

Law of the Azerbaijan Republic On Water Economy of Municipalities.

This Law defines the legal basis for the relations between the municipalities and relative government executive bodies, entities and individuals regarding the use and protection of the water structures located within a territory of municipalities of the Azerbaijan Republic.

Part I. General Provisions.

Article 1. Basic Definitions.

1.0 There are the following basic definitions in this Law:

- 1.0.1 *The water economy of municipalities* is the activities regarding the regulation, use and protection of the local significant underground and surface waters located on the municipal lands, as well the elimination of erosion;
- 1.0.2 *the water structure of municipalities* is the formed systems and facilities to use, rehabilitate and protect the water resources located on the municipal lands, which are not under the state and private property;
- 1.0.3 *the water structure* is a naturally formed landscape or the geological structure bearing the underground water straits, horizons and other specific peculiarities;
- 1.0.4 *the local significant water source* is the water structure used to meet the local needs in a water within a territory of municipalities;
- 1.0.5 *the user of the water structure* is entities and individuals, who are authorized to use the water structure;
- 1.0.6 *the water consumer* is the entities and individuals who buy a water from the users of the water structure in conformity with the relative normative by-laws;
- 1.0.7 *the waste waters* is the waters polluted by the industry, social and civil enterprises;
- 1.0.8 *the drainage waters* is the waters off-taken by the drainage facilities;
- 1.0.9 *the protection of the water structure* is the activity in terms of the protection and rehabilitation of the water structure;
- 1.10 *the pollution of the water structure* is the discharge of the hazardous substances, which are negatively interfered to a quality of water, the surface and bed of the water structure, as well the environment as a whole.

Article 2. The Legislation of the Azerbaijan Republic on the Water Economy of Municipalities.

2.1 The legislation of the Azerbaijan Republic on the water economy of municipalities is consisting of this Law, Water Code of the Azerbaijan Republic, the Laws of the Azerbaijan Republic On Earth Stratum, On Amelioration and Irrigation, On Water Supply and Waste Waters and the relative normative legal acts.

2.2 If the provisions of this Law are in conflict with the international agreements to which the Republic of Azerbaijan is a Party, the provisions of the said agreements shall dominate over this Law.

Part II. The Objects and Subjects of the Municipal Water Economy.

Article 3. The Water Economy Structures under the Municipal Property.

3.1 The relative executive body of the Azerbaijan Republic transfers to the municipal property the state owned local significant water economy structures within a territory of municipalities in conformity with the legislation.

3.2 The municipality can take the water economy structure under its property as by the following:

- 3.2.1 by the transfer of the state owned water economy structures to the municipal property under the relative legislation;
- 3.2.2 if the municipality forms a new water economy structure;
- 3.2.3 by purchasing the water economy structures of the legal entity and private property under the municipal property;
- 3.2.4 other conditions under the relative legislation.

Article 4. The Objects and Subjects in the Water Relations of Municipalities.

4.1 The objects of the water relations of municipalities is including the local significant water structures and lands of the water fund, which are not referred to the state and private property.

4.2 The subjects of the water relations of municipalities are the users of the water structures and the water consumers. The municipalities participate in the water relations within their jurisdiction and status as defined in the relative legal acts.

Article 5. The State Owned Water Economy Structures within a Territory of Municipalities, which are given to Their Management and Use.

The state owned water economy structures, the water supply systems of settlements, irrigation networks, and other local significance state owned water economy systems and facilities may be given to the management and use of municipalities in accordance with the rules and conditions defined by the relative executive body of the Azerbaijan Republic.

Part III. Organization and Management of the Water Economy of Municipalities.

Article 6. The Water Economy Structure of Municipalities.

6.1 Within their territories the municipalities develop their water economy structure if the civil, water, land, earth stratum and other legislations of the Azerbaijan Republic regulate this matter.

6.2 The following refers to the water economy structure of municipalities:

- 6.2.1 the water economy systems and facilities of municipalities;
- 6.2.2 the spring waters, boreholes, wells and other local significance water structures within a territory of municipalities, which are not belonging to the state and private property.

Article 7. Management of the Municipal Water Economy.

7.1 The municipalities themselves or the water economy enterprises formed by the municipalities manage the municipal water economy structures.

7.2 The water economy enterprises formed by the municipalities are the self-financed legal entities, which are accountable and reported direct to the municipalities.

7.3 The water economy structures of the municipalities are given to the permanent management of the water economy municipal enterprises.

7.4 The municipalities maintain and protect the water economy systems and facilities, water forest belts of municipalities.

Article 8. Planning by the Municipalities Their Water Economy Activity.

8.1 Based on their needs, the municipalities plan their water economy activities.

8.2 In planning their water economy activities, the municipalities use the relative standards and rules to identify the natural and climatic peculiarities of areas, needs of the population and agriculture sector in water.

Article 9. Financing of the Municipal Water Economy.

9.1 The municipal budgets and state budget finance the amelioration and irrigation activities on the municipal lands, as well the operation and rehabilitation of the other municipal water economy structures.

9.2 The water economy activities as requested by the municipalities are being financed on the accounts of the municipal budgets, credit lines, fund allocations of the entities and individuals and the other sources which are not forbidden in the legislation.

9.3 If natural disasters and man-made accidents happened, the state budget, other sources and graceful loans as specified in the legislations may be utilized in order to rehabilitate the water economy structures and cover the losses of municipalities in respect with its deterioration category thereof.

Article 10. Paid Use of the Municipal Water Economy Structures.

10.1 The municipal water economy structures, as well the general drinking spring waters, boreholes and wells within a territory of settlements will be used through the payment method, apart a case specified in the relative legislation of the Azerbaijan Republic.

10.2 The water legislation and the other relative legal acts, municipal acts of the Azerbaijan Republic specify the rules and conditions on paid use of the municipal water economy structures.

10.3 There are the following purposes for the paid use of the municipal water economy structures:

- 10.3.1 ensure the efficient use of the water resources within a territory of a territory of the municipality;
- 10.3.2 precisely maintain records on the water use;
- 10.3.3 cover the expenditure of the water supply;
- 10.3.4 improve the procurement of new equipment for the irrigation and water pipeline systems;
- 10.3.5 form new sources of water.

10.4 The municipalities have defined the water use rate from the municipal water economy structures and its differentiation in respect of a water quality, purpose of the use (drinking, technical, irrigation and others), seasonal change and needs in the water resources, technical level of the water economy structures, methods of the water extraction and transportation, and other factors interfering to its operational costs.

Part IV. Use of the Municipal Water Economy Structures.

Article 11. Defined Conditions for the Common and Special Use of the Municipal Water Economy Structures.

11.1 The municipal water economy structures are commonly used without any facilities and equipment and no permission of the entities and individuals is required thereof.

11.2 The municipal water economy structures are specially used with the facilities and equipment and the permission of the entities and individuals is required thereof.

11.3 For the purpose to protect the life and health of population and develop the appropriate sanitation environment, the municipalities can identify the place for the beach within a territory of the municipal water structures, boat walk, fishing areas and restricted areas for delivering water to the livestock.

11.4 Within their territory the municipalities jointly with the relative government executive bodies implement the activity to prevent the destruction of the water structures, and swamping, slip and sedimentation of lands, as well floods and other consequences.

Article 12. Identification of Sites within Municipal Water Economy Structures for the Purposes of Rest (Recreation), Treatment and Sport Activities.

12.1 The municipalities identify the place and rules to use the water economy structures for the purpose of mass rest (recreation), treatment, sport and other activities. The identification of such place is to be agreed by the relative executive bodies.

12.2 The municipalities prepare the rules and conditions to use the municipal water economy structures for the mass rest, treatment and sport activities to be agreed by the relative executive bodies.

Article 13. Contract on Use of Municipal Water Economy Structures.

13.1 The municipal water economy structures are used on contractual basis.

13.2 The municipal water economy structures are used on the basis of a contract signed between the users of water structures, the water consumers and municipalities.

13.3 The municipalities use the state owned water structures based on a contract signed with the relative executive bodies in accordance with the legislation.

Article 14. Issue of a Special Permission to Use Municipal Water Economy Structures.

14.1 The municipalities use the state owned water economy structures based on a special permission issued by the relative executive body.

14.2 The special permission is given to municipalities to use the municipal water economy structures as specified in the relative legislation of the Azerbaijan Republic taken into consideration the volume of the water reserves in the water structures, the needs of the water consumers in water and art-of-state of the water structures.

Article 15. Underground Water Economy Structures Located on Municipal Lands and Their Use.

In order to prevent the desiccation of waters on the underground water economy structures located on municipal lands and relative damage to the environment (forest, vegetation and others), their operational needs is not allowed. As a rule, the underground drinking waters are being used for the public water supply. Depending on its quantity, the underground water resources can be used for the irrigation purpose. In accordance with the water legislation of the Azerbaijan Republic, the relative executive body implements and supervise over the execution of the operational regime for the underground water economy structures.

Article 16. Protection of Water Economy Structures under the Property and Management of Municipalities.

16.1 The municipal water economy enterprises execute the measures to prevent the pollution of the water economy structures under the property and management of municipalities, the desiccation and excessive use of waters, as well their hazardous impacts.

16.2 The municipalities use and protect the water economy structures under the state property in line with the relative legislation of the Azerbaijan Republic.

Part V. Rights and Duties of Municipalities to Regulate Water Relations.

Article 17. Rights and Duties of Water Users.

The relative legislation of the Azerbaijan Republic defines the rights and duties of the water users of the municipal water structures.

Article 18. Rights of Municipalities on Property of Water Economy Structures.

The municipalities can rent the municipal water economy structures to the individuals and entities, as well hand over to the individuals and entities of the Azerbaijan Republic under their private property in line with the legislation of the Azerbaijan Republic.

Article 19. Jurisdiction of Municipalities to Regulate Water Relations.

19.0 There are the following types of the jurisdiction of municipalities to regulate water relations:

- 19.0.1 own and use the water economy structures under the property of municipalities, issue the orders on them;
- 19.0.2 undertake the measures to provide the public with drinking water and meet the needs of economy;
- 19.0.3 ensure the compliance of rules for the maintenance and protection of the water economy systems and facilities under the property and management of municipalities;
- 19.0.4 ensure the compliance of rules for the environment protection in using the water structures, water economy systems and facilities;
- 19.0.5 participate in preparing and executing the preventive and follow up measures to eliminate impacts of the hazardous substances to waters;
- 19.0.6 arrange the works on the waste waters treatment, if necessary, its secondary use;
- 19.0.7 within its jurisdiction, define the conditions for the use of general water structures;
- 19.0.8 participate in the designs expertise of the water economy systems and facilities;
- 19.0.9 participate in drafting and implementing the state program on use, rehabilitation and protection of the water structures;
- 19.0.10 aiming at meeting the public needs define and use the additional water sources;
- 19.0.11 within their jurisdiction coordinate the activities of individuals and entities in the field of the water economy and irrigation;
- 19.0.12 participate in the regulation of the regional water economy matters;
- 19.0.13 execute other jurisdictions as defined in the legislation.

Article 20. Duties of Municipal Water Economy Enterprises.

20.1 The municipal water economy enterprises implement the following duties in order to manage the water economy structures under the municipal property:

- 20.1.1 organize the water supply in the quantity meeting to the needs of public, industry and other sectors;
- 20.1.2 maintain the water structures, water economy systems and facilities under the property and management of municipalities;
- 20.1.3 arrange the waste waters treatment to the extent of possibilities or discharge them after certain disinfections far from industrial areas, cities and settlements;
- 20.1.4 comply with the standards of environment and ecology protection during the use of waters;
- 20.1.5 provide the reporting on water use;
- 20.1.6 supervise over the sound maintenance and operation of irrigation and ameliorationsystems by the relative individuals and entities;
- 20.1.7 within a territory of municipalities ensure the regulation of water flows through the water storage facilities, water meters under the property and management of municipalities;
- 20.1.8 implement other duties as defined in the legislation.

20.2 within their jurisdiction the municipalities can construct and maintain the water economy structures in accordance with the legislation.

Part VI. Responsibilities for Violation of the Legislation on Water Economy of Municipalities and Settlement of Disputes.

Article 21. Responsibilities for the Violation of Legislation on Water Economy of Municipalities.

The entities and individuals, who are guilty for the violation of the legislation on water economy of municipalities, shall be responsible under the legislation of the Azerbaijan Republic.

Article 22. Settlement of Disputes in the Field of Municipal Water Economy.

The arbitration shall settle the disputes related to the violation of the legislation on water economy of municipalities within the conformity of the existing legislation of the Azerbaijan Republic.

Heydar Aliyev
President of the Azerbaijan Republic.

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