

CONSTITUTIONAL LAW OF THE REPUBLIC OF AZERBAIJAN

On Normative legal acts

This Constitutional Law stipulates the rules for the drafting, adoption, official registration, publication, validity, interpretation and systematization of normative legal acts.

Chapter I

GENERAL PROVISIONS

Article 1. Basic definitions used in this Constitutional Law

1.0. The basic definitions used in this Constitutional Law shall have the following meanings:

1.0.1. normative legal act – an official document in a certain form, containing the rules of conduct binding for all, intended for unspecified circle of subjects and multiple application, adopted by a state body or through referendum on matters, the regulation of which is within powers of that state body as provided by the Constitution of the Republic of Azerbaijan, laws or decrees;

1.0.2. legislative acts – normative legal acts that constitute the legislative system of the Republic of Azerbaijan;

1.0.3. act of normative nature – an official document in a certain form, *stipulated in Article 4.1 of this Constitutional Law*, which includes rules of conduct binding for a limited circle of subjects and is intended for multiple application;

1.0.4. legal act – a normative legal act, an act of normative nature, or a non-normative legal act;

1.0.5. systematization of legislation – an activity to arrange normative legal acts and transform them into an internally consistent unified system;

1.0.6. incorporation – consolidation of normative legal acts in collections (compilations) in a certain way, without change of their content;

1.0.7. codification – consolidation of normative legal acts in a single normative legal act by modifications in their form and content;

1.0.8. compilation of laws – a systematized collection containing the legislation of the Republic of Azerbaijan;

1.0.8.-1. *Legislative Collection of the Republic of Azerbaijan (hereinafter - the collection) - a monthly official collection, in which the adopted laws of the Republic of Azerbaijan, acts of the President of the Republic of Azerbaijan and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan are published;*

1.0.9. gaps in legislation – the absence of legal norms governing specific social relations;

1.0.10. legal analogy – application to specific social relations, for which there is absence of legal norms regulating them, of legal norms regulating similar social relations;

1.0.11. analogy of law – application of the essence of legislation, general principles of law or principles pertaining to specific areas of law to social relations due to the absence of legal norms regulating not only specific social relations, but also similar social relations;

1.0.12. conflict of normative legal acts – contradiction (discrepancy) of current normative legal acts governing the same social relations;

1.0.13. rulemaking activity – activities for the drafting, examination, adoption, modifications, interpretation, suspension, or repeal of normative legal acts;

1.0.14. subject of rulemaking activities – bodies (persons) participating in rulemaking activities;

1.0.15. legislative initiative – official submission of a draft law for consideration by Milli Majlis of the Republic of Azerbaijan by the subject stipulated in Part I of Article 96 of the Constitution of the Republic of Azerbaijan;

1.0.16. official registration of a normative legal act – the signing of a normative legal act by an authorized person and its entry into the State Registry of Legal Acts of the Republic of Azerbaijan;

1.0.17. rulemaking body – a state body authorized to adopt normative legal acts;

1.0.18. rulemaking process – rulemaking activity of a state body to draft, adopt and bring normative legal acts into force;

1.0.19. rulemaking technique – a system of rules for preparation of drafts of normative legal acts;

1.0.20. promulgation of a normative legal act – publication of a normative legal act in official media, its transmission to the general public by official dissemination through other mass media or other possible means of communication;

1.0.21. local normative legal act – a normative legal act, the effect of which is limited to one or more state bodies;

1.0.22. technical normative legal acts – technical regulations; technical codes of common practice; ~~standards including state standards of the Republic of Azerbaijan; field standards; technical requirements;~~ aviation rules; animal hygiene; veterinary, veterinary sanitary standards and rules; sanitary standards and rules; hygienic standards; articles and standards of pharmacopeia; fire safety rules; standards and rules for ensuring technical, industrial, nuclear and radiation safety;

standards and rules for safe transportation of dangerous goods; standards and rules for protection and efficient use of subsoil; specialized reference booklets; ~~state classification of technical-economical information~~; templates of state statistical observations and instructions for filling them; methods of formation and calculation of statistics; instructions on the organization and performance of state statistical observations; templates for unit reports and instructions for filling them; plans of protection areas for immovable historical-cultural assets; other regulatory legal acts, identified by normative legal acts of the Republic of Azerbaijan as technical normative legal acts and approved (enacted) according to the procedure established by the legislation of the Republic of Azerbaijan;

1.0.23. amendments to normative legal act – introduction into a normative legal act of norms modifying its text or additional norms;

1.0.24. potential abuse of a normative legal act – existence in normative legal acts of provisions enabling corruption manifestations;

1.0.25. discretionary powers – powers that an authority (person) may exercise at its discretion;

1.0.26. dispositive opportunity – opportunity for an authority (person) to act by its own choice;

1.0.27. legal force of a normative legal act – a characteristic determining the obligatory application of a normative legal act to the relevant social relations, along with its supremacy over or subordination to other normative legal acts.

Article 2. Normative legal documents and their legal force

2.1. Types of normative legal acts are stipulated in Article 148 of the Constitution of the Republic of Azerbaijan.

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

2.3. When an act adopted through referendum (hereinafter referred to as referendum act), law, decree or another normative legal act conflicts with the Constitution of the Republic of Azerbaijan, the Constitution of the Republic of Azerbaijan shall be applied.

2.4. When a law, decree or another normative legal act conflicts with a referendum act, the referendum act shall be applied.

2.5. When the Civil Code of the Republic of Azerbaijan conflicts with other codes and laws containing the norms of civil law, the Civil Code of the Republic of Azerbaijan shall be applied.

2.6. When a decree or another normative legal act conflicts with the law, the law shall be applied.

2.7. When resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, normative legal acts of central executive authorities conflict with a decree, the decree shall be applied.

2.8. When normative legal acts of central executive authorities conflict with a resolution of the Cabinet of Ministers of the Republic of Azerbaijan, the resolution of the Cabinet of Ministers of the Republic of Azerbaijan shall be applied.

2.9. The legal force of charters, regulations, instructions, bylaws and rules shall be determined by the legal force of the normative legal act by virtue of which they are approved.

2.10. The legal force of normative legal acts of state bodies of the Autonomous Republic of Nakhchivan shall be determined by part V of Article 134 of the Constitution of the Republic of Azerbaijan and parts II, III, IV and V of Article 49 of the Constitution of the Autonomous Republic of Nakhchivan.

Article 3. Non-normative legal acts and their legal force

3.1. The legal acts adopted for the purpose of implementation of specific (one-time) organizational, control or administrative actions, or intended for other individual applications are non-normative legal acts.

3.2. Non-normative legal acts must be adopted on the basis of relevant normative legal acts and must refer to its relevant norm.

3.3. Non-normative legal acts include:

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 bodies carrying out state registration of acts of civil status;

3.3.5. other legal acts deemed non-normative according to part one of this Article.

Article 4. Acts of normative nature and their legal force

4.1. Acts of normative nature of the Republic of Azerbaijan are the following:

4.1.1. Decisions of the Constitutional Court of the Republic of Azerbaijan adopted in accordance with clauses 1-7 of Part III and Part IV of Article 130 of the Constitution of the Republic of Azerbaijan;

4.1.2. Decisions, instructions and interpretations of Central Election Commission of the Republic of Azerbaijan;

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

4.1.4. Decisions of the Judicial-Legal Council;

4.1.5. *Decisions of the Audiovisual Council of the Republic of Azerbaijan;*

4.1.6. Decisions of local self-government bodies;

4.1.7. Decisions of local executive authorities.

4.2. Acts of normative nature cannot establish liability for their non-execution.

4.3. Normative acts must be adopted on the basis of a relevant normative legal act and must refer to its relevant norm.

4.4. Normative acts, except for the normative acts stipulated in Article 4.1.1 of this Constitutional Law, cannot contradict the normative legal acts of the Republic of Azerbaijan.

Article 5. Scope of application of this Constitutional Law

5.1. This Constitutional Law stipulates the rules for the drafting, adoption, official registration, publication, validity, interpretation and systematization of normative legal acts of state bodies of the Republic of Azerbaijan, including the Autonomous Republic of Nakhchivan.

5.2. This Constitutional Law shall apply to the rules for drafting, validity, interpretation and systematization of referendum acts.

5.3. This Constitutional Law shall apply to the rules of official registration, publication, validity, interpretation and systematization of the following acts:

5.3.1. international treaties;

5.3.2. technical normative legal acts;

5.3.3. local normative legal acts;

5.3.4. acts of normative nature.

5.4. *In the cases set forth by the Law of the Republic of Azerbaijan "On Alat Free Economic Zone", a legal regulation different from this Constitutional Law shall be applied in the territory of the Alat Free Economic Zone, and the acts adopted regarding the operation of that zone have a binding legal force within the free zone.*

Article 6. System of normative legal acts

Normative legal acts shall be integrated into a unified system by determining their hierarchy, mutual consistency, as well as producing relevant compilation of laws of the Republic of Azerbaijan, which is characterized by internal coherence and provides for legal regulation of social relations.

Article 7. Succession of legal acts adopted by state bodies

7.1. In case of reorganization of a state body authorized to adopt normative legal acts, its legal successor shall have the right to adopt normative legal acts, as well as the power to make amendments to the previously adopted normative legal acts, to suspend and repeal those acts, within its powers.

7.2. In case of termination of a state body or its reorganization without assignment to its legal successor of the power to adopt relevant normative legal acts, the power to amend previously adopted normative legal acts, to suspend and repeal these acts shall be transferred to a higher or another state body.

7.3. A change in the status of a state body that has adopted the relevant normative legal acts does not entail the recognition of previously adopted normative legal acts as invalid.

7.4. In case of change of name of a state body or in case of reorganization of this body by merger, consolidation or transformation that leads to a change of its name, the normative legal acts reflecting the previous name shall be amended, with regard to the name change. Until such changes are made, normative legal acts reflecting the previous name are fully applicable to the renamed (newly established) body.

7.5. In case of division or separation of a state body, the decision on its reorganization shall provide for a clear distribution of powers, and this decision shall make it possible to determine which normative legal acts shall be applied to which newly created state bodies and the extent of such application. In this case, the state body that made the decision to divide or separate shall ensure that all necessary changes are made to the relevant normative legal acts within three months.

Article 8. Basic principles of rulemaking activity

8.0. Rulemaking activity shall be based on the principles specified in Part I of Article 149 of the Constitution of the Republic of Azerbaijan, as well as on following principles:

8.0.1. compliance with the Constitution of the Republic of Azerbaijan and supremacy of laws;

8.0.2. compliance of acts of lower state bodies with the acts of higher state bodies;

8.0.3. supremacy of universally recognized principles and norms of international law;

8.0.4. proportionality;

8.0.5. accountability of state bodies before the citizens;

8.0.6. democracy and transparency in rulemaking activity;

8.0.7. non-contradiction of normative legal acts;

8.0.8. protection of human rights and freedoms, their legitimate interests and social justice;

8.0.9. coherence and holism of legal regulation of social relations.

Article 9. Transparency in activities of rulemaking bodies

9.1. Transparency in the activities of rulemaking bodies shall be ensured by the following means:

9.1.1. informing natural persons and legal entities about the activities of rulemaking bodies and the normative legal acts adopted by them;

9.1.2. publication of normative legal acts in official media, other mass media or their promulgation in other ways;

9.1.3. publishing draft normative legal acts on the webpages of rulemaking bodies.

9.2. A draft normative legal act may be submitted for open (public or professional) discussion with the decision of the rulemaking body.

Chapter II

CONFLICTS OF NORMATIVE LEGAL ACTS

Article 10. Rules for resolving conflicts of normative legal acts

10.1. The requirements of Article 2 of this Constitutional Law shall be taken into account in resolving a conflict of normative legal acts.

10.2. If the state body adopting a normative legal act is granted special powers to regulate a certain area of social relations, then the normative legal act adopted by this state body shall have a higher legal force in relation to the normative legal act adopted by a state body of the same category in the same area.

10.3. If the conflicting normative legal acts have the same legal force, the specific normative legal act shall be applied to social relations, provided that those relations pertain to the same area of legal regulation.

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

10.5. A new normative legal act has a higher legal force in respect to the normative legal act previously adopted by the same state body on the same issue.

10.6. If the same relations are regulated by several norms and the concurrent application of these norms is possible, this shall not be deemed a conflict of normative legal acts.

10.7. Units of state bodies shall not be entitled to adopt normative legal acts.

10.8. In resolving a conflict of normative legal acts in the Autonomous Republic of Nakhchivan, the requirements of Article 2 of this Constitutional Law shall be taken into account.

Article 11. Sequence of application of rules to eliminate conflicts of normative legal acts

11.0. The conflict of normative legal acts shall be eliminated in the following order:

11.0.1. first, the provisions of articles 2.3-2.8 of this Constitutional Law shall be applied consecutively;

11.0.2. second, if the conflict still persists, the provisions of articles 10.2-10.5 of this Constitutional Law shall be applied consecutively.

Article 12. Methods of eliminating conflicts of normative legal acts

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

12.1.1. repealing a normative legal act;

12.1.2. amending a normative legal act;

12.1.3. codifying normative legal acts.

12.2. *In order to avoid conflicts of normative legal acts, draft laws shall be accompanied by other draft laws to be repealed, amended, and prepared due to their adoption. Draft laws and decrees of the President of the Republic of Azerbaijan submitted to the President of the Republic of Azerbaijan shall be accompanied by draft acts of the President of the Republic of Azerbaijan to be repealed, amended, and prepared due to their adoption, and concurrently, the list of such normative legal acts (their structural elements) of the Cabinet of Ministers of the Republic of Azerbaijan and central executive authorities shall be compiled.*

12.3. If the Constitutional Court of the Republic of Azerbaijan confirms a conflict of normative legal acts in its decision on the interpretation of a normative legal act, in order to eliminate this conflict, the measures specified in articles 12.1.1-12.1.3 of this Constitutional Law shall be taken.

Chapter III

GAPS IN LEGISLATION

Article 13. Rules for use of analogy of law and legal analogy

13.1. In the absence of legal norms regulating specific social relations, analogy of law or legal analogy may be applied.

13.2. Legal analogy shall be applied first. In the absence of legal norms regulating specific social relations, legal norms regulating similar social relations shall be applied to these social relations.

13.3. When civil law relations are not directly regulated by civil legislation or by agreement of the parties and there is no usage of trade applicable to them, the rules of civil law regulating similar relations shall be applied to these relations, unless this contradicts their essence.

13.4. When there are no legal norms regulating similar social relations in case of absence of legal norms regulating specific social relations, the analogy of law shall be applied. In this case, the principles pertaining to specific areas of law and general principles of law established in the Constitution and laws of the Republic of Azerbaijan shall be applied. When applying analogy of the law, the requirements of justice, fairness and morality shall be taken into account.

13.5. Analogy of law or legal analogy shall not be applied in criminal, administrative offenses and tax legislation, in cases of establishing liability, restriction of rights and prescribing duties.

Article 14. Identification of gaps in legislation

14.0. When identifying gaps in legislation, the following shall be taken into account:

14.0.1. the actual circumstance must be subject to legal regulation;

14.0.2. no legislative norms regulating specific social relations should exist;
14.0.3. the actual circumstance must be partially (not wholly) regulated in the legislation.

Article 15. Decision to apply analogy of law or legal analogy

15.1. Subjects who have identified gaps in the legislation and applied Article 14 of this Constitutional Law shall be obliged to report this to the rulemaking body authorized to regulate specific social relations.

15.2. The decision of the Constitutional Court of the Republic of Azerbaijan on the application of analogy of law or legal analogy comes into force from the day of its publication in the electronic version of the State Registry of Legal Acts of the Republic of Azerbaijan.

Article 16. Circumstances precluding application of analogy of law or legal analogy

16.0. Analogy of law or legal analogy cannot be applied in the following cases:

- 16.0.1. when gaps in the legislation are of outward nature;
- 16.0.2. when there is no need for normative regulation;
- 16.0.3. when normative regulation is prohibited by law;
- 16.0.4. when normative regulation exists.

Chapter IV

TYPES OF NORMATIVE LEGAL ACTS

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

17.1. Pursuant to Article 93 of the Constitution of the Republic of Azerbaijan, normative legal acts of the Milli Majlis of the Republic of Azerbaijan shall be adopted in the form of laws.

17.2. Social relations, the regulation of which is within the powers of the Milli Majlis of the Republic of Azerbaijan by Article 94 and Part II of Article 95 of the Constitution of the Republic of Azerbaijan, shall be regulated by laws.

17.3. When a normative legal act is adopted by the Milli Majlis of Azerbaijan Republic, the article of the Constitution of the Republic of Azerbaijan that this act refers to shall be specified, and it shall be noted that the act is adopted to implement this article.

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

18.1. Pursuant to Article 113 of the Constitution of the Republic of Azerbaijan, normative legal acts of the President of the Republic of Azerbaijan shall be adopted in the form of a decree.

18.2. Decrees of the President of the Republic of Azerbaijan shall be adopted on issues that are within the powers of the President of the Republic of Azerbaijan established in the Constitution of the Republic of Azerbaijan and that are the subject matter of normative regulation.

18.3. Regulations, charters, rules and other acts establishing norms and adopted by the President of the Republic of Azerbaijan shall be approved by decrees of the President of the Republic of Azerbaijan.

18.4. When a normative legal act is adopted by the President of the Republic of Azerbaijan, the article of the Constitution of the Republic of Azerbaijan that this act refers to shall be specified, and it shall be noted that the act is adopted to implement this article.

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

19.1. Pursuant to Part I of Article 120 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, the Cabinet of Ministers of the Republic of Azerbaijan shall adopt normative legal acts in the form of resolutions on issues within their powers established by the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan, *in order to ensure the enforcement of the Constitution of the Republic of Azerbaijan, referendum acts, the laws of the Republic of Azerbaijan, and the acts of the President of the Republic of Azerbaijan.*

19.2. Regulations, charters, rules, and other acts establishing norms and adopted by the Cabinet of Ministers of the Republic of Azerbaijan shall be approved by resolutions of the Cabinet of Ministers of the Republic of Azerbaijan.

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

19.4. When a normative legal act is adopted by the Cabinet of Ministers of the Republic of Azerbaijan, the article of the Constitution of the Republic of Azerbaijan or the act of the President of the Republic of Azerbaijan that this normative legal act refers to shall be specified, and it shall be noted that the act was adopted *in order to ensure the enforcement of the acts specified in Article 19.1 of this Constitutional Law.*

Article 20. Normative legal acts of central executive authorities

20.1. Normative legal acts of central executive authorities shall be adopted on issues within their powers established by acts of the President of the Republic of Azerbaijan, based on acts of the President of the Republic of Azerbaijan and, when necessitated by the Constitution of the Republic of Azerbaijan, referendum acts, laws of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan, on acts of the Cabinet of Ministers of the Republic of Azerbaijan.

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

20.3. Instructions, regulations, charters, and rules adopted by the central executive authorities shall be approved by decisions.

20.4. When a normative legal act is adopted by central executive authorities, the act that served as the basis for the adoption of this normative legal act *in accordance with Article 20.1 of this Constitutional Law shall be specified and it shall be noted that it was adopted in order to ensure the enforcement of that act.*

Article 21. Types of normative legal acts of state bodies of the Autonomous Republic of Nakhchivan

21.1. Types of normative legal acts of state bodies of the Autonomous Republic of Nakhchivan shall be determined by the Constitution of the Autonomous Republic of Nakhchivan.

Chapter V

IMPLEMENTATION OF THE UNIVERSALLY RECOGNIZED PRINCIPLES AND NORMS OF INTERNATIONAL LAW AND THE NORMS OF INTERNATIONAL TREATIES TO WHICH THE REPUBLIC OF AZERBAIJAN IS A PARTY IN THE NORMATIVE LEGAL ACTS OF THE REPUBLIC OF AZERBAIJAN

Article 22. Supremacy of universally recognized principles and norms of international law

The Republic of Azerbaijan recognizes the supremacy of universally recognized principles and norms of international law and shall ensure compliance of the legislation of the Republic of Azerbaijan with them.

Article 23. The relationship between international treaties and normative legal acts

23.1. Pursuant to Part II of Article 148 of the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party shall be an integral part of the legislative system of the Republic of Azerbaijan.

23.2. The legal force of interstate treaties to which the Republic of Azerbaijan is a party, in relation to the normative legal acts of the Republic of Azerbaijan shall be determined by Article 151 of the Constitution of the Republic of Azerbaijan.

23.3. Intergovernmental treaties to which the Republic of Azerbaijan is a party shall have a higher legal force than normative legal acts expressing the consent of the Republic of Azerbaijan to be bound by these treaties.

23.4. International treaties to which the Republic of Azerbaijan is a party shall be subject to direct applicability, with the exception of cases requiring the adoption of a domestic normative legal act for the application of the norms reflected in these treaties.

Article 24. Bases for the adoption of normative legal acts aimed at fulfilling the international obligations of the Republic of Azerbaijan

24.0. Normative legal acts aimed at the fulfillment of obligations arising from international treaties to which the Republic of Azerbaijan is a party shall be adopted in the following cases:

24.0.1. when the subject matter of international treaties to which the Republic of Azerbaijan is a party is an issue not regulated by normative legal acts of the Republic of Azerbaijan;

24.0.2. when the fulfilment of the obligations arising from international treaties to which the Republic of Azerbaijan is a party is impossible without the adoption of a relevant normative legal act;

24.0.3. when the parties to an international treaty agree on the adoption of relevant normative legal acts.

Chapter VI

GENERAL REQUIREMENTS FOR NORMATIVE LEGAL ACTS

Article 25. Style of drafting a normative legal act

25.1. Normative legal acts shall be internally consistent, logically structured, and compliant with the rulemaking technique.

25.2. In drafting the norms of a normative legal act, excessively generalized and excessively detailed expressions, as well as repetition of normative prescriptions on the same issue and their abundance shall not be allowed.

25.3. The title of a normative legal act (its structural element) must be concise, clearly expressed, and reflect the essence of this act (structural element).

25.4. The norms of a normative legal act shall be expressed concisely, mainly in the affirmative form and in the present tense.

25.5. The terms and definitions in the text of the normative legal act shall be clear and unambiguous.

Article 26. Sequence of norms in a normative legal act

The text of the normative legal act shall, first, contain general, then more specific provisions.

Article 27. Regulation of preparing, agreeing, adopting and publishing draft normative legal acts by state bodies

27.1. Features of the procedure for preparing, agreeing, adopting, and publishing the drafts of various types of normative legal acts, technical and legal requirements for them, as well as other issues not regulated by this Constitutional Law, shall be determined by the rules approved by the Milli Majlis of the Republic of Azerbaijan and the President of the Republic of Azerbaijan respectively.

27.2. The procedure for preparing, agreeing, adopting, and publishing the drafts of normative legal acts cannot abridge the rights of subjects of rulemaking activity and rulemaking bodies.

Chapter VII

STRUCTURE OF NORMATIVE LEGAL ACTS

Article 28. Requisite details of normative legal acts

28.0. Requisite details of normative legal acts shall be the following:

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

28.0.2. title of the normative legal act, reflecting the subject matter of legal regulation;

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

28.0.4. name, surname, position and signature of the person authorized to officially sign the normative legal act.

Article 29. Title of the normative legal act

29.1. Each normative legal act shall have a title that reflects its regulatory subject matter and essence.

29.2. *Except for cases stipulated in Article 29.3 of this Constitutional Law, when amending one or more normative legal acts as well as repealing one or more normative legal acts, the title(s) of the amended or repealed normative legal act(s) shall be indicated in the title of the amending or repealing act.*

29.3. In the following cases, it is permitted not to indicate the title(s) of the amended or repealed normative legal act(s):

29.3.1. when several normative legal acts are amended or repealed due to title or numbering changes;

29.3.2. when several normative legal acts are amended or repealed in order to eliminate conflicts of normative legal acts in connection with the adoption of a new normative legal act;

29.3.3. when a new normative legal act repeals another normative legal act related to its subject matter of regulation.

29.4. In the cases stipulated in Article 29.3.2 of this Constitutional Law, it shall be specified in the name of that normative legal act to which normative legal act its adoption is related.

Article 30. Structural elements of a normative legal act

30.1. Structural elements of a normative legal act shall include a preamble, section, chapter, article, part, clause, sub-clause and paragraph.

30.2. Depending on its type, the text of a normative legal act may be divided into chapters combined in a section, articles combined in a chapter, parts combined in an article, clauses combined in parts, sub-clauses combined in a clause, and paragraphs combined in a sub-clause. Laws, including laws providing for amendments, regulations, charters, rules and other acts providing for norms approved by the law, are divided into articles, and other normative legal acts including referendum acts are divided into parts. There may be other structural elements in codes and international treaties to which the Republic of Azerbaijan is a party. Codes must contain a table of contents. A table of contents can also be included in other voluminous normative legal acts.

30.3. A preamble of a normative legal act is its introductory part, which reflects the rationale, conditions and purposes for its adoption. Normative prescriptions may not be included in a preamble.

30.4. A section of a normative legal act is its structural element composed of chapters. A section shall be numbered in Roman numerals and shall have a heading reflecting its essence, written in uppercase and placed centrally.

30.5. A chapter of a normative legal act is its structural element composed of articles. A chapter shall be numbered in Arabic numerals and shall have a heading reflecting its essence, written in uppercase and placed centrally.

30.6. An article of a normative legal act is its main structural element composed of parts and reflecting a complete normative provision. The article shall be numbered in Arabic numerals followed by a full stop. An article, including an article of regulations, charters, rules and other acts providing for norms and approved by law, shall have a heading reflecting its essence and written in lowercase. Articles in laws that provide for amendments or that approve regulations, charters, rules or another act provides for a norm shall be without a heading.

30.7. In a normative legal act with no article, a part is the main structural element composed of clauses and reflecting a complete normative provision. A part (the first digit of the number of the part of the article repeating the number of the article) shall be numbered in Arabic numerals, followed by a full stop. The text of a part shall be written in lowercase and end with a full stop. In regulations, charters, rules and other acts providing for norms and approved by a normative legal act (except for a law) and a normative legal act of a central executive authority, a part shall have a heading reflecting its essence, written in lowercase and placed centrally.

30.8. A clause of a normative legal act is its structural element composed of sub-clauses, numbered in Arabic numerals by repeating the number of the part and followed by a full stop. The text of a clause shall be written in lowercase and end with a semicolon or full stop.

30.9. A sub-clause of a normative legal act is its structural element composed of paragraphs, numbered in Arabic numerals by repeating the number of the clause, followed by a full stop. The text of a sub-clause shall be written in lowercase and end with a semicolon or full stop.

30.10. A paragraph of a normative legal act is its structural element that is part of a sub-clause, numbered in Arabic numerals by repeating the number of the sub-clause and followed by a full stop. The text of a paragraph shall be written in lowercase and end with a semicolon or full stop.

30.11. Structural elements shall be numbered sequentially and in the same way in the whole normative legal act. Structural elements shall be placed at the beginning of the first line of text (~~a paragraph — in respect to the first line of text of sub-clause a paragraph~~), leaving an empty space, with the exception of structural elements that shall be placed centrally. When referring to a part, clause, sub-clause, and paragraph of an article in a normative legal act, it shall be called an article.

30.12. Use in normative legal acts of structural elements specified in this article with numerical or other designations that are not specific to them is only permitted in exceptional cases as well as when there are special reservations in normative legal acts.

Article 31. Features of the structure of codified normative legal acts

31.1. The sections of a codified normative legal act may be combined under general and special parts.

31.2. The general part of a codified normative legal act shall include the following:

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

31.2.2. specialized normative provisions (presumptions, prejudices);

31.2.3. other primary normative provisions characterized by a high degree of generalization and stability and establishing a legal basis for the application of norms of the special part.

31.3. The special part of a codified normative legal act may include norms covering the following:

31.3.1. types and measures (rules) of possible and necessary behavior (rights and obligations);

31.3.2. types and measures of negative consequences (legal liability) of possible violations of legal norms.

Article 32. Technical parameters for amendments to normative legal acts

32.1. When a structural element (section, chapter, article, part, etc.) of a normative legal act is recognized as invalid or repealed, it shall be removed from the current act, but its number shall be preserved and the number of the structural elements (sections, chapters, articles, parts, etc.) of the normative legal act shall not be changed.

32.2. When a new structural element (section, chapter, article, part, etc.) is introduced to a normative legal act, it shall be included with an additional number by repeating the number of structural elements of the act.

32.3. A change made to a structural element consisting of several structural elements that shall not be applied to its other structural elements (to clauses of a part, sub-clauses of a clause, and paragraphs of a sub-clause), shall be so indicated by an indication in parantheses, and the absence of such parantheses shall imply that the relevant change applies to the structural element as a whole.

Article 33. Reference to other acts in normative legal acts and repetition of the provisions of other acts

Where necessary, it shall be permitted in a normative legal act to refer to normative legal acts of equal or higher legal force as well as repeating provisions of normative legal acts of higher legal force by referring to structural elements of such normative legal acts. In such repetition, reference shall be made to the relevant norm, the norm shall be expressed correctly, and the meaning of the norm of a normative legal act of higher legal force shall not be altered.

Article 34. Reference to other structural elements in structural elements of normative legal acts

In cases where it is necessary not to violate the interrelation between legal norms or to avoid repetitions, structural elements of a normative legal act may refer to other structural elements of that act.

Article 35. In-line annotations and annexes

35.1. Normative legal acts (their structural elements) may include in-line annotations as independent structural elements. In-line annotations, explanations or abbreviations shall be used where they cannot be inserted in the text of a normative legal act (its structural elements).

35.2. Where tables, graphs, maps, diagrams, lists, illustrations, etc. are to be included in a normative legal act, they must be formalized as annexes, and the relevant structural elements of a normative legal act must contain references to these annexes.

Article 36. Stipulation of liability measures in a normative legal act

If the acts providing for the obligations of state and local self-government bodies, political parties, public associations, and other legal entities, their officials, as well as natural persons, do not provide for liability for violations of these obligations, such liability measures shall be stipulated.

Chapter VIII

RULEMAKING PROCESS

Article 37. Stability of a legal system

Unless otherwise provided by laws or decrees, amendments to a normative legal act earlier than 6 months after its adoption shall be allowed on the basis of the requirements of a normative legal act having higher legal force, or the conclusion of a legal, linguistic, economic, environmental, criminological or financial examination opinions of a normative legal act.

Article 38. Subjects of right to legislative initiative

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

Article 39. Subjects of rulemaking initiative

39.1. The subjects of the rulemaking initiative are the subjects who shall have the right to submit proposal to the rulemaking body in accordance with Article 48 of this Constitutional Law on the need to adopt a draft normative legal act or any structural element thereof, make amendments to, interpret, suspend or repeal the act, in accordance with the authority assigned to them.

39.2. State bodies and officials, as well as natural persons and legal entities that are not the subjects of the rulemaking initiative may submit proposals on adoption of a normative legal act or a draft normative legal act to state bodies having relevant powers as established by the legislation of the Republic of Azerbaijan. In this case, it is not mandatory to comply with Article 48 of this Constitutional Law.

Article 40. Stages of rulemaking process

40.0. The rulemaking process shall be carried out in the following stages, following the established procedure:

- 40.0.1. planning of rulemaking activities;
- 40.0.2. rulemaking initiative (preparation of a draft normative legal act);
- 40.0.3. adoption of a normative legal act;
- 40.0.4. entry of a normative legal act in the State Registry of Legal Acts of the Republic of Azerbaijan;
- 40.0.5. publication of a normative legal act.

Article 41. Planning the preparation of draft normative legal acts

41.1. The preparation of draft normative legal acts shall be carried out on a planned basis.

41.2. Planning of preparation of draft normative legal acts shall include approval of the following by rulemaking bodies:

- 41.2.1. state programs containing provisions on the preparation of draft normative legal acts;
- 41.2.2. annual plans for the preparation of draft laws and other plans for the preparation of draft normative legal acts.

Article 42. The procedure for drawing up plans for the preparation of draft normative legal acts

42.1. The Milli Majlis of the Republic of Azerbaijan and the President of the Republic of Azerbaijan shall draw up a mutually agreed annual plan for the preparation of draft laws respectively. The annual plan for the preparation of draft laws may provide for the preparation of concepts of significant and complex draft laws.

42.2. Rulemaking bodies may draw up and approve their plans for the preparation of draft normative legal acts on the basis of state programs or an annual plan for the preparation of draft laws.

42.3. When drawing up plans for the preparation of draft normative legal acts, proposals of subjects of rulemaking activity, other interested bodies, scientific organizations, as well as other natural persons and legal entities may be taken into account.

Article 43. Supervision of the implementation of state programs and plans for preparation of draft normative legal acts

The implementation of state programs and plans for the preparation of draft normative legal acts shall be supervised by the rulemaking bodies that have approved them.

Article 44. Ensuring transparency in activities on planning of the preparation of draft normative legal acts

44.1. State programs and plans for the preparation of draft normative legal acts shall be approved and published in the manner provided for in acts of rulemaking bodies that have approved them.

44.2. Approved state programs and plans for the preparation of draft normative legal acts shall be sent to the relevant state bodies for information.

Article 45. Procedure for preparation of draft normative legal act

45.1. The preparation of a draft normative legal act may include the following:

45.1.1. consideration of the rulemaking initiative and adoption of a decision on the preparation of the draft;

45.1.2. organizational-technical and financial support for the preparation of the draft;

45.1.3. collection of necessary materials and information;

45.1.4. development of the concept of the draft;

45.1.5. drawing up the text of the draft;

45.1.6. agreement on the draft;

45.1.7. conducting legal, linguistic, financial and other necessary examinations.

45.2. The rulemaking body can independently carry out the preparation of a draft normative legal act or assign it to another subject of the rulemaking initiative regarding issues that are within powers of that subject, as well as involving relevant specialists in the preparation of the draft, giving instructions to temporary commissions or working groups specially created for this purpose.

45.3. The draft normative legal act shall be developed with the mandatory participation of the legal unit of the relevant state body.

Article 46. Agreeing the draft normative legal act

46.1. If agreeing the draft normative legal act is mandatory by the legislation of the Republic of Azerbaijan, as well as if the normative legal act contains normative instructions and (or) tasks related to other state bodies as established by the legislation of the Republic of Azerbaijan, this draft shall be agreed upon with interested state bodies before it is submitted to the rulemaking body.

46.2. Agreeing the draft normative legal act shall be carried out by the following means:

46.2.1. granting and refusal of written consent to the relevant draft accompanied with substantiation by the state body of existing comments and proposals, or, in case of disagreement with the proposed normative prescriptions, the enclosure of a draft normative legal act, its separate structural element in accordance with the established rules of rulemaking technique;

46.2.2. endorsement of the draft normative legal act by the head of the state body (in his/her absence, by his/her substitute) (in case of comments and proposals thereon, with their substantiation, accompanied with the enclosure of the proposed text of the draft normative legal act or its separate structural element in accordance with the established rules of rulemaking technique).

46.3. In the process of agreeing the draft normative legal act, comments and proposals that are not legally substantiated shall not be considered.

46.4. Unless otherwise provided for in the acts of the President of the Republic of Azerbaijan or the Cabinet of Ministers of the Republic of Azerbaijan, the granting or refusal of consent to the relevant draft by the state body during the agreement on the draft normative legal act shall be carried out no later than 60 days from the date of receipt of the draft in accordance with the established procedure. The draft of a normative legal act shall be endorsed within 7 days of being agreed, failing which it shall be deemed endorsed.

46.5. If the information on agreeing is not submitted within the period established by Article 46.4 of this Constitutional Law, and there is no proposal to extend the agreement with the substantiation of the need to extend the agreement period or refusal to extend this period, the draft normative legal act shall be considered agreed.

46.6. The draft law submitted by the President of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan shall be considered as agreed with all interested state bodies.

46.7. Draft resolutions of the Cabinet of Ministers of the Republic of Azerbaijan shall be agreed with the central executive authorities, and draft normative legal acts of a central executive authority shall be agreed with the relevant central executive authorities.

Article 47. Examination of draft normative legal act

Except for cases provided for in this Constitutional Law mandating an examination, any other examination (financial, economic, environmental, criminological, etc.) of a draft normative legal act may be conducted by a decision of the rulemaking body or another state body authorized by legislative acts of the Republic of Azerbaijan.

Article 48. Submission of draft normative legal act to the rulemaking body

48.1. The procedure for submission of draft normative legal act to the rulemaking body shall be determined by this Constitutional Law, other legislative acts of the Republic of Azerbaijan and acts of the relevant rulemaking body.

48.2. Depending on its type, the draft normative legal act submitted to the rulemaking body shall be accompanied with the following:

48.2.1. accompanying letter, brief on ensuring compliance of draft *normative legal act* ~~(with the addition of applicable drafts (in the existence if any))~~ and justification memorandum on necessity of adoption of normative legal act, including financial and economic justification;

48.2.2. documents containing information on agreeing (endorsement of) the draft normative legal act;

48.2.3. expert opinions on the draft normative legal act;

48.2.4. list of persons having prepared the draft normative legal act;

48.2.5. other documents relating to the draft normative legal act (according to the decision of the subject who submitted the draft).

48.2-1. Information on the following should be included in the brief on ensuring compliance of draft normative legal act:

48.2-1.1. whether there are other draft laws and decrees that must be repealed, amended and prepared in connection with the adoption of the draft laws and decrees (if any, relevant drafts shall be enclosed);

48.2-1.2. state bodies (institutions) with which the draft has been agreed.

48.3. The justification memorandum on necessity of adoption of a normative legal act shall include:

48.3.1. objectives of the preparation of the draft normative legal act, the subject matter of legal regulation of its structural elements amending the current legal regulation;

48.3.2. analysis of legislation of the Republic of Azerbaijan and its application practice, legislation of foreign states, materials published in mass media, appeals of natural persons and legal entities on the subject matter of legal regulation of a draft normative legal act;

48.3.3. forecast of probable impact of the adoption of a normative legal act;

48.3.4. the list of *resolutions of the Cabinet of Ministers of the Republic of Azerbaijan and normative legal acts* (their structural elements) of central executive authorities, which must be repealed, amended, and prepared due to the adoption of a normative legal act.

48.4. Draft law submitted to the Milli Majlis of the Republic of Azerbaijan shall be accompanied with the expert opinions on the draft law. In this case, when amendments of technical nature are made to the draft, the draft shall not be sent for expert opinions again.

48.5. Amending draft laws shall be accompanied with the text of the article or another structural element of the law and a comparative table indicating the text of an article or other structural element of the law by taking into account the proposed amendments to the law.

48.6. The draft law submitted by the President of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan shall be accompanied only with an accompanying letter, and the documents specified in articles 48.3 and 48.4 of this Constitutional Law shall be deposited with the Presidential Administration of the Republic of Azerbaijan.

48.7. Drafting of, agreeing and submission to the rulemaking body of, a draft normative legal act shall be carried out through the information system of the body (institution) determined by the relevant executive authority.

Chapter IX

MANDATORY LEGAL EXAMINATION OF DRAFT NORMATIVE LEGAL ACT AND LAW

Article 49. Procedure for conducting mandatory legal examination of draft normative legal act and law

49.1. Draft normative legal act and law to be submitted to the President of the Republic of Azerbaijan for signing must be subject to mandatory legal examination.

49.2. Mandatory legal examination, depending on the type of normative legal act, shall be carried out in the following ways:

49.2.1. draft laws – by the authorized structural unit of the organization carrying out organizational support of the work of the Milli Majlis of the Republic of Azerbaijan;

49.2.2. draft normative legal acts submitted to the President of the Republic of Azerbaijan and laws submitted for signing – by the authorized structural unit of the Presidential Administration of the Republic of Azerbaijan;

49.2.3. draft resolutions of the Cabinet of Ministers of the Republic of Azerbaijan – by the authorized structural unit of the organization carrying out organizational support of the work of the Cabinet of Ministers of the Republic of Azerbaijan;

49.2.4. draft normative legal acts of central executive authorities – by the legal units of those authorities.

Article 50. General requirements for draft normative legal acts

50.0. The general requirements for draft normative legal acts shall be as follows:

50.0.1. compliance with the principles established in Article 8 of this Constitutional Law;

50.0.2. compliance of the norms of normative legal act with its purposes and objectives;

50.0.3. compliance with the subject matter of normative regulation;
50.0.4. conformity between the form and substance of normative legal act;
50.0.5. coherence of internal structure;
50.0.6. mutual non-contradiction of the norms intended for inclusion;
50.0.7. non-interference of one state body with the authority of another state body;
50.0.8. adoption of a normative legal act by the relevant authorized rulemaking body within its powers;
50.0.9. adoption of a normative legal act in the manner and form prescribed by the legislation of the Republic of Azerbaijan;
50.0.10. compliance with rulemaking technique;
50.0.11. compliance with the requirements of Article 37 of this Constitutional Law.

Article 51. Mandatory legal examination opinion

51.1. Mandatory legal examination opinion shall be drawn up in accordance with Appendix No.1 to this Constitutional Law.

51.2. Mandatory legal examination opinion on a draft normative legal act shall specify one of the following conclusions:

51.2.1. the draft normative legal act is rejected;

51.2.2. the draft normative legal act is referred back to the subject of the rulemaking initiative for revision;

51.2.3. the draft normative legal act is supported.

51.3. In the mandatory legal examination opinion on a law shall be proposed either its signing by the President of the Republic of Azerbaijan or its return to the Milli Majlis of the Republic of Azerbaijan with their objections without signing it.

Article 52. Sequence of conducting a mandatory legal examination

Mandatory legal examination of a draft normative legal act and law shall precede mandatory linguistic and other examinations.

Chapter X

MANDATORY LINGUISTIC EXAMINATION OF DRAFT NORMATIVE LEGAL ACT

Article 53. Linguistic requirements for the text of normative legal act

The text of the normative legal act shall be compiled in a laconic form, in a simple and clear language that precludes conflicting interpretations of norms,

following the official business style of the Azerbaijani literary language and legal terminology.

Article 54. Terminology of normative legal act

54.1. The terminology of a normative legal act shall be made up of readily intelligible words and expressions.

54.2. In a normative legal act, the same terms shall be used in a single sense and have a single form.

54.3. Where there is a need for clarification of terms and their definitions in normative legal act, an article (part, clause) explaining their meanings shall be included.

Article 55. Use of special markings

55.1. In a normative legal act, special markings shall be used only in the sense applicable in the corresponding specific field.

55.2. When necessary, special markings shall be explained in the normative legal act.

Article 56. Stylistic requirements for the text of normative legal act

56.0. The following shall not be contained in the text of a normative legal act:

56.0.1. colloquialism, dialects of the Azerbaijani language and expressive forms of conversational speech;

56.0.2. various concepts (terms) bearing the same sense;

56.0.3. words borrowed from other languages when there exist synonymous words and terms in the Azerbaijani language;

56.0.4. intelligible word combinations, generalized expressions, calls, similes, epithets, metaphors;

56.0.5. abbreviations (except for known ones).

Article 57. Abbreviations and generalized concepts expressed in normative legal acts

57.1. The names of state bodies expressed in normative legal acts shall be specified in full accordance with their regulations (charters), acts on their establishment, designation and renaming.

57.2. The usage of abbreviated names of state bodies shall be permitted only if their abbreviated names are official and only in technical normative legal acts, non-normative legal acts, as well as transcripts, protocols, official letters, reference documents, marginal annotations to legal acts.

57.3. The usage of generalized expressions (words, word combinations) denoting state bodies shall be allowed in normative legal acts only in cases where

it is reckoned that the corresponding generalized expression applies to any state body. When the repeated usage of the title of a state body in the text of a normative legal act is necessary, or when this or that expression, composed of a group of words, shall be repeatedly used, the title of the state body or the expression shall be indicated in full in the provision used for the first time, and in this case, an abbreviation (symbol) to be specified in the following provisions shall be marked in parentheses.

57.4. Where it is not apposite to indicate the full title, this rule shall also apply to the title of a normative legal act referenced repeatedly.

Article 58. Application of references in normative legal acts

In a normative legal act, a reference to that normative legal act or its structural element shall be made using only the word “this”.

Article 59. Mandatory linguistic examination opinion on draft normative legal acts

59.0. Mandatory linguistic examination opinion on a draft normative legal act shall specify one of the following conclusions:

59.0.1. the draft normative legal act is rejected;

59.0.2. the draft normative legal act is referred back to the subject of the rulemaking initiative for revision;

59.0.3. the draft normative legal act is supported.

Article 60. Form of mandatory linguistic examination of draft normative legal acts

The mandatory linguistic examination opinion shall be drawn up in the form of corrections in the text of the draft normative legal act.

Chapter XI

CONDUCTING AN EXAMINATION OF NORMATIVE LEGAL ACTS (THEIR DRAFTS) FOR EXPOSURE TO ABUSE

Article 61. Purpose of examination of normative legal acts (their drafts) for exposure to abuse

In draft normative legal acts subject to mandatory legal examination and in laws submitted for signing to the President of the Republic of Azerbaijan (hereinafter for the purposes of this chapter – normative legal acts (their drafts)), an examination shall be carried out on the exposure to abuse of normative legal acts (their drafts) in order to prevent the appearance of, identify and eliminate provisions conducive to manifestations of exposure to abuse.

Article 62. Abuse factors in normative legal acts (their drafts)

62.1. For the purposes of this Constitutional Law, abuse factors shall mean the provisions of normative legal acts (including defects in norms and legal formulae) that cause manifestation of abuse in the application of a normative legal act, that constitutes the basis for the practice of abuse, or that create legitimate conditions for acts of abuse, admits of acts of abuse or induce them.

62.2. Norms (normative legal acts, their drafts) containing abuse factors shall be deemed to be norms (normative legal acts, their drafts) exposed to abuse.

62.3. Typical abuse factors ordinarily include abuse factors that are frequently present in normative legal acts (their drafts) regardless of the subject matter of regulation and definitely or most likely lead to manifestations of abuse.

62.4. In the preparation and improvement of draft normative legal acts, it will not be permitted to include in them typical abuse factors and manifestations of exposure to abuse, as well as other provisions conducive to abuse, set forth in this Constitutional Law.

Article 63. Types of abuse factors

63.0. When conducting an examination of a normative legal act (its draft), the following typical abuse factors and manifestations of exposure to abuse shall be identified and eliminated:

63.0.1. typical abuse factors associated with the exercise of powers of a state body (official);

63.0.2. typical abuse factors associated with the existence of legal gaps;

63.0.3. typical abuse factors of systemic nature;

63.0.4. typical manifestations of exposure to abuse.

Article 64. Typical abuse factors associated with the exercise of powers of a state body (official)

64.1. Typical abuse factors associated with the exercise of powers of a state body (official) in a normative legal act shall include the following:

64.1.1. broad availability of discretionary powers;

64.1.2. designation of the authority of an official body as a dispositive opportunity;

64.1.3. imposing more stringent requirements than is necessary for the implementation of rights belonging to a person;

64.1.4. possibility of abuse of the rights of natural persons and legal entities by a state body (official);

64.1.5. unwarranted modification of the scope of rights;

64.1.6. excessive latitude in rulemaking arising from law;

64.1.7. exposure to legal and linguistic abuse;

64.1.8. adoption of normative legal act beyond the authority of an executive authority;

64.1.9. filling gaps in a law through normative legal acts of an executive authority.

64.2. Discretionary powers in a normative legal act, which give an official the opportunity to act at his own discretion in decision-making, may not be exercised arbitrarily.

64.3. Failure to establish decision-making deadlines, uncertainty in such deadlines, or uncertainty in conditions and grounds for making a decision, as well as overlap of mandates of several state bodies, as a result of broad availability of discretionary powers, shall not be permitted.

64.4. Rights and duties for a state body constitute its powers, and, therefore, in a normative legal act, the right of that body to perform one or another action, which is subject to the discretion of a particular executor, may not be established as a dispositive opportunity. The normative legal act may not provide for determination of powers of a state body in an overgeneralized manner, usage of vague phrases, such as “the body can”, “as a rule”, “permitted in exceptional cases”, “the body within its powers”, “if necessary” and the like.

64.5. Requirements (conditions) in a normative legal act that are necessary for natural persons and legal entities to exercise their rights or fulfill their duties may not be onerous and/or difficult to fulfill.

64.6. It shall not be permitted in a normative legal act to impose requirements more stringent than is necessary and excessive, include an open-ended (incomplete) list of documents to be submitted by natural persons and legal entities or of grounds for refusal within initiated administrative procedure, or use subjective evaluative expressions for refusal of exercise of a right.

64.7. Establishment of discretionary powers and dispositive opportunities in a normative legal act for officials through lack of precise (fair) regulation of rights of natural persons and legal entities shall not be permitted. It shall not be permitted in a normative legal act to provide for only alternative choice of rights rather than a free choice of methods and deadlines for performing actions within initiated administrative procedure.

64.8. A normative legal act cannot provide for establishing, at an official's discretion, exceptions from the general rule for natural persons and legal entities. A normative legal act cannot provide for the discretion of officials to establish benefits, proscriptions, and restrictions that are not regulated by normative legal act.

64.9. Excessive specification of norms in a law shall not lead to interference with the powers of executive and judicial authorities established by the Constitution of the Republic of Azerbaijan.

64.10. Terms, concepts (notions) and summaries, evaluative categories that are ambiguous and of limited application in practice may not be used to expand discretionary powers of an official.

64.11. An executive authority shall adopt normative legal acts only within its powers and may not interfere with the scope of activity of another executive authority.

64.12. In the absence of a law, legal regulation by another normative legal act of issues constituting the subject matter of a law and establishment of rules of conduct binding for all shall not be permitted.

Article 65. Typical abuse factors associated with existence of legal gaps

65.1. Legal gaps arise as a result of lack of legal regulation of one or another issue, when a normative legal act is not used for regulation, as well as when the text of a normative legal act lacks preventive norms against abuse that provides for liability of officials for violations of law and regulate oversight of their activities.

65.2. Typical abuse factors associated with the existence of legal gaps include the following:

65.2.1. existence of gaps in legal regulation;

65.2.2. lack of administrative procedures;

65.2.3. lack of bidding (auction) procedures;

65.2.4. lack of proscriptions and restrictions for officials in a particular field of activity;

65.2.5. failure to establish liability for a violation of law by officials;

65.2.6. failure to establish oversight, including public scrutiny, of state bodies, officials;

65.2.7. violation of the regime of information transparency.

65.3. The existence of gaps in legal regulation may not permit such gaps to be eliminated through the exercise of discretion of the state body (official) in application of law. The implementation of functions assigned to a state body in one or another type of activity shall be regulated.

65.4. An administrative act shall be adopted in accordance with a certain procedure familiar in advance to both an official and natural and legal entity from the text of the normative legal act, and procedure and deadlines for actions must be established.

65.5. Actions related to the selection of a candidate in connection with granting a specific (giving rise to a legal situation) right that gives a privilege shall be carried out in accordance with tender (auction) procedures. The granting of a specific right (administrative initiation of a legal situation) in an administrative manner, as well as broad availability of discretionary powers in tenders (auctions), shall not be permitted.

65.6. A normative legal act shall include norms on the liability of officials for offences corresponding to acts establishing legal liability, as well as on the possibility of filing a complaint against the action (inaction) of officials.

65.7. A normative legal act shall include norms that provide for oversight, including public scrutiny, of particularly significant areas of activity of a state body (officials).

65.8. A normative legal act shall include norms that provide for information transparency by state bodies. Designation of information that is of importance in deciding a particular issue as restricted for natural and legal entities, or lack of the possibility of and procedure for obtaining such information in the normative legal act shall not be permitted.

Article 66. Typical abuse factors of systemic nature

66.1. Typical abuse factors of systemic nature include typical abuse factors that are susceptible of identification as a result of a systematic analysis of the entire text of a normative legal act, rather than its individual norms.

66.2. Typical abuse factors of systemic nature include the following:

66.2.1. false objectives and priorities;

66.2.2. conflicts;

66.2.3. forced exposure to abuse.

66.3. A normative legal act shall have clear objectives and priorities that correspond to actual requirements of legal regulation. Lack of objective soundness for adoption of a normative legal act, regulation of an issue beyond necessary, contradiction of norms of a normative legal act with the declared objectives of that act shall not be permitted.

66.4. In a normative legal act that contradicts fully or in part another normative legal act, discretion for officials to freely choose the act applicable to particular case, or making the possibility of resolution of such conflict subject to the choice of the official shall not be permitted.

66.5. The norms of a normative legal act subject to abuse, regardless of the act's greater legal force, may not lead to presence of norms subject to abuse in another normative legal act.

Article 67. Typical manifestations of exposure to abuse

67.1. Typical manifestations of exposure to abuse are an aggregate of provisions that indicate facts of abuse (indicators of abuse) that have already occurred under certain circumstances and/or that contribute to the emergence of abuse factors (predisposing factors of abuse).

67.2. Typical manifestations of exposure to abuse include the following:

67.2.1. non-observance of formal and technical conditions during the adoption of a normative legal act;

67.2.2. failure to indicate the period of adoption of a normative legal act;

67.2.3. failure in the balance of interests (establishment of privileges for a particular group of subjects only).

67.3. Lack of compliance with requirements of formal and technical nature, non-elimination of violations identified during the legal examination of normative legal acts, including violation of the procedure and/or form of adoption of a normative legal act shall not be permitted.

67.4. Failure to set the deadlines for the adoption of a normative legal act, and replacement of mandatory rules of conduct with acts of individual legal application on the basis of free administrative discretion, instead of the adoption of a normative legal act intended for adoption, shall not be permitted.

67.5. Conferment of benefits and privileges on one group of subjects through the establishment of a special norm to the detriment of another group of subjects as a result of failure in the balance of interests shall not be permitted.

Article 68. Basic rules for conducting examination for exposure to abuse of normative legal acts (their drafts)

68.1. The effectiveness of the examination of normative legal acts (their drafts) for exposure to abuse shall be determined by its consistency, reliability and viability of verification of its results.

68.2. In order to ensure the consistency, reliability and verification of the results of the examination of normative legal acts (their drafts) for exposure to abuse, the following rules shall be observed:

68.2.1. examination of normative legal acts (their drafts) for exposure to abuse and expression of their results shall be carried out in the same way in accordance with the composition and sequence specified in the table of typical factors of abuse and manifestations of exposure to abuse (appendix No. 2 to this Constitutional Law) in the normative legal act (its draft);

68.2.2. each typical abuse factor and manifestation of exposure to abuse shall be examined for presence in each norm of a normative legal act (its draft);

68.2.3. typical abuse factors and manifestations of exposure to abuse shall be identified and specified without giving an assessment of these reasons, regardless of whether they were included in the normative legal act (its draft) intentionally or negligently;

68.2.4. any typical abuse factor and manifestation of exposure to abuse identified as a result of the examination shall be removed from the normative legal act (its draft);

68.2.5. the work on the results of the examination of normative legal acts (their drafts) for exposure to abuse shall be carried out in the manner prescribed for the drafting and adoption of relevant normative legal acts on the basis of opinions on the results of the examination for exposure to abuse;

68.2.6. atypical provisions conducive to abuse and identified as a result of the examination shall be specified in the opinion on results of the examination of normative legal acts (their drafts) for exposure to abuse and should be removed in the manner prescribed for typical abuse factors and manifestations of exposure to abuse.

68.3. Requirements of this Constitutional Law on the prevention of abuse factors in normative legal acts (their drafts) shall be fulfilled by specialists who directly prepare a normative legal act (its draft).

Article 69. Formalization of results of the examination of normative legal acts (their drafts) for exposure to abuse

69.1. The conclusion on the existence in normative legal acts (their drafts) of factors of abuse and manifestations of exposure to abuse, other provisions that contribute to the creation of conditions for manifestations of abuse shall be formalized in the following order:

69.1.1. within the opinion on results of the mandatory legal examination of a normative legal act (its draft);

69.1.2. within the explanatory note attached to the opinion on the results of the mandatory legal examination of a normative legal act (its draft).

69.2. When provisions conducive to the manifestations of abuse are identified in a normative legal act (its draft), these provisions shall be explained in the document referred to in Article 69.1 of this Constitutional Law, in the sequence established by this Constitutional Law, with a reference to structural elements (section, chapter, article, part, etc.) that they were identified in.

69.3. The document provided for in Article 69.1 of this Constitutional Law shall also specify absence of other typical abuse factors, other manifestations of exposure to abuse, other provisions contributing to manifestations of abuse.

69.4. Typical abuse factors and manifestations of exposure to abuse identified in a normative legal act (its draft) shall be specified in the document on the results of the examination in the form of Table No. 2 appended to this Constitutional Law.

69.5. Except for cases where provisions contributing to manifestations of abuse are not identified in a normative legal act (its draft), the degree of exposure to abuse of the examined normative legal act (its draft) shall be wholly specified in the document indicating the results of the examination for exposure to abuse.

69.6. The document indicating the results of the examination for exposure to abuse shall include recommendations on the revision (amendments to the normative legal act), in consideration of the identified defects, of the draft normative legal act containing provisions contributing to manifestations of abuse.

Chapter XII

CONSIDERATION AND ADOPTION OF DRAFT NORMATIVE LEGAL ACT

Article 70. Consideration of draft normative legal act

70.1. Draft normative legal act submitted in the prescribed manner shall be considered by the rulemaking body.

70.2. After perusing the draft normative legal act, the rulemaking body may decide one of the following:

70.2.1. approving and adopting the draft normative legal act;

- 70.2.2. rejecting the draft while stating the grounds and reasons;
- 70.2.3. deferment of adoption of the draft normative legal act for a certain period of time;
- 70.2.4. returning the draft for revision along with comments and suggestions.

70.3. In the Milli Majlis of the Republic of Azerbaijan, draft laws presented by the President of the Republic of Azerbaijan on establishment of diplomatic missions, administrative-territorial division, state awards, approval and cancelation of interstate and intergovernmental treaties providing for different rules from laws of the Republic of Azerbaijan, prepared for the purpose of ensuring consistency, as well as containing titular and other technical changes (with the exception of changes related to the duration, amount, age limit, and those affecting legal status of the subjects, creating or removing, alleviating or aggravating their legal liability) shall be considered in one reading, other draft laws including constitutional law drafts shall be considered in three readings.

Article 71. Recall of draft normative legal act

71.1. The subject of the rulemaking initiative, if necessary, shall have the right to recall the draft normative legal act it submitted until it is adopted.

71.2. The subject of the right of legislative initiative shall have the right to recall the draft law submitted for consideration by the Milli Majlis of the Republic of Azerbaijan prior to its *final* reading.

Article 72. Procedure for adoption of normative legal act

72.1. A normative legal act shall be adopted by the rulemaking body after its consideration following the procedure established by the relevant normative legal acts.

72.2. A normative legal act shall be adopted by the rulemaking body in the state language.

Article 73. Guarantees of the implementation of the right of legislative initiative

73.1. The subject of the right of legislative initiative or its authorized representative shall have the right to participate in the work on the draft in the Milli Majlis of the Republic of Azerbaijan.

73.2. A draft law along with the changes made in the draft shall be agreed with (opinion shall be obtained) the following in the Milli Majlis of the Republic of Azerbaijan:

73.2.1. with the subject of the right of legislative initiative that 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 when such changes may lead to the reduction of state funds, accrual of or increase in expenses.

73.3. Changes submitted to the Milli Majlis of the Republic of Azerbaijan as a result of the agreement (opinion) provided for by Article 46.2 of this Constitutional Law shall be implemented within fourteen days from the date of receipt of the draft law unless mandatory legal examination of the draft law and urgent announcement of the consideration of the draft law require a different period. If there is a need for additional information as well as for the preparation of an opinion and agreement (preparation of an opinion) regarding particularly complex draft laws, a longer period may be set.

73.4. No changes (except for changes of technical nature) shall be permitted in the relevant draft law without an agreement and referral for the opinion.

73.5. If no changes are made to the draft law submitted to the Milli Majlis of the Republic of Azerbaijan, the draft law is not re-agreed with the subject of the right of legislative initiative.

73.6. A fully prepared draft law for consideration in the first, second and third readings in the Milli Majlis of the Republic of Azerbaijan shall be submitted to the subject of the right of legislative initiative *at least 5 days before its consideration* in the corresponding reading.

Article 74. Signing of normative legal act

74.1. The official signing of a normative legal act shall be performed by the following:

74.1.1. laws and decrees – the President of the Republic of Azerbaijan;

74.1.2. resolutions of the Cabinet of Ministers of the Republic of Azerbaijan – the Prime Minister of the Republic of Azerbaijan;

74.1.3. other normative legal acts – head of the body that adopted the act;

74.1.4. unless otherwise provided for in legislative acts of the Republic of Azerbaijan, the person performing their duties in the absence of head of the body that adopted the act.

74.2. When law is submitted to the President of the Republic of Azerbaijan for signature, the endorsement of the Chairman of the Milli Majlis of the Republic of Azerbaijan or the person substituting him/her shall be placed on the last page of the second copy of the law.

Chapter XIII

AMENDMENT TO AND REPEAL OF NORMATIVE LEGAL ACTS

Article 75. Amendments to normative legal acts

~~75.1. Except for cases where there is a need to amend several normative legal acts due to title or numbering changes, as well as the adoption of a normative legal act (taking into consideration the requirements of Article 29.2 of this Constitutional Law), one normative legal act can amend only one normative legal act. In this case, if normative legal acts considered to be amended are numerous, those amendments may be made within the framework of several normative legal acts. (repealed)~~

75.2. Relevant amendments shall be made in current normative legal acts by the body adopting them in order to eliminate conflict of normative legal acts due to the adoption of a new normative legal act.

75.3. *When laws of the Republic of Azerbaijan, acts of the President of the Republic of Azerbaijan and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan are amended, years, numbers (books) and articles of collections (compilations) where those normative legal acts were published and previous amendments to them are contained shall be sequentially specified in parentheses in the text of the amending normative legal act. Every 10 years the years, numbers (books), and articles of the collections (compilations), in which the amended legal act was published, and which contained previous amendments made thereto, are combined and designated as "Volume" within parentheses in the text of laws of the Republic of Azerbaijan, acts of the President of the Republic of Azerbaijan, and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, when subsequent amendments are made to them.*

Article 76. Procedure for repeal of normative legal acts

76.1. Due to the adoption of a normative legal act, all acts (*their structural elements, in accordance with the requirements of Article 32 of this Constitutional Law*) that are of the same or lower legal force, and that contradict, or are covered by, or made redundant by, norms included in that act, shall be repealed.

76.2. A separate norm on the repeal of a normative legal act shall be adopted by the body that adopted that act or in the manner determined by clause 8 of Article 109 and paragraph 7 of Article 119 of the Constitution of the Republic of Azerbaijan.

~~76.3. Except for cases where there is a need to repeal several normative legal acts due to name title or number changes, as well as the adoption of a normative legal act (with due regard to the requirements of Article 29.2 of this Constitutional Law), one normative legal act can repeal only one normative legal act. In this case, if repealed normative legal acts are numerous, it is allowed to make those repeals within the framework of several normative legal acts.⁴-(repealed)~~

76.4. *When laws of the Republic of Azerbaijan, acts of the President of the Republic of Azerbaijan, and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan are repealed, years, numbers (books) and articles of collections (compilations) where those normative legal acts were published and previous amendments to them are contained shall be sequentially specified in parentheses*

in the text of the repealing normative legal act. Every 10 years, the years, numbers (books) and articles of the collections (compilations), in which the repealed legal act was published, and which contained previous amendments made thereto, are combined and designated as "Volume" within parentheses in the text of laws of the Republic of Azerbaijan, acts of the President of the Republic of Azerbaijan, and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, when subsequent amendments are made to them.

76.5. In addition to the normative legal act repealed in accordance with Article 76.4 of this Constitutional Law, normative legal acts or their corresponding structural elements containing previous amendments made thereto in accordance with collections (compilations) specified in the text of the normative legal act on its repeal, shall also be deemed repealed. This rule is also applicable to normative legal acts that amend several normative legal acts. In this case, provisions regarding the amendment contained in their name and text shall be deemed repealed.

Article 77 (repealed)

Chapter XIV

STATE REGISTRY OF LEGAL ACTS OF THE REPUBLIC OF AZERBAIJAN

Article 78. Procedure for entry of legal acts in the State Registry of Legal Acts of the Republic of Azerbaijan

78.1. Legal acts should be included in the State Register of Legal Acts of the Republic of Azerbaijan (hereinafter – the State Registry of Legal Acts) maintained by relevant executive authority.

78.2. Legal acts shall be sent by the state body that adopted them for inclusion in the State Registry of Legal Acts within three days of their adoption.

78.3. In order to be included in the State Registry of Legal Acts, legal acts shall be submitted both in the form of a true copy of their original on paper and in electronic storage devices in the form of text files.

78.4. Legal acts included in the State Registry of Legal Acts shall be assigned a registration number of the State Registry.

78.5. Relevant legal examination opinion shall be attached to normative legal acts of the central executive authorities and acts of normative nature submitted for inclusion in the State Registry of Legal Acts.

78.6. Legal acts of state and local self-government bodies of Autonomous Republic of Nakhchivan shall be included in the State Registry of Legal Acts of Autonomous Republic of Nakhchivan. The State Registry of Legal Acts of Autonomous Republic of Nakhchivan shall be deemed an integral part of the State Registry of Legal Acts of the Republic of Azerbaijan.

Article 79. Requisite details of legal acts included in the State Registry of Legal Acts

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

79.1.1. type of act;

79.1.2. date of adoption;

79.1.3. registration number;

79.1.4. title;

79.1.5. source of its official publication (in respect to the acts specified in Article 85.1 of this Constitutional Law);

79.1.6. effective date;

79.1.7. index code (codes) according to the Unified legal classification of the Republic of Azerbaijan;

79.1.8. registration number of the State Registry of Legal Acts;

79.1.9. date of inclusion of the legal act in the State Registry of Legal Acts.

79.2. Requisite details of an amending, repealing, or invalidating legal act and a note indicating registration number of the State Registry of Legal Acts and the date of inclusion of the legal act in the State Registry of Legal Acts shall be included in the State Registry of Legal Acts in respect of an act amended, repealed, and invalidated.

79.3. Texts of legal acts included in the State Registry of Legal Acts shall be deemed an official source for reference in conjunction with texts of officially published legal acts.

79.4. In case of contradiction between the texts of the legal acts included in the State Registry of Legal Acts and officially published, the text of the legal act included in the State Registry of Legal Acts shall prevail.

Article 80. Structure of the State Registry of Legal Acts

80.0. The State Registry of Legal Acts consists of the following sections and chapters:

80.0.1. Section I – “Normative legal acts”:

80.0.1.1. Chapter 1 - “Constitution of the Republic of Azerbaijan, referendum acts and constitutional laws”;

80.0.1.2. Chapter 2 – “Laws of the Republic of Azerbaijan”;

80.0.1.3. Chapter 3 – “Decrees of the President of the Republic of Azerbaijan”;

80.0.1.4. Chapter 4 - Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan”;

80.0.1.5. Chapter 5 – “Normative legal acts of central executive authorities”.

80.0.2. Section II – “Acts of normative nature”:

80.0.2.1. “Decisions of the Constitutional Court of the Republic of Azerbaijan adopted pursuant to clauses 1-7 of Part III and Part IV of Article 130 of the

Constitution of the Republic of Azerbaijan and on the use of analogy of law or legal analogy,”;

80.0.2.2. “Decisions, instructions and interpretations of the Central Election Commission of the Republic of Azerbaijan”;

80.0.2.3. “*Decisions of regulator of financial markets*”;

80.0.2.4. “Decisions of the Judicial-Legal Council”;

80.0.2.5. “Decisions of the Audiovisual Council of the Republic of Azerbaijan”;

80.0.2.6. “Decisions of local self-government bodies”;

80.0.2.7. “Decisions of local executive authorities”.

80.0.3. Section III – “Non-normative legal acts”:

80.0.3.1. “Decisions of the Milli Majlis of the Republic of Azerbaijan”;

80.0.3.2. “Orders of the President of the Republic of Azerbaijan”;

80.0.3.3. “Orders of the Cabinet of Ministers of the Republic of Azerbaijan”.

Article 81. Publication of the State Registry of Legal Acts

Information included in the State Registry of Legal Acts shall be published in the form of a collection once every 3 months.

Chapter XV

OFFICIAL PUBLICATION AND ENTRY INTO FORCE OF NORMATIVE LEGAL ACTS

Article 82. Procedure for official publication of normative legal acts

82.1. Normative legal acts of the Republic of Azerbaijan shall be officially published.

82.2. The official publication of normative legal acts means that their text is published in an official periodical publication, *placed in an official Internet information resource*, and brought to public attention by way of broadcasting on public radio and television channels. Broadcasting of normative legal acts on public radio and television channels does not replace their publication in an official periodical publication and *their placement in an official Internet information resource*.

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

82.4. Official publication of a normative legal act in other languages shall be permitted only when there is a translation by the relevant state body of that act into the relevant language approved in the manner for the adoption of this act.

82.5. The date of official publication of a normative legal act shall be considered the day of issuance of the official periodical publication (of its broadcasting on public radio and television channels) where this act was published.

82.6. When one of the normative legal acts specified in Article 85.1 of this Constitutional Law is officially published in several modes at different times, the date of official publication and entry into force of the normative legal act shall be determined by the date of its first publication.

82.7. Provisions of normative legal acts containing state secrets shall not be published.

82.8. The publication of incomplete normative legal acts shall not be permitted, except for normative legal acts with provisions containing state secrets.

82.9. Normative legal acts shall be published with their mandatory requisite details.

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

Article 83. Conditions and timeframes for official publication of normative legal act

83.1. Laws and decrees shall be officially published within 72 hours after being signed by the President of the Republic of Azerbaijan.

83.1-1. *In the cases stipulated in the Constitution of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan that are to be approved by the Milli Majlis of the Republic of Azerbaijan shall be officially published within 24 hours after their approval by the Milli Majlis of the Republic of Azerbaijan.*

83.2. Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan shall be officially published within 72 hours after their adoption.

83.3. Other normative legal acts shall be officially published following their inclusion into the State Registry of Legal Acts.

83.4. Except for normative legal acts provided in articles 83.1, 83.1-1 and 83.2 of this Constitutional Law, normative legal acts provided to official publication entities (except for the publication of the State Registry of Legal Acts) by authorized state bodies shall be published within 5 days of the date of their provision.

Article 84. Promulgation of normative legal acts in unofficial publications and other mass media

84.1. Normative legal acts may be published in unofficial publications and brought to public attention by way of television and radio and transmitted by other modes of information dissemination.

84.2. Incomplete normative legal acts may be published with the designation "Excerpt".

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

84.4. Unofficial publication of a normative legal act shall be performed only after its official publication as performed in accordance with the requirements

established for dissemination of legal information. In this case, the source of official publication for each normative legal act, ~~as well as when a special permit (license) for the dissemination of legal information is necessary in accordance with the legislation of the Republic of Azerbaijan, the number and date of issuance of such special permit (license) for the dissemination of legal information,~~ shall be indicated.

Article 85. Entry into force of normative legal acts

85.1. Laws, decrees and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan enter into force on the day of their official publication, unless a later date of entry into force is provided for in those acts.

85.2. Except for acts specified in Article 85.1 of this Constitutional Law, other normative legal acts enter into force on the day of their publication in the electronic version of the State Registry of Legal Acts, unless a later date of entry into force is provided for in those acts.

85.3. Absent a longer term specified in the interstate treaties to which the Republic of Azerbaijan is a party, a normative legal act regulating foreign trade activity must specify that it enters into force *at least 30 days* after its publication. In exceptional cases, a normative legal act regulating foreign trade activities may enter into force within the period it specifies provided that international organizations are immediately notified.

Chapter XVI

ENFORCEMENT AND FORCE OF NORMATIVE LEGAL ACTS IN TIME, SPACE AND IN RESPECT OF PERSONS

Article 86. Temporal force of normative legal act

86.1. Normative legal act is operative indefinitely, unless otherwise provided in its text.

86.2. The period of operation may be established for a normative legal act or its structural elements. In this case, the normative legal act (structural element) must specify the period of its operation or the event that would lead to the repeal of the normative legal act (its structural element). The normative legal act (its structural element) is automatically repealed when the specified period expires, or the event specified in the normative legal act occurs. Before the end of the specified period, the body that adopted the normative legal act can adopt a decision to extend the operation of the normative legal act (its structural element) for a new period or designate it as indefinite.

Article 87. Retroactive force of normative legal act

87.1. The retroactive force of normative legal act shall be regulated by Part VII of Article 149 of the Constitution of the Republic of Azerbaijan.

87.2. The force of a normative legal act that improves the legal status of natural persons and legal entities, eliminates or reduces their legal liability applies to relationships formed before its entry into force, regardless of whether it is directly specified in that normative legal act or the act on its entry into force.

87.3. Retroactive application of a normative legal act that provides for or aggravates liability of natural persons and legal entities for acts that did not cause liability or caused lighter liability at the time of their commission, shall not be permitted.

Article 88. Territorial and personal force of normative legal acts

88.1. Normative legal acts shall have mandatory force in the entire territory of the Republic of Azerbaijan.

88.2. The force of normative legal acts shall be applicable to citizens of the Republic of Azerbaijan and legal entities, as well as foreign citizens and stateless persons in the territory of the Republic of Azerbaijan, except for the cases provided by law or international treaties to which the Republic of Azerbaijan is a party.

Article 89. Termination of operation of normative legal act

89.1. A normative legal act (its structural element) shall have its operation terminated in the following cases:

89.1.1. when the period for application of the normative legal act (its structural element) expires;

89.1.2. when the normative legal act (its structural element) is repealed in cases stipulated by the Constitution of the Republic of Azerbaijan, *this Constitutional Law* and other legislative acts;

89.1.3. when a normative legal act (its structural element) is deemed terminated by the decision of the Constitutional Court of the Republic of Azerbaijan in the cases provided in clauses 1-3 and 6, 7 of Part III of Article 130 of the Constitution of the Republic of Azerbaijan.

89.2. *When a normative legal act (its structural element) is considered terminated by the decision of the Constitutional Court of the Republic of Azerbaijan in accordance with Article 89.1.3 of this Constitutional Law, that normative legal act (its structural element) shall be repealed by the rulemaking body that adopted it.*

Article 90. Procedure for official interpretation of normative legal acts

90.1. When ambiguities and differences in the content of a normative legal act, as well as contradictions in its application are identified, the rulemaking body that adopted that act or the Constitutional Court of the Republic of Azerbaijan, in

accordance with Part IV of Article 130 of the Constitution of the Republic of Azerbaijan, shall officially interpret the relevant norms.

90.2. When a normative legal act is interpreted, the content of its norms is explained and clarified, their role in the legislation, as well as their functional and other relations with other norms regulating different aspects of the same type of social relations shall be established.

90.3. Following the interpretation of a normative legal act, no amendments shall be made in the act as a result of the interpretation.

90.4. Expansive or restrictive interpretation shall be permitted only when there is a clear difference between the text and the meaning of the normative legal act.

90.5. Explanation of the content of a normative legal act shall not be deemed its interpretation.

Article 91. Terms of enforcement of normative legal acts

Due organization of enforcement of normative legal acts in the course of their adoption and following their entry into force—timely delivery of the content of adopted acts to the attention of executors, official interpretation of acts by authorized state bodies, explanation of the content of an act, publication of comments and practical resources, financial, material-technical, legal and organizational-technical support for enforcement of acts, compliance with enforcement periods of acts—shall be effectuated.

Article 92. Oversight of enforcement of normative legal acts

The oversight and scrutiny of the enforcement of normative legal acts shall be carried out by rulemaking bodies (officials) and special bodies (persons) determined by relevant normative legal acts.

Article 93. Scrutiny of enforcement of normative legal acts

93.1. Rulemaking bodies (officials) and other authorized special bodies (persons) shall determine the quality, legality, and efficiency of operation of normative legal acts based on oversight and scrutiny of the enforcement of normative legal acts, as well as analysis of appeals.

93.2. When gaps in normative legal acts, contradictions with acts of higher legal force, as well as internal contradictions and other defects are identified, rulemaking body (officials) shall eliminate them, and other authorized special bodies (persons) shall provide proposals on amending or repealing relevant normative legal acts to authorized bodies.

Article 94. Liability for failure to enforce normative legal acts

Persons determined to be at fault for failure to enforce normative legal acts shall be liable in accordance with the legislation of the Republic of Azerbaijan.

Chapter XVII

INCORPORATION OF NORMATIVE LEGAL ACTS

Article 95. Compilation of laws of the Republic of Azerbaijan

95.1. The compilation of laws of the Republic of Azerbaijan is a systematized collection of legislative acts of the Republic of Azerbaijan that is regularly updated and published in electronic form.

95.2. The compilation of laws of the Republic of Azerbaijan shall be ensured by relevant executive authority.

Article 96. Official collections and digests of normative legal acts

96.1. Official collections and digests of normative legal acts shall be prepared and published in order to aid the enforcement of normative legal acts.

96.2. Official collections and digests of normative legal acts shall be published directly by rulemaking bodies or, upon their instruction, by other state bodies.

Article 97. Unofficial collections and digests of normative legal acts

97.1. Unofficial collections and digests of normative legal acts may be published by natural persons and legal entities.

97.2. When unofficial collections and digests of normative legal acts are published, they shall specify the official source that the text of a normative legal act is obtained from.

Chapter XVIII

FINAL PROVISIONS

Article 98. Procedure for entry into force of this Constitutional Law

98.1. This Constitutional Law shall enter into force on the day of its publication.

98.2. The Law of the Republic of Azerbaijan “On Normative Legal Acts”, adopted on November 26, 1999, will be repealed from the date of entry into force of this Constitutional Law.

Ilham ALIYEV,
President of the Republic of Azerbaijan

Baku city, December 21, 2010
No. 21-IVKQ

The structure of mandatory legal examination opinion of the draft normative legal act, the law

1. State of the normative regulation related to the regulatory field of the draft normative legal act (law) (analysis of current specific normative legal acts).
2. Compliance of the draft normative legal act (law) with basic principles of rulemaking activity.
3. Compliance of the norms of the draft normative legal act (law) with its purposes and objectives.
4. Compliance with the subject matter of normative regulation.
5. Conformity between the form and substance of the draft normative legal act (law).
6. Coherence of the internal structure of the draft normative legal act (law).
7. Mutual non-contradiction of the norms included in the draft normative legal act (in the law).
8. Non-interference of one state body with the authority of another state body in the draft normative legal act (law).
9. Adoption of the draft normative legal act (law) by the relevant authorized rulemaking body, within its powers.
10. Adoption of the draft normative legal act (law) in the prescribed manner and form.
11. Compliance with rulemaking technique.
12. Whether the normative legal act (its draft) contains abuse factors and manifestations of exposure to abuse, other provisions conducive to manifestations of abuse.
13. Accuracy of the list of *normative legal acts (their structural elements) of the Cabinet of Ministers of the Republic of Azerbaijan and the central executive authorities* to be repealed or amended due to the adoption of the normative legal act.
14. Accuracy of the list of *normative legal acts of the Cabinet of Ministers of the Republic of Azerbaijan and the central executive authorities* to be prepared due to the adoption of the normative legal act.
15. Conclusion.

Abuse factors in normative legal acts (their drafts)

		Typical abuse factor, manifestation of exposure to abuse	Structural element of the normative legal act (its draft) containing the identified abuse factor
A	Typical abuse factors associated with the exercise of powers of a state body		
	1.	broad availability of an official's (body's) discretionary powers	
	2.	designation of the authority of an official (body) as a dispositive opportunity	
	3.	imposing more stringent requirements than is necessary for the implementation of the rights belonging to a person	
	4.	appearance of an opportunity for an official (body) to abuse the rights of natural persons and legal entities (providing a dispositive opportunity)	
	5.	unwarranted modification of the scope of the rights of the official (body)	
	6.	excessive latitude in rulemaking arising from law	
	7.	exposure to legal and linguistic abuse	
	8.	adoption of a normative legal act beyond the authority of the body	
	9.	filling gaps in a law through normative legal acts of the executive authority	
B	Typical abuse factors associated with the existence of legal gaps		
	10.	existence of gaps in legal regulation	
	11.	lack of administrative procedures	
	12.	lack of bidding (auction) procedures	
	13.	lack of proscriptions and restrictions for an official in a particular field of activity	
	14.	failure to establish liability for a violation of law by officials	
	15.	failure to establish oversight of bodies and officials	

	16.	violation of the regime of information transparency	
C	Typical abuse factors of systemic nature		
	17.	false objectives and priorities	
	18.	conflicts	
	19.	forced exposure to abuse	
Ç	Typical manifestations of exposure to abuse		
	20.	non-observance of formal and technical conditions during the adoption of a normative legal act	
	21.	failure to indicate the period of adoption of a normative legal act	
	22.	failure in the balance of interests	
D	Other abuse factors		
