

## Questionnaire

- 1. Please describe (cite and summarize) the measures/steps that your country has taken, if any, (or is planning to take, together with the related time frame) to implement the Convention and promote the implementation of resolution 9/3.**

The Chamber of Accounts (CoA) of the Republic of Azerbaijan is a supreme audit institution, the highest financial control authority of the Republic of Azerbaijan established by the Parliament (Milli Majlis) of the Republic of Azerbaijan under Article 92 of the national Constitution of the country which reports to the parliament and executes external public financial controls. Members of the Chamber of Accounts (the Chairperson, the Deputy Chairperson, and five Auditors) are appointed by the Parliament of the Azerbaijan Republic.

The Chamber has the following duties:

- review of the draft budget and the implementation of the state budget, including expenditures and extrabudgetary funds;
- providing annual reports on the draft budget, including both the state budget and funds that are not directly included in the state budget;
- External state financial control bodies implement financial control over:
  1. public property management; b) public procurement; c) investment; d) utilization of funds allocated to state programs and projects; e) appointment and effective use of grants and financial assistance; f) protection of the environment, utilization of the funds allocated to eliminate the consequences of natural disasters; g) state orders; h) formation, accumulation and usage of extra-budgetary funds; i) reporting semi-annual and annual information and analysis of the execution of the state budget the entities defined by the corresponding executive authority;
- act in accordance in its activities with the state, commercial, tax, banking secrecy and privacy regime;
- carrying out legitimate actions in order to fight against corruption;

- collaborating with state bodies in order to fight against violations of law;
- submitting annual report to the Milli Majlis (National Assembly of the Republic of Azerbaijan) about its activities.

The first legislation relating to accounting in Azerbaijan was enacted on March 24, 1995, although it was not in line with international standards. Accordingly, a new law was adopted on May 29, 2004, which was subsequently amended in 2008, 2010, 2012, and 2015. Lastly, on June 1, 2018, significant changes and amendments were made with the goal of aligning the law with international accounting standards. Following the most recent changes, the "Law of the Republic of Azerbaijan on Accounting" has been amended according to EU directives, and new accounting standards have been adopted in accordance with International Financial Reporting Standards (IFRS). A new amended law was adopted in 2018 in order to eliminate gaps, ambiguities, and contradictions in the previous legislation and to establish a single, improved legal framework. Namely, for the first time in the law, the Chamber of Accounts was recognized as a supreme audit body. Additionally, access to databases has been increased, and the scope of the financial and budget control has been expanded. In order to eliminate some methodological uncertainties and inconsistencies related to public finance, a definition of external state financial control, state funds, external state financial control measures and objects of external state financial control has been provided.

Providing a separate article on the independence of the CoA as a supreme audit body in the law, including the fact that the CoA has organizational and functional independence and the inadmissibility of illegal interference in its activity, as well as self-approval of the structure and number of staff within the limits of funds allocated to it from the state budget fully meets the principles set out in ISSAI 1 (Lima Declaration of Guiding Principles on Auditing) and ISSAI 10 (Mexico Declaration on the Independence of SAIs), which are International Standards of Supreme Audit Institutions (ISSAI).

In this Law, unlike the previous legislation, the directions of activity of the Accounts Chamber were specifically defined and the duties and rights in these directions were given in a more comprehensive and complete manner. Ultimately, this aspect increases the quality of the external state financial control conducted by the CoA and fully ensures the control over the efficient use of public funds and other state properties.

Meanwhile, this law strengthens accountability by expanding the electronic integration system between the CoA and government agencies, facilitating periodic

information exchange, and allowing remote auditing, which gave impetus to the organization and implementation of digital controls for financial and budgetary management.

This law defines new types of audits. The CoA carries out external state financial control in accordance with the legislation in - audit, analysis and monitoring. For the Chamber of Accounts to expand its participation in the budget process, the Chamber has been given the right to provide an opinion on the state budget and extrabudgetary funds projects, providing opinions on the implementation of state budgets and extrabudgetary state funds (institutions), drafts of relevant laws and reports, and reviewing state budgets and extrabudgetary state funds. Furthermore, updating existing methodical documents in this direction gave the right to prepare new methodical documents.

As defined by this law, financial budget-control activities, conducting financial, compliance, efficiency audits, conducting analytical activities and monitoring, obtaining financial reports and necessary documents from the objects of financial and budget control, creating direct or access to electronic accounting databases of objects and their structural units, entering areas directly or indirectly associated with the activity of the objects, examining the presence of tangible and intangible valuables, receiving explanations, references, obtaining information from relevant persons and other individuals related to the audit, public debt, grants and financial assistance also belong to CoA's competences.

According to the Law of the Republic of Azerbaijan "On the CoA", CoA consists of a chairman, a deputy chairman and 7 auditors whose term of office is 7 years. Parliament appoints and dismisses its members in accordance with the law. The members are appointed by the votes of at least 63 members of the Milli Majlis following the introduction of the Chairman of the Milli Majlis. On invitation from the Milli Mejlis, members may attend its meetings.

Furthermore, the Chamber of Accounts has been given broad powers in the law "on the budget system". The CoA provides feedbacks on the drafts of the state budget and extra-budgetary state funds (facilities), implementation of the budgets of the state budget and extra-budgetary state funds (facilities), drafts of relevant laws and reports in accordance with the Laws "On the CoA" and "On the Budget System". The law states that after the draft law on the state budget for the next budget year, along with other documents attached to it, is submitted to the Chamber of Accounts from the Milli Majlis for reviewing in accordance with the Laws "On the CoA" and "On the Budget System", the Chamber gives its opinion within 30 days and submits it to the parliament. In addition, within 15 days from the date of receipt of the annual report on the execution of the state budget and the relevant draft law, the Chamber of Accounts gives an opinion on them and submits its opinion to the parliament. According to the

requirements of the current legislation, the State budget, the budget of the State Social Protection Fund, the budget of the unemployment insurance fund, the budget of the State Oil Fund, are approved by the Chamber of Accounts. Opinions are also prepared on projects related to changes to relevant budgets, as well as on the annual report on the implementation of the state budget and the draft law, and on the annual report on the implementation of the budget of the State Oil Fund.

The chamber, for example, has direct access to state treasury data in order to ensure external state financial control. The recent reform of the CoA has attracted many skilled specialists, as well. Also, a favorable environment has been created for civil society participants to participate in the chamber's activities. At the same time, more detailed information on the inspections carried out, the decisions made, and extensive and comprehensive semiannual and annual reports on its activities are published on its website.

Here is a link to the reports that have been disseminated:

1. <https://sai.gov.az/filter?type=fealiyyet-hesabati>

For a review and evaluation of the activities and budget of various legal entities, please refer to the following link:

1. <https://sai.gov.az/filter?type=rey>

Additionally, in order to maintain the Chamber's independence, the social and material-technical support of its employees is constantly increased. The fact that the salary of the chairman and auditors is regularly increased and that additional payments are made is not a coincidence.

A number of draft laws are also reviewed by the CoA. As an example, proposals relating to the budget, social security, and insurance can be cited.

Information accessibility is one of the priorities of The CoA, which reports on its activities to the Milli Majlis. In addition, it provides regular updates on the results of all control measures taken to the Milli Majlis. To ensure transparency, the Accountability Chamber also posts news about control measures on its website.

Interference with the activities of the CoA against the law is inadmissible. Obstructing the members of the Chamber, as well as the officials of the CoA Office in the performance of their official duties, putting pressure on them leads to the responsibility provided by the legislation of the Republic of Azerbaijan. The chamber performs its work freely.

Also, the Chamber collaborates with several worldwide organizations and has been accepted to the membership INTOSAI (International Organization of Supreme

Audit Institutions) (2002), ECOSAI (Economic Cooperation Organization of Supreme Audit Institutions) (2002), ASOSAI (Asian Organization of Supreme Audit Institutions), EUROSAI (European Organization of Supreme Audit Institutions) and the Council of SAIs, Head of CIS Member Countries. The institution established bilateral cooperation with the different members of SAIs. The Chamber prepares methodological instructions, guidelines, audit standards, report and information forms, as well as other normative-methodical documents in accordance with the standards adopted by INTOSAI and other international organizations.

As a result of ongoing reforms in this field, according to the Supreme Audit Institutions Independence Index which has published by the World Bank. This Independence Index is a methodological tool launched by the World Bank in July 2021 to measure the independence of supreme audit institutions around the world. Azerbaijan has been considered as one of the countries with best Supreme Audit Institution (i.e. Chamber of Accounts) Independence performance globally. The analysis of the report demonstrates that only 2 countries globally scored 10 and were assessed as having “very high independence”; 17 countries had “high independence”; 33 countries had “substantial independence”; 37 countries had “moderate independence”, and 29 countries had “low independence”. It should be mentioned that scoring 9.0-9.5 points, the Supreme Audit Institution of Azerbaijan is ranked as having “high independence”, which demonstrates high-level compliance of supreme audit institution with the requirements of most international indicators of independence.

Here is the link:

1. <https://sirc.idi.no/document-database/documents/development-partner-publications/71-supreme-audit-institutions-independence-index-2021-global-synthesis-report/file>

The methodological basis of the relevant report consists of a total of 10 indicators, including international standards, as well as practice, legal and financial issues, mandate, and scope. In details, the indicators are as follows: constitutional and legal framework, transparency in the process for appointing the heads of the Supreme Audit Institution, financial autonomy, types of audits, operational autonomy, staffing autonomy, audit mandate, audit scope autonomy, access to information, as well as right and obligation on audit reporting. The highest score is 10, which demonstrates that an institution completely complies with all independence criteria.

For each indicator a SAI receives a score of 1 (for fully meeting the indicator criteria), 0.5 (for partly meeting the criteria), or 0 (for not meeting the criteria). These

scores are then combined into an overall score of the SAI's independence ranging from 0 to 10, with 10 indicating the SAI fully met all independence criteria.

The World Bank's experts emphasize in the report, which assesses 118 countries, the need to ensure the independence of the Supreme Audit Institutions globally in line with the 1977 Lima Declaration. Thus, independent and effective audit bodies play a critical role in promoting good governance, transparency, and accountability, and make positive contribution to monitoring of measures implemented in terms of the sustainable development. In this regard, the independence of audit institutions is of particular importance. Along with that, the report mentioned such key challenges for Supreme Audit Institutions as political interference in audit procedures on a global scale, problems in accessing the necessary information, lack of the ability to enforce compliance with their audit findings, weak interactions with parliament etc.

CoA joined the Strategy, Performance Measurement and Reporting (SPMR) initiative in 2019, as part of the first cohort. The CoA team was among the first ones in the initiative to finalise the report on the self-assessment against the SAI Performance Measurement Framework (SAI PMF). In 2021 the CoA Strategic Development Plan 2021-2025 was finalised. The strategic plan sets out ambitious goals for the coming period, such as enhancing the CoA's own transparency and accountability, a focus on digital transformation, as well as continued efforts to enhance the quality of the audit work inline with the International Standards for Supreme Audit Institutions (ISSAIs). The CoA's mandate to provide an opinion on the draft and implementation of budget law, the draft and implementation of extra-budgetary funds, as well as other fiscal issues occupy another priority area in the new SAI strategy. Through focusing on those key products, CoA aims to make a strong contribution to the execution of Medium-Term Expenditure Framework and Results-Oriented Budgeting reforms in Azerbaijan.

The Open Budget Index (OBI), developed by the International Budget Partnership (IBP), assessed the transparency of budget processes and the availability of budget information to the public. In other words, "Open Budget Index" (OBI) is a diagnostic tool that evaluates the budget transparency of states by the "International Budget Project". As a part of this index, the IBP developed a sub-index of supreme audit institutions to evaluate how well supreme audit institutions (SAIs) promote budget control. The audit report on the activities of the supreme audit institutions for the Open Budget Index consisted of seven questions. The last report covered 117 countries, the Supreme Audit Body of the Republic of Azerbaijan (CoA) scored 89 points out of 100, and its activity was highly evaluated as an "adequate" result. In the 2019 report, 7 questions covered the activities of the AAO in the preparation of the ABI, and the CoA received a maximum score of 100 points for three of these

questions. The result of the assessment of the activity of the Chamber of Accounts - 89 points - is the 3rd largest indicator among the 117 countries where this assessment was conducted in 2019.

Here is the link:

1. <https://internationalbudget.org/sites/default/files/country-surveys-pdfs/2021/open-budget-survey-azerbaijan-2021-en.pdf>

Besides, according to the national legal framework non-implementation of decisions or submissions made by the Board of the Chamber in connection with external state financial control measures conducted by the CoA, inhibiting the Chamber's activities creates administrative responsibility according to the Republic of Azerbaijan's Code of Administrative Offenses.

The reviews issued by the CoA on the drafts and implementation of the budgets of the state budget and extra-budgetary state funds (institutions) are published in full on the official website of the CoA ([www.sai.gov.az](http://www.sai.gov.az)) after they are submitted to the Milli Majlis of the Republic of Azerbaijan in accordance with the legislation. It is possible to get acquainted with opinions, as well as other documents of the CoA (reports, strategic plan, etc.) in the "Activity" section of the official website of the CoA.

At the end of 2020, the new Strategic Plan of the CoA for 2021-2025, which is an important document that defines the long-term development of the CoA and reflects the vision, mission, core values, intermediate and final results and action directions for the achievement of various indicators approved. The Strategic Plan, acting as a roadmap for the activities of the CoA for the period 2021-2025, envisages the further expansion of the work done within the framework of the Strategic Development Plans covering the previous period (hereinafter - SIP), and the improvement of the activity in accordance with new challenges and advanced practice.

In order to ensure the effective implementation of the Strategic Plan of the CoA for 2021-2025 and the evaluation of implementation results, the "Monitoring Framework prepared for monitoring the implementation of the Strategic Plan of the CoA of the Republic of Azerbaijan for 2021-2025" and "Operational Plan for 2021" was prepared.

Furthermore, The Audit Chamber focuses on three main issues in public procurement in its control measures. These are the issue of fairly identifying the necessary needs of the state, choosing the winner with the optimal price and suitable conditions for meeting this need, and implementing the agreed terms and obligations of the contract concluded with the winning organization in the procurement process.

Effective work is being done in this field, as well. As a result of audits, a large amount of funds were restored to the state budget, organizations, and relevant Funds.

A significant amount of legislative activity is also undertaken by the CoA. During this period, the CoA presented numerous proposals to the Cabinet of Ministers, most of these proposals were accepted and changes were made in the relevant acts.

As mentioned before, article 3 of the Law "On the CoA" regulates the status of CoA and ensures independent budget for its operation. Independence is one of the main principles in the activity of the CoA (article 4). The Accounts Chamber has organizational and functional independence, and illegal interference in its activities is inadmissible. The CoA approves its structure and number of staff within the limits of funds allocated to it from the state budget. The Chamber of Accounts shall not interfere with the implementation of foreign state financial control, which would stop the operation of foreign state financial control objects (article 5.) The CoA has access to most information systems, financial resources, including commercial, tax and bank secret information and personal data.

The CoA adopts the rules of ethical behavior in accordance with the international standards of the higher auditing bodies. Members and employees of the CoA must comply with those rules (article 29). Conflict of interest, including rules of ethical behavior, are strictly regulated in the CoA. The members of the Accounts Chamber cannot have close relation (e.g. relative etc.) with the Chairman of the Milli Majlis, the Prime Minister, the Chairman of the Constitutional Court, the Chairman of the Supreme Court, the Prosecutor General, the Chairman of the Board of Directors of the Central Bank and the head of other relevant bodies (article 12).

To members of the CoA are forbidden: hold additional paid, elective or other appointed positions in state institutions and local self-government bodies; engaging in other types of paid activities, except for scientific, pedagogical and creative activities; engage in entrepreneurial activity personally or through other persons; to participate in the management of economic entities regardless of their organizational and legal form; to use the information, material, technical and financial means intended for service use for his or others' personal purposes; to receive additional payment for speeches or articles written in connection with his functional activity as a member of the Chamber of Accounts.

Members of the CoA may not be members of any political party during their term of office. If the members of the CoA were members of a political party at the time of their appointment, they must terminate their membership in those parties. Accounts Chamber members are prohibited from accepting gifts from individuals and legal entities in connection with the performance of their duties, except for gifts given during official events. During official events, including when a gift is given for



reasons beyond the control of a member of the CoA, he must hand over the gift to the CoA. Members of the CoA must take measures to prevent conflicts of interest that have arisen or may arise during the performance of their official duties. Issues of non-compliance with the rules of ethical behavior by the members of the CoA are considered by the ethics commission established by the Chairman of the CoA.

Members of the CoA has functional independence. The independence of the members of the CoA is ensured by their depoliticization, immutability, and the inadmissibility of interfering with the activities of the members of the CoA during their term of office. CoA has freedom to decide on the content and duration of audit reports, their publication and distribution (article 16)

Officials of the CoA may not be involved in external state financial control measures in cases that may lead to a conflict of interest. When there are circumstances that may lead to a conflict of interest, the official of the CoA must inform the member of the CoA who is leading the control event and must be excluded from this event. An official of the CoA who has prior knowledge of circumstances that may lead to a conflict of interest shall bear disciplinary responsibility for knowingly not providing information.

It worth to note that, in order to maintain transparency and accountability the important decisions are adopted through Collegium. To implement these functions, detailed and unambiguous competences were indicated in article 18 of mentioned law. In addition, if Collegium of the Chamber of Accounts suspects the signs of criminality in the detected violations, it sends the relevant materials on the results of external state financial control to the General Prosecutor's Office of the Republic of Azerbaijan. (article 26) In case of the decisions of the CoA are not unreasonably implemented by the object of external state financial control, presentations are made to the relevant treasury bodies and (or) authorized banks about the suspension of operations on the treasury and bank accounts of that object based on the decision of the board of the CoA (28). Officials are responsible for the unjustified non-implementation of the Accounts Chamber's submissions in accordance with the law. The submission made on the basis of the decision of the board of the CoA remains valid until the execution of that decision is ensured.

The disciplinary measures specified in Articles 30.2.1 and 30.2.2 of this law are applied to the members of the CoA by the chairman of the CoA based on the opinion of the ethics commission, and the disciplinary measures specified in Article 30.2.3 (*termination of membership of the Chamber of Accounts*) of this law are applied by the Milli Majlis of the Republic of Azerbaijan.

Legislation, executive, judicial authorities and municipalities, state institutions, all legal entities and natural persons who carry out entrepreneurial activities without establishing a legal entity are obliged to assist in the implementation of the powers of

the CoA. For this purpose, they must provide the necessary documents and information, as well as documents and information constituting commercial, tax and banking secrets, personal information at the required time and form, and provide access to information sources. Otherwise, they are responsible in accordance with the Code of Administrative Offenses of the Republic of Azerbaijan.

The amount of current expenses within the annual funds allocated for financing the activities of the CoA cannot be less than the amount provided for this purpose in the previous financial year. The cost estimate of the CoA is separately approved by the Milli Majlis of the Republic of Azerbaijan when considering the draft of the state budget.

Numerous measures taken to enhance the capacity of CoA and develop the skills of their members and staff in preventing and combatting corruption, including through training, education and knowledge exchange. For instance, Specialized Training Center has been created for the expansion of personnel potential on mentioned issues. The Training Center of the CoA is being established in order to increase the knowledge and skills of employees newly appointed to the CoA and working in the CoA, to increase their professional training, to increase the staff potential, to organize the study of international standards and advanced practices of higher audit bodies.(article 36.2). The activity of the Training Center is financed from the state budget and other sources not prohibited by law.

Reports on the activity of the CoA are published in "Information of the Milli Majlis of the Republic of Azerbaijan".The CoA provides information to the mass media about its activities. (article 37)

In the "National Action Plan for strengthening the fight against corruption for 2022—2026", the duties are envisaged for CoA. To specify, CoA should work on increasing the efficiency and quality of inspections, inspections and other control measures carried out in connection with the efficient spending of funds allocated from the state budget, increasing transparency in the spending of funds allocated from the state budget.

## **2. Please provide examples of the implementation of those measures, including related court or other cases and available statistics.**

The cooperation between the General Prosecutor's Office and the Chamber of Accounts is ongoing. As it is known, the CoA carries out external state financial control in the field of ensuring state control over the legal, purposeful and efficient use of state funds and other state property. In the case of violations detected by the CoA during this control, it is sent to the General Prosecutor's Office in accordance with Article 26.2 of the Law "On CoA" and other acts, if there are signs of criminality

in the violations detected during the financial control measures of the foreign state. Thus memorandum was signed between the CoA of the Republic of Azerbaijan and the General Prosecutor's Office on the expansion of cooperation and increasing efficiency.

2 materials in 2020 and 3 materials in 2022 were sent to the General Prosecutor's Office for review. Effective steps are being taken by the General Prosecutor's Office on the materials sent regarding the facts of embezzlement in various state or private enterprises. For example, a criminal case was initiated based on the fact of misappropriation of funds allocated from the budget to the State Support Fund for the Development of Mass Media, 38 million manat funds and property were seized, 1.3 million manats were placed in the deposit account of the Prosecutor's Office for the purpose of compensation for damages, the criminal case was sent to the Baku Court on Grave Crimes for consideration.

Another example, an investigation was conducted at the the Anti-Corruption Directorate with the Prosecutor General on the materials collected by the CoA regarding the use of state funds and other state property in the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan.

In the course of the investigation, while checking the data of the pensioners in the subordinate cities and districts of the republic, during the years 2002-2007, 51 persons were falsified in their documents and pension appointments were made, as a result, reasonable suspicions have been established regarding the implementation of excess pension payments in the amount of 884 thousand manat until 31.06.2022.

Since in the collected material, the signs of the crimes of abuse of power and office forgery, which lead to serious consequences, a criminal case was initiated under articles 308.2 (abuse of power causing serious consequences) and 313 (office forgery) of the Criminal Code, respectively.

Based on the 2022-2026 National Action Plan, Azerbaijan adopted Rules on Corruption Risk Assessment in public entities. This document, by determining the procedure for the compilation and implementation of the methodology in the field of determining corruption risks in state bodies, to assess the scope of corruption in such institutions, as well as, it was developed in order to detect and prevent the causes of corruption in legislation and the circumstances that create conditions for it.

- 1. Please describe (cite and summarize) the measures/steps that your country has taken, if any, (or is planning to take, together with the related time frame) to implement the Convention and promote the implementation of paragraph 6 of resolution 9/6.**

Since joining the Convention in 2004, within the framework of the anti-corruption policy implemented in connection with its systematic and practical application, with the relevant decrees of the President of the country, one state and one national program to improve the activities of state bodies, as well as five action plans for fight against corruption were successfully realized. Currently, Azerbaijan performs the obligation set in the "National Action Plan (NAP) for 2022-2026 on the fight against corruption". The document, which includes a set of measures in combating corruption, defines six priorities and 62 tasks, each divided into initial, intermediate, and final stages of reviews. In more detail, this action plan addresses the fight against money laundering and terrorist financing, the processing of legislation on the disclosure of information about the beneficial owner in public procurement, the improvement of the national asset recovery and management system, including broad participation of the CSO's and NGO's representatives in its application.

Azerbaijan endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

In this context, we have to note that within the framework of the implemented institutional reforms, following the implementation of Article 36 of the Convention – Azerbaijan formate two specialized institutions such as the Commission on Combating Corruption and the Anti-Corruption Directorate with the Prosecutor General (ACD). Below you can find more broad information regarding all these innovations:

The Commission on Combating Corruption of the Republic of Azerbaijan was established on March 3, 2004, and mainly targeted the development of the country's anti-corruption policy and prevention. The Commission is determined as a specialized anti-corruption institution. The Commission is governed by the Constitution of the Republic of Azerbaijan, international treaties to which it is a party, acts of the Republic of Azerbaijan, and other statutory instruments. The Commission functions with a structure composed of 15 members. 5 members of the Commission are appointed by the President of the Republic of Azerbaijan, five by the Milli Majlis (Parliament), and the rest five by the Constitutional Court of the Republic of the State. The Commission sets its activities in cooperation with legislative, executive, and judicial powers. It regularly informs the President of the Republic of Azerbaijan and Milli Majlis on state activities in the struggle against corruption. The followings are the main objectives that Commission performs:

- participation in the formation of the state policy on corruption and coordination of the activity of public institutions in this area;

- analyzing the status and efficiency of the fight against corruption;
- supervision the implementation of state programs (including national action plans) against corruption;
- cooperate with the public and other institutions in combating corruption, etc.

Moreover, the Commission, in order to reach its objectives, is vested with following authorities:

- to study and generalize the state of execution of the anti-corruption legislation and to hear the reports and information provided by the heads of the law enforcement and other state bodies;
- to receive from state and local administrative bodies necessary information and materials, submits justified written informational requests according to the Law of the Republic of Azerbaijan “State registration on immovable property” to get information on the state registration on immovable property;
- to receive information on the state of the implementation of the state program on combating corruption from the corresponding state bodies and analyses the state of the implemented works;
- to prepare recommendations and proposals for increasing the efficiency of the combating corruption and elimination of the shortcomings in the field of combating corruption and take measures for their implementation;
- to take measures for organization of public awareness in the area of combating corruption and conduction of public surveys;
- to cooperate with NGO's, mass-media, private sector representatives', independent experts and in case of necessity to involve them for the execution of certain tasks;
- to take part in international cooperation for increasing the efficiency and organization of the struggle against corruption;

- carries out the generalization of the appeals related to corruption complaints, as well as based on the results of its activities, entrusts to the state bodies and auditing organizations the examination of the state or municipal bodies' activities in regard of which complaints received more and if detects the elements of criminal offences in materials, sends the materials to the Prosecutor's Office of the Republic of Azerbaijan;
- to make proposals for the improvement of the anti-corruption legislation;
- to prepare programs and projects on the issues related to combat corruption and provide financial assistance to non-governmental organizations for the implementation of it.

More detailed information regarding the activities of the Commission and its statute you can find in the following links:

1. <http://www.antikorrupsiya.gov.az>
2. <https://genprosecutor.gov.az/en/page/bas-prokuror-yaninda-korrupsiyaya-qarsi-mubarize-bas-idaresi/korrupsiyaya-qarsi-mubarize/korrupsiyaya-qarsi-mubarize-uzre-komissiya>

As was noted, the Commission on Combating Corruption determines the country's anti-corruption policy, executes corruption prevention, and monitors the law's implementation.

Thus, Azerbaijan's specialized anti-corruption law enforcement body is Anti-Corruption Directorate with the Prosecutor General (ACD) which was also established in 2004 and began operating in 2005. ACD is subordinated to the Prosecutor General and annual reports to the President and Commission on Combatting Corruption through Prosecutor General on its activity.

Apart from other functions, ACD:

- studies the state of the fight against corruption, collects, analyzes, summarizes information on crimes related to corruption, and prepares proposals and recommendations to improve the effectiveness of the fight against corruption, if during the implementation of such activities in the regulatory legal acts and their projects, circumstances that create conditions for committing corruption offenses, then raises the issue before the Prosecutor General to eliminate them;

- carries out educational and preventive measures in the field of combating corruption;
- applies the measures of the prosecutor's response provided by the Law of the Republic of Azerbaijan "On the Prosecution Office" to eliminate the circumstances that create conditions for the commission of corruption-related offenses;
- cooperates with anti-corruption and law enforcement agencies of other countries, works on the development of international cooperation in the field of anti-corruption, studies international experience in the field of anti-corruption, and makes proposals on the use of effective methods and tools in this area;
- to increase the effectiveness of the fight against corruption, prepares proposals and recommendations to eliminate the causes and conditions conducive to corruption and identify shortcomings in this area;
- makes proposals for improving anti-corruption legislation;
- carries out educational activities in the field of anti-corruption, promotes legislation, and participates in developing and implementing measures and programs related to anti-corruption issues;
- cooperates with international organizations, CSOs and NGOs, mass media, and experts in combating corruption and involves them in implementing analytical and informational work, etc.

The structure of the ACD includes the following departments and divisions: Organisational and Information Support Department - OISD includes Chancellery, Logistics support economic and IT sectors; Investigation Department; Preventive Measures and Inquiry Department; Operations Department; Operational Support Division; Expert Analyses Division. The OISD conducts an analysis of information on corruption offenses, controls the implementation of the Regulations of the Directorate, prepares semiannual annual reports on its activities, manages the unified database on corruption crimes, the Hot Line call center, prepares methodological recommendations, conducts international cooperation, submit the information for the Press Service of General Prosecutor's Office.

Besides, apart from other functions, the Preventive Measures and Inquiry Department of the ACD identifies corruption trends through deep analysis and prepare proposals for their prevention, as well as lodges a motion to the public/private entities regarding the prevention of corruption.

More detailed information regarding the activities of the ACD and its statute you can find in the following links:

1. <https://genprosecutor.gov.az/en/page/prokurorluq/sistem/bas-prokuror-yaninda-korrupsiyaya-qarsi-mubarize-bas-idaresi>
2. <https://e-qanun.az/framework/5752>

Besides, since 2000, the Republic of Azerbaijan has joined the key international calls against corruption, money laundering, and terrorist financing.

Thus, from the very beginning, we successfully passed four rounds of the MONEYVAL monitoring, and now they have launched its 5th round mutual evaluation process for Azerbaijan. We also cooperate with the GRECO and OECD Anti-Corruption Network. In this context, we recently began the OECD's and GRECO's fifth monitoring rounds. We must highlight that all these international initiatives, except direct monitoring areas, include examining the country's anti-corruption policy. Through these processes, we continue to develop the country's anti-corruption policy.

To crown it all, promote effective practices to prevent corruption, and evaluate the function of public institutions, each high-level official must execute the reception of the citizens and analyze complaints received. You can also find reports and other publications about the administrative and punitive measures regarding corruption crimes, including thematic guidance, on the website of the General Prosecutor's Office. To add to it, you can find in the attachment the Constitutional law "on Normative Legal Acts" of the Republic of Azerbaijan, which explains step by step adoption of the state's normative legal acts.

- 1. Please describe (cite and summarize) the measures/steps that your country has taken, if any, (or is planning to take, together with the related time frame) to implement the Convention and promote the implementation of paragraphs 5 and 8 of resolution 9/6.**

As was mentioned, Azerbaijan has two specialized anti-corruption authorities: the Commission on Combating Corruption main body in charge of the anti-corruption policy, and the Anti-Corruption Directorate with the Prosecutor General, the law enforcement body endowed with the power to detect, prevent and investigate corruption crimes.



Here we have to highlight that the Commission set up a working group on improving anti-corruption legislation and considering the proposal on corruption prevention. Such groups generally include representatives from public/private sectors (SOEs), NGOs, civil sociality, independent experts, and others. Besides, ACD, in cooperation with state bodies, periodically organizes inter-governmental working groups, workshops, and training aimed at preventing, detecting, and investigating corruption, including the involvement of international experts in these initiatives.

When we come to interagency and internal information sharing, we can note the Electronic Prosecution Information System (EPIS), which facilitates sharing all information regarding specific criminal cases, among other things, eases all correspondence between prosecutorial units. Soon this system will include information (on ongoing criminal cases, etc.) from other law enforcement units, and besides, EPIS will incorporate with Electronic Court System. Moreover, Operational Department of the ACD in order to perform required intelligence activities has a power to enter to the all state databases. Furthermore, ACD has an exit to the Interdepartmental automated information-search system "Entry-exit and registration" - IAMAS data center. The IAMAS system provides direct and swift access to the information databases operated by other state agencies, such as criminal records; personal records; passport/id; border police data; student-graduate database, etc.

Another example of the prevention corruption in the financial market of the country, as well as the proper implementation of the Article 58 of the Convention is established in February 23, 2009 a public legal entity the Financial Monitoring Service of the Republic of Azerbaijan (FMS). FMS is a body exercising powers in the field of anti-money laundering and combating the financing of terrorism as defined by Law as well as participating in policymaking in this area.

Main functions of the FMS are:

- the formation of common policy on AML and the implementation of this policy;
- carry out national risk assessment, coordinate the activities of state bodies and agencies in this direction;
- coordinate the activities of obliged entities and DNFBPs, regulatory and other state bodies, to collect and analyze the information received from them;
- ensure the development of the AML / CFT system and other.

More detailed information regarding the activities of the FMS and its statute you can find in the following link:

1. <http://www.fiu.az>

While talking about the comprehensive mechanisms of effective prevention of corruption and sharing of information, we have to stress the role of the “ASAN service” center under the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, recognized as the brand of Azerbaijan, in the prevention of corruption and elimination of factors conducive to corruption.

“ASAN service” is a new generation and advanced model of a one-stop shop. It brings together representatives of various governmental agencies and private companies in one place. Its activity is based on the rule of law, protection of human rights, transparency, accountability and efficiency. “ASAN service” centers are based on the “service mall” concept. They unify in a single administrative building 13 state entities and 30 private companies that altogether render over 350 public and private services. Since its establishment, more than 30 million individuals have benefited from the services rendered by ASAN. In 2015 ASAN Service became the UN Public Service Award winner. Moreover, in 2023, has been honored with the “Best Government Service in the World” award during the Global Government Excellence Platform held in Dubai, the United Arab Emirates.

Besides, it is vital to note the launch of the “ASAN service index” in 2019—the “ASAN Service Index”- created within the Electronic Register of Public Services framework. The main purpose of the evaluation is to collect and systematize information about public services in a single source, eliminate duplication in the provision of services, and provide flexibility in management in this area by creating new types of services and improve their quality and forecasting capabilities.

More detailed information regarding the functions of the “ASAN service index” you can find in the following link:

1. <https://asan.gov.az>

Again, when we come to the integrity of the state and prevention of corruption, as well as distribution of information we can look to the established E-government system.

E-government through the use of modern information technologies creates conditions for providing information and e-services to all citizens residing in the territory of the Republic of Azerbaijan, legal and physical persons, foreign citizens and stateless persons by government bodies.

The main objective of the created opportunities is to reduce the ‘distance’

between civil servants and citizens in provision of social services, as well as simplify and make these relations transparent. Following international practice, the E-government portal works on the “single window” principle, where government agencies provide various services and serve to hinder corruption.

More detailed information regarding the functions of the E-government portal you can find in the following link:

1. <https://www.e-gov.az>

Another one tool for the information allocation is the European Union launched a Twinning Project to support Azerbaijan asset recovery reforms, which involves the Lithuanian Special Investigation Service and the Prosecutor's Office as a counterparts for exchanging best practices.

The project's overall Objective (s) is to improve the efficiency of criminal justice through the modernization of the asset recovery and management system in line with EU and international best practices. The specific Objective is to strengthen the institutional and operational capacity of the Department for the Coordination of Special Confiscation Issues of the Prosecutor General's Office (DCSCI). To ensure that it fully fulfills its mandate in the area of criminal property detection, tracking, and recovery as well as asset management. In other words, to shift its operation to a full-fledged National Asset Recovery Office. After the total execution of the Project, we expect entrance to international communication platforms that contribute to the prevention of corruption, inter alia expanding knowledge in this area.

To sum up, as a States Partie to the Convention, all the work achieved is a result of comprehensively prepared and carried out organizational, institutional, and legal reforms in the field of combating corruption. The main reason for reaching the current point is a successful combination of the country's domestic capabilities and its determination to strengthen international relations.

In our opinion, this positive trend should be protected and developed to achieve higher goals and standards. Consistent and detailed measures should be applied precisely when these two directions are mutually agreed upon.

In the end, we would like to reaffirm our commitment to the goals and outcomes of the UN Open-ended Intergovernmental Working Group on the Prevention of Corruption.

<http://azerbaijan.news.az/cgi-bin/azerbaijan.cgi?genish=13026>

Azerbaijan newspaper 29 October 2004

**Statutes of the Department on Combat Against Corruption under the Azerbaijan Republic Chief Prosecutor's Office approved by the the Azerbaijan Republic President's Decree dated October 28, 2004**

I. General provisions:

1. Department on Combat Against Corruption under the Azerbaijan Republic Chief Prosecutor's Office (hereinafter "Department") was established in accordance with the Presidential Order No 114 dated March 3, 2004.
2. The Department is a specialized agency to conduct primary investigation in respect of corruption related criminal offenses and reports to Azerbaijan Republic Chief Prosecutor's Office (hereinafter Chief Prosecutor's).
3. In implementation of its activities the Department is governed by the Azerbaijan Republic Constitution, international agreements, the Azerbaijan Republic is a party to, the Azerbaijan Republic legislation, decrees and orders of the Azerbaijan Republic President, orders and instructions of the Azerbaijan Republic Cabinet of Ministers, these Statutes, orders, instructions and commands of the Chief Prosecutor's.
4. The Department builds its work in accordance with the main principles, provisioned by the legal framework of the Azerbaijan Republic, regulating activities of the Prosecutor's office.

II. Obligations of the Department:

5. The Department fulfills the following obligations in the sphere of prevention and combat against corruption:
  - 5.1. analyses and reviews information received in connection with corruption related legal offenses;
  - 5.2. files legal cases and conducts primary investigation in connection with corruption related legal offenses;
  - 5.3. takes measures to organize investigative-search activities in order to prevent, reveal and disclose corruption related legal offenses and supervisors the subjects of the investigation-search activities to ensure their compliance with the law;
  - 5.4. takes measures to ensure that material damage incurred in the result of corruption related offenses is reimbursed, including alienation of the alienable property, in the order set forth by the legislation;
  - 5.5. researches into the state of the combat against corruption, collects data on corruption related offenses, analyses, summarizes relevant data and prepares proposals and recommendations to increase efficiency of the combat against corruption;
  - 5.6. ensures implementation of necessary measures during primary investigation of the corruption related offences, including organization of protection measures for witnesses, victims, persons who confirm information or are otherwise involved in the court hearing of criminal process;

- 5.7. on the ongoing basis informs the Azerbaijan Republic President and the Anti-corruption Commission under the Council for Public Service through Chief Prosecutor of the measures taken in the sphere of the combat against corruption;
  - 5.8. cooperates with state and other structures in the sphere of combat against corruption;
  - 5.9. ensures that measures are taken to protect staff members of the Department and their immediate family members;
  - 5.10. informs the public a large of its activities in the sphere of combat against corruption and ensures openness of its activities;
  - 5.11. organizes education and preventive measures in the sphere of combat against corruption;
6. performs other functions, as set forth by the legislation.

### III. Rights of the Department:

7. In order to perform its obligations the Department enjoys the following rights:
  - 7.1. in cases and manner provisioned by the legislation, demands and takes information from individuals and legal entities, state organs and officials thereof;
  - 7.2. conducts primary audits in connection with information received on commitment of corruption related legal offenses, receives elucidations and, if need be, organizes inspections, inventory audits, expert audits and other types of inspections of organizations, in the order provisioned by the legislation;
  - 7.3. conducts investigation and other legal procedures within its power of authority;
  - 7.4. in order to prevent, reveal and disclose corruption related criminal offense, authorizes subjects of the investigative-search activities to conduct such and receives information thereon;
  - 7.5. in order to eliminate conditions favorable for corruption related offenses carries out other prosecutor's duties in accordance with provisions, set forth in the Azerbaijan Republic Law on the Prosecutor's Service;
  - 7.6. in case corruption related offenses result in criminal liability, informs the Anti-corruption Commission on the Council for Public Service of such offenses and persons who have committed such;
  - 7.7. cooperates with structures and legal entities, engaged in anti-corruption, and law enforcement bodies of other countries, takes measures to improve international cooperation in the sphere of combat against corruption, studies international experience in the sphere of combat against corruption and makes suggestions of more efficient measures to be taken in this direction;
  - 7.8. in order to improve efficiency of the combat against corruption prepares recommendations and proposals to eliminate conditions favorable for corruption, including pointing out to and elimination of mistakes, committed during the process of combat against corruption;
  - 7.9. makes proposals as to perfection of the legislation, regulating combat against corruption;
  - 7.10. ensures that measures are taken to preserve confidentiality of information on job places of the Department and information, stored in technical equipment, including to search for and find technical equipment, designed to take information out of the Department, as well as to neutralize such equipment;
  - 7.11. The Department provisions its staff members with service weapons and arms, technical means and other necessary equipment and takes measures to protect such;
  - 7.12. organizes events to improve the level of enlightenment in the sphere of combat against corruption, disseminates information on legislative acts, participates in preparation and organization of programs, related to combat against corruption;
  - 7.13. cooperates with international organizations, non-governmental organizations, mass

media, agencies, specialized in the area of combat against corruption, involves them in organization of analytic and information events;  
7.14. performs other functions, as provisioned by the legislation;

#### IV. Organization of management of the Department

8. The status of the staff members is defined by the Azerbaijan Republic Law on Prosecutor's Service and Prosecutor's Service Bodies and other legislative acts;

9. The Department organizes its work jointly with the Chief Prosecutor's Office and its departments and other structures within the Prosecutor's Service.

10. The overall management of the Department shall be performed by the Chief Prosecutor.

11. In order to improve efficiency of investigative-search measures in prevention, revealing and disclosure of corruption related offenses, specialized and experienced in this sphere subjects of investigative-search measures shall be seconded to the Department by heads of investigative-search structures on the basis of the request of the Chief Prosecutor. Subjects of investigative-search measures, seconded to the Department in accordance with division of authority, as set forth by the legislation, fulfill orders of the Department head and inform the head of the measures they have taken.

12. Joint investigative group, comprised by investigators of the Department and subjects of investigative-search activities, may be set up.

13. In its work the Department takes measures, as set forth by the legislation, to ensure performance of state and service functions, preservation of personal and private life, keeping confidentiality of professional and commercial secrets.

14. The Department compiles an annual performance report and presents the report to the Azerbaijan Republic President and the Anticorruption Commission under the Council for Public Service through the Chief Prosecutor.

15. Structure of the Department and authority of its structural units to be established shall be determined by the Chief Prosecutor on the basis of the Azerbaijan Republic legislation and these Statutes.

16. The head of the Department shall be appointed and dismissed by the Chief Prosecutor in agreement with the Azerbaijan Republic President.

17. Deputy head of the Department and other staff members shall be appointed and dismissed by the Chief Prosecutor on the basis of a relevant recommendation by the head of the Department.

18. Salary schedule of the Department staff members shall be defined by the Azerbaijan Republic Cabinet of Ministers.

19. The head of the Department:

19.1. ensures functioning of the Department and manages its operations. The head carries personal responsibility for the fulfillment of its obligations by the Department;

19.2. distributes authority among staff members;

19.3. issues orders and instructions;

- 19.4. approves of decrees, prescribing to send cases to the court, in cases primary investigation legal procedures are led by a person without the status of a prosecutor, or in cases, which envision enforcement of medical measures, performs other authorities, as set forth by criminal and procedural legislation;
- 19.5. organizes registration of applications and other information, received by the Department in respect of corruption related offenses, already committed or planned to be committed, as well as consideration thereof, assigns individual investigators or a group thereof to organize primary investigation of a criminal case and/or individual elements of investigation process;
- 19.6. supervises timely organization of relevant measures, required to ensure that investigators disclose, investigate and prevent corruption related crimes;
- 19.7. takes serious institutional measures to ensure comprehensive, complete and objective investigation of corruption related criminal cases;
- 19.8. ensures cooperation between subjects of investigative-search measures, seconded to the Department and Department staff members and supervises their joint activities;
- 19.9. forms joint working groups, comprised by subjects of investigative-search measures, seconded to the Department and Department staff members;
- 19.10. represents the Department in relations with other structures and signs agreements and other documents within his or her authority;
- 19.11. supervises organizations of work of the structural units of the Department and ensures their coordination;
- 19.12. takes measures to annul orders and instructions of the officials of the Department, in case of their non-compliance with the legislation;
- 19.13. supervises compliance with the legislation by staff members, observation of service discipline, confidentiality provisions;
- 19.14. submits to the Chief Prosecutor proposals in connection of appointments to positions within the Department;
- 19.15. raises before the Chief Prosecutor the question of stimulation of staff members and/or their bringing to disciplinary responsibility, award of special ranks;
- 19.16. resolves all issues related to vacations of the staff members, raises before the Chief Prosecutor the question of their business trips;
- 19.17. organizes reception of citizens;
- 19.18. executes other authorities, as set forth by the legislation.
20. In absence of the head of the Department, his or her functions shall be performed by the Deputy Department head.



# **The Constitutional Law of the Republic of Azerbaijan**

## **On Normative Legal Acts**

This Law shall establish rules for drafting, formalizing, adopting, publishing, coming into force, commenting and classifying normative legal acts.

### ***Chapter 1. General provisions***

#### ***Article 1. Main definitions used in this law***

1.0. The following main definitions and their explanations shall be used in this Law:

1.0.1. normative legal act “an official document in a determinate form, passed on issues the regulation of which is within the competence of an authorized state body as provided by the Constitution of the Republic of Azerbaijan, laws and decrees or passed by referendum that observes the legislative procedures of the Republic of Azerbaijan containing a compulsory code of conduct designed for a circle of undefined entities and for multiple use.

1.0.2. legislative acts “normative legal acts that form legislation of the Republic of Azerbaijan;

1.0.3. act of statutory nature “an official document in a certain form, prescribed by Article 4.1 of this Law, which includes a compulsory code of conduct for limited circle of subjects and which is designed for multiple implementation;

1.0.4. legal act “normative legal act, act of statutory nature and non normative legal act;

1.0.5. classifying the legislation “an activity for regulating the normative legal acts, and for converting them into a single concerted system;

1.0.6. incorporation “type of classification of normative legal acts carried out without changing legal regulatory substance established by them, as well as by attaching them to a set of collections in a determined manner.

1.0.7. codification “type of classification of normative legal acts, followed by reprocessing of substance of legal regulation established by them by



combining normative legal acts in a single normative legal act, which contains classified statement of legal instructions, directed to regulation of certain area of public relationships;

1.0.8. complete set of laws – completely classified set that combines legislative acts of the Republic of Azerbaijan;

1.0.9. gaps in the legislation – lack of legal norms regulating public relationships need of which depends on essence and content of the state legal system in force, and on principles and norms of international law;

1.0.10 law analogy application of legislative norms regulating public relationship similar to specific relationships due to the lack of legislative norms that regulate such relationship;

1.0.11. legal analogy – application of common origins, meaning of legislation, general principles of law and principles of specific fields of law to below-mentioned relationships due to the lack of legal norms regulating not only specific public relationships but also similar public relationships;

1.0.12. collision of normative legal acts – contradiction (discrepancy) of normative legal acts in force that regulate the same public relationships;

1.0.13. norm making activities – scientific or organizational activities for development, expertise, amending, passage, interpretation, termination, considering terminated or cancellation of normative legal acts;

1.0.14. subject of norm making activity – bodies (individuals) involved in norm making activity;

1.0.15. legislative initiative – official submission of the draft law of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan by the subject determined by Article 96.I of the Constitution of the Republic of Azerbaijan;

1.0.16. norm making initiative – official submission of well grounded proposal on the need for passage of a draft normative legal act or a part of an act, or its amendment, commentary, consideration as invalid or cancellation, to the norm making body by the subject of norm making activity;

1.0.17. norm making body – a state body that has authority to pass normative legal acts;

1.0.18. norm making process – norm making activity of a norm making body for development and passage, coming into force of normative legal acts;

1.0.19. norm making technique – system of rules for drafting normative legal acts;

1.0.20. publicizing normative legal acts – bringing the normative legal act to general attention by publishing it in print media, other media outlets or other possible means of communication;

1.0.21. local normative legal act – normative legal act, force of which is limited within one or few state bodies;

1.0.22. technical normative legal acts – technical bylaws, technical codes of established experience; ~~standards, as well as state standards of the Republic of Azerbaijan; field standards; technical requirements;~~ aviation rules; zoohygienic, veterinary, veterinary and sanitary norms and rules; sanitary norms and rules; hygienic guidelines; pharmacopeia articles and norms; fire safety rules; norms and rules for ensuring technological, industrial, nuclear and radiation safety; safe transportation of dangerous shipments; norms and rules for protection and efficient use of soil; information booklets for specialization; ~~state classifier of technical and economical information;~~ blank forms for state statistical observations and guidelines on how to fill them out; rules for forming and calculating statistical indexes; instructions on organization and conduct of state statistical observations; reporting forms for institutions and instructions on how to fill them out; drafts of zones of protection of immovable physical historical and cultural values; other normative legal acts considered as technical normative legal acts by normative legal acts of the Republic of Azerbaijan and approved (came into force) in the manner established by the legislation of the Republic of Azerbaijan;

1.0.23. making amendments in normative legal acts – change of text of norms of the normative legal acts or inclusion of the additional regulating norms;

1.0.24. misuse of normative legal acts – existence of provisions assisting to creation of conditions for display of corruption in normative legal acts

1.0.25. discretionary authorities – authorities that a state body (an official) can apply on its (his/her) judgment;

1.0.26. dispositive capacity – capacity of application of the authorities of the state body by the official by his or her choice.

1.0.27. legal force of a normative legal act – feature that establishes obligatoriness of application of normative legal act to relevant public relationship, as well as its conformity to other normative legal acts.

## ***Article 2. Normative legal acts and their legal force***

2.1. Types of normative legal acts shall be determined by Article 148 of the Constitution of the Republic of Azerbaijan.

2.2. Legal force of the normative legal acts shall be determined by parts II, III, IV, V and VI of Article 149 and Article 151 of the Constitution of the Republic of Azerbaijan.

2.3. When a referendum act, law, decree or other normative legal act contradict the Constitution of the Republic of Azerbaijan, the Constitution of the Republic of Azerbaijan shall be applied.

2.4. When a law, decree or other normative legal act contradict the referendum act of the Republic of Azerbaijan, the referendum act shall be applied.

2.5. When the Civil Code of the Republic of Azerbaijan contracts other codes and laws establishing civil rights norms, the Civil Code of the Republic of Azerbaijan shall be applied.

2.6. When the law contradicts the decree or other normative legal act, the law shall be applied.

2.7. When the decision of the Cabinet of Ministers of the Republic of Azerbaijan, the normative legal acts of central executive authority bodies contradicts the decree, the decree shall be applied.

2.8. When the normative legal acts of central executive authority bodies contradict the decision of the Cabinet of Ministers of the Republic of Azerbaijan, the decision of the Cabinet of Ministers shall be applied.

2.9. Legal force of charters, statutes, instructions, regulations and rules shall be determined by the legal force of the normative legal act which approves them.

2.10. Legal force of normative legal acts of Nakhchivan Autonomous Republic shall be determined by parts II, III, IV and V of Article 49 of the Constitution of Nakhchivan Autonomous Republic.

### ***Article 3. Non normative legal acts and their legal force***

3.1. Legal acts that are adopted for implementation of specific (one-time) organizational, controlling or directive events, or considered for one-time implementation shall not be normative legal acts.

3.2. Non normative legal acts shall be adopted on the basis of relevant normative legal act and have reference to its relevant norm.

3.3. Non normative legal acts shall be the following:

3.3.1. decisions of the Milli Majlis of the Republic of Azerbaijan;

3.3.2. orders of the President of the Republic of Azerbaijan;

3.3.3. orders of the Cabinet of Ministers of the Republic of Azerbaijan;

3.3.4. acts of the bodies implementing civilian registration;

3.3.5. other acts that are not statutory in conformity with first paragraph of this article.

## ***Article 4. Acts of statutory nature and their legal force***

4.1. Acts of statutory nature of the Republic of Azerbaijan shall be:

4.1.1. decisions of the Constitutional Court of the Republic of Azerbaijan adopted in conformity with Article 130.III. paragraphs 1-7, and 130.IV of the Constitution of the Republic of Azerbaijan;

4.1.2. decisions, instructions and explanations of the Central Election Commission;

*4.1.3. decisions of the regulator of financial markets;*

4.1.4. decisions of Judicial Legal Council;

4.1.5. decisions of National Television and Radio Council;

4.1.6. decisions of local self-government bodies;

4.1.7. decisions of the local executive bodies;

4.2. Acts of a statutory nature cannot enforce liability for not implementing them.

4.3. Acts of a statutory nature shall be adopted on the basis of relevant normative legal act and have reference to its relevant norm.

4.4. Except the acts of statutory nature provided in paragraph 4.1.1 of this Constitutional Law, other acts of a statutory nature may not contradict the normative legal acts of the Republic of Azerbaijan.

## ***Article 5. Scope of application of this law***

5.1. This law establishes rules for drafting, formalizing, adopting, publishing, coming into force, commenting on and classifying the normative legal acts of the Republic of Azerbaijan as well as Nakhchivan Autonomous Republic.

5.2. This Constitutional Law shall cover the rules of entry into force, interpretation and classification of referendum acts.

5.3. This Law shall cover the rules of formalizing, publishing, entry into force, interpretation and classification the following acts:

5.3.1. international agreements;

5.3.2. technical normative legal acts;

5.3.3. local normative legal acts;

5.3.4. acts of a statutory nature.

*5.4. In cases established by the Law of the Republic of Azerbaijan "On the Alat Free Economic Zone", legal regulation is applied on the territory of the Alyat Free Economic Zone that is different from this Constitutional Law, and acts adopted in connection with the activities of the said zone have binding legal force within the free zone.*

#### ***Article 6. System of normative legal acts***

Normative legal acts shall be classified in a single system by determining their lack of mutual contradiction, and hierarchy of normative legal acts, as well as by publishing set of relevant laws and legislation of the Republic of Azerbaijan that are defined by internal agreement and that ensure legal regulation of public relationships.

#### ***Article 7. Legal succession regarding normative legal acts passed by the state bodies***

7.1. If the state body having the authority to pass normative legal acts is reestablished, along with authorities to adopt normative legal acts the legal successor, within its authorities, shall be given the authorities of amending and terminating the normative legal acts of earlier passage.

7.2. If the state body is liquidated or the legal successor is reestablished with no rights to adopt relevant normative legal acts, the authority to amend or terminate previously adopted normative legal acts shall be given to a superior or other state body.

7.3. Change of status of the state body that adopts the relevant normative legal acts does not cause termination of previously adopted normative legal acts.

7.4. When the state body is renamed or if it is reestablished by merging, joining or reforming that result in renaming, the normative legal acts having the previous name must be changed in the renaming part. The normative legal acts that had the previous name before such changes were made shall be completely applied to the renamed (reestablished) body.

7.5. When a state body is divided or separated, a decision on its reestablishment must have a clear division of authorities. It must enable the determination which normative legal act in which size shall be applied to which newly established state body. In such cases, the state body that made a decision on dividing or separating must ensure making all necessary changes to relevant normative legal acts within a three month period.

#### ***Article 8. Main principles of norm making activity***

8.0. Norm making activity is implemented based on the principles indicated in part I of Article 149 of the Constitution of the Republic of Azerbaijan as well as the following principles:

8.0.1. compliance with the Constitution and priority of laws;

- 8.0.2. compliance of acts of lower state bodies with acts of superior state bodies;
- 8.0.3. superiority of universally recognized principles of international law;
- 8.0.4. proportionality;
- 8.0.5. accountability of state bodies before citizens;
- 8.0.6. democracy and transparency in norm making process;
- 8.0.7. non-contradiction of normative legal acts;
- 8.0.8. protection of citizens rights and freedoms, and their legitimate interests; and social justice;
- 8.0.9. systematic character and complexity of legal regulation of public relationships.

### ***Article 9. Transparency in activities of norm making bodies***

9.1. Transparency in activities of norm making bodies must be ensured by the following:

- 9.1.1. informing the citizens about activities of norm making bodies and about normative legal acts adopted by them;
- 9.1.2. publishing the normative legal acts in official publications, in other media outlets or bringing them common attention by other means;
- 9.1.3. placement of draft normative legal acts on the official sites of norm making bodies.

9.2. The draft normative legal act can be put forth open discussion (public or professional) with the decision of norm making body.

## ***Chapter 2. Collision of normative legal acts***

### ***Article 10. Rules for handling collision of normative legal acts***

10.1. Collision of the normative legal acts shall be handled in conformity with Article 149 parts II, III, IV, V and VI and Article 151 of the Constitution of the Republic of Azerbaijan as well as according to Article 2 of this Constitutional Law.

10.2. The normative legal act adopted by the state body in that case has superior legal force regarding the normative legal act of the state body of the same level, if the state body adopting such act is given specific authorities to regulate certain area of public relationship.

10.3. If the contradicting normative legal acts have the same legal force, related normative legal acts shall be applied under the circumstances that these relationships concern that particular legal regulation area.

10.4. In case of contradiction between general and specific norms in the same normative legal act, the specific norms shall be applied.

10.5. A newly adopted normative legal act shall have superior legal force regarding the normative legal acts of earlier passage by the same state body.

10.6. If the same relationships are regulated by several norms and if application of those norms are possible at once, it is not considered collision of the normative legal acts.

10.7. Structural divisions of the state bodies do not have the right to adopt normative legal acts.

10.8. Collision of normative legal acts of Nakhchivan Autonomous Republic shall be handled in conformity with Article 2 of this Constitutional Law.

***Article 11. Order of application of rules for handling collision of normative legal acts***

11.1. Order of handling collision of normative legal acts:

11.1.1. firstly, norms of Article 2.3-2.8 of this Law shall be applied;

11.1.2. if collision is not handled, secondly, norms of Article 10.2-10.5 shall be applied;

***Article 12. Methods of eliminating collision of normative legal acts***

12.1. Collision of normative legal acts shall be eliminated by the following methods:

12.1.1. passage of a new normative legal act;

12.1.2. termination of a normative legal act;

12.1.3. amending the normative legal act;

12.1.4. codification and classification of normative legal acts;

12.2. In order to prevent collision of normative legal acts in connection with adoption of a new normative legal act a list of normative legal acts (its structural elements) to be considered invalid, to be amended must be reflected in the final provisions or attachment of this normative legal act.

12.3. In case if commentary of normative legal act or court judgement adopted with regard to the collision of normative legal acts confirms collision of normative legal

acts measures provided in paragraphs 12.1.1-12.1.4 of this Constitutional Law shall be implemented in order to eliminate that collision.

### ***Chapter 3. Gaps in legislation***

#### ***Article 13. Rules of use of law analogy and legal analogy***

13.1. In case of lack of legislative norms regulating specific public relationships, legal analogy or law analogy shall be used.

13.2. Firstly the law analogy shall be used. In case of the lack of legislative norms regulating specific public relationships, legislative norms regulating public relationships similar to those public relationships shall be applied.

13.3. In case it is not possible to find legislative norms regulating similar public relations due to the lack of legislative norms regulating specific public relationship, the law analogy shall be used. In such case general and specific principles of the law established by the Constitution and the laws shall be used.

13.4. In case of crime, administrative offence, institution of proceedings by tax authorities, limitation of rights and establishment of duties, legal analogy or law analogy cannot be used.

#### ***Article 14. Detection of gaps in legislation***

14.0. The following must be taken into consideration when detecting gaps in the legislation:

14.0.1. factual case shall be referred to regulation area of the law;

14.0.2. there must be legislative norms regulating specific public relationships;

14.0.3. factual case must be regulated partly (not completely).

#### ***Article 15. Decision on use of legal analogy or law analogy***

15.1. An entity that detects the gap and that implements Article 14 of this Law must inform the norm making body related to the authorities of regulations of the certain public relationships about this gap.

15.2. Decision on use of legal analogy or law analogy must be submitted for registration to the State Registry of Legal Acts of the Republic of Azerbaijan.

15.3. Decision on use of legal analogy or law analogy shall be considered in force following the decision of the Constitutional Court of the Republic of Azerbaijan adopted in an order provided by the law.

#### ***Article 16. Exceptions of use of law analogy and legal analogy***



16.0. Law analogy and legal analogy may not be used in the following cases:

- 16.0.1. if gaps in legislation are of visible nature;
- 16.0.2. if there is no necessity of normative regulation;
- 16.0.3. if normative regulation is prohibited by law;
- 16.0.4. if normative regulation exists.

## ***Chapter 4. Types and forms of normative legal acts***

### ***Article 17. Normative legal acts of the Milli Majlis of the Republic of Azerbaijan***

17.1. Normative legal acts of the Milli Majlis of the Republic of Azerbaijan shall be adopted in the form of laws in conformity with Article 93 of the Constitution of the Republic of Azerbaijan.

17.2. Public relations within the competence of the Milli Majlis of the Republic of Azerbaijan regulation of which is delegated to it by Article 94 of the Constitution of the Republic of Azerbaijan shall be regulated by the Law of the Republic of Azerbaijan.

17.3. When a normative legal act of the Milli Majlis of the Republic of Azerbaijan is adopted, an article of the Constitution of the Republic of Azerbaijan based on which it is adopted and purpose of its implementation must be noted.

### ***Article 18. Normative legal acts of the President of the Republic of Azerbaijan***

18.1. Normative legal acts of the President of the Republic of Azerbaijan shall be adopted in a form of decree in conformity with Article 113 of the Constitution of the Republic of Azerbaijan.

18.2. Decrees of the President of the Republic of Azerbaijan shall be adopted on the issues within the authority of the President of the Republic of Azerbaijan delegated by the Constitution of the Republic of Azerbaijan and on issues that are subject to statutory regulation.

18.3. Other normative legal acts (statutes, charters, rules etc.) adopted by the President of the Republic of Azerbaijan shall be approved by the decrees of the President of the Republic of Azerbaijan.

18.4. When a normative legal act of the President of the Republic of Azerbaijan is adopted, an article of the Constitution of the Republic of Azerbaijan on which it is based and adopted and purpose of its implementation must be noted.

### ***Article 19. Normative legal acts of the Cabinet of Ministers of the Republic of Azerbaijan***

19.1. The Cabinet of Ministers of the Republic of Azerbaijan shall adopt normative legal acts in the form of decisions, within the authorities of the Cabinet of Ministers of the Republic of Azerbaijan by the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan, in conformity with Article 120 part I of the Constitution of the Republic of Azerbaijan, based on the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan with the purpose of their implementation.

19.2. Other normative legal acts (statues, charters, rules etc.) adopted by the Cabinet of Ministers of the Republic of Azerbaijan shall be approved by the decisions of the Cabinet of Ministers of the Republic of Azerbaijan.

19.3. The Cabinet of Ministers shall adopt the normative legal acts on issues that cannot be resolved by the central executive authority bodies.

19.4. When a normative legal act is adopted by the Cabinet of Ministers of the Republic of Azerbaijan, it should indicate the purpose of implementation and which act of the President of the Republic of Azerbaijan it is based on.

#### ***Article 20. Normative legal acts of the central executive authority bodies***

20.1. Normative legal acts of the central executive authority bodies shall be adopted in cases and within the limits considered by the acts of the President of the Republic of Azerbaijan and only on the issues that were entrusted to their authorities by the acts of the President of the Republic of Azerbaijan.

20.2. Normative legal acts of the central executive bodies shall be adopted in the form of the decisions.

20.3. Other normative legal acts (instructions, statues, charters, rules) adopted by the central executive authority bodies shall be approved by decisions.

20.4. When a normative legal act is adopted by the central executive authority body, it should indicate the purpose of implementation and which act of the President of the Republic of Azerbaijan it is based on.

#### ***Article 21. Types of normative legal acts of Nakhchivan Autonomous Republic***

Types and forms of the normative legal acts of Nakhchivan Autonomous Republic shall be determined by Constitution of Nakhchivan Autonomous Republic.

### ***Chapter 5. Implementation of universally recognized principles and norms of international law and of norms of international agreements, to which the Republic of Azerbaijan is a party, in the normative legal acts of the Republic of Azerbaijan***

***Article 22. Superiority of universally recognized principles and norms of international law***

The Republic of Azerbaijan shall recognize superiority of universally recognized principles and norms of international law and shall ensure compliance of the legislation of the Republic of Azerbaijan with those principles and norms.

***Article 23. Mutual relativity of the international agreements and normative legal acts***

23.1. According to part II of Article 148 of the Constitution of the Republic of Azerbaijan international agreements to which the Republic of Azerbaijan is a Party, shall constitute an integral part of the legislative system of the Republic of Azerbaijan.

23.2. Legal force of the international agreements of the Republic of Azerbaijan in respect of normative legal acts of the Republic of Azerbaijan shall be determined by Article 151 of the Constitution of the Republic of Azerbaijan.

23.3. Other international agreements to which the Republic of Azerbaijan is a Party shall have superior legal force regarding normative legal act that expresses consent of the Republic of Azerbaijan to obligatoriness of that international agreement for it.

23.4. International agreements to which the Republic of Azerbaijan is a Party must be applied immediately, except the cases where international agreement requires passage of interstate normative legal acts for application of norms reflected in those agreements.

***Article 24. Basis for passage of normative legal acts oriented to accomplishment of international obligations of the Republic of Azerbaijan***

24.0. The normative legal acts oriented to accomplishment of international obligations considered by the international contracts of the Republic of Azerbaijan shall be adopted in the following cases:

24.0.1. if the subject of the international contracts of the Republic of Azerbaijan is the issues related to the normative regulating area but not regulated by the normative legal acts of the Republic of Azerbaijan;

24.0.2. if implementation of international obligations adopted in compliance with the international contracts of the Republic of Azerbaijan is not possible unless the relevant normative legal act is adopted;

24.0.3. when participants of the international contract achieve agreement on passage of relevant normative legal acts.

***Chapter 6. Requirements put forward the normative legal acts***

## ***Article 25. A Method of composition of the normative legal act***

25.1. The normative legal acts must be internally consistent, logically formulated and satisfy the norm making technique.

25.2. When establishing the legal norms of the normative legal act, usage of very common and very detailed expressions, as well as repetition of statutory instructions and their great number should be avoided.

25.3. Titles of normative legal act, division, chapter and article must be concise, clearly stated, and must reflect the main point.

25.4. Expression of norm of normative legal act must be concise, mainly positive and in present time.

25.5. Terminology and definitions used in the text of the normative legal act shall be clear and monosemantic.

## ***Article 26. Sequence of placement of the norms in the normative legal act***

First " general provisions, then specific provisions shall be stated when setting forth the text of the normative legal act.

## ***Article 27. Rules for drafting normative legal acts***

27.1. Peculiarities of rules for drafting different types of normative legal acts, technical and legal requirements for their formalization, as well as other issues that are not regulated by this Law shall be determined, relevantly, by the Rules approved by the Milli Majlis of the Republic of Azerbaijan and by the President of the Republic of Azerbaijan.

27.2. Rules for drafting normative legal acts cannot limit the rights of the subject of norm making activity and of norm making bodies.

## ***Chapter 7. Structure of normative legal act***

### ***Article 28. Details of normative legal acts***

28.0. Compulsory details of the normative legal acts are the following:

28.0.1. type of act (the Law of the Republic of Azerbaijan, Decree of the President of the Republic of Azerbaijan, Decision of the Cabinet of Ministers of the Republic of Azerbaijan etc.)

28.0.2. name (title) of the normative legal act that reflects the subject of regulation;

28.0.3. date of passage of the act, place and registration number;

28.0.4. signatures of the people entitled to sign officially the relevant normative legal acts.

### ***Article 29. Title of normative legal act***

29.1. Each normative legal act shall have a title reflecting the subject of legal regulation and the main point.

*29.2. Except for cases when it is necessary to amend several regulatory legal acts or repeal several regulatory legal acts due to changes in the name or numbers, when making amendments to one or several normative legal acts, as well as when canceling one or several normative legal acts, the title of the act providing for these amendments or repeals should indicate the title (s) of the normative legal act (acts), which is amended or which is subject to cancellation.*

### ***Article 30. Structural components of normative legal act***

30.1. Structural component of the normative legal act shall be comprised of a preamble, divisions, chapters, articles, paragraphs, subparagraphs, parts and new lines.

30.2. The normative legal act can have the preamble " an introduction containing rationale of its passage, conditions and purposes.

30.3. The text of the normative legal act can be divided into articles and paragraphs under division and chapters depending on type of the act. The laws, as well as codes, as a rule, are divided into articles, and other normative legal acts are divided into paragraphs. The codes must have an index of contents. Other large volume normative legal acts can have an index of contents.

30.4. Articles and paragraphs of the normative legal act are the main structural components reflecting complete normative provisions of the normative legal act.

30.5. Articles of the normative legal act shall be numbered with Arabic figures followed by full stop. Title of the article shall be typed with small letter on the same line. Paragraphs shall be indicated with Arabic figures and full stop and shall not have the title.

30.6. Articles of the normative legal act can be divided into parts or paragraphs. Parts can also be divided into new lines, paragraphs, subparagraphs, parts or new lines, the subparagraphs " into parts or new lines.

30.7. Chapters of the normative legal act are the structural components reflecting articles (paragraphs) of this act. Chapters shall be numbered with Arabic figures and must have a title typed with capital letters and in the middle of the line.

30.8. Divisions of the normative legal act are the structural components reflecting chapters of this act. Divisions shall be numbers with Roman numerals and have the title typed with capital letters in the middle of the line.

30.9. New line of the normative legal act is the part of the first line separated with space and started with small letter (except the first new line of the part starting with capital letter).

30.10. Subparagraphs of the normative legal act are components of the paragraph and are new lines that have several Arabic figures, showing the number of the first paragraph, followed by full stop.

30.11. The part of the normative legal act is the structural component of the normative legal act that consists of a new line (several new lines) and that expresses unity of meaning. The part, except the new line that might end with semicolon, begins with capital letter and ends with full stop. In such case, the first new lines of the part, are completed with colon, except the last new line ended with full stop, and the following new lines are completed with semicolon.

30.12. If the part is the structural component of a paragraph or a subparagraph, the first part of the subparagraph, as a rule, begins with Arabic figure with full stop and followed by small letters or begins with several Arabic figures with full stops followed by small letter.

30.13. Divisions, chapters, articles and paragraphs (except the paragraphs within the articles) must be directly numbered, paragraphs in articles must be numbered directly for each article, in subparagraphs "â€" directly for each paragraph.

30.14. Numbering of structural components must be the same for all normative legal acts.

30.15. Numbering with other numbers that are not of the same character of structural components mentioned in this article or marking shall be allowed only in exceptional cases and when the normative legal acts have a specific proviso.

### ***Article 31. Peculiarities of codified structure of normative legal acts***

31.1. Sections of the codified normative legal acts can be combined under General and Specific parts.

31.2. General part of the codified normative legal act must contain the following:

31.2.1. fundamental provisions (principles, definitions, main institutions);

31.2.2. specialized statutory provisions (presumption, collateral estoppel);

31.2.3. other introductory statutory provisions that create a legal basis for high generalization, characterized with stability, and for application of the norms of the special part.

31.3. special part of the codified normative legal act can reflect the norms expressing the following:

31.3.1. type and size (rules) of possible and necessary behavior (rights and duties);

31.3.2. type and size of negative results of possible violations (legal liabilities) of legal norms.

### ***Article 32. Amending normative legal acts***

32.1. If the section (chapter, article, paragraph) of the normative legal act is considered terminated, they shall be removed from the act in force, but their numbers shall be kept and the numbers of the sections (chapters, articles, paragraphs) of the normative legal act shall not change.

32.2. If an additional section (chapter, article, paragraph) is added to the normative legal act, they shall be added with an additional number repeating the numbers of the sections of the act.

### ***Article 33. Reference to the articles of other acts in the normative legal act and repetition of articles of other acts in the acts***

References to the articles of other acts in the normative legal act if necessary, repetition of the separate provisions of such normative legal acts shall be allowed referring to the normative legal acts of a superior legal power. Such a repetition must be precisely expressed and may not change meaning of the norm of the normative legal act of the superior legal power.

### ***Article 34. References to other articles in the articles of the normative legal acts***

Articles of the normative legal acts can be referred to other articles of the same normative legal act, when there is a necessity, by not breaking the interrelationship between the normative legal acts or by not making repetitions.

### ***Article 35. Footnotes and annexes***

35.1. The normative legal acts (its structural components) can have footnotes as separate structural components. Footnotes, explanations or abbreviations shall be used when it is not possible to place them inside the text of the normative legal act (its structural elements).

35.2. When the normative legal act indicates tables, graphs, maps, diagrams, lists, illustrations etc. they must be formalized as annexes, and relevant structural components must have references to those annexes.

### ***Article 36. Consideration of liability measures in the normative legal act***

Measures of liability must be indicated in the acts considering duties of state and local self government bodies, political parties, public associations, their officials, legal entities and individuals, if liabilities for violation of those duties are not established under the legislation in force.

## ***Chapter 8. Norm making process***

### ***Article 37. Stability of law system***

Changes to the normative legal act earlier than one year after its passage shall be allowed on the bases of the requirements of the normative legal acts of a superior legal power or on the opinions of legal, linguistic, economic, ecological, criminological or financial expertise of the normative legal act, if other cases are not considered by the laws or decrees.

### ***Article 38. Subjects of the right for legislative initiative***

The right for legislative initiative belongs to subjects defined by Article 96 of the Constitution of the Republic of Azerbaijan.

### ***Article 39. Subjects of norm-making initiative***

39.1. Subjects of a norm-making initiative are subjects who in accordance with the given authorities are entitled in accordance with Article 48 of this Law to submit to a norm-making body a draft normative legal act or a proposal about necessity to adopt a normative legal act or its part, to make amendments, to comment, to suspend its effect, to consider it void or to cancel.

39.2. State bodies and public officials, which are not subjects of norm-making initiative as well as organizations and citizens may submit suggestions on adoption of normative legal acts or draft of the act to state bodies entitled by relevant authority within the rules identified by Azerbaijani Republic's legislation. In this case, it may be possible not to follow Article 48 of this Law.

### ***Article 40. Stages of norm making process***

40.0. Norm making process, as a rule, shall be implemented following the established procedures containing the following stages:

40.0.1. planning of norm making activities;

40.0.2. initiative of norm making;

40.0.3. drafting normative legal act;

40.0.4. passage of normative legal act;

40.0.5. registration of normative legal act;

40.0.6. publication of normative legal act.

### ***Article 41. Planning of drafting normative legal acts***

41.1. Drafting normative legal acts, as a rule, shall be performed in a planned manner.



41.2. The planning of drafting normative legal acts involves approval of the following:

41.2.1. state programs reflecting articles on drafting normative legal acts;

41.2.2. annual plans for drafting normative legal acts and other plans for drafting normative legal acts.

***Article 42. Rule on preparation of plans for preparing drafts of normative legal acts***

42.1. Accordingly, the Milli Majlis of the Republic of Azerbaijan and the President of the Republic of Azerbaijan prepare mutually agreed annual plans for the preparation of draft laws. Annual plans for preparing draft laws could foresee the drawing of more important and complex concepts.

42.2. Norm-establishing bodies can prepare and approve their plans on drafting normative legal acts on the basis of annual plans for drafting state programs or laws.

42.3. During the preparation of draft normative legal acts suggestions from subjects who have the right for legislative initiative, other interested bodies, public unions, scientific and other organizations, as well as citizens<sup>TM</sup> shall be taken into account.

***Article 43. Supervision over implementation of plans for drafting state programs and normative legal acts***

Supervision over implementation of plans for drafting state programs and normative legal acts is exercised by the norm-establishing bodies that approved them.

***Article 44. Provision of transparency in activities regarding planning of drafting normative legal acts.***

44.1. Plans on drafting state programs and normative legal acts are approved and published based on the rules foreseen for acts of norm-making.

44.2. Plans on drafting approved state programs and statutory legal acts are sent to the relevant state institutions for reference.

***Article 45. The rule for drafting a normative legal act***

45.1. The following can be included into drafting a normative legal act:

45.1.1. making a decision on considering a norm-making suggestion and preparing a draft;

45.1.2. organizational, technical, and financial support for drafting;

45.1.3. collecting necessary materials;

45.1.4. preparing the concept for the draft;

45.1.5. preparing text of the draft;

45.1.6. reaching agreement on a draft;

45.1.7. conduct of legal, linguistic, financial and other necessary expert reviews.

45.2. A norm-making body can exercise drafting independently or can instruct another subject of norm-making initiative to implement this based on the issues within the former's authorities, and can also involve relevant experts in preparation of the draft and to assign specially formed temporary commissions and working groups.

45.3. Drafting a normative legal act is exercised with the mandatory participation of the legal service of a relevant state body.

#### ***Article 46. Reaching agreement on a normative legal act***

46.1. The draft of a normative legal act, before it is submitted to a norm-making institution, should be agreed with relevant public bodies when the agreement is mandatory by the legislation of the Republic of Azerbaijan, and when a normative legal act contains normative legal instructions and (and or) assignments related to other state bodies within the rules established by the legislation of the Republic of Azerbaijan.

46.2. The agreement on the draft of normative legal act is conducted as following:

46.2.1. written expression of consent or non-consent of a state body (organization) to the relevant draft with the justification of existing remarks and suggestions and with the attachment, in case of disagreement with the normative legal prescriptions of the suggested edition of the draft normative legal act or its particular provisions in accordance with established rules of norm-making.

46.2.2. authentication by the head of state body of the draft normative legal act (in case of disagreement with the normative legal prescriptions of the suggested edition of the draft normative legal act or its particular provisions in accordance with established rules of norm-making).

46.3. During agreement on the draft of normative legal act legally ungrounded comments and proposals shall not be considered.

46.4. If it is not foreseen otherwise in the Laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan, during the coordination (agreement) of the normative legal act, an expression of consent or non-consent of a state body (organization) to the relevant draft shall be made not later than 30 days and its authentication not later than 5 days after the draft is received according to pre-defined rule.

46.5. A draft of normative legal act is considered as agreed if:

- if an information on agreement is not submitted within the timeframe established by a part of this article;
- if necessity for extension of agreement or denial of extending period are not justified;
- if there is no suggestion to extend of period of agreement.

46.6. A draft law submitted by the President of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan is considered agreed with all the interested state bodies.

46.7. Draft decision of the Cabinet of Ministers of the Republic of Azerbaijan must be agreed with central executive power bodies, normative legal acts of central executive power bodies must be agreed with relevant central executive power bodies.

### ***Article 47. Expert review of draft normative legal act***

With the exception of cases where this law requires compulsory conduct of expertise, a draft normative legal act can go through other expertise (financial, economic, environmental, criminological, etc.) with the permission from a norm-making or other state body entitled by the legislative acts of the Republic of Azerbaijan

### ***Article 48. Submission of normative legal acts to a norm-making body***

48.1. The rule of submission of normative legal acts to a norm-making body is defined by this Law, other legislative acts of the Republic of Azerbaijan and acts of the relevant norm-making institution.

48.2. The following is added to draft normative legal act, regardless of its type when it is submitted to norm-making body:

48.2.1 accompanying letter and justification of the necessity of adoption of a normative legal act, including financial-economic justification;

48.2.2. documents confirming agreement (authentication) of normative legal act;

48.2.3. expert opinions on draft normative legal act;

48.2.4. list of persons drafting normative legal act;

48.2.5. other documents related to the draft normative legal act (based on the decision of a subject submitting the draft.)

48.3. Following information should be included into justification of the necessity of a draft normative legal act:

48.3.1. Purposes of drafting a normative legal act, subject of its legal regulation and the structural elements that make changes in current legal regulation;

48.3.2. Experience of the legislation of the Republic of Azerbaijan and its enforcement, of legislation of other countries, mass media outlets, an analysis of appeals by citizens (legal entities) regarding subject of legal regulation of draft normative legal act;

48.3.3. Forecasting of possible consequences of adoption of normative legal act;

48.3.4. List of normative legal acts that should be considered invalid, that should be amended and those that should be adopted due to the adoption of the normative legal act

48.4. Expert opinion on edition of the draft shall be submitted to Milli Majlis of the Republic of Azerbaijan. If after that technical changes and additions are made to the draft shall be sent for subsequent expert opinion.

48.5. Laws on amendments to a law, as a rule, shall be attached a table containing edition of an article or of a structural components of this law, and edition of an article or of other structural component of the law taking into account amendments proposed by the draft.

48.6. Only accompanying letter is attached to the draft submitted by the President of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan and documents mentioned in Articles 48.3 and 48.4 of this law are kept at the Administration of the President of the Republic of Azerbaijan.

48.7. Draft of a normative legal act is presented to a norm-making body in text files form both hard copy and electronic copy.

## ***Chapter 9. Mandatory legal expert review of normative legal act***

### ***Article 49. Rule on conducting legal expertise of normative legal act***

49.1. Draft normative legal act must pass through mandatory legal expertise.

49.2. Mandatory legal expertise, depending on the type of normative legal act, is conducted as stated below:

49.2.1. Draft laws " by competent structural section of the apparatus of Milli Majlis of the Republic of Azerbaijan;

49.2.2. Draft normative legal acts presented to the President of the Republic of Azerbaijan " by competent structural section of the Administration of the President of the Republic of Azerbaijan;

49.2.3. Draft decisions of the Cabinet of Ministers of the Republic of Azerbaijan " by competent structural section of the apparatus of the Cabinet of Ministers of the Republic of Azerbaijan;

49.2.4. Normative legal acts of executive authority bodies " by their legal departments.

### ***Article 50. Common requirements for draft normative legal acts***

50.0. Common requirements for draft normative legal acts are following:

50.0.1. compliance with principles declared Article 8 of this law;

50.0.2. compatibility of norms of normative legal act with goals and responsibilities of normative legal act;

50.0.3. compliance with subject of normative regulation;

50.0.4. compliance of the form and essence of normative legal act;

50.0.5. compliance with other normative legal acts;

50.0.6. logic of internal structure;

50.0.7. mutual compatibility of the norms that are going to be included;

50.0.8. non-interference of one state body into the activities of other state body;

50.0.9. acceptance of a normative legal act by a state body with relevant authority within its competencies;

50.0.10. adoption of normative legal act according to rule and form defined in the legislation of the Republic of Azerbaijan;

50.0.11. compliance with norm-making technique;

50.0.12. observance of Article 37 of this law.

### ***Article 51. Opinion of mandatory legal expertise***

51.1. The opinion of mandatory legal expertise is drafted according to Attachment 1 to this Law.

51.2. One of the following results should be demonstrated in the opinion of mandatory legal expertise of normative legal act:

51.2.1. draft normative legal act is rejected ;

51.2.2. draft normative legal act is returned to the subject of norm-making for revision;

51.2.3. draft normative legal act is approved.

### ***Article 52. Consistency in conducting mandatory legal expertise***

Mandatory legal expertise of draft statutory law should be conducted before mandatory linguistic expertise.

## ***Chapter 10. Mandatory linguistic expert review of the draft statutory law***

### ***Article 53. Language requirements set forward the text of the normative legal act***

The text of the normative legal act shall be expressed in a concise form, simple and clear language that excludes interpretation of norm separately, using the style of literary Azerbaijani language and official working style of legal terminology.

### ***Article 54. Terminology of normative legal act***

54.1. Terminology of normative legal act is formed by using comprehensible words and expressions.

54.2. The same terminology must have the same meaning and single form in the normative legal act.

54.3. In case of necessity to specify the terminology and their interpretation used in the normative legal act, an article (paragraph) explaining their meaning shall be included.

### ***Article 55. Use of specific marking***

55.1. Specific markings shall be used in the normative legal act only in the concepts used in specific areas.

55.2. Specific markings shall be explained in the normative legal act if necessary.

### ***Article 56. Requirements for stylistic formalization for the text of the normative legal act***

56.0. The text of the normative legal act cannot express the following:

56.0.1. expressive forms of colloquial and spoken language;

56.0.2. different definitions (terminology) used for the same meaning;

56.0.3. borrowed words if words having the same meaning exist in Azerbaijani language;

56.0.4. unclear word combinations, generalized thoughts, calls, artful comparison, epithets, metaphors;

56.0.5. abbreviations, except those are known.

### ***Article 57. Abbreviations and generalized definitions used in normative legal acts***

57.1. Names of state bodies (organizations) mentioned in the normative legal acts must completely match their charters and statutes, acts on establishment, naming and change of name.

57.2. Abbreviation of names of state bodies can only be used, if these are official abbreviations, in the technical normative legal acts, non-normative legal acts, as well as in shorthand reports, minutes, service letters, documents of informational nature, non-text annexes to the legal acts.

57.3. Use of generalized definitions (words, word combinations) that express the state bodies in the normative legal act shall be allowed only in the cases when the relevant generalized definition is applied to any state body. If it is necessary to indicate the state body's name repeatedly, or this or other definition expressed with a group of words is used repeatedly, the full name of that state body or of definition shall be indicated when it is used the first time having its abbreviation (conventional marking) in parenthesis to be indicated in following provisions.

57.4. When it is not appropriate to indicate the full name, these rules can be applied to the name of the normative legal act that has been referred multiple times.

### ***Article 58. Application of references in normative legal acts***

In the normative legal act, the reference to the same normative legal act or to its structural component must be made only using the word «this».

### ***Article 59. Opinion of mandatory linguistic expertise of draft normative legal acts.***

59.0. One of the following results should be demonstrated in the opinion of mandatory linguistic expertise of draft normative legal acts:

59.0.1. draft normative legal act is rejected ;

59.0.2. draft normative legal act is returned to the subject of norm-making for revision;

59.0.3. draft normative legal act is approved.

***Article 60. Form of mandatory linguistic expert review of draft normative legal act***

An opinion of a mandatory linguistic expert review is conducted in the form of changes in the text of the draft normative legal act.

***Chapter 10. Normative legal acts and draft normative legal acts undergoing expert review against misuse***

***Article 61. The purpose of normative legal acts and draft normative legal acts undergoing expert review against misuse***

The expert review against misuse is conducted with the aim of drafting normative legal acts, to identify, prevent, and eliminate the emergence of provisions that can contribute to misuse and indication of its symptoms, during the expertise of valid normative legal acts.

***Article 62. Misuse factors in normative legal acts and their drafts***

62.1. For the purposes of this law misuse factors are considered provisions of the normative legal acts (as well as errors of norm and legal formulas), whose implementation can result in misuse, as well as having immediate grounds for corrupt practice or creating legitimate grounds for misuse, allowing misuse or provoking it.

62.2. Norms that include misuse factors (normative legal acts, drafts normative legal acts) are considered norms subject to misuse (normative legal acts, drafts normative legal acts)

62.3. Model (exemplary) misuse factors, regardless of the subject of regulation, in normative legal acts and draft normative legal acts are considered misuse factors frequently encountered and doubtless or with high degree of possibility could show signs of misuse.

62.4. Provisions of Chapter 8 of this Law with purposes specified in this Law shall be applied:

62.4.1. when draft normative legal acts are prepared by the specialists as well as when the norms are prepared by experts;

62.4.2. when conducting legal expertise of the drafts normative legal acts prepared by the experts or organizations and the normative legal acts adopted previously when implementing state order.

62.5. During the drafting and improvement of normative legal acts it is not allowed to include exemplary misuse factors and indicators of subjection to misuse, as well as other provisions that can cause misuse.

***Article 63. Types of misuse factors***



63.1. During the expert review of a normative legal act (its draft) exemplary misuse factors and indications of subjection to misuse listed below should be identified and eliminated:

63.1.1. illustrative misuse factors related to the exercise of authorities of a state body (public official);

63.1.2. illustrative misuse factors related to legal gaps;

63.1.3. illustrative misuse factors of a systemic character;

63.1.4. indications of being subjected to misuse.

***Article 64. Illustrative misuse factors related to exercise of competences of a state body (public official)***

64.1. Illustrative misuse factors related to the exercise of authorities of a state body (public official) in a normative legal act are following:

64.1.1. the extend of discretionary authorities;

64.1.2. description of an authority as a dispositive opportunity;

64.1.3. greater demands than necessary for implementation of individual rights;

64.1.4. possibility for abuse of citizenâ€™s (legal entity) right by state body (civil servant);

64.1.5. groundless change on the amount of rights;

64.1.6. excessive freedom of norm-making established by the law;

64.1.7. subject to a corrupt interpretation;

64.1.8. adoption of normative legal act beyond competences of executive power body;

64.1.9. filling legal gaps with normative legal acts of executive power body.

64.2. Discretionary authorities in the normative legal act that allow the official to act on his or her own judgment during the making of a decision may not be implemented arbitrarily.

64.3. It is not allowed to not identify decision-making dates, to keep these dates undefined, to keep the grounds and terms of a decision undefined and duplicate competencies of various state bodies as a result of wide discretionary authorities in a normative legal act.

64.4. Rights and responsibilities of state bodies comprise their competences and for this reason in a normative legal act the right of the body depending on the specific executor's judgment or other actions cannot be defined as a dispositive opportunity. In a normative legal act it is not allowed to define a state body's authorities in an extremely generalized way and to use vague expressions such as «a body can do», «as a rule», «allowed in exceptional cases», «within the competencies of the body», «if necessary» and other similar expressions.

64.5. In a normative legal act the requirements (terms) necessary for exercise of a citizen's (legal entity) right or fulfillment of duties cannot be difficult and (or) hard to achieve.

64.6. In a normative legal act it is not allowed to make greater requirements than necessary, to have an open (incomplete) list of grounds for refusal of the documents submitted by a citizen (legal entity) or to use subjective evaluative statements to deny the exercise of a right within the administrative procedure that started.

64.7. In a normative legal act it is not allowed to create discretionary opportunities for officials by not regulating the rights of a citizen (legal entity) precisely. In a normative legal act it is not allowed to offer only alternative selection of rights as opposed to freedom of choice of methods and dates for actions within the administrative procedure.

64.8. In a normative legal act it is not allowed to foresee exceptions from general rules for citizens (legal entities) who depend on the official's judgment. In a normative legal act there cannot be privileges for officials not defined by normative legal act, as well as it cannot define prohibitions and restrictions.

64.9. The very detailed character of norms in the law should not lead to interference into competencies of executive authorities.

64.10. It is not allowed to use terminology, concepts, summaries and evaluative categories that are ambiguous and not used in practice often.

64.11. Executive power body should adopt normative legal acts only within its own authorities and can not interfere into the area of legislation or activities of other executive power body.

64.12. It is not allowed to regulate, by other normative legal act, the issues that are subject of the law and to establish code of conduct compulsory to everyone.

### ***Article 65. Illustrative misuse factors concerning legal gaps.***

65.1. Legal gaps emerge when an issue is not being regulated legally, when a normative legal act is not used for regulation, as well as when a normative legal act does not include norms on the possibilities of bringing public officials to criminal liability and preventive norms against misuse regulating supervision of their activities.

65.2. The following shall be related to illustrative misuse factors concerning legal gaps:

- 65.2.1. existence of gaps in regulation;
- 65.2.2. absence of administrative procedures;
- 65.2.3. absence of competition (auction) procedures;
- 65.2.4. absence of prohibitions and limitations for public officials in the particular area of activity;
- 65.2.5. not defining for public officials the responsibility for violating the law;
- 65.2.6. the supervision of state bodies, public officials as well as of civil control is not defined ; also the regime of the transparency of information is violated;
- 65.2.7. breach of information transparency regime.

65.3. Existence of gaps in legal regulation, the absence of a particular norm should not allow that during the enforcement of a law the gap is filled by the considerations of the state body (public official). Functions assigned to a state body regarding this or another activity type should be regulated.

65.4. Administrative decisions should be made for public official as well as for citizens (legal entities) according to a definite procedure known in advance and rules and dates of actions should be defined.

65.5. Actions related to selection of candidates for granting a specific right that gives privileges (creating a legal situation) should be conducted according to the competition (auction) procedures. Wide discretionary authorities are not allowed during the conduct of the competition (auctions) as when as while granting a specific right in administrative procedure (creating a legal situation in administrative procedure).

65.6. Normative legal acts should include norms regarding public officials' responsibilities relevant to acts on legal responsibility for violations of law, as well as norms about the possibility of filing complaints against public officials.

65.7. Norms providing oversight of state bodies and public officials in more significant areas, as well as norms for citizens supervision should be included in a normative legal act.

65.8. Normative legal acts should include norms providing openness of information from public sources. It is not allowed to identify information, which is useful and necessary for making a specific decision on a specific issue, as closed information. Also it is not accepted that in a normative legal act the possibility and rules of accessing to this kind of information is not identified.

***Article 66. Illustrative misuse factors of a systemic character***

66.1 Exemplary misuse factors of a systemic character include not separate norms of normative legal act, but illustrative misuse factors can be discovered by systemic analysis of the entire text.

66.2. Among them:

66.2.1. wrong aims and priorities;

66.2.2. normative collisions;

66.2.3. exposure to forced misuse

66.3. A normative legal act should have clear goals and priorities corresponding to real demands of a legal regulation. Unbiased non-appropriateness, surplus of regulation of the issue, contradiction of norms of normative legal act with the stated objectives of this act shall not be allowed for passage of the normative legal act.

66.4. Creation of conditions for independent choice of act to be applied in a certain case to the officials, dependence of possibility of resolution of that collision on the will of the official shall not be allowed in a normative legal act contradicting completely or partially the other normative legal act.

66.5. Corrupted norms of the normative legal acts having superior legal force cannot be resulted in reflection of corrupted norms in other normative legal act.

### ***Article 67. Illustrative demonstrations of exposure to misuse***

67.1. Illustrative demonstrations of exposure to misuse comprise provisions informing about misuse facts that have already occurred in a definite situation (misuse indicators) and (or) creating conditions for the emergence of misuse factors (pre-misuse factors).

67.2. The following shall be related to illustrative demonstrations of exposure to misuse:

67.2.1. not observing formal technical requirements during the adoption of a normative legal act;

67.2.2. not mentioning the period of adoption of a normative legal act;

67.2.3. violation of balance of interests (consideration of privileges only for a group of subjects).

67.3. It is not allowable to ignore requirements of formal-technical character, not to eliminate the shortcomings identified during the legal-technical expertise of normative legal acts and violate the rule and (or) form of adoption of normative legal act.

67.4. It is not allowable not to identify periods for adoption of normative legal acts, to replace non-adoption of a normative legal act, which was expected to be adopted by

implementing compulsory conduct of conduct based on independent administrative considerations and acts enforcing individual rights.

67.5. It is not allowable, as a result of violation of balance of interests, to grant privileges and advantages to one group at the damage of other group by assigning norms

***Article 68. Main rules of conducting expert review on exposure to misuse in normative legal acts (their drafts)***

68.1. The effectiveness of the expertise on inclusion and identification of the provisions causing exposure to misuse practice in normative legal acts and their drafts (hence: expertise on exposure to misuse in normative legal acts) is defined by its systemic character, credibility and possibility to verify results.

68.2. The following rules should be observed for ensuring regularity, credibility and check of results of the expert review on draft normative legal act or on exposure to misuse in a normative legal act:

68.2.1. The expertise on exposure to misuse practice of normative legal act or draft normative legal act<sup>TM</sup>s each norm and the announcement of its results should be conducted according to content and consistency based on the table of Exemplary misuse factors and practices of exposure to misuse.

68.2.2. Normative legal act draft or normative legal act<sup>TM</sup>s each norm should be checked against the existence of every exemplary misuse factor and practices of exposure to misuse.

68.2.3. Each exemplary misuse factor and practices of exposure to misuse should be checked against existence in each normative legal act draft or normative legal act<sup>TM</sup>s each norm.

68.2.4. Regardless of the fact that exemplary misuse factors and practices of exposure to misuse are included or not included into draft normative legal act or normative legal act with intention or not intentionally, those terms are discovered and demonstrated without evaluation.

68.2.5. Every exemplary misuse factor discovered as a result of expertise (demonstration of exposure to misuse) should be taken out of normative legal act or draft normative legal act.

68.2.6. Within the framework of analysis of draft normative legal act or normative legal act norms<sup>TM</sup> exposure to misuse these requirements are fulfilled with experts who drafted the normative legal act.

68.2.7. Case on results of expert review on draft normative legal act or on exposure to misuse in passed normative legal act is conducted within the defined rules for preparation and passage of the relevant normative legal act, based on opinions of expert review on exposure to misuse.

68.2.8. Non-illustrative provisions creating conditions for misuse revealed during the analysis shall be indicated in the opinion of expert review on exposure to misuse. Illustrative misuse factors must be deleted within the rules identified for occurrence of misuse.

***Article 69. Legalizing the results of expertise regarding exposure to misuse in normative legal acts and their drafts***

69.1. In a draft normative legal act or in a normative legal act previously passed, the result on existence or non-existence of misuse factors and demonstrations of exposure to misuse, other provisions facilitating environment for cases of misuse are legalized as follows:

69.1.1. In an explanatory statement on draft normative legal act submitted for review

69.1.2. In the text of the opinion on results of the legal expertise for the normative legal act, which had to undergo compulsory legal expertise.

69.1.3. In the form of an independent opinion on results of the expertise on exposure to misuse in a draft normative legal act or in a normative legal act passed (in case expert review conducted independently together with general legal expert review or independently).

69.2. If provisions contributing to misuse are discovered in a draft normative legal act or in a normative legal act previously passed, those provisions shall be explained by the document mentioned in Article 69.1 of this law, with the sequence defined in this law, illustrative misuse factors and demonstrations of exposure to misuse, mentioning provisions (section, part, chapter, article, paragraph, subparagraph) they identified.

69.3. In a document mentioned above absence of following shall be indicated: other illustrative misuse factors, other occurrences of being subject to misuse, other provisions supporting occurrence of misuse.

69.4. A document prepared based on results of expertise Draft normative legal act or identified provisions which contribute to misuse together with illustrative misuse factors and demonstrations of exposure to misuse in Table 2 added to this law.

69.5. The provisions identified in a draft normative legal act or normative legal act as those that contribute to the environment of misuse and the description of possible repercussions of those provisions, with the purpose of clarifying the idea expressed in expert review together with the considerations of a person who signed it, is noted in the document on the results of expertise on exposure to misuse.

69.6. Except the cases of lack of provisions supporting occurrence of misuse in a draft normative legal act or in a normative legal act, degree of exposure to misuse of the normative legal act under analysis shall not be defined in a document involving results of expert review on exposure to misuse as a whole.

69.7. In the document reflecting the results of the expertise on exposure to misuse, the recommendations on revision of the document (making amendments to normative legal act), with respect to remarks on the draft normative legal act where provisions contributing to misuse environment were identified, should be taken into account

## ***Chapter 12. Reading and passage of normative legal act***

### ***Article 70. Hearing of draft normative legal act***

70.1. A draft normative legal act submitted in a defined manner must be heard by the norm making body.

70.2. The norm making body can do the following regarding the results of the hearing of the draft normative legal act:

70.2.1. to approve and pass the normative legal act;

70.2.2. to reject the draft bringing evidences and reasons;

70.2.3. to postpone the passage of the normative legal act for a determined period of time;

70.2.4. to send the draft back for redrafting indicating its comments and suggestions;

*70.3. Draft laws on approval and repeals of interstate treaties and intergovernmental treaties, providing rules different from the laws of the Republic of Azerbaijan, draft laws prepared for harmonization, as well as providing for amendments to the title and other technical changes (except for amendments related to the term, amount, age qualifications, as well as those influencing the legal status of entities creating and excluding legal liability, facilitating or aggravating amendments) are considered in one reading at the Milli Majlis of the Republic of Azerbaijan, and other bills, as well as drafts of the Constitutional Law - in three readings.*

### ***Article 71. Withdrawal of draft normative legal act***

71.1. The initiator of the norm making initiative, when necessary, shall have the right to withdraw the draft normative legal act prior to passage of it.

71.2. Subject having legislative initiative right shall have the right to remand the draft normative legal act submitted to the Milli Majlis of the Republic of Azerbaijan prior to its *final* reading.

### ***Article 72. Rules for passage of the normative legal act***

72.1. The normative legal act, after hearing, shall be passed by the authorized body following the procedures established by the relevant normative legal acts.

72.2. The normative legal act shall be passed by the authorized body in a state language.

### ***Article 73. Guarantees for enjoying the right of legislative initiative***

73.1. The one having the right of legislative initiative or its authorized representative shall have the right to participate in the process regarding the draft at the Milli Majlis of the Republic of Azerbaijan.

73.2. The draft law must be agreed (obtained opinion) with the following including the changes made at the Milli Majlis of the Republic of Azerbaijan:

73.2.1. with the subject having the right of legislative initiative which submitted the draft law;

73.2.2. with the President of the Republic of Azerbaijan or with the Cabinet of Ministers of the Republic of Azerbaijan on the President's instructions, when state resources might be reduced due to changes or expenses that might occur or be increased;

73.3. Changes submitted to the Milli Majlis of the Republic of Azerbaijan due to the agreements (opinion) established by Article 46.2 of this ~~Article~~ **Law** shall be implemented within 14 days after receipt of the draft law under the condition on legal expert review on this draft law and announcement of its urgent hearing do not cause another period of time. A longer time can be determined in case of the need to obtain additional information, as well as for preparation of an opinion for particularly complicated draft laws and reaching agreement (preparation of opinion).

73.4. Relevant draft laws cannot be amended without sending them for opinion or obtaining agreement.

73.5. If the changes are not made to the draft law, except the technical changes, an additional agreement need not be obtained from the one having the right of legislative initiative on the draft law submitted to the Milli Majlis of the Republic of Azerbaijan.

73.6. The draft law prepared completely for the first, second and third reading at the Milli Majlis of the Republic of Azerbaijan shall be submitted to the subject having the right of legislative initiative *no later than 5 days prior to consideration in the corresponding reading.*

### ***Article 74. Signing of the normative legal act***

74.1. Official signing of the normative legal act shall be performed by the following:

74.1.1. law, decree of the President of the Republic of Azerbaijan "President of the Republic of Azerbaijan;

74.1.2. decisions of the Cabinet of Ministers "Prime Minister of the Republic of Azerbaijan;



74.1.3. other normative legal acts of the chief of the body that passed the act;

74.1.4. in case of the absence of the chief of the body that passed the act, a person implementing his/her duties, unless provided by otherwise the legislative acts of the Republic of Azerbaijan.

74.2. When the law is submitted to the President of the Republic of Azerbaijan for signing, the last page of the second copy of the law shall contain signature of the chairperson of the Milli Majlis of the Republic of Azerbaijan or a person who implements his/her duties.

## ***Chapter 13. Making changes to the normative legal acts of the Republic of Azerbaijan, considering them invalid***

### ***Article 75. Making changes to the normative legal acts***

*75.1. With the exception of cases when it is necessary to amend several normative legal acts in connection with the amendment of the title or numbers, as well as in connection with the adoption of a normative legal act (subject to the requirements of Article 29.2 of this Constitutional Law), amendments to one normative legal act can be made by one normative legal act only. In this case, with a large number of normative legal acts to be amended, these amendments may be made within the framework of several normative legal acts.*

75.2. Where relevant executive power body reveals contradiction of normative legal acts in force with normative legal acts of higher legal force, it shall inform executive power body which adopted that act about consideration of that act invalid.

### ***Article 76. Consideration of the normative legal act invalid***

76.1. In connection with the adoption of a regulatory legal act, all acts of the same or lesser legal force (*and their structural components - in compliance with the provisions of Article 32 of this Constitutional Law*) are deemed invalid if they contradict the regulatory legal provisions included in the new act or are absorbed by it or actually lost their meaning.

76.2. The body that has adopted a regulatory legal act or in accordance with the procedure established by paragraph 8 of Article 109 and Article 119 of the Constitution of the Azerbaijan Republic, adopts the norm on the loss of force of this act.

*76.3. With the exception of cases when it is necessary to repeal several regulatory legal acts in connection with the amendment of the title or numbers, as well as in connection with the adoption of a regulatory legal act (subject to the requirements of Article 29.2 of this Constitutional Law), only one regulatory legal act can be repealed by one regulatory legal act. In this case, with a large number of regulatory legal acts that should be repealed, the cancellation can be carried out within the framework of several regulatory legal acts.*

### ***Article 77. Amending normative legal acts***

77.1. One normative legal act may be amended by one normative legal act only.

77.2. In connection with the adoption of new normative legal act, if necessary, normative legal acts in force shall be respectively amended by the body which adopt them.

77.3. Where relevant executive power body reveals contradiction of normative legal acts in force with normative legal acts of higher legal force, it shall address to executive power body which adopted that act to amend it.

## ***Chapter 14. State registry of the legal acts of the Republic of Azerbaijan***

### ***Article 78. Rules for entering the normative legal act in State Registry***

78.1. Normative legal acts shall be entered in the State Registry of Legal Acts of the Republic of Azerbaijan operation of which is ensured by the relevant executive authority body.

78.2. Normative legal acts shall be sent to the State Registry of Legal Acts, with the purpose of entering, by the state body which passed it.

78.3. Normative legal acts shall be submitted to the State Registry of Legal Acts in hard/paper copy which is the real copy of the original, as well as electronically in a format of text file.

78.4. Normative legal acts entered in the State Registry of Legal Acts shall be given a registry number of the State Registry.

78.5. When the normative legal acts are submitted to the State Registry of Legal Acts for entry, the opinion of the relevant legal expertise shall be attached to the normative legal act of the central executive authority bodies.

78.6. The normative legal acts of Nakhchivan Autonomous Republic must be entered in the State Registry of Legal Acts of Nakhchivan Autonomous Republic. State Registry of Legal Acts of Nakhchivan Autonomous Republic shall be considered a part of the State Registry of Legal Acts of the Republic of Azerbaijan.

### ***Article 79. Details of the normative legal acts entered in the State Registry of Legal Acts***

79.1. The following details of the normative legal acts shall be included in the State Registry of Legal Acts:

79.1.1. type of the act;

- 79.1.2. date of receipt;
- 79.1.3. number;
- 79.1.4. name;
- 79.1.5. source of official publication;
- 79.1.6. date of entering into force;
- 79.1.7. code (codes) under single classifier of the Republic of Azerbaijan;
- 79.1.8. registration number at the State Registry of Legal Acts;
- 79.1.9. date of entry of the normative legal acts in the State Registry of Legal Acts.

79.2. The State Registry of Legal Acts for amended, terminated and invalid normative legal acts shall include relevant notes on details (type of act, date of passage, registration number of the State Registry of Legal Acts and date of entry of the normative legal act in the State Registry of Legal Acts) of amended, terminated or invalid normative legal acts.

### ***Article 80. Structure of the State Registry of Legal Acts***

80.0. State Registry of Legal Acts shall be composed of the following parts and chapters:

80.0.1. I Part â€” Â«Normative legal actsÂ»:

80.0.1.1. I Chapter â€” Â«Constitution, referendum acts and constitutional laws of the Republic of AzerbaijanÂ»;

80.0.1.2. II Chapter â€” Â«Laws of the Republic of AzerbaijanÂ»;

80.0.1.3. III Chapter â€” Â«Decrees of the President of the Republic of AzerbaijanÂ»;

80.0.1.4. IV Chapter â€” Â«Decisions of the Cabinet of Ministers of the Republic of AzerbaijanÂ»;

80.0.1.5. V Chapter â€” Â«Normative legal acts of central executive power bodiesÂ».

80.2. II Part â€” Â«Acts of statutory natureÂ»:

80.2.1. Â«decisions of the Constitutional Court of the Republic of Azerbaijan adopted in conformity with Article 130.III. paragraphs 1-6 and 8, and 130.IV of the Constitution of the Republic of AzerbaijanÂ»;

80.2.2 Â«decisions, instructions and explanations of the Central Election CommissionÂ»;

80.2.3 Â«decisions of the regulator of financial marketsÂ»;

80.2.4 Â«decisions of Judicial Legal CouncilÂ»;

80.2.5 Â«decisions of National Television and Radio CouncilÂ»;

80.2.6 Â«decisions of local self-government bodiesÂ»;

80.2.7 Â«decisions of the local executive bodiesÂ».

80.3. III Part â€” Â«Non normative legal actsÂ»:

80.3.1. Â«decisions of the Milli Majlis of the Republic of AzerbaijanÂ»;

80.3.2. Â«orders of the President of the Republic of AzerbaijanÂ»;

80.3.3. Â«orders of the Cabinet of Ministers of the Republic of AzerbaijanÂ»;

### ***Article 81. Publication of State Registry of Legal Acts***

Information entered into the State Registry of Legal Acts must be published in the form of compilation once in three months.

## ***Chapter 15. Official publication of normative legal acts and their entry into force***

### ***Article 82. Rules for publication of normative legal acts***

82.1. The normative legal acts of the Republic of Azerbaijan must be officially published.

82.2. Official publication of the normative legal acts means bringing them into the general attention by means of publishing their text of electronic version, as it appears in State Registry of Legal Acts, in official periodicals, by reporting it on public television and radio channels. Report on the normative legal acts on public television and radio does not substitute their publication in official periodical.

82.3. Official publication of the normative legal acts shall be published in a state language.

82.4. Publication of the normative legal acts in other languages shall be allowed only in the cases when the translation into the relevant language, approved in a determined manner for passage of this act by the relevant state body, exists.

82.5. Date of official publication of the normative legal act shall be considered the date when the official publication where this act is placed was published (reported on public television and radio channels.)

82.6. If the normative legal act is published in several official publications in various times, the date of official publication and entry into force shall be determined by the date of its first publication.

82.7. Individual provisions of the normative legal acts containing state secret shall not be published.

82.8. The normative legal acts shall be published by indicating their compulsory details: type of the act, dates of its passage, progress number and name.

82.9. Incomplete normative legal acts shall not be allowed to be published, except the normative legal acts individual provisions of which contain state secret.

82.10. Rules for official publication of the normative legal acts of Nakhchivan Autonomous Republic shall be established by the law of Nakhchivan Autonomous Republic.

***Article 83. Timeframes and conditions for official publication of normative legal act***

83.1. Laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan must be officially published within 48 hours upon signing by the President of the Republic of Azerbaijan.

*83.1-1. Decrees of the President of the Republic of Azerbaijan, subject to approval by the Milli Majlis of the Republic of Azerbaijan in cases provided for by the Constitution of the Republic of Azerbaijan, shall be officially published within 24 hours from the time they were approved by the Milli Majlis of the Republic of Azerbaijan.*

83.2. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan must be officially published within 72 hours upon passage.

83.3. Other normative legal acts must be officially published unconditionally upon their entry in the State Registry of Legal Acts.

83.4. Regulatory legal acts received from the authorized state bodies to the bodies of the official publication (except for the publication of the State Registry of Legal Acts) must be published no later than five days from the date of their receipt, except for the regulatory legal acts provided for in Articles 83.1, 83.1-1 and 83.2 of this Constitutional Law.

***Article 84. Publicizing the normative legal acts in unofficial publications and other means of media***

84.1. Normative legal acts can be published in unofficial publications, as well as publicized on television and radio, and through other means of information dissemination.

84.2. Incomplete normative legal acts can be published with note «Extract»

84.3. Publication of the normative legal acts in unofficial publications shall be considered unofficial.

84.4. Unofficial publication of the normative legal act shall be performed only after its official publication, by following the requirements set forth on activities for dissemination of legal information. In such case, source of official publication of each normative legal act, number and date of issue of the agreement (license) allowing dissemination of legal information, in case of need for such agreement (license) on dissemination of legal information in conformity with the legislation of the Republic of Azerbaijan, shall be unconditionally indicated.

### ***Article 85. Entry into force of normative legal acts***

85.1. The laws of the Republic of Azerbaijan and decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan shall enter into the force on the day of their official publication, if other period is not prescribed in those acts.

85.2. Except the acts mentioned in Article 85.1 of this law, other acts, if other period is not prescribed in those acts, shall enter into the force on the day of their publication after their entry into the State Registry of Legal Acts.

85.3. The normative legal act regulating the activities of foreign trade indicates that it will enter into force after *at least 30 days* from the date of its publication, if the interstate treaties to which the Republic of Azerbaijan is a party have not established a longer period. In exceptional cases, subject to the prompt notification of international organizations, the regulatory legal act regulating foreign trade may come into force within the time provided for therein.

## ***Chapter 16. Force and performance of normative legal acts within timeframe, place and circle of people***

### ***Article 86. Force of normative legal acts within timeframe***

86.1. The normative legal act shall be in force for unlimited duration if other case is not considered in its text.

86.2. Temporary period of force can be determined for normative legal act or for its parts. In such case, the normative legal act (its part) must contain the period of force of the normative legal act or the incident that caused termination of the normative legal act. When the indicated time period ends or the incident mentioned in the normative legal act happens, the normative legal act (its part) shall automatically lose its force. The body which passed the normative legal act can make a decision on

extending the force of the normative legal act (its part) for new period of time or on giving it status of unlimited duration.

### ***Article 87. Retroactive force of normative legal act***

87.1. Retroactive force of the normative legal act shall be regulated by Article 149 part VII of the Constitution of the Republic of Azerbaijan.

87.2. Application of force of the normative legal act mitigating or terminating the liabilities of citizens or legal entities to the relationships occurred before its entry into force shall be directly indicated in that normative legal act or in the act on its entry into force, or regardless that indication, its force shall be applied to the relationships occurred before its entry into force.

87.3. Granting the normative legal act the retroactive force shall not be allowed when it is considered to introduce to or to aggravate liabilities of citizens and legal entities for the actions that did not create any liabilities or created light penalty when committed.

### ***Article 88. Force of normative legal acts within place and circle of people***

88.1. Normative legal acts of the state bodies shall have the compulsory force within the entire territory of the Republic of Azerbaijan.

88.2. Force of the normative legal acts shall be applied to the citizens and legal entities of the Republic of Azerbaijan, as well as foreigners residing within the territory of the Republic of Azerbaijan, persons without citizenship, except the cases considered by laws and international agreements of the Republic of Azerbaijan.

### ***Article 89. Loss of force of normative legal acts***

89.0. The normative legal act shall lose its force under the following circumstances:

89.0.1. when term of implementation of the normative legal act (its part) finishes;

89.0.2. when the normative legal act (its part) is terminated under the cases considered by the Constitution of the Republic of Azerbaijan and other legislative acts;

89.0.3. when decision of the Constitutional Court of the Republic of Azerbaijan is made regarding the cases considered by Article 130 part III, paragraphs 1-3, 6, 8 of the Constitution of the Republic of Azerbaijan.

### ***Article 90. Rules for official commentary of normative legal acts***

90.1. When uncertainty and differences, as well as contradictions while implementation are occurred in the text of the normative legal act, the norm making body or the Constitutional Court of the Republic of Azerbaijan in conformity with

Article 130 part IV of the Constitution of the Republic of Azerbaijan shall officially comment those norms.

90.2. When commenting the normative legal act, its content of legal norms shall be explained and specified, as well as their place in legislation, functional and other relations between other norms regulating various aspects of the same type of public relationships shall be determined.

90.3. It shall not be allowed to amend the normative legal act after it has been commented.

90.4. Expanding or limiting commentary shall be possible only upon an obvious difference between text and meaning of the normative legal act.

90.5. Explanation of the text of the normative legal act shall not be considered as its commentary.

### ***Article 91. Conditions for implementation of normative legal acts***

Following their passage and entry into force basic organization of implementation of the normative legal acts shall be performed: timely informing the executors about the content of passed normative legal acts, official commentary of acts by the authorized state bodies, explanation of content of the act, publication of commentary and practical means, financial, material and technical, legal and organizational provisions, and provisions on observing timeframe for implementation.

### ***Article 92. Control over implementation of normative legal acts***

Control over the implementation of the normative legal acts and inspection shall be implemented by norm making bodies (officials) and special bodies (persons) considered by the relevant normative legal acts.

### ***Article 93. Checking implementation of normative legal acts***

93.1. Norm making bodies and other authorized special bodies (officials) shall determine the quality, legality and efficiency of the normative legal acts on the basis of control over the implementation of the normative legal acts and checking and analysis of complaints and appeals.

93.2. In case of detection of gaps, contradictions with superior acts, as well as internal contradictions and other shortcomings, the norm making body must remove them. Other authorized special bodies (persons) must make proposals to the authorized bodies on amending or terminating the relevant normative legal act.

### ***Article 94. Liability for failure to observe normative legal acts***

Persons found guilty for non-fulfillment of the normative legal acts shall bare liabilities in conformity with the legislation of the Republic of Azerbaijan.



## ***Chapter 17. Incorporation of normative legal acts***

### ***Article 95. Complete set of laws of the Republic of Azerbaijan***

95.1. Complete set of laws of the Republic of Azerbaijan is completely classified set of legislative acts of the Republic of Azerbaijan maintained in actual form and published in electronic format.

95.2. Operation of set of laws of the Republic of Azerbaijan shall be ensured by the relevant executive authority body.

### ***Article 96. Official sets and collection of normative legal acts***

96.1. Official sets and collections of the normative legal acts shall be prepared and published with the purpose of assisting implementation of the normative legal acts.

96.2. Official sets and collections of the normative legal acts shall be published directly by the norm making bodies or by other state bodies upon the instructions of norm making bodies.

### ***Article 97. Unofficial sets and collection of normative legal acts***

97.1. Unofficial sets and collections of the normative legal acts may be published by natural and legal persons.

97.2. Where unofficial sets and collections of the normative legal acts are published, it should indicate official source from where that normative legal act was taken.

## ***Chapter 18. Final provisions***

### ***Article 98. Rules for entry into the force of this law***

98.1. This law shall enter into force upon publication.

98.2. The Law of the Republic of Azerbaijan On Normative legal acts passed on November 26 1999 shall be deemed to be null and void upon this law's entry into force.  
***President of the Republic of Azerbaijan***

***Ilham ALIYEV***

***Baku city, 21 December 2010***

***No. 21-IVKQ***

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("LegalActs" LLC).***

*As amended by the Law of the Republic of Azerbaijan of 30 September, 2016, No. 304-VKQD; 12 June, 2018, No. 1174-VKQD; 7 December, 2018, No. 1378-VKQD; 3 May, 2019, No. 1570-VKQD; 13 April, 2020, No. \_\_\_\_\_ (Â«LegalActsÂ» LLC).*

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*Annex 1*

## **Structure of compulsory legal expertise act of normative legal acts and their drafts**

1. Condition (analysis of specific normative legal acts in force) of normative regulation regarding the field of regulating the normative legal act (its draft.)
  2. Compliance with subject of normative regulation.
  3. Compliance of norms considered by the normative legal act (its draft) with its objectives and duties.
  4. Compliance of the format and main point of the normative legal act (its draft.)
  5. Compliance of the normative legal act (its draft) with other normative legal acts.
  6. Logicality of internal structure of the normative legal act (its draft.)
  7. Mutual non-contradictoriness of norms included (considered to include) in the normative legal act (its draft.)
  8. Non interference of one state body in the authorities of another state body in the normative legal act (its draft.)
  9. Passage of the normative legal act (its draft) by the state body having the relevant competence within its authority.
  10. Passage of the normative legal act (its draft) within the determined manner and form.
  11. Compliance with the norm making technique.
  12. Accuracy of list of the normative legal acts (their structural components) to be terminated and amended due to the passage of the normative legal act.
  13. Accuracy of list of normative legal acts to pass due to passage of the normative legal act.
  14. Conclusion.
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### **Illustrative misuse factors and occurrences of exposure of misuse of the normative legal acts and their drafts**

	<b>Illustrative misuse factor and occurrence of exposure of misuse</b>	<b>The article of the normative legal act or its draft that finds misuse factor</b>
<b>A</b>	<b>Misuse factors regarding the performance of authorities of the government bodies</b>	
	1. Broadness of discretion authorities	
	2. Determination of authorities based on formula	
	3. High requirements for the person that is more than the person needs to implement his/her rights	
	4. Abuse of rights of applicant	
	5. Seldom change of volume of rights	
	6. Extreme freedom of norm making coming from the law	
	7. Undergoing legal and linguistic misuse	
	8. Passage of «out of competence» normative legal act by the executive authority body	
	9. Filling in the gaps in legislation with the normative legal acts of the executive authority body	
<b>B</b>	<b>Misuse factors regarding the existence of legal gaps</b>	
	10. Existence of gaps in regulation	
	11. Lack of administrative procedures	
	12. Lack of competition (auction) procedures	
	13. Lack of prohibitions and limitations for state and municipal officials on certain field of activity	
	14. Lack of established liabilities for officials	
	15. Non-determination of control over institutions and officials	
	16. Violation of transparency of information	
<b>C</b>	<b>Misuse factors of system nature</b>	
	17. False objectives and priorities	
	18. Normative collisions	
	19. Forced exposure of misuse	
<b>D</b>	<b>Occurrences of exposure to misuse</b>	
	20. Formal-technical exposure of misuse	
	21. Not passing the normative legal act	
	22. Disbalance of interests	

E	<b>Other misuse factors</b>
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