form and way prescribed by the Law;
- (b) When information is redirected to a relevant address and the inquirer is informed accordingly about it;
- (c) When the inquirer is instructed about opportunities of access to information disclosed;
- (d) When the inquirer is informed about a rejection of his/her inquiry in a justified form.

57. The following information is entered into the registry when the inquiry has been responded to or rejected:

- (a) Name and surname of the official assigned to deal with the inquiry;
- (b) Reference numbers of documents whose copies, translations, or excerpts were provided;
- (c) The date of fulfillment or rejection of an inquiry;
- (d) Grounds for a rejection of the inquiry defined by the Law.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

58. There are no obstacles to the implementation of Article 5 of the Convention in Azerbaijan.

59. The 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 1,000 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.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

60. Between 2005 and 2007, more than 1,000 phone calls and 200 letters and e-mails were received by Ministry of Ecology and Natural Resources from representatives of NGOs and the 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, the development of biodiversity, the reproduction of aquatic bioresources and global environmental problems. All events held under the auspices of the Ministry addressing its major activities and the concept of sustainable development which are of particular interest to the public have good coverage in mass media, and awareness raising materials on accomplishments of the Ministry are periodically published on the Ministry's website.
61. The Ministry issued 14 posters specifically designed to raise environmental awareness and distributed them to educational institutions, including NGOs, companies and organizations. Leaflets and posters devoted to national parks and State nature reserves were prepared and disseminated.
62. To develop the consciousness and generate 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.
63. With a view to improving the 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 Subjects" is held. TV broadcast for directors and journalists every year on International Day of the Environment on 5 June and the winners are awarded prizes.
64. In addition, arts contests entitled "The Environment through the Eye of a Child" and "Weather Through the Eye of a Child" were held for pupils, workshops on relevant subjects were organized at middle schools as were round tables for teachers and students of higher educational institutions, municipalities and NGOs as well subbotniks involving the public, representatives of municipalities, local executive bodies, institutions and enterprises.
65. Regular meetings with NGOs were held at the Ministry of Ecology and Natural Resources 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 seven more subjects were held with the participation of NGOs. Representatives of mass media took part at these round tables and were highlighted in press. NGOs and public representatives took part in all events and NGOs were also represented in all commissions established at the Ministry.
66. It should also be mentioned that last summer, workshops were organized for representatives of NGOs and mass media.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

67. www.eco.gov.az, www.min.edu.az, www.economy.gov.az, www.mednet.az, www.azstat.org, www.socar-cc.com, www.culture.az, www.ecolex-az.org, www.watercaucasus.org, www.aarhuscenter.az.

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

68. The normative act regulating the estimation of influence on environment in Azerbaijan is the charter of EIE. Another method of environmental assessment, the "ecological expertise", is widely used and is regulated by the law of environment protection. According to the law, ecological expertise defines possible impact of an economic activity on the environment and its consequences, to prevent or to predict them, in order to determine how they fit the set environmental standards and requirements. The ecological expertise in the Republic of Azerbaijan is carried out by the State Expertise Office and its respective departments (State ecological expertise) in the regional offices of the Ministry of Ecology and Natural Resources as well as by public organizations (public ecological expertise). State ecological expertise is organized and realized in order to define the completeness and correctness of the estimation of the influence to the environment in the result of the economy and other activities, the security of the accepted decisions, and effective measures for natural resources and the protection of environment. State ecological expertise prevents the taking of erroneous decisions that could negatively influence to the environment.

69. The duties of the state ecological expertise are shown in the Law as following:

- (a) To define the degree of security of the mentioned and realized economic and other activities, which could directly or indirectly influence the state of the environment and the health of population;
- (b) To estimate the accordance of the activity of the planned economy and other activities to the demands of the environmental and health laws;
- (c) To define the quality of the mentioned environmental measures.

70. The objects of the State ecological expertise are:

- (a) The State and local programmes of the development and the location of productive forces according to economic field;
- (b) Techno-economic accounting of building and demolition (e.g. reconstruction, new technology) of economic objects and complexes, projects, and documents estimating their influence on the environment.

71. Other materials that can be subject to ecological expertise include `documents concerning new techniques, technology, the creation of materials and matters, also their import from other countries;

draft guidance and regulatory documents related to environmental protection, environmental conditions caused by economic activity or emergency situations, the state of environment and its elements in the region; in accordance with decisions of the relevant authorities, environmental sections of project documentation for project that involve the use of national resources.

71. 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.

72. 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.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

73. Recent experience shows that one of the elements that strained the ecological situation is people being uninformed and not knowing their laws. Observation in the regions shows that the people are less familiar with laws in the field of protection of the environment. Adoptions of decisions that go against the interests of the people is often related to the public's passive participation. To fill these gaps, the Ministry of Ecology and Natural Resources of Azerbaijan strives to organize Aarhus information centres in the regions. In addition, the activities of ecological publicity departments in the Ministry are considerable. The publicity is regularly realized in the regions by employees of the publicity department of the ministry. Meetings are held at education centres and offices of NGOs and enterprises, lectures are organized on ecological topics, and information posters are widely distributed. In connection with ecological calendar days, such as Water day, International Earth Day, "International Environment Protection Day", "International Sea day", "Sea Mammals Protection Day" and "Biodiversity Day", articles of experts, chiefs of departments and executives of the Ministry were published in the media, and their appeals on the importance of environmental cleaning and renovation actions were broadcast on TV and radio.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

74. The Ministry of Ecology and Natural Resources pays great attention to public opinion during the performance of ecological inspections of projects and the participation of public representatives during the discussion period of projects. Special attention is paid to the observance of social ideology prior to the submission of a project for approval. An ecological assessment of the project is realized only after the consideration of the aforementioned step.

75. Within the management of long-term projects, according to the requirements of EIE regulations, discussions with citizens in impact areas and consideration of their suggestions in

the designing and risk estimation for the exploitation periods are performed. Opinions and suggestions of public and scientific organizations and specialists are also analysed and considered within this process.

76. EIE projects in the years 2005 - 007 funded by local and foreign investments were mainly in the oil and gas, energy, construction, road construction and irrigation sectors. The best examples of such projects are The utilization of groundwaters in the deposits of Azeri, Chirag, Guneshli, the enlargement of technical equipment base by British Petroleum Company, the high-tech drilling works in Kalamaddin- Padar deposits by Garasu Operation Company, Construction of Sumgait Combined Cycle Power Plant (CCPP) by Azerenergy Joint Stock Company, Construction of Valvalichay - Taxtakorpu canal by Melioration and Water Economy, Joint Stock Company, Restoration and modernization of Bahrantepe Main Hydroengineering complex, Reconstruction of Baku-RussiaFederation State border highway, the construction of the Garadag – Sangachal oil terminal station, construction of the Yevlax-Gandja road, and the exploitation of gold fields in the Gadabay region. All the above-mentioned projects were performed with consultation of public opinion.

77. Moreover, EIE representatives took an active part in the discussions on e-forums on different issues, and answered all the necessary questions they were asked.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

78. www.eco.gov.az, <http://min.edu.az>, www.economy.gov.az, www.mednet.az, www.azstat.org, www.socar-cc.com, www.aarhuscenter.az.

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

79. After gaining independence, the Republic of Azerbaijan has accepted the participation of the public in the approval of decisions and in all processes regarding the main issues. The shining example of public participation is the discussion on the Constitution of the Republic of Azerbaijan and the referendums held in 1995 and 2002 in connection with the addition and amendments to it. This is an example of the preparing and the accepting of legislation with public input.

80. One of the excellent examples of public participation in preparing and accepting governmental programs is the preparing and accepting of the State Programme for elimination of poverty. The participation of the public has also been included in other programmes. For example, the opinion of the public is considered in the Red book, prepared by the Ministry of Ecology and Natural Resources.

81. The concept of State support to NGOs was signed and accepted by the President on 27 July in 2007, to form a stable and effective system of cooperative relations between the State and

NGOs, to involve NGOs in the solution of problems assumed important for the development of the State and the society, and to accelerate the development of civil society. The signing of the Concept will stimulate the development of civil society and has a special importance.

82. Until now, the Government has paid attention to NGOs in the same way as it has with other fields. Important measures have been taken to perfect the legislation base for their activities, to simplify the governmental registration of NGOs and to accelerate the work principles.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

83. Accurately defined procedures for participation of communities in the development of environment-related policies have been prepared. These provisions will find their reflection in the new laws on EIA and environmental examination. Currently, public participation opportunities in the adoption of such decisions, by way of conducting public examinations, have found their reflection in the legislation. The working groups on preparation of various environment-related decisions, plans, programmes and policies include representatives of relevant NGOs, scientists and independent specialists, mainly on the initiative of the Ministry of Ecology and Natural Resources. Consultations have been held in regular meetings with the community. The community is involved in activities regarding environmental monitoring, inventories of natural resources and other activities that create a positive experience of community involvement.

84. At the same time, as a result of the involvement of Azerbaijan in the EU European Neighborhood Policy and the adoption by the EU positive decision on Development of the Action Plan for the Republic of Azerbaijan, in accordance with the extension of the relations between the EU and our Republic, and with the aim of implementing the commitments resulting from the State Order of the President on Integration with Europe, NGO representatives have been involved in the established Commission by order of the Ministry of Ecology and Natural Resources.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

85. There are no barriers with respect to the implementation of Article 7 of the Convention in Azerbaijan.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

86. The legislation of Azerbaijan broadly reflects the participation of the community in the preparation of the normative provisions and generally applied legal commitments.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

87. 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.

XXIV. EFFORTS 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 PURSUANT TO ARTICLE 8

88. The laws that were prepared in the relative commissions of the “Milli Mejlis” provide for active participation of the community in the working groups. In addition, the Law on Normative Legal Acts emphasizes the discussion of laws by the community.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

89. There are no obstacles with respect to the implementation of article 8 of the Convention.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

90. The legislation of Azerbaijan broadly reflects the participation of the community in the preparation of normative legal acts and commitments. As mentioned above, there are great opportunities for public participation in the preparation and implementation of laws, and meetings are held in a regular manner.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

91. 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.

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

92. In accordance with Article 26 of the Constitution of the Republic of Azerbaijan, each person has the right to protect his/her own rights by the methods and means not prohibited by law. The State vouches for the rights and liberty of each person. Justice and achieving the

adoption of equitable decisions are at the focus of attention. It is not possible to achieve progress in the field of environmental protection without prioritizing this process.

93. According to the Law on Administrative Execution, interested persons have the right to complain about the rejection and the adoption of administrative acts, with the aim of protecting the rights and interests protected by the law.

94. According to the Law on Administrative Execution, interested persons have the right to complain about the rejection and the adoption of administrative acts, to protect their rights and legally protected interests. The purpose of the person's appeal is to be able to voice his or her views about the activity or inactivity of the administrative body in the case that this is not related to the adoption of an administrative act. Only in the following cases can there be an independent complaint of intermediate administrative acts to the appellate administrative body, or to another body that has the authority to deal with the complaint:

- (a) Connected with authority;
- (b) Rejection;
- (c) Rejection of informing the interested person on the work or presentation of the relevant materials to the interested person;
- (d) In other legally indicated cases.

95. A complaint can be made in an administrative or judicial way. In cases where the administrative act is claimed in both an administrative and judicial way, the complaint is dealt with in the judicial way and the processing of that complaint is completed by the complaint office. A complaint made in the administrative way is presented directly or by the administrative body that adopted the administrative act. The administrative body should dispatch that complaint to the complaint office. A complaint about administrative acts in a judicial way is made according to the rules determined by the appropriate legislation of the Azerbaijan Republic. If the rules are not provided in the legislation, the complaint is submitted to the relevant complaint office within 30 days after the administrative act comes into force. If the administrative act does not consider any means of or timeframe for legal defense, or the administrative act infringes upon an interest (for the first time), a complaint can be made from the day the act came into force. In the case of the term of the complaint being delayed, the term may be restored by the complaint office.

96. The following information must be indicated:

- (a) The name of the administrative body and address, place of residence (name of the legal person and legal address);
- (b) The administrative act or action (or inactivity) that is the subject of the complaint;
- (c) Claims of the plaintive and basis of the claim;
- (d) Date of the complaint;
- (e) Signature of the plaintive.

97. Irrespective of the administrative complaint, the interested party may appeal to the court for temporary defense. If the law does not specify a time frame, the court is obliged to consider and decide on the complaint within one month from the day of its entry.

98. When the complaint about an administrative act is presented to the relevant body, this body is obliged to send the complaint and relevant materials to the complaint office. In the case that the complaint is introduced to the complaint office by the interested person directly, the body can demand the materials from the administrative body involved in the process. The complaint is considered by the complaint office and its objective legality and advisability is studied.

99. After the study of the administrative complaint, the complaint office can take one of the following:

- (a) It can maintain the administrative act without changing it and not provide the administrative complaint;
- (b) A new administrative act can be adopted on the basis of the introduced evidence;
- (c) It can change the administrative act;
- (d) The adopted decision by the complaint office on the administrative complaint is considered an administrative act and must correspond to the requirements of the Law on administrative acts.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

100. There is no obstacle to implementation of the article 9 of the Convention.

101. New laws and rules are adopted in this field in the country and important works are carried out in the protection of public interest.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

102. In the legislation of Azerbaijan, the focus is on enabling appeals to the courts and on achieving just decisions, and persons can appeal to the court for environmental issues.

XXXI. WEB SITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

103. 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.

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION
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**

104. In Azerbaijan, one of the main directions of the democratization of public life is to develop civil society. The rapid economic and social development of our country's expanding the opportunities to the Government to assist civil society activities and support and promotion of NGOs is improving State policy.

105. In the period since independence, a non-governmental sector was formed, consisting of the public unions, funds and other NGOs. Analysis of these processes shows that the formation of NGOs has passed through several stages in our country.

106. The first stage of the creation of NGOs is characterized by a lack of systems and incoherence. The process of defining approaches and priorities with respect to the non-governmental sector by the Government is under way.

107. In 1995, after the adoption of the Constitution of the Azerbaijan Republic, the quality and quantity of NGOs increased, and at the same time differentiation took place in their activity. A corresponding legislative base is being created, related to the activity of civil society. In 2000, a new Law on NGOs was adopted. In many fields, cooperation with NGOs is taking place. In cooperation with the United Nations Development Programme, a training and resource centre was established for NGOs. Recently, NGOs became among the main institutions for creating and democratizing civil society. Under these circumstances, on the basis of principles of equitable cooperation between State bodies and the non-governmental sector, close cooperation in our country is giving an enormous impulse to the development of civil society, the deepening of democracy and the coordination of legislation, helping Azerbaijan to match international standards and defends its national interests.

108. Analysis of NGO activities shows that in different areas, stable groups of civil society institutions have been formed recently. The following number of NGOs have been registered: for refugees, disabled and veterans, 73; legal defense, 121; children and youth, 191; gender issues, 79; health, 68; ecology, 77; economic issues, 218; entrepreneurship, 63; education, science and technology, 176; journalism, 43; culture and art ,113.

109. The formation and implementation of State support to NGOs is based on the following principles.

- (a) Legality;
- (b) Partnership – The joint participation of NGOs and State bodies in solving social problems and defining social policy priorities;
- (c) Transparency – The clear presentation of State finances and other support, and giving interested NGOs the chance to use of the information;
- (d) Coordination – in achieving objectives, adoption of agreed decisions, and related arrangements and general methods;

(e) Responsibility – in State-financed programmes and projects, rigid adherence to the provisions of agreements.

110. It is necessary to note that in the State Support Concept for non-governmental organizations, signed in 27 July 007 by the President, one of the main priority fields for State support to NGOs is the protection of the environment, and the granting of financial support to NGOs by the State and society is considered on a competitive basis..

111. The main means of provision of State support to NGOs consists of the following in this Concept:

- (a) Improvement of legislation: updating of the activity of NGOs and deepening of the relations between State bodies and NGOs for improvement of the legal acts by involving civil society institutes;
- (b) Improvement of cooperation mechanisms of State bodies and civil society institutes.
 - (i) Holding forums for effective dialogue and for the solution of problems with the interaction between state and civil society;
 - (ii) The creation of an organization for NGOs as a form of cooperation between the State and NGOs deepening the democratization of society;
 - (iii) The creation of an aid fund, which will provide financial support for the realization of important projects for the Government and society;
 - (iv) To effectively observe the development process of civil society and to carry out monitoring of the cooperation programmes, as well as develop a national information network;
 - (v) To create an information base with respect to civil society institutions, and define the forms and method of mutual cooperation, and the preparation of suggestions for State agencies on effective formation mechanisms.

112. This Concept also considers the creation of institutional mechanisms of State support to NGOs, the improvement of the cooperation between State bodies and NGOs, the participation of NGOs in the formation of political, legal and civil culture; and the directions of international cooperation of civil society institutions.

113. The Concept envisages the solution of problems of NGOs in the country, the improvement of the legislation base, and the creation of effective systems of partnership relations between State bodies and NGOs, and will serve to help the development of civil society.

114. In 1999 the Azerbaijan Republic joined the Convention and has done much work in that respect: reforms have been made in the legislature, a civil society has been formed, and the ideas of NGOs were taken into consideration.
