

Decision VIII/4b

Compliance by Azerbaijan with its obligations under the Convention in respect of its national legislation

The Meeting of the Parties to the Convention,

Recalling article 11, paragraph 2, and article 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decisions V/4, paragraphs 31 and 32,¹ VI/2, paragraphs 38–44,² and IS/1c³ concerning compliance by Azerbaijan with regard to its national legislation for the implementation of the Convention,

Recalling further its decision VIII/4⁴ on general issues of compliance with the Convention adopted at the eighth session,

Having considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its eighth session, in particular, the section concerning the steps taken by Azerbaijan further to decision IS/1c,⁵

Acknowledging the technical advice provided by the secretariat to the Government of Azerbaijan to assist the country in bringing its legislation into line with the provisions of the Convention and the Protocol on Strategic Environmental Assessment, further to paragraph 44 of decision VI/2,

1. *Appreciates* the regular reports received from the Government of Azerbaijan on the steps taken by it further to decision IS/1c since the intermediary session of the Meeting of the Parties (Geneva, 5–7 February 2019);

2. *Recognizes* that, further to the technical assistance provided to it by the secretariat, the Government of Azerbaijan has taken steps to align its national legislation with the Protocol and encourages Azerbaijan to bring its legislation into full compliance with the Protocol and to ratify that treaty;

3. *Welcomes* the information from the Government of Azerbaijan that it has adopted three secondary regulations for the implementation of the Convention;

4. *Endorses* the finding of the Implementation Committee that, despite some steps taken since the intermediary session of the Meeting of the Parties, the Government of Azerbaijan has not yet fulfilled the request addressed to it in paragraph 6 of decision IS/1c, and that, therefore, it remains in non-compliance with article 2, paragraph 2, of the Convention;

5. *Reaffirms* its decision IS/1c, and requests the Government of Azerbaijan to ensure, as soon as possible, that its environmental impact assessment legislation fully complies with the Convention, including with regard to:

- (a) The definition referred to in article 1 (v) of the Convention;
- (b) The division of responsibilities between the competent authorities and a proponent, in particular in connection with ensuring proper public participation under articles 2 (6), 3 (8) and 4 (2) of the Convention;
- (c) Obligations of the competent authorities to take due account of the outcome of the environmental impact assessment and to provide to the affected Party the final decision

¹ See ECE/MP.EIA/15.

² See ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

³ See ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1

⁴ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

⁵ ECE/MP.EIA/2020/4–ECE/MP.EIA/SEA/2020/4, paras. 17–23.

on the proposed activity along with the reasons and considerations on which it was based, as set out in article 6 (1) and 6 (2) of the Convention;

(d) Provisions concerning interactions with the affected Parties further to articles 2, 3, 4, 5 and 6 of the Convention.

6. *Urges* the Government of Azerbaijan to ensure the adoption of its secondary legislation on environmental impact assessment, covering, inter alia, the transboundary procedure, after having addressed the related recommendations that the international consultant to the secretariat provided to Azerbaijan in the framework of the technical assistance;

7. *Requests* the Government of Azerbaijan to report to the Implementation Committee on the progress made in bringing its legislation into conformity with the Convention by the end of each year or as specified by the Committee;

8. *Also requests* the Government of Azerbaijan to provide the Implementation Committee with the official English translation of its Law on Environmental Impact Assessment, other relevant laws and the adopted secondary legislation upon their entry into force;

9. *Requests* the Implementation Committee to evaluate the compliance of the environmental impact assessment legislation of Azerbaijan with the Convention and the progress made by the Government of Azerbaijan in that regard and to report thereon to the Meeting of the Parties at its ninth session.
