

LAW OF THE AZERBAIJAN REPUBLIC

About Fishing

The Law shall establish legislative provisions for the organisation, management of fishing and increase of fish resources, their usage and protection in the Azerbaijan Republic.

Chapter I. General provisions

Article 1. Main terms and expressions

Terms and expressions used in this Law shall have the following meanings:

fishing – it is a system of biological, biotechnological, technological and organisational measures related to, reproduction, restatement, growth, use, protection and improvement of useful quality of fishes, other marine animals and plants in water pools;

fish reproduction - is artificial reproduction and reinstatement of fish resources in water pools, breeding of various types of fishes, as well as exploration of biological bases for fish farming technologies;

fish breeding – is an intensive reproduction and nourishment of fry in artificial lakes and water facilities to achieve production weight;

Fish conservation – is a control over protection, providing safety, different types of flora and fauna, regulation of their fishing, reproduction, reinstatement and fishery industry melioration;

Fish resources - are basic ground of all age groups of fishes, various marine flora and fauna , used or potentially usable in water pools;

Marine flora and fauna - are all types of seals, crustaceans, tortoises, zoo-plankton, phyto-plankton, benthos organisms and other marine animals and plants;

Fisheries melioration - is prevention of contamination, deterioration, silting, cleaning of hard rooted water plants, aeration of water and water pools, as well as maintaining the area of location, feeding, breeding and reproduction of fishes and other marine flora and fauna in consistency with the environment.

Article 2. Legislation of the Azerbaijan Republic on fishing

Legislation of the Azerbaijan Republic on fishing consists of this Law and other normative-legal acts enacted hereunder.

Water, land, property, environmental protection and other matters arising in relation to organisation of fishing and reproduction, use and protection of fish resources shall be settled by the appropriate legislation of the Azerbaijan Republic subject to this Law.

Arrangements of fishing and reproduction, use and protection of fish resources in the Azerbaijan Republic territory of the Caspian Sea (lake) shall, in addition to this Law, be regulated by the acts of legislation of the Azerbaijan Republic on water, international treaties, agreements and conventions made between the Azerbaijan Republic and other states situated on the shores of the Caspian Sea, as well as other norms of the international law.

Principle of the arrangements and reproduction, use and protection of fish resources in border water objects shall be regulated by the acts of legislation of the Azerbaijan Republic on water and border, international treaties and conventions of the Azerbaijan Republic, as well as other norms of the international law subject to the provisions of this Law.

Article 3. Ownership of fish resources

Fish resources of the Azerbaijan Republic belong to the Azerbaijan Republic, without impairing rights and interests of any physical persons or legal entities.

Article 4. Objects and subjects of fishing operations

The objects of fishing operations are considered fishes, other marine animals and plants, their caviar, larva and other products used as food products and raw materials. The subjects of fishing operations are considered legal entities and physical persons engaged in accordance with the legislation of the Azerbaijan Republic into reproduction, breeding, use, protection of fish resources, as well as production and storage of fish products.

Article 5. Recordation and state registration of subjects of fishing operations

Recordation of physical persons and state registration of legal entities engaged into fishing operations are carried out in accordance with the legislation of the Azerbaijan Republic.

Article 6. Water objects with fisheries importance

The water objects with fisheries importance used for reproduction, breeding and hunting of fish resources are considered the following objects:

- ★ Azerbaijan Republic territory of the Caspian Sea (lake);
- ★ Rivers, lakes, water reservoirs, water supply channels and other surface water flows and water streams;
- ★ Surface water objects defining or crossing the borders of states.

In accordance with the water legislation of the Azerbaijan Republic allocation of water objects for use associated with fish resources.

Chapter II. Duties of the state in the area of fishing

Article 7. Main principles of the state policy in the area of fishing

State policy in the area of fishing is based upon the following principles:

- ★ State control over reproduction, reinstatement, use and protection of fish resources;
- ★ Control over the reproduction, use and protection of fish resources in terms of basin principle;
- ★ Protection of habitat of fish resources;
- ★ Limitation of use of fish resources;
- ★ Differentiation of management functions in accordance with reproduction, regulation of use, protection and scientific provision of fish resources and production functions in relation to fish breeding, fish hunting and production of fish products.

Article 8. Duties of the state in the area of reproduction, use and protection of fish resources

The following shall constitute duties of the state in the area of reproduction, use and protection of fish resources:

- ★ To enact normative-legal acts in the area of protection and use of fish resources;
- ★ To implement state policy in the area of use and protection of fish resources;
- ★ To exercise control over compliance with fishing legislation;
- ★ To arrange works related to reproduction, reinstatement, protection, environmental acclimatisation of fish resources, monitoring, cadastre and melioration operations associated with fishing in relation to water objects;
- ★ To arrange for the establishment of special regime, ichthyological and temporary reserves for the protection of fish types, marine flora and fauna, allocation of specially protected water facilities;
- ★ To prepare and to approve normative-methodological basis, standards, norms, rules in the area of reproduction, use and protection of fish resources and to draft scientific grounds for the development of fishing; To establish limits of use of fish resources and to implement regulation of fish hunting;

- ★ To arrange for state fishing industry examination of construction and reconstruction of enterprises, technical facilities, other water and energy industry objects affection conditions applicable to fish resources;
- ★ To carry out international co-operation in the field of research, reproduction, use and protection of fish resources;
- ★ To undertake other duties stipulated by the legislation of the Azerbaijan Republic in relation to reproduction, use and protection of fish resources.

Chapter III. Use of fish resources

Article 9. Forms of use of fish resources

Use of fish resources shall be carried out in the following forms:

- ★ industrial, leisure and sport hunting of fishes and other marine animals;
- ★ industry oriented reproduction of fishes, other marine flora and fauna;
- ★ scientific-research and control oriented hunting of fishes for the purpose of exploration of status of fish resources and establishment of limits upon fish hunting;
- ★ hunting of fishes and other marine animals for the purpose of environmental acclimatisation and relocation.

Article 10. Industrial fish hunting

Water objects of band value or sections thereof shall be allocated in accordance with the procedures established by the water legislation for the use related to fish resources for the purpose of carrying out industrial hunting of fish resources.

On-shore strips shall be allocated in accordance with the water legislation along shores of locations allocated for industrial fish hunting for the purpose of repair and installation of hunting devices, berthing of vessels and boats, as well as construction of residential and industrial structures.

Legal entities and physical persons engaged into industrial fish hunting shall, in accordance with the agreement, be allocated with clearly delineated band sections.

Agreements on allocation of bands shall specify conditions applicable to number, types and sizes of fishes proposed to be hunted, prohibited fish hunting devices, technical facilities, other rules and provisions.

Industrial fish hunting shall be paid and shall be carried out in accordance with fish hunting tickets issued by the relevant executive authority.

Legal entities and physical persons making use of water objects and certain sections thereof for the purpose of industrial fish hunting shall protect band sections from contamination and deterioration and shall maintain areas of installation of hunting devices in appropriate sanitary condition.

Industrial fish hunting shall be carried out in accordance with regulations approved by the relevant executive authority.

Article 11. Sport and leisure fish hunting

Sport and leisure fish hunting shall imply hunting of fishes and other marine animals for personal needs and leisure of individuals.

Except for reserves, fish reproduction bands and enterprises, all water objects may be used for the purpose of sport and leisure fish hunting subject to compliance with procedures specified by the legislation.

Allocation of state water objects and sections thereof for sport and leisure fish hunting shall be carried out by the relevant executive authorities.

Sport and leisure fish hunting on water facilities being in individual use, municipal or private ownership shall be permitted upon consent of users and owners of water objects.

Sport and leisure hunting shall be carried out in accordance with permission notices issued by the relevant executive authority.

Permission notices for carrying out sport and leisure fish hunting in water objects owned by environmental protection, fishing, hunting, sporting and other societies, organisations and private water objects shall be issued upon consent of owners or users of water objects.

Application of poisonous, chemical and blasting matters which may cause mass death of fishes in water objects, as well as application of prohibited hunting devices in course of sport and leisure fish hunting shall be prohibited.

Sport and leisure fish hunting shall be carried out in accordance with regulations approved by the relevant executive authority.

Article 12. Production oriented fish breeding

Production oriented fish breeding shall be carried out in accordance with the appropriate technologies in water objects and water facilities established under specific projects.

Operation of legal entities and physical persons engaged into production oriented fish breeding shall, in addition to this Law, be also regulated by the water, land, property and other legislation of the Azerbaijan Republic.

Article 13. Introduction of fish products into trade circulation

Fish products complying with the state standards and sanitary requirements, being in possession of documentation evidencing origin and quality may be introduced into the trade circulation in the Azerbaijan Republic.

Fish products introduced into trade circulation shall be appropriately labelled and marked, produced and conserved products shall be certified.

Import and export of fish products shall be carried out in accordance with the procedures specified by the legislation of the Azerbaijan Republic.

Where provisions of co-operation agreements do not provide otherwise, international certificate information shall be accepted in course of import and export of fish products.

Article 14. Acquisition of right of use of fish resources

Right of use of fish resources shall be acquired under the procedures specified by the legislation of the Azerbaijan Republic.

Categories of use of fish resources requiring special permission shall be established by the relevant executive authority.

Article 15. Rights of subjects of fishing operations

Subjects of fishing operations shall have the following rights:

- ★ to independently arrange entrepreneurial activities;
- ★ to freely exercise rights of possession, use and disposal over products hunted and produced in accordance with the legislation;
- ★ to purchase fry from fish breeding enterprises for production oriented breeding;
- ★ to request authorities engaged into protection of fishes issue of fishing tickets and permission notices;
- ★ to make use of onshore strips located along shore line of water objects with fishing value and to store and install fish hunting devices, technical facilities, to construct temporary residential and production structures in sections of bands allocated to such persons;
- ★ to make use of water facilities, water streams and reservoirs located within lands being in their ownership or use for fish reproduction and hunting;

- ★ to participate in fishing related conferences, symposiums, fairs and auctions and to in accordance with the specified procedure from relevant authorities scientific, technological, statistical and other information;
- ★ to exercise other rights specified by the legislation.

Article 16. Cancellation of the right of use of fish resources

Rights of subjects of fishing operations for the use of fish resources shall be cancelled under the following circumstances:

- ★ voluntary refusal of use of fish resources;
- ★ suspension of entrepreneurial activities in the area of fishing;
- ★ expiration of the right of use of fish resources;
- ★ failure to make payment for the use of fish resources;
- ★ upon breach of environmental protection or sanitary rules in allocated band sections and use of water objects for unauthorised purposes;
- ★ upon breaches of contractual conditions applicable to allocated band sections or illegal transfer of such sections to other persons;
- ★ upon repeated breaches of the legislation of the Azerbaijan Republic on fishing.

Cancellation of the right of use of fish resources shall, in appropriate cases, be carried out in accordance with the resolution of the court or the relevant executive authority.

Article 17. Duties of subjects of fishing operations

The following shall constitute the duties of subjects of fishing operations:

- ★ to comply with legislation of the Azerbaijan Republic on fishing;
- ★ to make use of fish resources only during periods, within limits and in relation to types specified in permission documentation;
- ★ to prevent acclimatisation of new fish species, other marine flora and fauna which may negatively affect the natural environment of location of fish resources;
- ★ to carry out fish reproduction and fishing industry melioration measures designed to increase productivity of fish resources in natural water objects;
- ★ to protect water objects with fishing value from contamination, deterioration and dehydration;
- ★ to provide accompanying documentation in relation to fish and other marine animal products submitted for sale, quality, type and volume thereof;
- ★ to comply with written instructions issued by the relevant executive authority;
- ★ to comply with sanitary, veterinary and quarantine rules in relation to fishing operations;
- ★ to maintain proper records and registration and to supply information to appropriate authorities;
- ★ to undertake other duties specified by the legislation.

Chapter IV. Reproduction, reinstatement and protection of fish resources.

Article 18. Reproduction and reinstatement of fish resources in water objects

Reproduction and reinstatement of fish resources shall be carried for the purpose of breeding, artificial reproduction and protection of fishes and other marine flora and fauna in water objects.

Reproduction and reinstatement of fish resources shall be carried out upon special technologies by the specialised state fish breeding enterprises and legal entities and physical persons being in possession of permission and technical capabilities for the performance of such categories of operations.

Reproduction and reinstatement of fishes entered into the Red Data Book, as well as of sturgeons and other valuable fishes with band significance shall be carried out in

accordance with specific state programs implemented under the supervision of scientists and highly skilled specialists of the appropriate scientific-research organisations.

Artificially bred fry released to water objects shall be registered in accordance with the applicable procedures.

Reproduction and reinstatement of fish resources shall be carried out in accordance with duly approved regulations.

Article 19. Increase of productivity of fish resources

Fishing industry melioration operations shall be implemented in water objects for the purpose of increase of productivity of fishes, other marine flora and fauna and improvement of the ecological conditions in places of their location.

Fishing industry melioration operations shall be implemented upon biological grounds by state fish breeding enterprises and legal entities and physical persons being in possession of permission and technical capabilities for the performance of such categories of operations.

Fishing industry melioration operations shall be carried out in accordance with the duly approved regulations.

Article 20. State service for fish protection

State service for fish protection shall exercise control over reproduction, regulation of use of fish resources, as well as compliance with fish protection and fish hunting regulations.

Duties of the state service for fish protection shall be carried out by the relevant executive authority.

Article 21. Rights of the state service for fish protection

State service for fish protection shall have the following rights:

- ★ to check permission documentation issued to subjects of fishing operations;
- ★ to stop and check vessels, boats and other sailing devices, including foreign vessels, boats and other sailing devices, engaged into illegal fish hunting in inland waters of the Azerbaijan Republic, Azerbaijan Republic section of the Caspian Sea (lake), border water objects;
- ★ to temporarily stop vessels engaged into fish hunting in breach of international treaties of the Azerbaijan Republic and to apply to such vessels measures specified by the legislation and international law;
- ★ to stop water transportation devices of legal entities and physical persons engaged into illegal fish hunting;
- ★ to compile protocols (acts) related to administrative defaults in relation to reproduction, reinstatement and use of fish resources, to impose fines and other sanctions;
- ★ to stop persons engaged into criminal actions or administrative defaults in relation to use and protection of fish resources and to transfer such persons to law enforcement authorities;
- ★ to stop, check in accordance with the legislation transportation devices in band value water objects zones, and where necessary to establish personalities of stopped persons;
- ★ to enter, in accordance with the procedures specified by the legislation, into facilities of legal entities and physical persons engaged into production, hunting and reproduction of fish products located in their area of service, as well as to industrial, energy, agricultural and other facilities located adjacent to water objects with fishing value and to verify compliance with fishing legislation;

★ to exercise other rights specified by the legislation of the Azerbaijan Republic. Fish products acquired by legal entities and physical persons engaged into illegal fish hunting and hunting devices may be confiscated in accordance with the procedures established by the Administrative Default Code of the Azerbaijan Republic.

Rules applicable to special uniform, maintenance and possession of service weapons by the officials of the state fish protection service shall be regulated by the normative legal acts of the Azerbaijan Republic.

Officials of the state fish protection service shall apply force, special devices and weapons only in cases and under procedures specified by the legislation of the Azerbaijan Republic.

Article 22. Duties of the state fish protection service

The following shall constitute duties of the state fish protection service:

- ★ to ensure protection and safety of fish resources;
- ★ to prevent and to eliminate criminal actions and administrative defaults in the area of reproduction, reinstatement, use, protection and safety of fish resources;
- ★ to pass within the limits of authorities local cases of administrative default to courts and to execute court decisions;
- ★ to transfer documentation related to bringing persons breaching fishing legislation before liability;
- ★ to issue formal instructions to the subjects of fishing operations for the elimination of deficiencies;
- ★ to apply to appropriate authorities with request for limitation, suspension or prohibition of fish operations;
- ★ to implement other duties specified by the legislation.

Chapter V. Protection of the area of location of fish resources

Article 23. Requirements upon area of location of fish resources

Contractors engaged into designing, construction, re-construction and operation of enterprises, facilities and other objects which may negatively affect environments of location of fish resources, as well as contractors operating in water objects with fishing value and shore lines (zones) shall establish favourable conditions for protection, reproduction, relocation and wintering and shall ensure integrity of location and breeding environment for such fishes.

Rights of persons engaged into use of water in significantly important water objects and sections thereof may be limited for the benefit of the fishing industry for the purpose of reproduction, reinstatement and protection of valuable fishes and other marine flora and fauna. List of such water objects and procedures for the limitation of use of waters shall be established by the relevant executive authority.

Article 24. Protection of water objects with fishing value from contamination, deterioration and drying

For the purpose of protection of water objects with fishing value from contamination, deterioration and drying the following categories of actions shall be prohibited:

- ★ to install and repair bands in areas of spawning without consent of the relevant executive authority;
- ★ to install fences in rivers, river branches and channels and to impede water stream, to release water from lakes and ports, except for cases of implementation of sanitary, hydro-technical and melioration activities upon consent of the relevant executive authority;
- ★ not to contaminate and deteriorate snow and ice cover over water objects with radioactive and poisonous-chemical substances, leather, wood and oil

production materials, not to release wastes of such operations into water objects;

- ★ to accumulate soils excavated in course of operations for bed deepening and cleaning in areas of spawning and wintering.

Release of industrial, household, drainage and other wastes into water objects with fishing value shall be carried out in accordance with the water legislation of the Azerbaijan Republic.

Article 25. Permitted norms of harmful effect upon water objects of fishing value

Permitted norms of harmful effect upon water objects of fishing value shall be established upon extent of human effect not causing changes in ecological system of water objects through long-term impact and volume of harmful substances released to, or harmful substances which may enter into such objects or their water accumulation areas.

Permitted norms of harmful effect upon water objects of fishing value and procedures applicable to the approval thereof shall be established by the relevant executive authority.

Article 26. Fishing industry monitoring of water objects

Fishing industry monitoring of water objects shall consist of set of measures for the supervision of hydrological, ichthyological and hydro-geological indicators for the purpose of timely establishment and evaluation of negative processes occurring in water objects of fishing value, forecasting progress and prevention of the negative effect of such processes, securing effectiveness of measures for the protection of fish species.

Fishing industry monitoring of water objects shall constitute an integral part of state environmental monitoring system.

Fishing industry monitoring of water objects shall be implemented in accordance with the procedures specified by the legislation of the Azerbaijan Republic.

Article 27. Fishing industry cadastre of water objects

Fishing industry cadastre of water objects shall constitute compilation of information on water objects of fishing value, water regime, fish resources thereof, use and users of such reserves.

Fishing industry cadastre of water objects shall constitute an integral part of the state ecological cadastre and shall be maintained under a unified system in accordance with the procedures specified by the legislation of the Azerbaijan Republic.

Article 28. Fishing industry examination of project documentation

Fishing industry examination of project documentation shall be carried out for the purpose of establishment of the compliance of projects for construction and re-construction of enterprises, installations and other facilities capable of affecting conditions of water objects of fishing value with the applicable norms, technical conditions and requirements.

Fishing industry examination of project documentation for the following categories of construction works located within the area of effect of water objects of fishing value shall be obligatory:

- ★ construction and re-construction of industrial, hydro-energy, oil processing, chemical and petrochemical, wood and leather processing facilities in zones of water protection and in strips along shore lines prone for affecting quality of waters;
- ★ production of mineral resources on water objects, carrying out geological-exploration, blasting, excavation, bed deepening operations, construction of underground facilities;

- ★ installation of cables, construction of underwater pipelines and terminals for transportation of oil, gas and chemical substances;
- ★ production, storage, use, processing and destruction of drugs, pesticides, herbicides, mineral fertilisers, radioactive and poisonous chemical substances;
- ★ construction and installation of industrial, household and sewage water releases, water reservoirs, sewage facilities, pipelines, melioration and irrigation networks;
- ★ construction and re-construction of other facilities specified by the relevant executive authority.

Fishing industry examination of project documentation for enterprises, installations and other facilities which may affect conditions of water objects with fishing value shall constitute an integral part of the state ecological examination and shall be carried out in accordance with the procedures specified by the legislation of the Azerbaijan Republic.

Article 29. Requirements in relation to operation of objects of water industry

Water objects constructed on water objects with fishing value shall be operated through compliance with the following requirements:

- ★ installation of fish release facilities around water bands, ensuring passage of fishes to spawning areas;
- ★ maintenance of the level of water at the extent suitable for reproduction, spawning, wintering;
- ★ equipment of hydro-technical, water collection and water release, irrigation systems with fish release facilities;
- ★ absence of installations of water collection and water release facilities in area of spawning and wintering of fishes, as well as in locations of accumulation of fry;
- ★ compliance of operation of public, oil production, petrochemical, oil processing facilities and other categories of industrial facilities which may affect environment of location of fish resources with ecological requirements;
- ★ release of sufficient volume of waters into lower sections of water reservoirs for the purpose of establishment of suitable conditions for the reproduction of fish resources in river downstream.

Putting water industry objects constructed upon water objects of fishing value into operation shall be agreed with the relevant executive authorities.

Article 30. Water protection zones

Water protection zone shall mean a territory adjacent to the water area provided with the special regime of use and protection of natural resources and implementation of other operations.

Shore protection zones shall be established on the boundaries of water protection zones.

Water protection zones and related shore protection zones for rivers, river branches, lakes and other water objects being places of spawning for valuable fish species, as well as water protection zones and related shore protection zones for areas of peration of fish reproduction enterprises shall, in accordance with the procedures established by the legislation of the Azerbaijan Republic, be considered specially protected territories.

Ploughing and seeding of soils, planting, felling and complete pulling out of forests, location of cemeteries, cattle farms, camps, landfills, as well as carrying out other categories of operations specified by the water legislation shall be prohibited.

Dimensions, boundaries and rules of use of water protection zones, shore protection zones thereof shall be established by the water legislation of the Azerbaijan Republic.

Chapter VI. Economic regulation of fishing

Article 31. Main principles of economic regulation of fishing

Economic regulation of fishing shall be based upon the following principles:

- ★ fees for use of fish resources and fines for unauthorised hunting;
- ★ financing of works for reproduction, reinstatement, protection of fish resources and maintenance of fishing science through the state budget and out-of-budget compensations;
- ★ compensation of damages caused to fish resources;
- ★ stimulation of efficient use, reproduction and protection of fish resources.

Article 32. Fees for use of fish resources and fines for unauthorised hunting

Except for cases stipulated by the legislation of the Azerbaijan Republic, use of fish resources shall be paid.

The purpose of payments for the use of fish resources shall be compensation of state fund expended for research, reproduction, reinstatement and protection of fishes, other marine flora and fauns, establishment of financial interest towards efficient use of fish resources and improvement of protection thereof and stimulating investments into development of fishing industry.

Fees for use of fish resources and fines for unauthorised hunting shall be differentiated upon types and method of hunting of fishes, other marine flora and fauna, categories of hunting and technological devices, as well as designation of water objects.

Payments for the use of fish resources in water objects being in individual use, lease, municipal or private ownership shall be established in accordance with the procedures referred to in the third paragraph of this Article by municipalities, owners, users and lessees.

Fines for unauthorised hunting on the aforementioned water objects shall be applied in accordance with the procedures stipulated by the legislation.

Application of privileges in relation to the use of fish resources shall be regulated by the applicable legislation of the Azerbaijan Republic.

Categories, amounts, application rules in relation to fees for the use of fish resources and fines for unauthorised fish hunting shall be established by the relevant executive authority.

Article 33. Financing of reproduction, reinstatement, protection of fishes and financing of development of fishing science

Artificial reproduction, reinstatement and protection of fishes in water objects being in the state ownership and fishing industry melioration operations shall be financed from the state budget.

Reproduction and reinstatement of sturgeons and other valuable fish species shall be stimulated by the state.

Fish reproduction, fish breeding and fishing industry melioration operations in water objects being in individual use, lease, municipal or private ownership shall be financed by users and owners of water objects.

Development of the fishing science shall be carried out by the scientific-research organisations and shall be financed in accordance with the specific programs from the state budget and through out-of-budget compensations.

Article 34. Compensation of damages caused to fish resources

Damages caused to fish resources shall be compensated by defaulting persons where it is not possible to prevent damages caused to fish resources through construction,

operation of facilities, as well as from various categories of operations carried out in the water objects with fishing value.

Compensation funds shall be applied to reproduction, reinstatement of fish resources, as well as fish protection and fishing industry melioration operations.

Article 35. Stimulation of reproduction, reinstatement and protection of fish resources

The legislation of the Azerbaijan Republic shall provide for specific investment, pricing, loan and tax regimes in relation to reproduction, reinstatement and protection of fish resources.

Certain portion of fees for use of fish resources and fines for unauthorised hunting established by the relevant executive authority shall be applied to the stimulation of reproduction, reinstatement and protection of fish resources.

Chapter VII. International co-operation

Article 36. Inter-state co-operation for reproduction, reinstatement and protection of fish resources in the Caspian Sea (lake)

The relevant executive authorities of the Azerbaijan Republic shall participate in the exploration of biological reserves, preparation of ecological, hydrological, hydro-geological, technological norms of waters of the Caspian Sea (lake), as well as in reproduction, use and protection of fish resources and shall undertake an appropriate exchange of information.

Reproduction, reinstatement and quotes of use of fish resources in the Caspian Sea (lake) shall be established through agreements, conventions and treaties made between the Caspian states.

Article 37. Rights of legal entities and physical persons of the Azerbaijan Republic for the use of fish resources in water objects of foreign states

Legal entities and physical persons of the Azerbaijan Republic may use fish resources in water objects of foreign states and in open sections of the World Ocean.

Fish products hunted and produced by the legal entities and physical persons of the Azerbaijan Republic in water objects of foreign states and in open sections of the World Ocean shall not be considered import products.

Rules of use of fish resources in water objects of foreign states and in open sections of the World Ocean shall be regulated by the inter-state agreements, treaties and conventions of the Azerbaijan Republic, as well as other norms of the international law.

Article 38. Rights of foreign legal entities and physical persons for the use of fish resources in water territories of the Azerbaijan Republic

Foreign legal entities and physical persons may use fish resources in the water objects of the Azerbaijan Republic.

Foreign legal entities and physical persons shall acquire the right for the use of fish resources in the Azerbaijan Republic in accordance with the procedures specified by the legislation of the Azerbaijan Republic.

Fees and rules applicable to the use by foreign legal entities and physical persons of fish resources in the Azerbaijan Republic shall be established by the relevant executive authority.

Article 39. International agreements

In the event of any discrepancy between the norms of international treaties of the Azerbaijan Republic related to reproduction, use and protection of fish resources and provisions stipulated by this Law, provisions of international agreements shall prevail.

Chapter VIII. Resolution of disputes related to fishing industry and liability for breach of legislation

Article 40.Nullity of transactions made with breach of fishing legislation

Transactions made with the breach of fishing legislation shall be null and void.

Article 41.Liability for breach of fishing legislation

Persons being guilty for the breach of legislation on fishing shall bear civil, administrative and criminal liability stipulated by the legislation of the Azerbaijan Republic.

Legal entities and physical persons of the Azerbaijan Republic breaching provisions of the fishing legislation in water objects of foreign states shall bear liability specified by the international treaties, agreements of the Azerbaijan Republic, as well as other norms of the international law.

Legal entities and physical persons of foreign states breaching provisions of the fishing legislation in water objects of the Azerbaijan Republic shall bear liability specified by the legislation of the Azerbaijan Republic and international treaties.

Article 42.Resolution of disputes related to fishing operations

Disputes related to fishing industry arrangements and reproduction, use and protection of fishes shall be settled through courts.

The President of the Azerbaijan Republic

Heydar ALIYEV.

Baku, March 27, 1998

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