

ENVIRONMENTAL IMPACT ASSESSMENTS

The Cabinet of Ministers issued rules (approved by Resolution No 362, dated 21 September 2022) on environmental impact assessment (EIA) following its mandate under the EIA Law (came into force on 17 July 2018).

The rules define assessment processes for projects with and without transboundary impacts.

At the outset, a developer is required to engage an EIA appraiser and then apply, or cause the appraiser to apply, for pre-design consultations over the EIA to the State Ecology Expertise Agency under the Ministry of Ecology and Natural Resources (MENR). The application shall be accompanied by the project description and scope of the proposed assessment. The application, project description, and assessment scope, within three business days of receipt, will be published by the Agency on its official website to allow the public to opine.

The project description shall include, among others, the proposed project location, the project feasibility brief, a review of at least two alternatives to the project, and a potential impact on the environment. The assessment scope shall set out, among others, alternatives to be studied, impacts requiring an assessment, and proposed methods, venue, and date for public hearings.

Following the application, the developer and the Agency engage in consultation and define the scope of an EIA. The appraiser then runs the assessment in accordance with the agreed scope and issues an EIA report.

In respect of projects with transboundary effects, the Ministry of Foreign Affairs shall facilitate the consultations with the impacted States.

Probability of transboundary impacts and their extent are defined in the course of preliminary EIA consultations with the Agency. If such probability is established, the MENR applies to the Ministry of Foreign Affairs and the latter invites the concerned State representatives to advise in a 30-day term of whether they intend to join the EIA studies. If a transboundary impact is not established, but another State claims otherwise, the matter is considered in the joint studies of the impact.

The EIA report to be produced by the appraiser shall disclose impacts and include measures to mitigate them, description of the project, landscape, forecast in respect of risks of emergencies and accidents, analysis in respect of at least two alternatives, and monitoring and decommissioning plans.

The developer submits then the EIA report to the Agency for obtaining a state ecological opinion (prerequisite for a construction permit award).

ELIGIBILITY AND RECORDATION OF LAND FOR AGRICULTURE

The rules effective 19 September 2022 of the Cabinet of Ministers list the criteria and include the procedure for defining eligibility of land for agriculture. Such land is used in planting, cattle breeding, forestry, and scientific, educational, and testing activities.

Land no longer eligible for agriculture is that (a) impacted by a radioactive and chemical contamination or exogenous geological processes (and to be, therefore, excluded from the use for agricultural purposes), (b) affected by irrigation and unavailable for use, (c) unavailable for use because of absence of irrigation, (d) not to be used until demining, and (e) with decreased vegetation due to the climate change and other factors.

The information of each category of land is entered into the electronic agriculture data system maintained by the Ministry of Agriculture. The system will integrate all existing data to be updated based on satellite, drone, and other observations. The rules list the persons (land users, the Ministry of Emergency, MENR, and Ministry of Defence) in charge of transmitting the information to the system.

The electronic system will generate certificates for calculation of the land tax in respect of land eligible and ineligible for use in agriculture. Such certificates are to be issued to by the short message service, e-mail, or accounts with the electronic system. A landowner or user (lessee) may challenge the certificate in an administrative manner or in a court.

JOINING TAX PROJECT

The Republic of Azerbaijan's joining the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting (BEPS) project as an associate (made by exchanging letters signed on 26 November 2021 and 1 June 2022) is approved by Law of 11 October 2022 and effective 26 October.

PLEASE CONTACT US FOR ANY QUESTIONS AND FURTHER INFORMATION AT:

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