

# **Profile on Environmental and Social Considerations in Iraq**

ANNEX

September 2011

Japan International Cooperation Agency  
(JICA)

CR (5)
11-018

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## **Cultural Heritage**

LAW No.55 of 2002 for The Antiquities & Heritage of Iraq

# **General**

- Law No 27 of 2009 for Protection and Improvement of Environment**
- Law No. 20 of 2008 for Environmental Protection and Improvement  
in Iraqi Kurdistan Region**
- Environmental Instruction for Agricultural, Industrial and Public Service  
Projects 1990**

## **Law No 27 of 2009 for Protection and Improvement of Environment**

In the name of the people

Presidency council

In pursuance to the ratification of the council deputies and approval of presidency council and according to the provisions of paragraph (1) of articles (61) and paragraph (3) of article (73) of the constitution,

The following law has been issued:

Law for protection and improvement of Environment

N0 (27) of 2009

### **Chapter one**

#### **Definitions and Aims**

##### Article (1)

The law aims at protecting and improving the environment through elimination and treatment of existing damages or damages likely to be caused. It also aims at preserving public health, natural resources, biodiversity as well as natural and cultural heritage, in coordination with the relevant authorities in a manner that ensures sustainable development through International and Regional cooperation in this regard.

##### Article (2)

The following terms, for the purpose of this law, shall have mean:

I. Ministry: Ministry of Environment

II. Minister: Minister of environment

III. Board: Board for the protection and improvement of Environment.

IV. Board of Governorate: Board for the protection and improvement of environment at each governorate.

V. Environment: surrounding with all its elements where living creatures live in as well as the impact resulting in man's economical, social and cultural activities.

VI. Environment elements: water, air, soil and living creatures

VII. Pollutions of Environment: any solid or liquid or gaseous materials or noises or vibrations, or radiations or heating or flame and the like or biological factors cause direct or indirect pollution for the environment.

VIII. Pollution of Environment: the existence of any pollution effecting in the environment with unnatural quantity or concentration feature causing direct or indirect damages for the mankind or other living creatures or non-biological creatures in which they are existed.

IX. Environment limits: allowable limits for the concentration of any pollution that it is allowed to be thrown in the environment according to the national standards.

X. waste: unusable or recyclable or unusual gaseous, liquid and solid materials resulting from all kind of activities

XI. Dangerous waste: waste cause or may cause, because of its content, dangerous damage for the mankind or the environment.

XII. Conservation area: A piece of land or water allocates for protecting of vital, cultural, and natural resources' existence.

XIII. Dangerous materials: the materials may cause harm for the mankind health when they are misused or may cause severe damage in the environment like infectious factors or toxic or explosive or flammable or magnetic or ionic radiation substances.

XIV. The Environmental catastrophe: serious damage affecting on the environment that normal ability of government is not enough to treat on its result or control on it.

XV. The deterioration of the soil: loss of its morphological or chemical or physical features or fertility or microbiology in it,

XVI. Sustainable development: social and economical development that meets the needs of current generation without influencing on the need of next generation in the preservation with environmental system and with the rationale usage of the natural resources.

XVII. Environmental effect evaluation: studying and analyzing the environmental feasibility study for the proposed projects that their establishment or their activities may have impact on the mankind health and the safety of the environment in the present or in the future with aim of protecting it.

XVIII. The water of stabilization: water existed in the oil carriers tanks.

XIX. The renewal energy: the energy taken from natural resources that may be renewed and unexhausted including the energy releases from the sun, water, wind, wave, and moving water tide and ebb tide in the difference with the energy release from fossil fuel since its wastes do not have environmental pollutions.

XX. Environmental warden: the public servant nominated according to the provisions of this law to observe the implementation of the legislations relevant to the environment.

## **Chapter two**

### **Board for Protecting and Improving Environment**

#### **Article (3)**

According to this law, a Board shall be founded under the name of name (the Board for the protection and improvement of Environment) attached to the Ministry, it shall be represented by the chairman of the Board or the one who shall be authorized.

#### **Article (4)**

I. the Board consists of:

A. Minister of Environment- president

B. Technical undersecretary of the Minister- vice- president

C. A director general from the ministry- Member and rapporteur

D. A representative of all the following parties who shall be at least director general and from office or party has in the relation with the protection of Environment and has experience of this field.

Member

1. Ministry of Municipality and General works
2. Ministry of Planning and Developing Cooperation
3. Ministry of High education and scientific research
4. Ministry of Interior
5. Ministry of Agriculture
6. Ministry of Health
7. Ministry of Mineral and Industry
8. Ministry of Technology and Sciences
9. Ministry of Electricity
10. Ministry of Water resources
11. Ministry of Oil
12. Ministry of Transport
13. Ministry of state for the Affairs of Tourism and Antiquities
14. Ministry of Foreign Affairs
15. Ministry of Education
16. Ministry of Trade
17. Ministry of Labor and social Affairs
18. Ministry of culture
19. Ministry of housing and construction
20. Baghdad municipality
21. Iraqi Board for the control on the radioactive sources
22. Ministry of Defense

E. An expert in the protection of environment nominated by the Minister, Member

F. An employee from the Ministry nominated by the Minister, secretary for the Board.

II. The Board has the right to host any expert or representative of cooperative or private or mixed or public sector for seeking his opinion or for enquiring about environmental matters relevant with the side that he is represented it with the exclusion of voting right.

Article (5)



- I. the Board shall meet at least once each two months on the invitation of its president or whom he shall be authorized or in the emergency cases.
- II. Quorum is reached in the presence of the majority of its members.
- II. Quorum is reached in the presence of simple majority of its members.
- III. the decisions taken in the Board shall be the majority of vote of the members present at the meeting in the event of inequality of votes, the president shall have a casting vote.
- IV. Believing they are necessary, the Board shall send recommendations to the ministers' council and when the council passes them, they shall be obligatory and shall be carried out.

#### Article (6)

To achieve its goals, the Board shall exercise the following:-

- A. giving advice on the presented environmental matters,
- B. expressing opinion about the environmental matters for the plans, projects and national plans prepared by Ministries and concerned parties before endorsing them and following out their implementation.
- C. coordination with Ministries and the concerned parties in the preparation of local programs relevant with the protection of the nature and following out their implementation,
- D. giving opinion on the international and Arabic relations relevant with environmental matters,
- E. giving opinion on the national plan and plans of Ministries for the emergency and environmental disasters,
- F. coordination the activities of the Ministries and the parties concerned with the protection of the environment and evaluation their works,
- G. giving opinion on the legislations relevant with the environment or its projects
- H. evaluation the works of the Boards for protection and improvement of Environment in the governorates
- I. collaboration with the Ministries and the parties concerned with preparing a list of cultural and natural heritage sites and nomination for the world heritage list
- J. giving opinion on the annually report regarding the condition of Environment in the republic of Iraq before passing it to the council of Ministries
- II. Board has right to form committees among its members for the considerations of certain issues to study them and to pass the recommendations on them.
- III. The Board has right to authorize its president or presidents of the Boards in the governorates to do its duties.

### **Chapter three**

#### **Boards for Environmental Protection and Improvement in the governorates**

#### Article (7)

I. there shall be established in each governorate a Board under the name of (Board for the protection and improvement of Environment in the governorate) headed by the governor and attached with the Board. The duties, normal procedures and nomination its member s shall be defined by instructions issued by the head of the Board.

II. The council of the protection and improvement in the governorate has the right to host any specialist or the representative of cooperative , mixed , private and public sectors to consult them or to inquire about the environmental matters relevant with the party that he represents it without having right of voting.

## **Chapter four**

### **Provisions of the protection of Environment**

#### Section one

#### General provisions

#### Article (8)

The planning parties in the government shall assume the task of incorporating the considerations of protection of the environment anti-pollution, rational consuming for the natural resources and sustainable development in the plans of developmental projects.

#### Article (9)

Parties resulting from their activities environmental pollution shall be abode by the following:-

1. Providing the means and systems of pollution treatment with the usage of environmental cleanest techniques and operating them and be sure of their fitness and fixing the defect when it happened and informing the Ministry thereby.
2. Supplying Devices for monitoring and measuring of pollutions according to their nature and writing down the results of measures in a record for this purpose to be easy for the Ministry to get them. In case of non existence of these devices, the Ministry shall use devices of measuring in their office; consultative parties and laboratories adopted by the Ministry and shall subject to the supervision and inspection of the Ministry.
3. Making database relevant with the protection and maintaining the environment including concentration and levels of the pollutions resulting from the party and according to their kind
4. Working to use renewal energy techniques for decreasing the pollution

#### Article (10)

I. the owner of any project before its establishment shall be abode to prepare a report regarding the estimation of environmental impact including as the following:

- A. the estimation of negative and positive impact of the project on the environment and impact of surrounding environment on it,
  - B. the proposed means to avoid and to treat the causes of the pollution to be abode by Environmental regulations and directives.
  - C. emergency pollution cases and probability and the precautions should be taken to prevent its occurrence
  - D. the possible alternatives to use technology less harmful for the environment and rationalizing the resources usage
  - E. reduction the waste and recycle or reuse it as much as possible
  - F. evaluation of environmental feasibility for the project and evaluation the cost of pollution compare with the production,
- II. Economical and technical feasibility study for any project shall contain the report stipulated in the provision (first) of this article.

#### Article (11)

Parties that have activities impact on Environment shall be prevented for practicing its work unless they get the approval of the Ministry.

#### Article (12)

The provisions stipulated in the article (9), (10), (11) of this law take effect on the existing utilities or the expansions or rebuilding that may occur.

#### Article (13)

- I. parties responsible on the education and teaching with its different levels shall be in charge of entering the materials and environmental sciences in all studying levels and working on establishment and developing specialized institutes in the environmental sciences to graduate qualified staff for the environmental work in the coordination with ministry of environment.
- II. the parties responsible of information, the guidance and direction shall work to enhance the environmental awareness program in all kinds of media and directing their private and public programs in away to serve the protection of Environment.
- III. the parties concerned with the culture shall be in charge of preparing the programs and publishing the books, publications and bulletin aiming to develop the environmental culture.

#### Second part

Water protection from the contamination

#### Article (14)

The following is prohibited

- i- Spilling any home liquid or industrial or serviceable or agricultural waste for the surface internal and ground water resources or Iraqi Marine spaces shall not be done unless the necessary remedies carried out in away to ensure its accordance with the limited standards in the national environmental legislations and relevant international agreements compulsory for the republic of Iraqi including all drainages whether they are continuing or discontinuing or temporary and take the necessary measures to prevent the contamination to access from the land to the marine region whether they are through water or air or from the beach directly or from the vessels or aircrafts.
- ii- Join or drain the swage of the houses , factories and other activities to the drainages nets;
- iii- Throw solid wastes or refuses, carcasses or dirt of the animals into watering- places;
- iv- Use toxic and explosive materials for fishing and hunt water birds and animals;
- v- Drain oil remains, fuels or balance water of the tankers into inner shallow water or marine fields of Iraq, whether the drain is from fixed stations, mobile sources of the leaks resulted from loading operations;
- vi- Any actions lead to the contamination of the shallow water through usage of their banks unless obtain the approval of the concerned parties;
- vii- Any actions lead to the contamination of the marine region resulted by survey and invest the regional seabed with its lower ground and continental shelf comprise facing the emergency contamination cases which cause damages to the marine environment in order to guarantee the liability of the national statues and principles and terms of the international law.

### Section Three

#### The Protection of Air from the Pollution and the Stopping of Noise

##### Article (15)

The followings are prohibited:-

- i. Emanation of smokes, gases, steams, and fines coming out of the process of production or burning fuel in the open air unless taking the necessary treatments to ensure their match to the national legislations on environment,
- ii. Use engines or vehicles that fling out wastes exceeding the accepted limits indicated in the national legislations on environment.
- iii. Burn the solid wastes unless being done in designated places by the parties concerned according to environmental safety method;
- iv. Excavation , digging, construction or demolition works that leave raw materials unless after getting and removal to avoid their scattering;
- v. Practice the actions that diffuse non-ionic rays spreading from the main stations, towers and antennas of the mobile phones and others unless they are within the limits of the instructions and obligations issued by the ministry for this purpose.

#### Article (16)

It shall be prohibited to exceed the acceptable limits of noise at the running of machines, equipments and instruments of horns and loudspeakers for all activities. Authority shall issues the license taking into consideration the percentage of the noise spreading in a zone according to the permitted limits in the instructions issued by the Minister.

#### Section Four

##### The Protection of Earth

#### Article (17)

The followings are prohibited:

- i. Every action that causes direct or indirect damage , spoil or pollution to the land affecting its capacity of production, or food chain and beauty aspects in accordance with the valid legislations.
- ii. Not compliance with the basic plans of the urbane areas and land protection from the expansion of building
- iii. Every action may affect the area or type of the plant cover in any region and cause desertification or distortion of the natural environment unless obtains approval of the parties concerned.
- iv. Demolish or cause damage to the natural and cultural inherited places stated in a register book and assigned by the Ministry for this purpose in cooperation with others concerned parties.
- v. Throw the solid waste at random only in the assigned locations.

#### Section Five

##### The Protection of Bio-diversity

#### Article (18)

The followings are prohibited:

- i. Cause harm to the biological groups in their dwelling areas;
- ii. Fishing and hunt the birds and land and water animals that are threatened or likely to be threatened with extinction or use them for trade.
- iii. Hunt, kill, catch , posses or transfer the birds and land and water animals specified by the concerned party including the emigrant birds that use Iraqi territories for the rest or incubation as well as their dwelling and growth areas;
- iv. Extermination or harm the plants which are rare, medical, perfume and on land. Using of such plants or their seeds for medical, industrial and trade purposes shall be in accordance with the directions to be issued by the concerned parties.
- v. Cut the longevous tress in the public areas inside the cities unless obtain permission of the Chairman of the Environment Protection and Improvement Council in the province. Longevous tress mean those of 30 years old or more.

- vi. Cut the forest trees unless obtain permission of the parties authorized to issue such licenses in accordance with declaration of the annual production of the land (1000 sq.m).
- vii. Bring plants or animals of different kinds to the environment unless obtain permission of the concerned parties.
- viii. Make researches on the genetic engineering which cause harm to the environment and creatures.

## Section Six

### Management of dangerous Articles and Wastes

#### Article (19)

The Ministry in Cooperation with the concerned parties may arrange a national register book for the dangerous chemical frequently used in the Republic of Iraq and another one for the dangerous wastes.

#### Article (20)

The followings are prohibited:

- i. Sprinkle or use pesticides or any other chemicals for agriculture, public health or other purposes unless follow the conditions and regulations of environmental applications to insure disaffection of their direct or indirect risks on man or other elements of environment in the present or in future.
- ii. Transfer, deal, bring, bury, sinking, storing or eliminate the dangerous or radial wastes unless use the safety methods on the environment and obtain the official approvals in accordance with regulations issued by the minister on coordination with the concerned party.
- iii. Produce , transfer, deal, import, or store the dangerous articles , unless apply the necessary procedures stated in the rules, regulations and directions in force to insure avoidance of any damage for environment. owner of any establishment or trade should notify the ministry about any transfer may happen by force amateurs of dangerous articles or produces to the environment and take the necessary actions to avoid any harms may happen.
- iv. Bring and transfer dangerous and radial wastes from other states to Iraqi territories , air and marine roads unless obtain precedent official approvals.
- v. Practice any action to treat the dangerous wastes unless obtain permission from the concerned parties upon the view of the ministry . Elimination of these wastes should be upon the conditions and measures determined by directions to be issued for this purpose to insure avoidance of harms to the environment.

## Section Seven

Environment protection from pollution resulted from petrol and natural gas extraction.

#### Article (21)

Parties concerned with exploration and extraction of petrol and natural gas should act the followings:

- i. Act necessary produces to minimize the damages and dangers resulted from exploration and excavation of petrol and natural gas and take all necessary precautions and procedures to prevent the land, air, and underground water and basins from pollution and damage.
- ii. Take all necessary arrangements to eliminate the salty water accompany the extraction of the crude petrol in environmental safety methods.
- iii. It shall be prohibited to drop the petrol on the ground or inject it in the layers used for human and agricultural purposes.
- iv. Provide the Ministry with the information on the causes of fire, explosion, break, run out of crude petrol and gas from the well mouths and pipeline accidents as well as the procedures taken from their treatment.

## **Chapter Five**

### **The Censorship of the Environment**

#### **Article (22)**

Activities that affect the environment shall be subjected to the environment censorship. The responsible party for such activities should show all cooperation and necessary facilities to the environment censorship teams to perform their mission including allow them to enter the sites.

#### **Article (23)**

The owner of the activity or responsible for the establishment subject to the environment the environment censorship should have a register book to write down the effect of the activity on the environment in accordance with instructions issued by the minister to declare the type of the register book and date to be included. Environment censorship teams shall be responsible for follow up such data.

#### **Article (24)**

- i. The Minister shall nominate an environment censor from the Ministry staff to execute the terms of this law and censor the law-abiding activities that may affect the environment besides arrange censor duly to be submitted to the Ministry to take the necessary actions in this regard.
- ii. The environment censor shall be granted the state of juridical discipline. He shall be assisted by members of the environmental police and has the right of excess the establishments and activities under the environment censorship during and after the office hours to perform his mission.
- iii. Prior to assume his mission , the environment censor shall make the following legal oath before the head of the concerned department:  
(I do swear by the name of the almighty to perform my mission with all honesty and undertake to keep the secrecy of knowledge that I shall be acquainted with due to my official task).

#### Article (25)

In accordance with this law, an environmental police department shall be set up and administratively correlated to the Ministry of Interior. Divisions, responsibilities and correlation of this department shall be defined in an interior order issued by the Minister of Interior on coordination with the environment Minister.

#### Section Eight

##### Environment Protection Fund

#### Article (26)

A so-called (Environment Protection Fund) shall be set up with juristic character represented by the chairman of the board of the fund directors or the one whom he authorizes.

#### Article (27)

The fund shall be directed by a Board of Directors that shall be formed by the minister's decision and it shall hold the responsibilities of managing the fund and payment affairs. All decisions of the board shall send to the Minister for his approval.

#### Article (28)

Revenues of the fund shall comprise the following resources:

- i. Sums designated by the state from the public budget.
- ii. Donations offered for the fund in accordance with the law.
- iii. Compensations which shall be agreed upon or imposed against the damages caused to the environment.
- iv. Charities offered by the states and Arab, regional and international organizations for the sake of environment protection and accepted by the Ministry in accordance with the law.
- v. Fees charged by the fund against the services offered by the Ministry and shall be determined by regulations duly issued for this purpose.

#### Article (29)

Expenditure from the fund shall be for the cases stipulated by this law.

#### Article (30)

- i. Expenditure cases from the fund shall be declared by the directions to be issued by the Minister on consultation with the Minister of Finance.
- ii. Fund accounts shall be under auditory and review of the Audit Office.



## Section Seven

### Rewards

#### Article (31)

The Minister shall have the right to grant rewards for the natural and juristic individuals who perform works or projects lead to the environment protection and improvement. Amounts and spending cases of such rewards shall be determined by instructions due to be issued on the light of the law.

## Chapter Eight

### Compensation for Damages

#### Article (32)

- i. He who, by his own action, negligence or omission or by the action of the persons or sub-gradients who are under his auspices, supervision, or control, or due to his violation of the laws, norm and regulations could cause damage to the environment shall be obligated to pay compensations, remove the damage within a suitable period and return the situation to the conditions prior to the damage happened by his own methods and within the period and provision stated by the Ministry.
- ii. In case of negligence, omission or refuse to perform the text in Para( First) of this article, the Ministry after send a notification, has the right to take the necessary arrangements and procedures to remove the damage and charge the offender all expenditure paid for this regards in addition to all administrative charges with taking into consideration the following points:
  - a. Degree of risk of the pollution articles of deferent kinds.
  - b. The affection pollution on environment both in present and future.
- iii. Responsibility of the person who causes damages through violation of the terms of (First) and (Second) of this article shall be assumptive.
- iv. The compensation sum imposed against the damage resulted by the offence shall be deposited in the fund until being used to remove the pollution on the terms of article (29) of this law.

## Chapter nine

### Final Provisions

#### Article (33)

The Minister or the person so authorized by him shall have the right to warn any establishment, factory or party that may cause pollution for the environment to remove the offence reason within(10) days as from the date of receive the warning memo. In the event of incompliance, the Minister may order the suspension of work or temporary closure for a period not exceeding (30) renewable days until the offence is removed.

- ii. Subject to the provisions stated in (First) of this article the minister or the person so authorized by him whose post title shall not be below director general shall have the right to impose a fine at the

amount of (1000.000) millions as minimum and (10.000.000) ten million Dinars as maximum for every month until the offence is removed on everyone who may offend the terms of this law and the accordingly issued regulations, instructions and statements.

#### Article (34)

- i. Subject to anymore strict punishment stated in this law, the offender of the terms of this law and the accordingly issued regulations, instructions and statements shall be sent to a prison for a (3) three-month period at least, a fine at the amount of( 1000.000) one million Dinars and not exceeds ( 20.000.000) twenty million Dinars or both.
- ii. The punishment shall be doubled any time the offence is repeated.

#### Article (35)

The offender of the terms of (ii), (iii) and (iv) of article (20) of this law shall be sent to a prison and he shall be obliged to return the dangerous or radiant articles and wastes to their native places in safety way as well as to pay the compensation amount.

### **Chapter Ten**

#### **Final Terms**

#### Article (36)

The establishments already set up prior to issue of this law shall be granted a (3) three -year delay starts from the date of the law being in forced to arrange their conditions proper to the terms of this law. The Minister shall be authorized to extend the period for another year if necessary after observation the seriousness of the procedures taken to execute this law.

#### Article (37)

The environment protection and improvement law N0 (3) of 1997 shall be annulled and all regulations and directions duly issued shall be still in force in case of contradiction with the terms of this law until being replaced or abolished.

#### Article (38)

- i. It shall be permitted to issue regulations to facilitate execution of the terms of this law.
- ii. The Minster shall have authorizations to issue internal regulations and directions to facilitate execution of the terms of this law.

#### Article (39)

This law shall be in force after (60) days of being published in the official newspaper.

### Explanation

For the sake of reserve the natural resources and achieve the lasting health, prosperity and development, generalize the environmental understating, in coincidence with the importance of the global cooperation to execute the environmental pollution caused by the wrong actions and for the sake of enhance the role of the executive authorities to put the resolution in force and follow up the procedures necessary to protect and improve the environment, this law is enacted.

**IN THE NAME OF ALLAH MOST GRACIOUS MOST MERCIFUL**

**IRAQI KURDISTAN REGION**

**PRESIDENCY OF REGION**

**PRESIDENT**

**IN THE NAME OF THE PEOPLE**

**RESOLUTION**

**NUMBER (20) FOR THE YEAR (2008)**

**Law No. 20 of 2008 for Environmental Protection and Improvement in Iraqi Kurdistan Region**

According to the clause (1) of article (10) of amended Iraqi Kurdistan Region Presidency Law Number (1) for the year (2005) and depending on the bill which has done by Iraqi Kurdistan National Assembly in the session number (27) on June 11 ¥2008, we have decided to issue:

Law Number (8) for the year (2008)

The Law of Environmental Protection and Improvement in Iraqi Kurdistan Region

FIRST PORTAL GENERAL DEFINITIONS, GOALS AND PRINCIPLES

**CHAPTER ONE GOALS AND DEFINITIONS**

Article 1:

Meaning of the following expressions was the opposite meaning of them for the purpose of this law:

First: The region: Iraqi Kurdistan region.

Second: The Ministry: Environment Ministry in Kurdistan region.

Third: The Minister: The Minister of environment in Kurdistan region.

Fourth: The Council: The Council of Environmental Protection and Improvement in the region.

Fifth: The Chairman: The Chairman of Environmental Protection and Improvement Council in the region.

Sixth: Governorate council: The Environmental Protection and Improvement Council in the regional governorates.

Seventh: The Box: The Box of environmental protection and improvement in the region.

Eighth: The Environment: The biosphere that includes living organisms (Human, animal, and plant), and biotic components and all its surroundings such as air, water, soil, and their contents from solid, liquid, and gaseous substances, in addition to the mobile and immobile man made establishments.

Ninth: Environmental pollution: Any direct or indirect changes in the environmental components or properties that lead to its damage and distort its normal balance.

Tenth: Environmental pollutants : Solid, liquid, or gaseous substances, noise or biological factors or radiation and temperature, or rocking which have damaging effect on the environment and distort its normal balance.

Eleventh: Environmental protection: Protecting the environment and preventing from pollution and destruction.

Twelfth: Environmental improvement: Developing and beautifying environmental elements.

Thirteenth: Environmental impact assessment: Determination, analyzing and evaluating the effects of any project, establishment, or activities on environment. Pointing out the ways of preventing or limiting the negative effects on environment and natural resources on which the approval of a project depend or not.

Fourteenth: The noise: The sounds in which their frequencies exceed the permitting level and determined by regulation.

Fifteenth: Dangerous substances: Solid, liquid, or gaseous substances with dangerous properties that have harmful effect on the environment like infectious, toxic, or explosive, combusted capability, or ionic radioactive substances and others.

Sixteenth: The Wastes: unusable Solid, liquid, or gaseous substances which are the output of different activities.

Seventeenth: The Natural Protectorates: Specialized areas to protect living organisms or any other protected ecosystems that are deporting , affecting , harming and destroying are not allowed.

Eighteenth: Biodiversity: Variance and diversity of living organisms.

Nineteenth: The governmental agencies: the governmental agencies related to environment.

Twentieth: The Establishment: lands, buildings, services, and equipments within the area.

Twenty first: The general place: A place to receive all or certain group (few numbers) of people for any purpose from the purposes.

Twenty second: The Environmental consent: Formal document is issued by the Ministry, in which it permits performing certain activities from environmental point of view.

Twenty third: Environmental protection standards: Limits or concentration of pollutants that is not permissible.

Twenty fourth: Environmental disaster: The resulted accident from physical factors, or by human activity, which may lead to hard damage to the environment in accordance to the standards issued by instructions.

## Article 2:

The goal of this law is to achieve the following purposes:

First: Maintaining the environment of the region, protecting, improving, developing and preventing it from pollution.

Second: Protection of nature and public health from dangerous activities and harmful works to human and environment.

Third: Maintaining and developing the natural resources, and rationing their utilization.

Fourth: Making the environmental policy a part of general planning of the development in all respects (humanity, industrial, agricultural, urban, tourism fields and others).

Fifth: Raising the level of environmental awareness, and establishing individual and community responsibility to environmental protection and improvement and encouraging the voluntary efforts in this field.

## **CHAPTER TWO ESSENTIAL PRINCIPLES AND GENERAL RULES**

Article 3:

First: Each person has the right to live in a safe and perfect environment and it is the duty of all people to work for the sake of environmental protection and its perfection.

Second: Environmental protection and improvement must be respected in the planning processes at the level of projects, programs, and developing plans in different sectors in the region.

Third: General and special educational and academic institutions in the region must insert environmental education programs in their curriculums in coordination with the Ministry.

Fourth: Civil society Organizations, and general and special institutions working in the fields of education, learning, training, researches, media, culture, religion publication, and other fields, must propagate the environmental culture and awareness in the region.

Fifth: All administrative agencies, each in their way, must ration the utilization of natural resources to achieve sustainable development.

Sixth: The health care institutions, measurement device and quality control must consider the environmental health principles in their working programs.

Seventh: The Ministry has the right to communicate and coordinate with nongovernmental international agencies in the environmental protection and improvement field.

Eighth: The Ministry should communicate and coordinate with the Iraqi Environment Ministry in all things related to international agreements.

## **SECOND PORTAL**

### **REGULATION OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT**

#### **CHAPTER ONE**

#### **ENVIRONMENTAL PROTECTION AND IMPROVEMENT COUNCIL IN THE REGION**

Article 4:

According to this law, a council will be established under the name of (Environmental protection and improvement council in the region) related to the Ministry, which acted by the council president or his appointed agent and its membership consisted of:

First: The Minister: president.

Second: Under secretary: deputy president.

Third: General Director of technical affairs and prevention from radiation in the Ministry: member or decider.

Fourth: General Directors in the Ministry: Members.

Fifth: The representative of Ministries and the boards related to environment that the Minister chooses them, whom must be at general director degree: Member

Sixth: The representative of local environmental organizations.

Seventh: The Minister can invite someone whom he sees suitable to attend the council session if needed, from inside or outside the region and benefit from their opinions without having the right to vote.

#### Article 5:

The council members follow up the execution of decisions and recommendations issued by the council in their Ministries, and prepare reports about it and send them to the council president.

#### Article 6:

In addition to the previous tasks, according to Ministries law, the council performs the following tasks and authorities:

First: Suggesting the general policy for environmental protection in the region and determining their ecological goals and priorities.

Second: Confirmation and dependence on the specification and estimated standards for environmental components.

Third: Confirmation the conditions and controls that must be present in the projects and activities that have harmful effects on the environment or leads to distortion in the balance of environment.

Fourth: Confirmation and dependence on the instructions, decisions, and controls required for execution the rules of this law and which issued by it.

Fifth: Unification the emergency plans prepared by the related agencies to face the environmental disasters.

Sixth: Performing necessary surveys to appoint environmental impact resulting from the use of international prohibited weapons in the region.

#### Article 7:

First: The Council holds its sessions one time every two months or when needed by convocation from the president and the quorum of council meeting is completed when most of the members are present.

Second: The council takes over the decisions by majority of vote numbers of the present members. In the case of equal vote, the agency is preferred in which the president of the meeting voted.

## **CHAPTER TWO**

### **COUNCIL OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT**

## **IN REGIONAL GOVERNORATES**

### **Article 8:**

In all regional governorates, a council will be established called (The council of environmental protection and improvement in the governorate). Council of environmental protection and improvement in region proposes the formation of governorate council headed by the governor or his representative when he is not present. The governorate council performs the following tasks and authorities:

First: Following up the execution of council decision, which related to the governorate.

Second: Giving opinion about the environmental problems in the governorate.

Third: Suggesting plans for environmental protection, following up their execution, and offering periodic reports to the council about the environmental state and activity in the governorate.

### **Article 9:**

First: The meeting of governorate council occurs at least one time every month by convocation from the president or his deputy.

Second: The quorum of governorate council meetings is completed when most of members are present.

Third: The governorate council takes over their decision by the majority of the vote numbers of the present members. In the case of equal votes, the agency is preferred in which the president of governorate council or his deputy voted.

Fourth: The minutes of meetings of the governorate council is shown monthly to the council to be informed and approved.

Fifth: The council of governorate can invite any one from specialists or experts to take benefit from their opinions and asking them about the environmental affairs in which they do not have the right to vote.

## **CHAPTER THREE**

### **THE BOX OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN THE REGION**

### **Article 10:**

First: Establishment of a box in the region under the name (environmental protection and improvement box in the region) in order to spend for environmental protection and improvement, and conservation of their elements to achieve the goals and purposes forenamed in this law and the regulations and instructions issued by it.

Second: The box is characterized by moral personality, directive and financial independence, and the possession of the box considered as public possession.

Third: The box income is composed of:



A- The particulate receipts from the budget of regional government.

B- The receipts, helps, donations, and grants offered from the grantor countries, boards, societies, and organizations which are local, regional, or international, and private and civil boards and societies or persons.

C- The environmental wages, fines, and duties levied according to this law.

Fourth: Determination the special procedures related to the box formation and consignment, conservation, spend, and the directions of many spending according to instructions issued by the council for this purpose.

## **CHAPTER FOUR**

### **THE ENVIRONMENTAL PLANNING**

Article 11:

First: The Ministry puts an essential plan to protect the environment in the region, depending on the council suggestion. The plan is decided by the council of Ministries.

Second: The essential plan for environmental protection is submitted to periodic review every two years by the Minister depending on the council suggestion and the modifications are affirmed by a decision issued by the council of Ministries.

Third: The periodic review is performed depending on the environmental state in the region with respect to the considerations of international development in the scientific, research, and technical fields.

## **CHAPTER FIVE**

### **EVALUATION OF THE ENVIRONMENTAL IMPACT AND ENVIRONMENTAL CONSENTS**

Article 12:

Any person normal or moral, general, specific, mixed, or any agency, after execution of this law, perform an activity affects on the environment, must prepare a study to asses the environmental impact of activities and projects that have been constructed, then send it to the Ministry in order to take over a convenient decision about it, in which the study must include the following:

First: Evaluation of the positive and negative effects of the project, establishment or factory on the environment.

Second: Suggested means to prevent and treat the causes of pollution, in which attains the engagement to the environmental instructions and controls.

Third: The probable and emergency pollution states and the reservations that must be carried out.

Fourth: Possible substitutes for using more clean environmental techniques.

Fifth: Minimizing, recycling and reusing the wastes.

Sixth: Assessing the cost of environmental interest and impairment that have been produced by the projects.

Article 13:

The Minister can request from moral or normal person, or from any agency, before execution of this law, perform an activity affecting the environment, to prepare a study for environmental impact assessment of their projects if they need requirements of protecting the environment.

Article 14:

The council puts the standards, specification, principles, and controls required to determine the projects and fields that have been submitted to evaluate the studies of environmental impact assessment, and prepares lists on these projects, and put system and procedures for environmental impact assessment.

Article 15:

All the related agencies, in coordination with the Ministry before receiving approve for any project, commit to take over the following steps and procedures:

First: Work to prevent the negative environmental effects that resulted from their projects, or from projects that submitted under their supervision, or from projects consent about it.

Second: Taking over all the suitable procedures to ensure the application of rules forenamed in this law on their projects or the projects submitted under their supervision, or which proposed to issue the consent about it with the regulations and instructions issued according to this law.

Third: Observing and following up the environmental regulations, standards, and keeping them in their projects or projects submitted to their supervision, and providing the council with periodic reports about it.

Fourth: Making coordination with the council before issuing any consents or permits related to performing strategic or giant activities affecting on the environment.

## **CHAPTER SIX**

### **ENVIRONMENTAL OBSERVATION AND CONTROLS**

Article 16:

The Ministry observes the institutions, projects, establishments and different activities, to determine the extent to which they committed to the specifications, standards and measurements, which depended on in the protection of environment according to the rules of this law.

Article 17:

The owner of any project or establishment must encompass the processes of self monitoring in coordination with related agencies according to the measurements, and controls put by the Ministry, and send the reports about it according to Ministry's instructions or any other agencies determined by the regulations and instructions that issued according to this law.

Article 18:

First: The Ministry encompasses to form environmental observation teams and whose duty is to control the environmental dissensions and crimes that contradict this law.

Second: The environmental observation teams have the right to enter establishments, and institutions for the purpose of inspection, taking samples and to ensure how much measurements, conditions and control of environmental protection have been applied and these teams are cooperated by members of police during performing their work.

Third: The owner of different projects and activities must enhance the environmental observation teams to perform their work and provide them with information and data that is necessary to execute the rules of this law.

Article 19:

Organizations of civil societies and persons can inform the Ministry about the activities and practices that have harmful effect on the environment.

## **CHAPTER SEVEN THE INCENTIVE PROCEDURES**

Article 20:

The Ministry in coordination with the Ministry of finance prepares a system of incentives to aid moral or normal persons who encompass activities or offer thinks in which protect or improve the environment.

## **CHAPTER EIGHT THE RESPONSIBILITY AND COMPENSATION OF DAMAGES**

Article 21:

First: Any one who causes environmental impairment, by his own action, negligence, or by the action of whom are under his care, observation, or control from persons or followers, or by dissenting the laws or regulations and instructions is responsible, and he is obliged to compensate, remove the impairment and return the state as it was before, during a period of time limited by the Ministry and according to conditions putted by it. In the case of neglecting or do not submitting to perform it, the Ministry after notifying him, can take over the procedures and action to remove the impairment and the causer tolerates all the loss for this purpose, in addition to the administrative costs with respect to the following standards:

- 1-Dangerous degree for types of polluted substances.
- 2-The effect of pollution on the environment now and in the future.

Second: The causative's responsibility on the impairments that resulted from dissention of application the rules of clause (First) of this Article is obligatory.

Third: Applying the laws of Iraqi civilian about the responsibility rules in everything when there is no text forenamed about this law.

Fourth: The organization of civil society and persons whom have been impaired, can process lawsuit according to the rules of clause (first) of this article.

Fifth: Consigning pollution removing costs into the box when consummated to be used for pollut ion removing.

## **THIRD PORTAL**

### **RULES OF PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT**

#### **CHAPTER ONE**

#### **WATER PROTECTION AND IMPROVEMENT**

Article 22:

The exertion and discharging any harmful substances, liquid, gaseous, radioactive or thermal into water sources or their streams is prohibited if they are not treated according to usual standards.

Article 23:

Determination of regional standards for surface, ground, and drinking water will be set by regulation.

Article 24:

The Ministry determines the measurement for the pollution level that permissible in water used for drinking, irrigation, industrial, and services, with returning to this measurement when needed.

#### **CHAPTER TWO**

#### **AIR PROTECTION AND IMPROVEMENT**

Article 25:

Each normal or moral person commits not to be a cause to revival or infiltration pollutants in to the air, including harmful or undesired nasty odor.

Article 26:

All air polluted activities submit to the special regional standards. The revivals must remain within permissible limits.

Article 27:

The Ministry determines the pollution levels that permissible for revivals of all air pollutant activities in which shows:

First: The permissible levels of fuel combustion revivals or other materials for any purposes.

Second: The permissible levels for noise levels.

Third: The permissible levels for radiation levels or radioactive substance concentrations emanated from any radioactive activity.

### **CHAPTER THREE**

#### **SOIL PROTECTION AND IMPROVEMENT**

Article 28:

Prohibiting the following:

First: Any activity leads directly or indirectly to impair the soil of agriculture lands degree (A) or deteriorating or polluting it, in a degree that affect on the productive ability.

Second: Any activity leads to impair the land areas specialized for pasture, according to the issued regulations and instructions depending on this law.

Third: Construction or residence of any industrial, commercial, or service activity on agricultural lands opposite to the verdicts of this law.

Fourth: Changing the lands' state from agricultural to urbane, industrial, commercial, or service in opposition to the verdicts of this law.

Fifth: Scooping the agricultural lands or transferring its soil and using it for other purposes (not for agricultural lands). The scattering of the land or transferring its soil in the purpose of improvement or keeping the soil fertility are not considered as scooping.

Article 29:

Each person must be submitted to the essential designs of the civilian areas, and protecting the lands from the reconstruction creep. The office of reconstruction planning must offer the required reasons for obtaining the Ministry's consent on the maps, designs, and changes of lands' state.

Article 30:

The Ministry with coordination with the related agencies, puts suitable environmental conditions for the activities of exploration, mining, quarries, smasher, washers, mines, extraction of petroleum resources and others in a form that protect the natural resources in the region from pollution and depletion.

### **CHAPTER FOUR**

#### **KEEPING THE BIODIVERSITY**

Article 31:

For the purpose of protection of nature and prevention of desertification and the conservation of animal and plant genera and their habitats the following are prohibited:

First: Any work or activity leads to destruction or threat of animal and plant genera.

Second: Hunting of fishes, birds, and animals, in their matting and reproduction seasons.

Third: Hunting of fishes, birds, and animals by using explosives, toxins, electrical shock or any method of unjust hunting.

Fourth: Cutting, eradication, or removing trees, shrubs, plants, and herbs, both terrestrial and aquatic, from the general properties.

Fifth: Hunting, killing, capturing, possession, or transferring the birds and animals that are threatened with extinction, or showing it for sell, or destructing nests or breaking its eggs.

Article 32:

The Ministry in coordination with related agencies and related external agencies must encompass the construction of gardens, natural protectorates, general parks, and maintain natural sites which have an extensive heritage.

Article 33:

It is prohibited for any person or agency performing of any work, behavior or activity leads to impair or affect the natural, beautiful, or heritage extensions of the natural protectorates or general gardens, or parks.

## **CHAPTER FIVE**

### **RECYCLING OF THE WASTES AND DANGEROUS SUBSTANCES**

Article 34:

It is not permissible for any person to manufacture, store, bury, incinerate, sink, use, treat or dispose of radiant substances or wastes (liquid, solid, or gaseous) only according to the instructions issued by the Ministry, and in coordination with related agencies.

Article 35:

The following are prohibited:

First: Importing of dangerous wastes that result in damage for humanity and environment to the region.

Second: Importing of dangerous substances to the region without the Ministry's consent.

Third: Passing of dangerous wastes and substances through the region without the Ministry's consent.

Article 36:

It's not permissible to produce, transfer, exchange, import or store the dangerous substances without taking over all reservations forenamed in the laws, regulations, and the instructions, in which to insure no environmental impairment will occur.

## **CHAPTER SIX**

### **PESTICIDES AND CHEMICAL COMPOUNDS**

Article 37:

Importing, using, or exchanging of the chemical compounds that are internationally prohibited, in cooperation with the Iraqi environment Ministry, is prohibited.

Article 38:

Manufacturing, importing, spraying, exchanging and using of epidemic pesticides or any other chemical compounds for the purpose of agriculture or health or public health, or for other purposes are prohibited, except after keeping the conditions, controls, and the insurances that determined by the regulations and the instructions issued according to this law, in which insure that all environmental components will never be exposed directly or indirectly now or in the future to the harmful effects of pesticides and chemical compounds.

Article 39:

A committee will be formed in the region; cares to record and dependence of the pesticides and it will be composed of related agencies.

## **CHAPTER SEVEN**

### **FACING THE ENVIRONMENTAL DISASTERS**

Article 40:

The council in coordination with related agencies prepares a general plan for facing the environmental disasters and exposing to the council of Ministers for dependence and the following must be regarded:

First: The council undertakes collecting the information and regulations which available locally and internationally about facing the environmental disasters and minimizing their impairments.

Second: Formation of a committee at the region level headed by the prime Minister, for facing the disasters and limit ing their risks by a regulation, determines the committee agencies, task and the mechanism work of each agency before, during, and after the disaster.

Third: Formation of emergency teams for facing the disasters by instructions issued from the representative agencies in the regional committee that forenamed in the second clause of this Article, in which provided by all new requirements with a suitable staff and trainer in the field of emergencies' confrontation.

Fourth: Classification of disasters in general and determination of work and responsibility of each agency by notifying about its happening, expecting its occurring, and how to face it.

Fifth: Construction of a central processing room for receiving the notifications about the environmental disasters and following up the reception and sending minute information about it in order to collect the required capabilities to face it.

Sixth: Formation of a work team divided from the processing room to follow up the facing environmental disasters at the time of its happening or expect its occurring, and the president of the work teams has all the authorities required for facing the environmental disasters, in cooperation and coordination with related agencies.

## **FOURTH PORTAL**

### **THE PUNISHABLE RULES**

Article 41:

The Minister or his appointed agent can warn any establishment, project or any agency or environmental pollutant source to remove the effected and harmful factor to the environment during a period not exceed ten days from the date of informing the warning. In the case of non-obedience, the Minister can stop the work, close it and withdraw the environmental consent temporarily until the pollution has been treated and this is organized by instructions.

Article 42:

First: Without prejudice of any severe punishment forenamed in other laws, the dissenting of the rules of this law, regulations and instructions issued according to it, is punishable by imprisonment for a period not less than one month or by a fine not less than 150000 one hundred and fifty thousand dinars and not to exceed than 200 000 000 two hundred million dinars or by both punishments.

Second: Duplication of the punishment, in each time the dissention has been repeated.

Third: The Minister or his appointed agent , which his job is not lower than general director, can impose a fine not less than 100 000 one hundred thousand dinars and not to exceed 10 000 000 ten million dinars against each one whom dissent the rules of this law, regulations and instructions issued according to it.

Article 43:

The dissenting of the rules of the clauses (first, second, and third) in article (35) of this law, is punished by imprisonment and returning the dangerous substances or wastes to its origin, or dispose of it in a safe way with compensation.

## **FIFTH PORTAL**

### **THE EVENTUAL RULES**

Article 44:

The council of Ministers, depending on the Ministry's suggestion, can issue the required regulations for executing the rules of this law.



Article 45:

The Minister can issue the required instructions for the execution of the rules of this law.

Article 46:

Not working by any textual law opposite to the rules of this law.

Article 47:

The council of Ministers and related agencies must execute the rules of this law.

Article 48:

This law is executed after ninety days from the date of publishing it in the official newspaper (Kurdistan Gazette).

Massoud Barzani

President of Kurdistan region –Iraq

This law issued in Erbil in:

2nd Kharmanan of 2708 Kurdish year

21st Rajab 1429 A.H.

24th July 2008 A.D.

#### Necessitating Reasons

Depending on the importance given from the government of Kurdistan region to right of the human to live in clean, intact and stable environment, and to protect the environment of the region from all different forms of pollution, and to insure living of the organisms in clean and intact environment, and to insert principles of environmental protection to the humanity, economic, and social developing plans, and encouraging the sustainable development of vital resources in a form keeps the right of the immediate and next generation, and keeping the biodiversity, healthy nature, and natural region resources and its economic resources and protecting it from any impairment, which may results from industrial, agricultural and reconstruction activities or others and to publish the environmental awareness and culture and to graduate in the punishment rules, this law has been legislated.

## **Environmental Instruction for Agricultural, Industrial and Public Service Projects 1990**

### **Definitions:**

**Location requirements:** the specifications that should be considered upon the selection of an industrial site or activity of any type that may be damaging to the environment whereby ignoring these requirements causes damage to public health and the environment in a direct or indirect manner.

**Environmental requirements:** the Inclusions to the work systems and technical units that should be provided to the activities as part of the project or productivity which causes a reduction in the dangers of pollution or permanently eliminate it.

**Fundamental planning limits:** means whenever present fundamental plans for cities towns and villages subject to development in terms of the countryside settlement and development.

**Enforced Rivers maintenance systems:** means the rivers maintenance regulation number 25 of 1967 as officially approved and amended.

**Enforced surrounding air quality:** means the air quality requirements as per latest amendments.

**Prevailing winds:** means the direction of wind for the longest period of the year as regards other directions provided the angle is accounted for 45 degrees (windward within directional angle of 45 degrees)

**Environmental classification of sources of pollution:** for the purposes facilitating relevant approving parties for the establishment of industrial or agricultural or services activities the following regulation shall be adopted which is divided into three major classifications (A) (B) (C) as to the severity of environmental pollutions as follows:

**First:** activities environmentally polluting class (A) these are severe environmentally polluting activities and includes large industrial and agricultural projects which has several affects upon the quality of the environment and vast areas hence should be greatly distanced from cities fundamental plans towns and villages subject to development in terms of countryside settlements together with the provision of all the treatment sufficient for the protection to the environment.

**Second:** activities environmentally polluting class (B) which include industrial and agricultural and other sources which results in locational pollution and may be controlled hence may be established inside the cities fundamental plans and within the allocated block conditional the availability of treatment according to regulations and controls in case of no-availability to control all the polluting sources (such as foul odour) the location shall be defined outside the cities fundamental planning according to locational requirements for that type of activity stated in detail in the regulations.

**Third:** activities environmentally polluting class (C) these are the remainder of human activity which causes simple pollution which may be treated in industrial plants which does not produce any noticeable pollution as well as small agricultural projects and residential concentration, hotels and hospitals which primarily produce biological pollution and may be treated with ease within treatment units hence may be established within and outside the cities fundamental plans without limitation according to instructions and regulations issued by the technical committee formed by order of ministry of industry and military fabrication number 27541 dated 7/12/1988 in compliance with the order the president the leader (Saddam Hussein may God keep him safe) which allows farm owners to establish non-environmentally polluting industries within their farms.

**Remarks:**

- 1- Any locational requirements may be added to the site or any other environmental requirements according to need with prior informing the environment protection and improvement department.
- 2- The locational or environmental requirements do not contradict the obligations by the license approving authority from the related contractor for good management of the treatment units its sustainability and operation in an appropriate manner in order to reducing pollution and the specificity of the project bearing legal responsibilities should it be proven otherwise.
- 3- For the purposes of facilitating supervisions Health department in Baghdad and districts /environmental protection and improvement shall be informed of the issued approvals by central and non-central relevant parties.
- 4- All activities included in this regulation is subject to environmental supervision by the environmental protection and improvement section in Baghdad and district and shall be provided with regular report to the environmental protection agency.

**Developmental projects for chemical and petrochemical and petroleum projects**

**Definition:** large factories with high industrial production capacity for the production of chemicals and petrochemicals from raw materials as follows:

Nitrogenous chemical fertilizers or the various chemical compounded insecticides, paper mills and large factories for the production of non- biological acids based and metallic salts and the various petrochemical industries and petroleum refining extraction of petroleum and natural gas and metallic raw materials, and chlorine gas factories.

**Environmental classification:** Environmentally polluting activities class (A)

**Locational requirements:**

- 1- The allocated site is far from the fundamental planning a distance not less than 15 kilometres windward and at least 10 kilometres in other directions.
- 2- The establishment of these factories is forbidden in valleys and naturally narrow low areas, also its establishment is forbidden in flats land if used as natural or artificial wind breakers (hill or forest as windbreakers )
- 3- In case of extreme necessities, in order to avoid what is stated in (3) an evaluating study shall be performed for the proposed project for the environmental effects in terms of detailed data.
- 4- Treated water discharge points shall be not less than 5 kilometres distance from the drinking water intakes.
- 5- Since the extraction of petroleum and gas and metallic material relates to the nature of the location, the issues are left to the relevant authorities to coordinate with the environment protection and improvement section.

### **Environmental requirements**

- 1- Inclusion of an integral unit for the treatment of industrial liquid waste ensuring compliance with the rivers maintenance regulation, the details shall be defined in the primary study for the project by the supplying company or the engineering consultative offices certified in Iraq.
- 2- Inclusion of units for the treatment of emitted gases and solids in the atmosphere ensuring quality air compliance outside the project to local air quality specifications.
- 3- The executing party (or engineering consultative offices certified in Iraq) shall be responsible for the accuracy of the designs and calculations as stated in (1 and 2) the project owners shall be responsible for the efficient operations and treatment. Treated waters shall comply with the rivers maintenance regulation number 25 of 1967.
- 4- Treatment of solid waste shall be by sanitary burial or incineration as for the dangerous and poisonous solid waste will be buried in the officially allocated sites.
- 5- The environment protection and improvement section in Baghdad and districts shall be responsible for follow up of all environmental issues arising from the factory or project as well as treatment efficiency and compliance with water and air specifications and enforce legislation.
- 6- Provision of an integral laboratory for testing industrial water after treatment ensuring compliance with environmental requirements.

### **Professional chemical industries factories**

**Definition:** all the industries that rely in its production on mixing or converting or packing, but handles chemicals and poisonous compounds or biodegradable elements during production, with production capacity limited as follows: mixing factories and paint packing , soap making, domestic insecticides mixing and packing factories, metallic coating factories, zincograph, goldsmith, mirrors coating, professional tanneries, textiles dying, glue and adhesives factories.

**Environmental classification:** class (B)

### **Locational requirements:**

- 1- Each district shall allocate a region for these industries and control it.
- 2- This area shall be not less than 5 kilometres from residential areas as stated in the committee's decision and as distance of not less than 500 metres from main roads.

### **Environmental requirements:**

- 1- Air pollution is considered to have limited situational effect; its effects may be annulled outside the work rooms unless the factory as great production capacity which necessitates follow up and study the possibility of treating the polluted air according to environmental protection reports in the district.
- 2- Industrial water discharged into the public sewer network after permission of relevant parties for the public sewers responsible for the qualitative supervision of discharged water. In case on non-existence of sewers a joint treatment plant shall be constructed for the industrial zone in terms of designs to be prepared by one of the engineering consultative offices in Iraq appropriate to the size and industrial capacity present which will result in the discharge of water complying with the rivers maintenance and plant operation by the sewers department in the district.

### **Cement factories**

**Definition:** all cement factories of every type.

**Environmental classification:** environmentally polluting (type A)

#### **Location requirements:**

- 1- The location must be not less than (10) km away from the fundamental planning windward.
- 2- The location is away from population centers of densities (less than 1000) of not less than five kilometers windward.
- 3- It is forbidden to establish these factories in valleys and narrow low lying land areas.
- 4- Not to contravene with (1 and 2) of the fundamental planning for neighboring cities.
- 5- That the location is away not less than one kilometre from public roads.
- 6- The location may not contain labour living quarters and their families.

#### **Environmental requirements:**

- 1- The factory shall have dust settlers at all stages as well methods to reduce dust spreading whereas dust concentrates shall not exceed 150 mg/meter cubic in chimneys and not exceeding 0.2 mg/meter cubic at the extremities of the factory windward during recording of readings.
- 2- Liquid residues shall be treated according to bylaws specified for river maintenance.
- 3- Solid residues scientifically in specified locations.

### **Cement vending agencies**

**Definition:** places allocated for the sale of cement.

**Environmental classification:** polluting type (B)

#### **Location requirements:**

- 1- may be established inside the fundamental planning in industrial estates or services and storage
- 2- May not be established on agricultural land or green pastures inside the fundamental planning due to the size of the exploited areas and its effects changing the nature of the land.
- 3- May not be established in residential settlements.

#### **Environmental requirements:**

- 1- availability of a fence around the allocate store for the sale of cement of not less than 2.5 m high
- 2- That cement sales shops are inside roofed areas.
- 3- May be established on land classified as agricultural but not practically exploited and the provision of an undertaking to vacate upon request within one month and the abiding with all due conditions as above.

### **Engineering industries**

**Definition:** electrical and electronic industries for sundry domestic use.

**Environmental classification:** environmentally polluting class (B)

**Location requirements:**

- 1- Establishment of these industries within fundamental planning and allocated heavy industries.
- 2- Establishment outside the fundamental planning and in such case there are no specific environmental requirements.

**Environmental requirements:**

Treatment of all gaseous emissions and resulting industrial liquid and solids ensuring compliance with water and air quality in in-force applicable legislation .

**Electricity generation stations**

**Definition:** all types of electricity generating capacity utilizing petroleum or gaseous fuel.

**Environmental classification:** sources environmentally polluting class (A)

**Locations requirements:**

- 1- Locations for such projects shall be outside the boundaries of fundamental planning for a distance of not less than (8) kilometers windward and (6) kilometers in other directions.
- 2- It is preferred the establishment of such projects on land not used for agricultural purposes.
- 3- Forbidden the establishment of such stations in valleys and low lying areas unless it is free of residential settlements in terms of original planning.

**Environmental requirements:**

- 1- availability of gaseous treatment equipment
- 2- Industrial water treatment unit in compliance with river maintenance systems.
- 3- Must contain low temperature water cooling towers according to terms stated by law.

Note:

- 1- Hydroelectric stations are considered environmentally non-polluting electrical energy but it has effects upon fisheries ministry of agriculture and irrigation permission is required.
- 2- Some Transformer oils are environmentally very poisonous its burning must be avoided or reaching water or nutritional sources it shall be disposed of according to the same conditions of dangerous and poisonous waste officially sanctioned, together with periodic supervision.
- 3- There are special furnaces for this type of oils that utilizes very high temperature.
  - Nuclear and thermal stations are considered class (A)
  - Gaseous stations are classified (B) and may be established within the boundaries of the cities fundamental planning.

**Drinking water projects**

**Definition:** projects where raw water is treated over several stages making it fit for drinking within required specifications.

**Environmental classification:** activity not classified

**Location requirements:**

- 1- may be established within the cities fundamental planning it is preferred to be established for cities in rivers upstream
- 2- sources to be close to high water discharges

**Environmental requirements:**

- 1- Relevant parties that equip drinking water shall define the classification and type of treatment in the light of the type of pumped water from water sources provided it contains methods to capture bacteriological, chemical and physiological pollutants ensuring that prepared waters are within Iraqi standards for drinking waters number 417 of 1974.
- 2- That drawing point for the project is distanced from polluting discharges a distance not less than (3) kilometers in case the drawing point is at the low end of the discharge and (1) kilometer should the drawing point is at the high discharge point.
- 3- That drawing point be away from the river bank a suitable distance taking into consideration the heights and lows of the water elevations during floods and torrents.
- 4- The establishment of a comprehensive chemical physiological and bacteriological testing laboratory for each water project
- 5- Environment protection and improvement departments in Baghdad and districts regularly to follow up the quality of the drinking water for this type of project.

Addition of the following text (in case of use of liquid chlorine for sterilization it is necessary to establish chemical units for the treatment of seepage of liquid chlorine in avoidance of accidents) paragraph 8-A the council sitting of 20/90 approved but currently difficult to achieve.

**Sources of human pollution**

**Definition:** concentration of high density population settlements such as hotels, residential buildings residential districts, restaurants, hospitals, schools scientific and teaching institutions, railway stations airports and others.

**Environmental classification:** Polluting Activities class (C)

**Location requirements:**

There are no specific environmental requirements whereby location selection shall be determined upon construction.

**Environmental requirements:**

- 1- Discharge of heavy water to the public sewers upon receipt of the necessary approvals.  
Should the mentioned above networks be not available treatment units shall be provided for residues containing biological waste, its specifications depends upon the size of daily discharges.
- 2- Units planning for biological treatment shall be presented with preliminary studies for the project and submitted to relevant engineering parties or by the relevant approved consulting engineering office whereas these shall include the necessary stages for the discharge of treated waters complying with the rivers maintenance specifications.
- 3- The final discharge point for the treated water shall be a distance not less than (2) kilometers from the drawing point in case be at the high end (1) kilometers in case the discharge point is at the low end

- 4- Normal Solid waste of domestic, restaurants, commercial centers are treated are treated through specified sanitary burial grounds.
- 5- Dangerous and poisonous waste resulting from health or scientific or educational establishments are treated by burning or burial at specified locations for the burial of dangerous and poisonous waste.
- 6- Environment and improvement departments at Baghdad and districts are responsible for the types and methods of discharges in all districts.

### **Public sewerage stations**

**Definition:** projects for the treatment of various heavy waters resulted from human use.

**Environmental classification:** environmentally polluting projects type (B)

### **Location requirements:**

- 1- The sewers project shall be at the south end of the city lower river outside fundamental planning a distance not less than (3) kilometers windward and (2) kilometers in other directions.
- 2- That the heavy water treatment plant be integrated ensuring the discharged waters are within the systems of river maintenance (25) of 1967.
- 3- The environmental protection and improvements departments in Baghdad and districts supervise regularly the type of discharged waters in these stations.

### **Environmental requirements:**

- 1- the discharge point to the water source after treatment distanced away from drinking water intake a distance of (3) kilometers in case the discharge point is the higher intake (1) in case of the discharge point south of the intake.
- 2- Establishment of green belt around the purification plant.
- 3- That the heavy water station be integrated ensuring that the discharged water is within the rivers maintenance systems number 25 of 1967.
- 4- The environmental protection and improvements departments in Baghdad and districts supervise regularly the type of discharged waters in these stations.

### **Locations of Municipal sanitary Burial**

**Dfinition:** locations allocated for the disposal of the various solid waste arising from domestic or industrial non-dangerous use which maybe mixed with domestic waste.

**Environmental classification:** environmentally polluting activities class (A)

### **Location requirements:**

- 1- Sanitary burial sites be outside the cities fundamental planning a distance of (4) kilometers windward and (2) kilometers in other directions.
- 2- It is preferable the selection of low areas and natural pits or sand and gypsum pits.
- 3- In case of existence of troughs above the exploited land not suitable for agriculture by means of trenches diggings.
- 4- Avoid locations where the water table is high.
- 5- The locations shall be away from the main road a distance not less than (1) kilometer.



**Environmental requirements:**

- 1- Sanitary burial shall take place in terms of instructions issued by the office of the first deputy to the prime minister numbered 4591 of 14/5/1980.
- 2- Fencing the location immediately before exploitation ensuring tree planting around the location as much as possible.
- 3- Provision of suitable roads for the delivery of the waste to the specified location as well as internal roads inside the locations for ease of vehicular traffic.
- 4- Provision of a complete equipment and tools unit for each location ensuring the burial is done the correct way.
- 5- The environmental protection and improvement departments in Baghdad and district regularly supervise the burial methods on location and the preparation of reports to this end.
- 6- The locations shall be set aside for a period of not less than (20) years during which will be used after soil settlement as green areas or light use areas such as car parks or storage areas , no constructions will be allowed other than simple roofed areas necessary for materials storage.
- 7- Soil surface settling shall be treated after passage of a suitable period or in case of its use.

**Burial Locations of dangerous and poisonous waste.**

**Definition:** the location allocated for the discharge of the various dangerous solid wastes arising from the various industries and contains poisonous matter or heavy elements or eroding matter.

**Environmental classification:** environmentally polluting waste class (A)

**Location requirements:**

- 1- The location to be outside the cities fundamental planning a great distance it is preferred that the location be in the desert and allocated locations considered fir collection of the burial of dangerous waste, avoiding having many locations.
- 2- Must be distanced from water sources a distance not less than (5) kilometers.
- 3- Specification to be as follows:
  - A- The level of the water table not less than (10) meters deep.
  - B- The nature of the soil to be non-porous as much as possible.
  - C- Considering the topography of the area ensuring non- transfer of separated liquids to other areas.
- 4- The location away from flooding and soil erosions caused by large quantities of falling rain.
- 5- The depth of the location between (4-5 meters) at least.

**Environmental requirements:**

- 1- A fence to be constructed around the location marked with distinctive markings.

**Chemical fertilizers stores**

**Definition:** establishments used for the storage of the various chemical fertilizers.

- 1- nitrogenous fertilizers (Urea)
- 2- phosphate fertilizers
  - A- compounded fertilizer
  - B- tri- phosphates

Entering in its composition chemical material of which nitrogen and phosphorous are the most important elements.

**Environmental classification:** polluting activities type (B)

**Location requirements:** establishment permitted within fundamental planning in allocated areas (and areas not allocated for food stores)

**Environmental requirements:**

That chemical fertilizer to be stored are filled in double lined nylon bags (polypropylene) external and (polyethylene) internal this in case of availability.

# **Institution**

- Law No. 37 of 2008 Law of the Ministry of Environment**
- Coalition Provisional Authority Order Number 44 Ministry of Environment**

## **Rule No (29)**

By virtue of what was decided by the Chamber of Deputies pursuant to the provisions of Article (61/first) of the Constitution and pursuant to the provisions of Clause (A) of Item fifth of Article (138) of the Constitution.

The Presidency Council decided in its session on 9/10/2008, to issue the following law:

### **Law No. 37 of 2008 Law of the Ministry of Environment**

#### **Chapter One**

#### **Definitions, foundation and objectives**

**Article -1-** The following terms shall have the meanings set forth against them for the purposes of this law:

The Environment: The surroundings with all its elements where the living creatures live and the effects resulted from human economic, social and cultural activities.

Protection of the environment: Preserve the elements of the environment and improve them and prevent their deterioration, pollution or reduce the impact of the pollution.

Environment improvement: The arrangements and procedures that are taken in order to remove the negative environmental impacts or reduce them to the locally accepted levels according to the national legislations and applicable international standards.

The Pollution: The existence of any kind of pollutants in the environment in an amount, concentration or natural quality that harms directly or indirectly the human being, living creatures or the non living elements which they exist in.

Biological diversity: The variance and difference of the living organic creatures and the genetic resources derived from all environmental systems on the earth.

Environmental restrictions: The allowable limitations of the concentration of each pollutant that is allowable to be discharged into the environment according to the national standards.

Environmental pollutants: Any solid, liquid or gaseous material, noise, vibrations, radiation, heat, glow or any similar things or biological elements that lead directly or indirectly to the pollution of the environment.

Evaluation of the environmental impact: Study and analysis of the environmental feasibility of the proposed projects whose establishment or the practice of their activities may affect the human health and the safety of the environment at this time and in the future in order to protect the environment.

Natural reserves: An area of the earth or the water dedicated to protect the natural, vital and cultural resources from vanishing.

Ionic radiation: The radiation that is capable of producing pairs of ions in the biological materials.

Non ionic radiation: Magnetoelectric radiation that does not lead directly or indirectly to the ionization of the material when it hits it but agitates the material atoms such as laser and micro radiation.

Harmful and dangerous wastes: The wastes that cause or may cause a serious danger on humans or environment because of their contents.

**Article-2-First-** A ministry called (Ministry of Environment) shall be established with legal personality and represented by the Minister or whomever he authorizes.

Second- The Ministry of Environment shall be the sectorial entity in the fields of protecting and improving the environment in both local and international level.

**Article-3-** The ministry aims at protecting and improving the environment to save public health, natural resources, biological diversity and the cultural and natural heritage, in order to ensure the sustainable development and to achieve the international and regional cooperation in this field.

**Article-4-** The Ministry seeks to achieve its objectives through the following:

First- Suggest the general policy to protect the environment from pollution and improve its quality and then submit the policy to the Council of Ministers for approval.

Second- Coordinate with the relevant authorities in the regions and provinces that are not belonging to a region in order to perform the policy of the Ministry.

Third- Prepare the regulations, issue the instructions related to environmental restrictions and monitor their execution.

Forth- Study the agreements, treaties and Arab, regional and international protocols related to the environment in coordination with the relevant ministries and entities. And then submit them to the relevant authorities for approval or to join them and follow up the procedures that are taken to sign and perform them after joining them.

Fifth- Study the environmental issues and problems and take the suitable decisions and measures concerning them.

Sixth- Follow up the existent and proposed uses of the natural resources in coordination with the relevant ministries and entities to reduce their consumption in order to achieve the sustainable development.

Seventh- Follow up and improve the environmental safety. Conduct the environmental surveys and the inspections related to the environmental pollutants and the factors that affect the environmental safety in coordination with the relevant ministries and authorities.

Eighth- Give opinions about the adequacy of the projects locations from the environmental aspect and put rules for these locations in coordination with the relevant ministries and authorities.

Ninth- Prepare, publish and encourage the studies and researches concerning the protection and improvement of the environment. Define the environmental subjects that may be studied by the researchers and post graduate students in the universities, academies and scientific institutions in order

to contract to perform them. Cooperate with the institutions of the Ministry of Higher Education and Scientific Research and other relevant authorities concerning the studies and environmental researches and build new environmental researches centers in the Ministry.

Tenth- Spread the environmental awareness and culture and activate the role of the civil community in this field.

Eleventh- Convene and encourage the seminars and training courses concerning the protection and improvement of the environment to develop human capabilities in this field.

Twelfth- Prepare an annual report concerning the environmental condition in Iraq and submit it to the Council of Ministries.

Thirteenth- Protect the natural and cultural heritage in coordination with the relevant authorities.

Fourteenth- Study the report of environmental impact estimation submitted by entities that are responsible for the proposed and the existent projects and approves or rejects them according to the instructions issued for this purpose.

Fifteenth- Protect the nature and the natural places that are registered nationally in coordination with the relevant ministries and authorities.

Sixteenth- Establish and manage natural reserves.

Seventeenth- Build environmental data bases and renew it continuously.

Eighteenth- Take the necessary measures to protect human and the environment from the dangers of ionic radiation and non ionic radiation and coordinate with the Iraqi commission of the control radiation resources and the relevant authorities.

Nineteenth- Put the bases of good management of the chemical and biological materials and harmful and dangerous wastes.

Twenty- Prepare bills, regulations and instructions related to the environment protection and improvement. Give opinions on the legislations related to the environment that are proposed by another entity.

Twenty One- Cooperate with international organizations and civil community organizations in the field of protecting and improving the environment.

Twenty Two- Authorize offices, consultative entities and laboratories to prepare reports of the environmental impact estimation and conduct studies, analyses and measurements in the field of environmental protection according to conditions determined by the Ministry in instructions.

## **Chapter Two**

### **The Minister**

**Article-5-** First- Pursuant to the provisions of the law, the Minister is the head of the Ministry and is responsible for performing its policy and duties and he supervises its actions and activities. The

Minister issues the instructions, bylaws, decisions and orders for all the works related to the Ministry and its subsidiaries and all its administrative, technical, financial and organizational affairs.

Second- The Minister is entitled to authorize some of his authority to the Ministry deputies, the directors general or any of the employees.

**Article-6-** First- The Ministry has two deputies, a technical deputy and an administrative deputy who help the Minister in managing the Ministry affairs. The deputies carry out the tasks authorized to them by the Minister.

Second- the deputy has the right to authorize some of his authorities to any of the employees of the Ministry that are related to him.

**Article-7-** The Ministry has a council called (Council of the Ministry) headed by the Minister and the membership of the deputies, directors general and number of experts and specialists from inside or outside the Ministry. The Minister chooses them to give opinion and advice on matters submitted to the Council. Members, tasks, meetings schedule and work process of the council shall be determined by instructions issued by the Minister.

### **Chapter Three**

#### **Organizational Structure**

**Article-8-** The Ministry includes the following entities:

First- The Ministry headquarters entities:

- a. General inspection office.
- b. Technical directorate.
- c. Legal directorate.
- d. Planning and following up directorate.
- e. Administrative and financial directorate.
- f. Enlightenment and environmental media directorate.
- g. Department of auditing and internal monitoring
- h. Department of public relations.
- i. Department of international environment relations.
- j. Department of environment protection and improvement council affairs.

Second- Entities related to the Ministry:

- a. Protection from radiation center.
- b. Environmental protection and improvement directorate in the north area.
- c. Environmental protection and improvement directorate in the middle area.
- d. Environmental protection and improvement directorate in the middle Euphrates area.
- e. Environment protection and improvement directorate in the south area.
- f. Central environmental laboratory.

**Article-9-** The general inspector shall practice his missions according to the law.

**Article-10-** The central environmental laboratory, stipulated in the Clause (f) of the Item (second) of the Article (8), will be considered the main laboratory of environmental laboratory tests.

**Article-11-** First- The Center of Protection from Radiation and all offices stipulated in Article (8) of this law shall be managed by an employee who is at level of director general and has at least bachelor degree and no less than (15) years service and he shall be experienced and specialized in the work of the directorate and he shall be appointed according to the law.

Second- The Minister's office, central environment laboratory and departments stipulated in Item (first) of Article (8) of this law shall be managed by an employee who is at the level of director general and has at least bachelor degree and no less than 10 years service and he shall be experienced and specialized.

#### **Chapter Four** **General and final provisions**

**Article-12-** First- The tasks of the entities of the Ministry and their divisions and the tasks of the divisions which are stipulated in Article (8) of this law shall be determined by the bylaw issued by the Minister.

Second- The Council of Ministries are entitled to establish new departments and integrate them and change their relation by a bylaw.

**Article-13-** The order of the (dissolved) provisional coalition authority No. (44) Of 2003 shall be cancelled.

**Article-14-** The Minister is entitled to issue instructions and bylaws in order to facilitate the execution of the provisions of this law.

**Article-15-** This Law goes into effect from the day it is published in the Official Gazette.

**Tarq AL-Hashimi**  
**Vice President**

**Adel Abdel-Mahdi**  
**Vice President**

**Jalal Al- Talabani**  
**The President**

**Due Causes**



Due to the importance of environmental protection and improvement and since that the Ministry of Environment is responsible for that, and in order to determine the Ministry's objectives and the means to achieve these objectives and prepare its organizational structure, this law was issued.

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 44**  
**MINISTRY OF ENVIRONMENT**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing that responsible management of the environment is essential to foster sustainable development,

Furthering the purposes of the Governing Council to create a ministry responsible for environmental issues,

Recalling CPA Memorandum Number 6, publishing the appointment of the interim Minister of Environment,

I hereby promulgate the following

**Section 1**

**Establishment**

1) The Ministry of Environment (MOEN) is hereby established

2) All acts and decisions of the interim Minister of Environment in connection with his office or the Ministry of his appointment by the Governing Council on 7 August 2003 to the formal establishment of the MOEN under this Order are hereby ratified

For the purposes of this ratification, the MOEN is deemed to have been established on 7 August 2003

3) Subject to transitional provisions in this order, the Environmental Protection and Improvement Directorate (EPID), established by paragraph 11 of Law Number 3 of 1997, Protection and improvement of the Environment, is hereby transferred to the MOEN. From the date of transfer to the MOEN, the EPID shall cease to have its own separate legal personality, and Article 11 (3) of Law Number 3 of 1997 is hereby suspended

**Section 2**

**Functions**

1) The MOEN shall be responsible for the protection and conservation of Iraq's environment and for the protection of the residents of Iraq from environmental risks CPA/ORD/11 Nov 2003/144 to human health and from environmental pollutants. The MOEN shall ensure that environmental protection is an integral factor in developing policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade.

2) The MOEN shall develop policies, run environmental programs and promulgate and enforce standards pursuant to Law Number 3 of 1997 and this Order

3) The MOEN shall absorb the EPID into its structure perform the EPID's functions under its authority, and exercise such power accorded to the Minister of Health and the Council of Protection and Improvement of the Environment in Chapters III and IV of Law Number 3 of 1997. The MOEN may organize and reallocate the assets of the EPID

**Section 3**

**Structure**

1) The interim Minister of the MOEN shall organize the MOEN into such divisions and departments as are necessary. The interim Minister shall ensure, as a minimum, that programs are organized to address environmental concerns in the following areas: radiation control; remediation; solid and hazardous waste management and control; control of toxic substances and hazardous chemicals; ground water; water quality and pollution; air quality and pollution; natural resource protection and land management; and biodiversity. The interim Minister shall ensure, as a minimum, that the following aspects of administration are addressed: media and press relations; security; facilities; personnel and finance; information and technology; legal; enforcement and compliance; international cooperation; a central analytical laboratory; and such regional and local programs as may be required

2) The Council of Protection and Improvement of the Environment connected with the previous regime's Council of Ministers is hereby abolished. Paragraphs 3 to 6 inclusive of Law Number 3 of 1997 are hereby suspended. The interim Minister shall set up a

consultative body composed of representatives of other Ministries to coordinate on policies and programs affecting the environment, and other Ministries shall co-operate with the MOEN

#### Section 4

##### Personnel and Administration

- 1) The MOEN shall have power to hire and employ personnel in accordance with Iraqi law, as amended by CPA Orders and Memoranda. Such hiring shall be consistent with CPA Order Number 1 and any authorized implementation thereof.
- 2) Salaries of MOEN personnel shall conform to the salary structure applicable to Iraqi government employees
- 3) The staff of the EPTD shall be transferred immediately to the MOEN, and the Minister of Environment shall assume full authority, direction and control over this staff

#### Section 5

##### Transitional Arrangements

- 1) The Ministry of Health (MOH) shall be responsible for the pay and personnel records of EPID staff until January 2004, unless responsibility is transferred to the MOEN at an earlier date by mutual consent of the MOH and MOEN
- 2) The MOH shall coordinate with the MOEN to transfer pay and personnel records as soon as practicable
- 3) The MOEN and not the MOH shall administer the employees hired by the MOEN before 1 January 2004
- 4) The National Centre for Occupational Health and Safety (NCOHS) shall not be transferred with the EPID to the MOEN, but shall be transferred to the Ministry of Labor and Social Affairs

#### Section 6

##### Property

All the movable and immovable property currently under the control of the EPID shall be transferred to the MOEN, with the exception of the movable and immovable property of the NCOHS which shall be transferred to the Ministry of Labor and Social Affairs.

#### Section 7

##### Budget

The MOEN shall coordinate with the Ministry of Finance to transfer to the MOEN the budget allocation of the EPID for the financial year 2004. The MOEN shall further coordinate with the Ministry of Finance on its own 2004 budget CPA IORD/IJ Nov 2003/44 3

#### Section 8

##### Administrative Instructions

The interim Minister, in consultation with the CPA Senior Advisor for Environment, may issue Administrative Instructions, not inconsistent with Iraqi law or any CPA Order, Regulation or Memorandum, prescribing all matters necessary for carrying out the duties described under this Order

#### Section 9

##### Entry into Force

This Order shall enter into force on the date of signature

Paul Bremer, Administrator

Coalition Provisional Authority

# **Land**

**- No. (12) for 1981 Appropriation Law**

## **"Resolution No. 104"**

In The Name of The People,  
The Revolution Command Council,  
By virtue of the rules of paragraph (a), Article (42) of the provisional constitution,  
At its session held on January, 1, 1981,  
Has decided issuing the following laws.

### **No. (12) for 1981 Appropriation Law Chapter One**

#### **Basic Principals Section One Law Objectives**

##### **Article (1)**

This law aims at:

- 1- Regulation of real estate appropriation and related in kind rights by the state departments and socialist sector in fulfillment of their purposes, and in execution of their plans and projects (1).
- 2- Deciding unified rules and basis for justful compensation for appropriated real estate, to insure owners rights, without violation of public interests.
- 3- Simplification of appropriation procedures to insure its safety and speedy execution.

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(1) Amended by Law (6) for 1998

#### **Section Two Range of Law Application**

##### **Article (2)**

Rules of this law are applied to:

- 1- All real estates, including agriculture and non-agriculture lands, and gardens, excluding real estate which dispossession is regulated by special legislations, this is with compliance to Article (3) of this Law.
- 2- Rights of alienation in the state owned lands, which are excluded according to the law No. (53) for 1976 concerning the state owned lands.
- 3- Other original in kind rights related to the estate.

##### **Article (3)**

Assessment and compensation rules in this law shall replace rules included in all legislations concerning appropriation of real estate transfer and right in rem, such as taking possession against compensation or substitution.

- 1- All real estates, including agriculture and non-agriculture lands, and gardens, excluding real estate which dispossession is regulated by special legislations, this is with compliance to Article (3) of this Law.

**Chapter Two**  
**Appropriation Types and Procedures**  
**Section One**

**Consensual Appropriation**

**Article (4) <sup>(1)</sup>**

The state departments and socialist sector which have the legal right in real estate ownership may conclude an agreement with an owner of a real estate or of a related right in rem, for consensual in kind or in cash appropriation, at compensation appraised by assessment body formed according to this law. If the real estate is common, approval by all partners is essential.

**Article (5)**

- 1- After agreement by both sides on consensual appropriation, the appropriator shall ask assessment body to fix compensation, according to rules in this Law, and he shall notify the land registry office to mark the real estate as non-disposable.
- 2- The head of assessment body shall inform both the appropriator and real estate appropriated owner, and land registry office of the body's decision soon after issue.

**Article (6)**

- 1- The assessment body's decision becomes final and binding for both sides, and un-challengeable, if both give their in-writing agreement, or after (10) days elapse of being notified without presenting an objection to the head of the assessment body.
- 2- During the period stated in item (1) of this Article, if one of the two sides objects to the assessment body's decision, the consensual appropriation measures shall be annulled and the head of assessment body shall notify land registration office to remove the mark of non-disposal off the real estate registry.

**Article (7)**

- 1- The appropriator shall deposit appropriation compensation at the land registry office, or register the substituted real estate in the dispossessed name, within (60) days from date notification of the assessment body's decision, unless both sides agree on something different.
- 2- The dispossessed shall hand over the appropriated real estate, as it was at time of assessment, to the appropriator, within (30) days from date of compensation deposit at the land registry office, unless both sides agree on something different.
- 3- The agreement on consensual appropriation and assessment body's decision shall be effective after deposit of appropriation compensation at the land registry office, with no need for any other procedures.

**Article (8)**

If the appropriator does not deposit appropriation compensation at the land registry office, or if he does not register the substituted real estate in the name of dispossessed within the period stated in item (1) of Article (7), the dispossessed has the right to cancel his agreement of appropriation and notify in writing the appropriator and land registry office. All procedures taken in this concern are annulled.

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(1) Amended by law (6) for 1998

## **Section Two**

### **Juridical Appropriation**

#### **Article (9) <sup>(1)</sup>**

To execute their projects, state departments and socialist sector have legal right in real estate appropriation, to demand appropriation of a real estate, a part therefrom or related original rights in rem, according to rules of this law.

#### **Article (10)**

The appropriator shall submit to the court of first instance appropriation.

An application confirming that there is no planning or legal objection to appropriation (excluding appropriation for military objects), enclosing the following documents :

- 1- A copy of the last land registry for the real estate, or a letter from the concerned land registry office showing non-registration of the real estate.
- 2- A certified map from the land registry office, showing the area demanded for appropriation.
- 3- A statement of real estate owners, or its real owners if its not registered, their addresses or at least address of one of them.

#### **Article (11)**

- 1- The court shall fix a date for consideration of appropriation request, within ten days from date of its registration at the court. It shall demand that land registry office may not take any measures concerning the real estate, and inform the court of any procedures in this regard.
- 2- The court shall ask both sides for appearance at the fixed date. If the dispossessed are more than one, or if any of them is dead, the court may inform one of them and call others by advertisement in a local daily newspaper, according to their names as shown in the last land registration. This procedure is considered as information for all partners and the dead heirs.
- 3- If the real estate is not registered, the real possessor shall be informed, according to item (2) in this Article.

#### **Article (12)**

- 1- In its first hearing, the court shall ascertain of availability of conditions in this law concerning appropriation request. If there is a lack in conditions, the court shall ask completion of the same.
- 2- If the court rules rejection of appropriation request, it shall notify the land registry office to remove mark of non-disposal from the real estate register, in case its ruling is final.

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(1) Amended by Law (6) for 1998

#### **Article (13)**

- 1- The court shall conduct inspection for the purpose of compensation assessment by assessment as its head, and membership of the following :
  - a- Head of land registration office or one of his assistants.
  - b- Head of real estate tax department.
  - c- A representative for the appropriator.
  - d- A representative for the dispossessed.

If there are many dispossessed and in case they disagree on a representative, the court shall decide an expert as a representative.

- 2- Quorum is not complete unless all members of the body are present. In spite of notification, if

- representative of appropriator or dispossessed fails to appear, the court may select a representative expert.
- 3- The assessment body shall listen to both parties or their representatives, or to either present, and shall examine data and documents presented before assessment.
  - 4- For just assessment, the court shall seek guidance from rules in this law. It may seek help from experts in case of need.
  - 5- The court shall decide a fair remuneration for the body's head and members, not more than three dinars for every real estate, to be paid by the appropriator.

#### **Article (14)**

The court shall urgently judge the request for appropriation. Its ruling shall be informed to both parties. If either is absent, or if any of the dispossessed is dead, the ruling shall be informed according to item (2) of Article (11) in this law.

#### **Article (15) <sup>(1)</sup>**

In case of cash compensation, the appropriator shall pay appropriation price and expenses for the court.

- 2- When appropriation ruling is absolute and complete, and price and expenses are received, the court shall notify the land registry office about registration of appropriated or substituted real estate according to appropriation ruling.

#### **Article (16)**

The appropriated real estate shall be registered in the name of appropriator free from resulting liabilities. Its owners rights are transformed against compensation.

#### **Article (17)**

- 1- The court shall distribute appropriation compensation among its owners, according registers. If it finds a dispute among owners the court shall keep the disputed amount as a trust until its result is determined by consent or judgment.
- 2- If the appropriated real estate is not registered, appropriation compensation shall not be paid to possession claimant until his possession is legally proved.

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(1) See decision 449 for 1984

#### **Article (18)**

If the real estate is a land and appropriator requests instant taking possession of, the court shall rule approval of his request, if it finds justifying reasons, on condition that the court shall rapidly fix its present condition.

- 2- If the court, at inspection, finds installations or plantations on the land demanded for appropriation, it shall ask expert help to give full description and planning of the land so as the court may have complete information about the land contents.

#### **Article (19)**

In case of taking possession of the real estate according to Article (18), (4%) shall be annually added to appropriation compensation, beginning from date of Court's approval of taking possession until appropriation compensation is deposited at the court.

#### **Article (20)**

- 1- Prescription period, stated in Article (45) of general accounting principles, for appropriation compensation deposited at the court, begins from date of appropriated registry in the name of



appropriator, if it was registered in land register, and from date of confirming its possession to the dispossessed, if it was not registered.

- 2- Prescription period mentioned in item (1) of this Article does not cover appropriation compensation deposited with the court, if appropriation occurs in absence of the dispossessed.

#### **Article (21)**

Entitlement claims and other in kind claims may not stop appropriation procedures, and whatever proven of such rights shall be transferred to appropriation compensation.

### **Section Three**

#### **Administrative Appropriation**

#### **Article (22)** <sup>(1)</sup>

If real estate or in kind right demanded for appropriation belong to state departments or to the socialist sector (excluding endowments), it shall be administratively appropriated, and compensation shall be decided by both sides' agreement.

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Amended by Law (6) for 1998

#### **Article (23)**

The concerned minister shall settle any resulting dispute between the two parties over appropriation, if both are parts of his ministry departments. The Council of Ministers shall settle dispute between them if they do not belong to one ministry, and the issued ruling shall be final and binding for both parties.

- 2- Trees value shall be estimated according to prices current in the region at time of inspection and assessment. Trees age and kind, whether they are fruitful or not, level of fruit and other common merits shall be taken into account at time of assessment, regardless of their value after project execution, and according to the following basis :
  - 1- Real estate site, degree of its construction, area and contents, kind of materials used in building and its income.
  - 2- Real estate value assessed by land registry office, values of neighboring or resembling real estates, value of its selling or its annual rent shall be taken into account in case of assessment.
  - 3- Value of the land, buildings, other establishment, and real estate in particular, shall be assessed.
  - 4- Assessment shall be on the basis of one square meter or price of familiar measurement unit. By a justified reason, the assessment body may assess compensation as a whole, or in any other method reliable in assessment.

#### **Article (34)**

- 1- If the real estate demanded or appropriation is a place of worship, a religious institute or a cemetery, the compensation value shall be equal to its land value in addition to expenses of similar construction. It may be compensated through construction by the appropriator, of an equal real estate, on an appropriate site agreed upon by the dispossessed. In case of disagreement, the head of administrative unit of the real estate site shall fix the appropriate site.
- 2- Ruling of paragraph (d) is applied to the long lease claimer.
- 2-
  - (a) If appropriated real estate is a right for other side, compensation of such side shall be effected by collecting half the value of land on which there is right.
  - (b) Compensation of pavement roofing right shall be at the rate of half the value of square

meter of the unified neighboring real estate land.

#### **Article (36)**

- 1- Compensation shall not include value of building, plants, fortifications and additions introduced on the real estate after informing the dispossessed of appropriation demand.
- 2- If the demanded appropriation real estate value increases due to a project for public utility which execution had began before effective date of this Law, such increase shall not be added in assessment of compensation, if appropriation was carried out within three years from beginning of such project execution, unless improvement charge laid down in this law had been imposed on the real estate.

### **Section four**

#### **Sub-Section One**

#### **Improvement of the remaining part of the appropriated property**

#### **Article 37**

No more than quarter the land area shall be appropriated (without return) if it was proven to the estimating committee that the improvement of the location or utility of the remaining part there of and the value of the property increased because of appropriation of the property, the compensation in this case shall be limited to the structures and plants included in the appropriated area .

#### **Article 38**

If the appropriated are (without return) was less than one quarter of the general area of the property and it was proven to the estimating committee that appropriation leads to improvement of the location or utility of the remaining part of the property and increase the value, the appropriator shall be committed to pay the value making up one quarter of the area of the property before appropriation.

#### **Article 39**

The appropriated land and the increased value mentioned in articles 37 and 38 shall be estimated by the estimating committee stated in the law.

#### **Article 40**

It is not allowed to appropriate one quarter of the property (without compensation) more than once and the said percentage charge shall not be repeated if it has been property from which it has been extracted therefrom according to other legislations previously charged on the Appropriated property or the division by legislative means.

### **Sub-Section two**

#### **Improving property without appropriating it**

#### **Article 41**

Should any improvements cause an increase in value to the property within the capital municipality or municipalities borders due to improvements in location such as appearing directly on roads, squares, parks, bridges, or byways or upon expanding its front, road squares or parks where the property is situated , without appropriating apart thereof the owner shall be committed to pay a fee to the capital municipality or relevant municipality , equal to quarter the difference in value of the general land property(without buildings and plants) before the project commencement and their value after execution.

#### **Article 42**

The capital municipality or relevant municipality shall define the improved area before the project execution and define on the maps the properties included in the improvements for public information and shall be published by ordinary means before commencement of project execution.

#### **Article 43**

The capital municipality or the relevant municipality shall request after the execution of the project from the estimating committee to estimate land value of the general property for each property falling within the improved area before commencement of the project execution and its values after execution.

#### **Article 44**

The estimating committee shall deposit estimation lists for properties included in the improvements with the capital municipality or relevant municipality in order to calculate improvement fees, and notify property owners of these estimates and the improvement fees according to the provisions of this law.

#### **Article 45**

First- property owners shall have the right object to the first instance court to the inclusion of his property in the improvements as well as the improvement fees within (fifteen days) from the date of valuation notification.

Second- the court shall urgently review the objection filed, and it has the right to confirm or reject or amend the valuation and its decision may be appealed according to article 61 of this law.

#### **Article 46**

First – when the improvement fee becomes due in terms of the legal period elapse or by absolute court decision as shown in article 45, the capital municipality or the relevant municipality shall notify the property registration department for the placement attachment sign upon the property for improvement fees, the property shall be the mortgagee guarantor and may be collected in terms of the collection of government debts.

Second- the property owner may request from the capital municipality or the relevant municipality to divide the improvement fee into annual installments not exceeding twenty installments, the installments shall remain enforce in case of property ownership transfers.

#### **Article 47**

First- should the fee bearing property be subdivided, the attachment sign placed shall be transferred to the subdivided property units or all the lots, and shall be transferred to it by approval of the party placing the attachment.

Second- if a part of the property included in the improvement fee is taken (without return) as a result of subdivision or division or execution of the essential or detailed designs, the stated part shall be deducted from the fee.

#### **Article 48**

No fee shall accrue upon a property where a quarter thereof was previously Appropriated (without return) but should the Appropriated area (without return) is less than that quarter the general property size then the improvement fee shall make up to one quarter of the difference between the total property value of the land before the project execution and its value thereafter.

**Section five**  
**Damages due to appropriation**

**Sub-Section one**  
**Damages to appropriated property owner as a result to appropriation**

**Article 49**

The owner of the appropriated property, in case of partial appropriation, shall have the right to request appropriation of the total property, it is not possible for him to utilize the remaining part thereof, and the court shall decide the appropriation of the total property if the same confirmed to the estimating committee.

**Article 50**

Should the partial appropriation lead to material damage to the rest of the property the owner shall be entitled to compensation for that.

**Sub-Section two**  
**Damages to third party due to appropriation**

**Article 51**

Should the execution of the project causes material damages to a property not effected with the appropriated property then, the owners shall have the right claim compensation.

**Article 52**

A compensation action shall be filed according to article 50 and 51 in the first instant court within a period of (one year) from the date of project commencement, the right to claim the damages shall dropout upon the expiry of such period, in this case the court may automatically reject the case.

**Article 53**

Should the execution of the project causes changes to the of property exploitation of the property not effected with appropriation, the owner shall not have the right to claim compensation, also the changes made for public interests does not create a right to compensation, but if these changes caused alterations or changes to the previous use of the property and such changes caused material damages, the owners shall be compensated according to article 51 of this law.

**Section six**  
**Withdrawal or cancellation of appropriation**

**Article 54**

The appropriators may withdraw the appropriation application from the court before the issuance of the appropriation decision.

**Article 55**

By a decision from the Minister of Justice the appropriation decision may be annulled before the registration in the name of appropriator and in the case of absence of need to appropriation.

**Article 56**

The appropriator bears the fees and costs accrued upon the claim, and the withdrawal or annulment of the appropriation decision.

#### **Article 57**

First- should the appropriator failed to deposit the appropriation allowance with the court during the period of (three month) from the date of the decision of appropriation becoming absolute, the person from whom the appropriation may upon notifying the claimer and the passage of not less than (ten days) from the date of notification, initiate a suit at the court for the annulment of the appropriation together with compensation if required.

Second- The court shall review the annulment case urgently, the right to compensation falls after the elapse of (one year) from the date of appropriation decision becoming absolute.

### **Section Seven**

#### **Article 58**

Whoever his home is appropriated and his spouse or children underage has no other independent not leased home , shall have the right to request vacation his leased home , this is considered an urgent necessity as stated in the property lease law.

#### **Article 59**

Appropriation transactions are exempted from revenue stamps and all other property registration fees including transaction fees preceding the registration.

#### **Article 60**

First- Should the person from the appropriation taken from does not own or his spouse or one of his underage children an independent home at the date of reclaiming or another residential lot in his ordinary place of abode shall be exempted from income and inheritance taxes in lieu of home rental or residential land.

Second- In-kind appropriation allowance as well as amount of (50.000) fifty thousand Dinars shall be exempted from income tax without infringing upon the provisions of paragraph (one) of this article.

#### **Article 61**

Final decisions issued in terms of this law shall be subject to appeal at the appeals court within (fifteen days) from the day flowing its understanding if it was in person or its notification in absentia, objection to the appealed decision may not be accepted by the correction of the decision.

#### **Article 62**

The rules of estimation and compensation stated in this law shall be considered as amending the rules of compensation stated in paragraph (3-A) of article nine of the agricultural reform law number 117 of 1970 and the legislation approved in the estimation and compensation, no other texts shall be used if it contradicts with the provisions of this law whether in the name of the appropriation or seizure for compensation or exchange of extinguish or any other legal expression.

#### **Article 63**

Appropriation law number 54 of 1970 and its amendments; shall be suppressed and no text that contradicts this law shall be applied.

#### **Article 64**

The Minister of Justice shall issue the necessary instructions to facilitate the of implementation of the provisions of this law.

#### **Article 65**

First- the provision of this law shall apply to the existing cases before its execution, including cases where decision have been issued but not gained the absolute degree.

Second- in appealing the decisions issued before the implementation of this law the periods for objections for appeal shall be taken into consideration according to of the previous law.

## **Article 66**

This law comes into force upon publishing in the official gazette.

**Saddam Hussein**  
**Chairman of the revolutionary command council**

### **Reasons for enacting the law.**

The law of appropriation number 54 of 1970 despite the many amendments conducted thereon is no longer serve the developments taking place in the country as well as the national development plans requiring the simplification of appropriation procedures which ensures the speed of transactions, and the empowerment of the government departments and enabling the mixed and social sector to achieve its objectives and the execution of its plans and projects, also this law is not the only law that regulates the rules of property expropriation for public interest, upon the issuance of many rules and legislative resolution with the same for as the law for the regulation of property expropriation by way of or similar such as the confiscation for compensation, exchange, diminution and other applications of expropriation for public interest which caused great variation in the estimation of compensations because of the varying principles applied in the estimations in these rules and decisions, or the varying purposes of reclamations , and in order to brining in the principles of equality in compensations, and in terms of the reform regulations number 35 of 1977, it has become necessary to issue a unified appropriation law in place of the current one.

The law based upon unified principles for fair compensations to all appropriated properties which ensure the rights of the owners without effecting the public interest; these rules replaced the rules stated in all the legislations that include the expropriation or property and the rights to act usage in kind such as the confiscation against compensations or exchange of diminution of rights or any other legal expression , hence the variation in the estimation of compensation of similar properties have disappeared when appropriated for various objectives.

As for agricultural lands, it was noticed that the urban and constructions advancement in the country in general has increased particularly the spreading out of cities that caused prices to increase dramatically after 1973, and in application of the provisions of the legal system reform that society transformation requires the restriction of ownership rights agricultural lands making it closer to.....

# **Air**

- Instructions No 1 of 2002 for Safety for Using of Asbestos**
- National Limitations of Emissions for Activities and Works**

## **Instructions No 1 of 2002 for Safety for Using of Asbestos**

### Article 1

For the purposes of these instructions, the following terms shall have the meanings indicated below them:

#### First: Asbestos:

It is the rolling form to the mineral (silicates), belonging to the minerals that form rocks of the serpentine group including chrysotile the amphiboles group, including actinolite, amosite, anthophyllite, crocidolite and tremolite or any mixture that contains one or more of these material

#### Second: Dust of Asbestos

They are the suspended asbestos particles in the air or the stable that can be suspended in the work environment.

#### Third: Measuring of suspended asbestos dust in the air

They are particles of dust that measured by the weight, method or other equivalent one.

#### Fourth: Asbestos fibers that can be inhaled

They are fibers with a diameter less than (3 micrometers) and the ratio of its length to the diameters is about (3/1). For measuring purposes only fibers with a length more than (5) micrometers can be considered.

#### Fifth: Exposing to the asbestos

It is the exposing to the asbestos fibers that can be inhaled at work or to the asbestos dust, whether it is caused by asbestos or metals or products contain it.

#### Sixth: the Centre:

The National Centre for Occupational Health and Safety Hazards

### Article 2

These instructions apply to workers who are exposed to the danger of asbestos in all economical activities including the production cooperatives

### Article 3:

First: the asbestos or some of its kinds or the products that contain must be replaced by materials or by other products that are harmless or less harmful as can as possible or by using modern technology

Second: the use of crocidolite (the blue asbestos) and the products that contain is prevented



In case of necessity, extreme preventive procedures should be taken in pursuance to the scientific methods that are adopted in the centre to ensure the health and safety of workers in the work environment.

#### Article 4

The spraying by all types of asbestos is prevented. When the alternative methods are available, practically the economical activity is excluded from this ban and shall subject to the conditions of the centre approval and take the preventive procedures to ensure the health and the safety of workers.

#### Article 5

The state departments, mixed, cooperative and private sectors shall take into account the following:

First: the recommended limits of exposing to the asbestos fibers on the occupational healthy base shall be as the following:

A- Crocidolite (0, 2) zero point two

B- Amosite (0, 5) zero point five

C- Other kinds of asbestos shall not be more than (1) fiber per cubic centimeter except Paragraphs (a) and (b) of this article

**Second:** following the adopted scientific methods at the centre to account the concentration degrees of the fibers in the work environment.

**Third:** measuring the concentration degrees of the asbestos fibers that suspended in the air according to the changes that occur in the work methods.

**Fourth:** Keeping the records of measuring of the concentration degrees of asbestos fibers shall not exceed 30 days

**Fifth:** training the specialized workers in the field of chemistry or who have S.B certification to collect the samples and measure the degree of the concentration of the asbestos fibers in the work environment.

**Sixth:** facilitating the task of the inspectors of the occupational health and safety and environmental monitor in measuring the concentration degrees of the asbestos fibers in the work environment periodically, or whenever there is a need or when the workers or the occupational health and safety officials demand that in the economical activities.

**Seventh:** Taking the procedures to prevent the spread of the asbestos fibers in the work environment during the process of handling or carrying or storing r getting rid of it by using suitable geometrical controlling procedures as positional drawing to ensure the recommended concentration degrees on occupational healthy base.

**Eight;** Preventing having food, drink and smoking inside the work site

**Ninth:** Putting clear warning signs to define the areas of exposing to asbestos and preventing the persons who are not permitted to enter them.

**Tenth:** offering the suitable personal preventative for the workers including breath equipments with filter, in pursuance to the centre instructions.

**Eleventh:** Ensuring , cleaning , maintaining and storing the clothes of work and the personal preventative equipments and preventing the workers to take them into their houses or outside the work sites and be under the supervision of specialists to prevent the spread of suspended asbestos fibers in air.

**Twelfth:** checking up the cleanness and safety of the machines and preventive equipments that specified to protect workers and to ensure their performance.

**Thirteenth:** establishing suitable places to the workers to change their clothes in W.C and bathes in the work environment.

**Fourteenth:** Holding directional symposiums for the worker who deals with asbestos concerning the occupational healthy danger and training them in the safety procedures by using the correct work methods, personal preventative equipments and all the help of the centre.

**Fifteenth:** continuously cleaning the places of the work and preventing the accumulation of the asbestos fibers in the work halls by using a suitable ways to prevent their spread.

#### Article 6

The procedures and the importers of asbestos or the products that contain it, shall oblige to put suitable labels on the containers and products in appropriate way and understandable language.

#### Article 7

preventing removal the manufactures or the buildings that contain separation materials made of brittle asbestos from the buildings in away make it to be suspended dust in the air only by the administrations , businessmen or qualified contractors to carry out such as these works and take the following :

First: Ensuring the necessary protection for the workers

Second: preventing the spread of asbestos gas in the air

Third: Getting rid of the scraps that contain the asbestos by following suitable ways and in pursuance to what is stated in the paragraph (First) of the article (10) of these instructions

Fourth: involving the department or the committee or the official of occupational health and safety and representative of workers the supervision to offer the preventative procedures that are stated above.

#### Article 8

First: the work places that contain asbestos shall be separated from other places of work to avoid the exposing of other workers to the asbestos fibers.

Second: cooperating to offer the conditions of the occupational healthy and safety to protect the workers and work environment in case of participating of more than one economical activity in one work site.

#### Article 9

First: all workers who are exposed to asbestos shall do the following: A-periodical medical examinations including comprehensive clinical examinations and yearly medical examinations and chest X-Ray every two years.

#### Article 10

The economical activities shall do the following:

First: Getting rid of solid and liquid scraps of asbestos or its products in pursuance to the valid environmental instructions and the approval of department of protection and improving the environment after evaluating the environmental impact of the activity

Second: Taking the suitable procedures to prevent environment pollution by asbestos dust that may spread in the work places

Third: Dealing with departments or the committees or the officials of occupational health and safety and workers representatives in preparing the preventive procedures that shall be taken during the emergencies cases.

#### Article 11

The workers shall oblige to the safety procedures and healthy bases that concerning the protection from the danger of the exposing to the asbestos and the work to avoid the danger.

#### Article 12

The Instruction of dealing with the asbestos no of 1987 that were published in the Iraqi Gazette no 3182 on 28 December, 1987 are abolished.

#### Article 13

These Instructions shall come into effect from the date of publishing them in the Iraqi Gazette.

### Adopted of Ambient air quality standards

pollutant	Iraqi Regulations (proposal)		US EPA		Adopted project Air Quality Std.
	concentration	Averaging Time	concentration	Averaging Time	Conc. – averaging Time
CO	10 ppm	8 hour	35 ppm	1 hour	35 ppm – 1 hour
	35 ppm	1 hour	9 ppm	8 hour	9 ppm – 8 hour
SO <sub>2</sub>	0.1 ppm	1 hour	0.14 ppm	24 hour	0.1 ppm – 1 hour
	0.04 ppm	24 hour			0.04 ppm – 24 hour
	0.018 ppm	1 year	0.03 ppm	1 year	0.018 ppm – 1 year
NO <sub>2</sub>	0.05 ppm	24 hour	0.053	1 year	0.05 ppm – 24 hour
	0.04 ppm	1 year			0.04 ppm – 1 year
O <sub>3</sub>	0.06 ppm	1 hour	0.12 ppm	1 hour	0.06 – 1 hour
			0.075 ppm	8 hour	0.075 – 8 hour
PM <sub>10</sub>	150 µg/m <sup>3</sup>	24 hour	150 µg/m <sup>3</sup>	24 hour	150 µg/m <sup>3</sup> – 24 hour
PM <sub>2.5</sub>	65 µg/m <sup>3</sup>	24 hour	35 µg/m <sup>3</sup>	24 hour	35 µg/m <sup>3</sup> – 24 hour
	15 µg/m <sup>3</sup>	1 year	15 µg/m <sup>3</sup>	1 year	15 µg/m <sup>3</sup> – 1 year
Total suspended particulates	350 µg/m <sup>3</sup>	24 hour	-	-	350 µg/m <sup>3</sup> – 24 hour
	150 µg/m <sup>3</sup>	1 year	-	-	150 µg/m <sup>3</sup> - 1 year
Falling Dust	10 t/km <sup>2</sup> /month residential zone 20 t/km <sup>2</sup> /month Industrial zone	30 days	-	-	10 t/km <sup>2</sup> /month residential zone 20 t/km <sup>2</sup> /month Industrial zone 30 days
Hydro- carbons	0.24 ppm	3 hour	-	-	0.24 ppm – 3 hour
Pb	2 µg/m <sup>3</sup>	24 hour	1.5 µg/m <sup>3</sup>	3 months	2 µg/m <sup>3</sup> – 24 hour
	1.5 µg/m <sup>3</sup>	3 months			1.5 µg/m <sup>3</sup> – 3 months
	1 µg/m <sup>3</sup>	1 year			
Benzene	0.003 mg/m <sup>3</sup>	1 year	-	-	0.003 mg/m <sup>3</sup> – 1 year
dioxin	0.6pico g/m <sup>3</sup>	1 year	-	-	0.6 pico g/m <sup>3</sup> – 1 year

By virtue of the provisions of Article (38\Second) of the Law of Protecting and Improving the Environment No (27) of 2009 and Article (14) of the Law of the Ministry of Environment No (37) of 2008, these instructions were issued:

### **National Limitations of Emissions for Activities and Works**

#### **Article (1)**

These instructions aim to control the emission of air pollutants from their resources and organize the environmental activities among all entities specialized in environment.

#### **Article (2)**

The following terms used for the purposes of these instructions are intended to have the meanings set forth:

**First:** The Ministry: - Ministry of Environment

**Second:** The Minister: - The Minister of Environment

**Third:** Competent Authorities: - The local authority who is authorized to apply environmental legislations in every territory or province.

**Forth:** Relevant Entities: - All entities concerned in environmental affairs and development inside the country.

**Fifth:** The Law: - The Law of Improving and Protecting the Environment No (27) of 2009.

**Sixth:** The Instructions: - Instructions (National Limitations of Emissions for Activities and Works).

**Seventh:** Emissions resources: - Any work, activity or both of them that releases emissions as a movable resource, private movable resource, immovable resource or private immovable resource.

**Eighth:** Car Exhaust Fumes: - Combustion products that are released from the internal combustion engine of vehicles.

**Ninth:** Air pollutants: - Any material, energy, smell or all of them which, if released, as a result of a human or natural activity to the surrounding air, harms human being, other living creatures, natural resources, air environment or tourism areas or overlaps with other acceptable environmental uses.

**Tenth:** Environmental Monitoring Networks: - Work units that observe and monitor environment elements and pollutants and provide data to the relevant entities periodically.

**Eleventh:** Hazard Emissions: - Air pollutants whose properties hurt human health or badly affect the environment such as (toxicity, being explosive and ignitable).

**Twelfth:** Gaseous Pollutants: - Gases that are released from immovable and movable emission resources such as factories, houses, incinerators, bakeries, power stations, petroleum facilities and transportation means etc...

**Thirteenth:** Particles Pollutants: - Substances, particles and fibers which are suspended in air in their solid or liquid state.

**Fourteenth:** Air Pollution Control Systems: - All instrument, techniques and procedures that delimit the emission of air pollutants to ensure that they do not exceed the limitations stipulated in these instructions.

**Fifteenth:** Continuous Monitoring System of Emissions: - All instruments and techniques or mathematical models which continuously measure and record the concentrations of air pollutants that are released from chimneys directly, in order to be followed up by the competent authorities.

**Sixteenth:** Hydrocarbon fuel: - All kinds of crude oil and its products, including any kind of liquid hydrocarbons, natural gas or gas associated with oil upstream operations, fuel oil, refined oils, furnace oil, tan and other materials produced from oil, its products or wastes.

**Seventeenth:** Solid wastes: - Solid materials that result from different kind of activities which are unusable and not recyclable.

**Eighteenth:** - Hazard wastes: - Wastes that cause or may cause harm to human beings or environment because of their contents of materials.

**Nineteenth:** Medical wastes: - Wastes of hospitals, medical centers, clinics and surgeons, including veterinary clinics which may contain hazard or contagious materials.

**Twentieth:** Sanitary landfill locations: - Locations that are allocated to dispose of wastes, which located to bury wastes according to the applicable legislations.

**Twenty one:** New vehicles: - Vehicles that are to be produced or were produced but still unused on roads or used on roads but they are reproduced by conducting some changes on their engines or gearshifts.

**Twenty two:** Old vehicles: - Vehicles that were produced or imported and still working on road within the boundaries of the Republic of Iraq.

### **Article (3)**

All stable or moveable emissions resources shall be subject to supervision and measurement by the competent authorities in coordination with the Ministry.

### **Article (4)**

All stable emissions resources shall not exceed the maximum allowable emissions limitations of any emission or leak to the surrounding air which are stipulated in the appendices of these instructions.

### **Article (5)**

Cars and vehicles exhaust fumes shall not exceed the emissions limitations of any emission or leak to the surrounding air stipulated in the appendices of these instructions.

### **Article (6)**

During the combustion of any kind of hydrocarbon fuel or any other material for industrial purposes, generate power, constructions or any other purpose, all activities and works according to the nature of their activity shall keep the harmful smokes, gases and steams within the allowable limitations

stipulated in the appendices of these instructions. The person who is in charge of the activity shall take all precautions to eliminate the emission of pollutants in the combustion products, such as:-

1. Choose the suitable fuel, the right design of stoves; boilers; furnaces, chimneys and others and use control systems of air pollution.
2. Avoid uncovered combustion that does not have safe design. Ensure complete combustion. Car exhaust fumes shall be disposed through chimneys that conform with the appropriate engineering specifications and according to the nature of the activity.
3. Ensure that the design of the stoves, boilers, furnaces and others can enable full mixture of the air needed for complete combustion, distribute heat, provide enough time and the ability to turn over which ensure complete combustion to eliminate the emission of the incomplete combustion products, provided that the pollutants emitted shall not exceed the maximum allowable limitations of the emissions that are stipulated in the appendices of these instructions.
4. Do not use reduced oil, heavy oil products and crude oil in the residential areas.
5. The gases that contain sulfur dioxide shall be released through high chimneys to be lightened before arriving on the ground. It is necessary to use fuel that contains low proportion of sulfur in power stations, industry, oil facilities and others and they shall be built far away from urban areas, taking into account atmospheric factors and sufficient distances to ensure that the emissions will not reach to the residential and agricultural areas and to water channels.
6. Adhere to the maximum allowable limitations of emission from fuel combustion resources for all kinds of pollutants according to the appendices stipulated in these instructions.
7. The height of the chimneys of the industrial facilities shall be adequate to dispose of the air pollutants to the outside without affecting the quality of the air surrounding the neighborhood areas within the limits of their influence.
8. The height of the chimneys of the public places such as offices, restaurants, hotels and other commercial venues shall not be less than three meters from the roof of the building. The speed of the release of the gas from the chimney shall be increased by one of the available means.

#### **Article (7)**

It is prohibited to throw, treat or burn the municipal solid wastes in the residential, commercial, industrial and agricultural areas or near them. They could be burnt in special incinerators that shall be built with permission from the competent authorities in coordination with the Ministry and in compliance with the following terms:-

1. The choice of the locations of the incinerators, the speed and direction of the prevailing wind and its affect on the neighborhood areas should be taken into consideration according to the limitations and criteria stipulated in the applicable Environmental Legislations in this field.

2. The distance of the location shall not be less than (5000) five thousands meter away from the boundaries of the nearest residential, commercial, industrial or agricultural area or aqueous environment (river, watercourse, lakes, dams basins, etc....)
3. The combustion temperature in the incinerator shall not exceed (850) eight hundred and fifty degrees centigrade.
4. Enough area should be available in the incinerator location to receive the solid wastes and to completely take in the operations conducted in the location.
5. Plastic and rubber materials should be separated to be recycled and not burnt in order to avoid releasing hazard emissions to the air.
6. Air pollutants emitted from it shall not exceed the allowable limitations as stipulated in their appendices in these instructions.

#### **Article (8)**

The entities that generate medical wastes have the authority to build their own incinerators to dispose of the medical wastes with a permission from the competent authority in coordination with the Ministry, provided that the following terms should be complied with:-

1. The combustion temperature shall not be less than (1200) one thousand and two hundred degrees centigrade.
2. The capacity of the incinerator should be enough to burn the wastes transmitted to it for (24) twenty four hours.
3. The incinerator shall be used to dispose of the medical wastes related to its owner and it is not allowed to use it to dispose of medical wastes of another entities unless by an approval of the competent authority and in coordination with the Ministry.
4. It is prohibited to use the incinerator to burn the following wastes:-
  - a. Hazard wastes which are determined by the Ministry and the competent authorities.
  - b. Compressed containers.
  - c. Plastic and rubber wastes and materials.
  - d. Wastes that contain high proportions of heavy minerals (lead, cadmium, mercury, etc...)
  - e. Silver salts and wastes generated from tapes.
  - f. Materials that are toxic to genes.
5. Air pollutants emitted from it shall not exceed the allowable limitations as stipulated in their appendices of these instructions.

#### **Article (9)**

The toxic wastes shall be burnt in incinerators that conform to the provisions and terms stipulated in Article (6) of these instructions, provided that the temperature of combustion in the incinerators shall not be less than (1200) one thousand and two hundred degrees centigrade. The emitted air pollutants shall not exceed the maximum allowable limitations stipulated in the appendices of these instructions.



The medical wastes can be burnt in these incinerators without prejudice to the provisions of Clause (4) of Article (7) of these instructions.

#### **Article (10)**

1. It is prohibited to spray pesticide or any other chemical compounds for agricultural purposes or for public health requirements unless they comply with the terms, provisions and guarantees that are stipulated by the Ministry of Agriculture and the Ministry of Health in addition to the Ministry. The following precautions shall be taken:-
  1. Notify health and veterinary units about the types of spray materials, antitoxic and times of spray.
  2. Provide the necessary emergency means.
  3. Warn the residents from being present in the spray area.
  4. The spray shall be done by specialists who are trained to do this work.
2. The approval of the Ministry shall be obtained before carrying out the spray process. The Ministry shall make sure that all precautions stipulated in the above mentioned Clause (a) have been taken.

#### **Article (11)**

All entities and individuals shall take all the necessary precautions during excavation, digging, destruction or construction operations or during transporting the wastes or dust that are produced from these operations, in addition to the necessary precautions that shall be taken for storage or safe transportation of these wastes in order to prevent them from being dispersed according to the following procedures:-

1. Surround the work location with a safe fence that does not obstruct the traffic and the passage of people. The materials that can be dispersed shall be covered carefully to avoid polluting the surrounded air.
2. The wastes and dust that are generated from these activities shall be transported in special containers by using special transport vehicles which are prepared and licensed for this purpose and the freight shall be covered.
3. The Ministry of Municipalities and Public Works and the Mayoralty of Baghdad in coordination with the Ministry and the competent authorities shall determine the locations of sanitary landfills to which the above mentioned wastes shall be transported and then disposed of.
4. The locations where these wastes shall be transported to shall not be less than (5000) five thousands meter far from the nearest urban, residential, commercial and industrial areas.

#### **Article (12)**

All the entities shall, according to their work requirements, take into consideration the below mentioned factors when designing their chimneys to dispose of the emitted air pollutants.

1. The chemical and physical properties of the emitted materials.

2. The height above sea level.
3. The height of the facilities in the surrounded area.
4. The outside diameter of the vent of the chimney.
5. The bore of the vent of the chimney.
6. The material used for building.
7. Volume and speed of the release of the emissions.
8. Temperature of the emissions.
9. Wind direction.
10. Percentage of humidity in the surrounded air.

**Article (13)**

All stable emission resources shall comply with the legally approved National Noise Limitations.

**Article (14)**

The Environmental Monitoring Networks shall record any violation of the allowable limitations of the national emissions and the limitations of the quality of the surrounded air. They shall submit periodical reports to the Ministry, the competent authorities and relevant entities on the results of their activities.

**Article (15)**

The owner of the institution or the activity shall comply with the following:-

1. Conduct continuous measurement and analysis of the emitted air pollutants and observe the specifications and amount of the emissions of the institution or activity by using a continuous monitoring system of emissions that confront to the applicable international specifications in this field.
2. Maintain a record to register data about types and quantities of the emitted air pollutants for five years from the date of each analysis. Give the officers of the Ministry and the competent authority, who are appointed as observers, access to examine these records upon their visit to the institution or the activity.

**Article (16)**

These instructions and its appendices shall be applied to all kinds of emission resources that are intended to be constructed, and as for those already established resources which are currently operating, they shall be given four years to adjust their conditions to comply with these instructions and its appendices otherwise they will be considered environmentally damaging .

**Article (17)**

The Ministry and the competent authorities are entitled to refer the violations of the provisions, limitations and standards stipulated in these instructions to the judicial authorities to take the necessary legal procedures.

**Article (18)**

These instructions shall go into effect from the day they are published in the Official Gazette.

**Annex (1)**

**MAXIMUM ALLOWABLE EMISSION LIMITS OF AIR POLLUTANTS EMITTED FROM  
STATIONARY SOURCES**

<b>SUBSTANCE</b>	<b>SYMBOL</b>	<b>SOURCES</b>	<b>MAX. ALLOWABLE EMISSION LIMITS (mg/Nm<sup>3</sup>)</b>
Visible Emissions		Combustion sources other sources	250 None
Opacity		All sources	20%
Carbon Monoxide	CO	All sources	500
Nitrogen Oxide (expressed as nitrogen dioxide)	NO <sub>x</sub>	Combustion sources material producing industries other sources	See Annex (2) 1000 1000
Sulphur dioxide	SO <sub>2</sub>	Combustion sources material producing industries other sources	500 2000 1000
Sulphur trioxide Including Sulphuric Acid Mist (expressed as sulphur Trioxide)	SO <sub>3</sub>	material producing industries other sources	150 50
Total Suspended particles	TSP	Combustion sources Cement industry: - Exist - new other sources	250 150 100 150
Ammonia and Ammonium compounds (expressed as ammonia)	NH <sub>3</sub>	material producing industries other sources	50 10
Benzene	C <sub>6</sub> H <sub>6</sub>	All sources	5
Iron	Fe	Iron & steel foundries	100
Lead and its Compounds (expressed as lead)	Pb	All sources	5
Antimony and its Compounds (expressed as Antimony)	Sb	material producing industries other sources	5 1
Arsenic and its Compounds (expressed as arsenic)	As	All sources	1
Cadmium and its Compounds (expressed as cadmium)	Cd	All sources	1
Mercury and its Compounds (expressed as mercury)	Hg	All sources	0.5
Chrome	Cr	All sources	5
vanadium	V	All sources	5
Nickel and its compounds (expressed as nickel)	Ni	All sources	1
Copper and its compounds (expressed as copper)	Cu	All sources	5
Hydrogen sulphide	H <sub>2</sub> S	All sources Material producing industries	5 10
Chloride	Cl <sup>-</sup>	Chlorine works other sources	200 10
Hydrogen chloride	HCl	Chlorine works other sources	200 20
Hydrogen Fluoride	HF	All sources	2
Silicon fluoride	SiF <sub>4</sub>	All sources	10

SUBSTANCE	SYMBOL	SOURCES	MAX. ALLOWABLE EMISSION LIMITS (mg/Nm <sup>3</sup> )
Fluoride and its compounds including HF & SiF <sub>4</sub> (expressed as fluoride)	F <sup>-</sup>	Aluminum smelters other sources	20 50
Formaldehyde	CH <sub>2</sub> O	Material producing industries other sources	20 2
Carbon	C	Material producing industries Waste incineration	250 50
Total Volatile Organic Compounds (expressed as total organic carbon (TOC))	VOC	All sources	20
Dioxins & Furans		All sources	1 (ng TEQ/m <sup>3</sup> )

#### **Notes:**

- 1- combustion source are intended to ovens and incinerators and boilers oil and petrochemical industries , power plants and other industries, either include the production of construction materials production plants and laboratories and chemical plants and other dyes.
- 2- The concentration of any substance specified in the first column emitted from any source specified in the third column shall not at any point before admixture with air smoke or other gases exceed the limits specified in the fourth column.
- 3- “mg” means milligram. “ng” means nanogram
- 4- “Nm<sup>3</sup>” means normal cubic meter being that amount of gas which when dry occupies a cubic meter at a temperature of 25 degree centigrade and at an absolute pressure of 760 millimeters of mercury (1 atm).
- 5- The limit of “Visible Emission” does not apply to emission of water vapor and a reasonable period for cold start-up, shutdown or emergency operation.
- 6- The measurement for “Total Suspended Particles (TSP)” emitted from combustion sources should be @ 12% reference CO<sub>2</sub>.
- 7- The total concentration of the heavy metals (Pb, Cd, Cr, Ni, Hg, Cu, As & Sb) must not exceed 5 mg/Nm<sup>3</sup>.
- 8- Voc limits is for unburned hydrocarbons (uncontrolled).
- 9- The emission limits for all the substances exclude “Dioxins and Furans” are conducted as a daily average value.
- 10- “Dioxins and Furans” Average values shall be measured over a sample period of a minimum of 6 hours and a maximum of 8 hours.
- 11- Adopted in measuring the concentration of any substance the first column the method adopted by EPA as a way of measuring a reference or equivalent methods of measurement of the global reference.

#### **Annex(2)**

#### **MAXIMUM ALLOWABLE EMISSION LIMITS OF AIR POLLUTANTS EMITTED FROM HYDROCARBON FUEL COMBUSTION SOURCES**

SUBSTANCE	SYMBOL	SOURCES	MAX. ALLOWABLE EMISSION LIMITS (mg/Nm <sup>3</sup> )
Visible emissions		All sources	250
Nitrogen Oxides (expressed as nitrogen dioxide (NO <sub>2</sub> ))	NO <sub>x</sub>	Fuel combustion units:	
		Gas fuel	350
		Liquid fuel	500
		Turbine units:	
		Gas fuel	70

		Liquid fuel	150
Sulphur Dioxide	SO <sub>2</sub>	All sources	500
Total Suspended Particles	TSP	All sources	250
Carbon Monoxide	CO	All sources	500

**Notes:**

- 1- The concentration of any substance specified in the first column emitted from any source specified in the third column shall not at any point before admixture with air, smoke or other gases, exceed the limits specified in the fourth column.
- 2- "Nm<sup>3</sup>" means normal cubic meter, being that amount of gas which when dry, occupies a cubic meter at a temperature of 25 degree centigrade and at an absolute pressure of 760 millimeters of mercury (1 atm).
- 3- The limit of "Visible Emission" does not apply to emission of water vapor and a reasonable period for cold start- up, shutdown or emergency operation.
- 4- The "NO<sub>x</sub>" emission limit of any existing turbine units operated by gas fuel, prior to the issuance and adoption of this regulation will be 125 mg/Nm<sup>3</sup>.
- 5- The measurement for "Total Suspended Particles (TSP)" emitted from combustion sources should be @ 12% reference CO<sub>2</sub>.
- 6- Adopted in measuring the concentration of any substance the first column the method adopted by EPA as a way of measuring a reference or equivalent methods of measurement of the global reference.

**Annex(3)**

**MAXIMUM ALLOWABLE EMISSION LIMITS OF AIR POLLUTANTS  
EMITTED FROM SOLID WASTE INCINERATORS**

SUBSTANCE (symbol)	MAX. ALLOWBLE EMISSION LIMITS (mg/Nm <sup>3</sup> )	
	Incinerator capacity less than 3 ton/hour	Incinerator capacity 3 ton/hour or more
Total suspended particles (TSP)	100(daily average)	30(daily average)
Carbon Monoxide (CO)	100(daily average)	100(daily average)
Nitrogen Oxides (NO <sub>x</sub> ) (expressed as nitrogen dioxide (NO <sub>2</sub> ))	350(daily average)	300(daily average)
Sulphur Dioxide (SO <sub>2</sub> )	500(daily average)	300(daily average)
Hydrogen Chloride (HCl)	30(daily average)	20(daily average)
Hydrogen Fluoride (HF)	4(daily average)	2(daily average)
Total Volatile Organic Compounds (VOC) (expressed as total organic carbon (TOC))	20(daily average)	20(daily average)
Nickel (Ni) and its Compounds (expressed as Ni)	Total (1)	Total (1)
Arsenic (As) and its Compounds (expressed as As)	Total (1)	Total (1)
Cadmium (Cd) and its Compounds (expressed as Cd)	Total (0.2)	Total (0.1)
Mercury (Hg) and its Compounds (expressed as Hg)	Total (0.2)	Total (0.1)
Lead (Pb) and its Compounds (expressed as Pb)	Total (5)	Total (1)
Chrome (Cr) and its Compounds (expressed as Cr)	Total (5)	Total (1)
Copper (Cu) and its Compounds (expressed as Cu)	Total (5)	Total (1)
Manganese (Mn) and its Compounds (expressed as Mn)	Total (5)	Total (1)
Dioxins and Furans	0.1 (ng TEQ/m <sup>3</sup> )	0.1 (ng TEQ/m <sup>3</sup> )

**Notes:**

- 1- The concentration of any substance specified in the first column emitted from the incinerator shall not at any point before admixture with air, smoke or other gases, exceed the specified limits.

- 2- "Nm<sup>3</sup>" means normal cubic meter being that amount of gas which when dry, occupies a cubic meter at a temperature of 25 degree centigrade and at an absolute pressure of 760 millimeters of mercury (1 atm)
- 3- The Total concentration of the heavy metals (Cd, Hg, As, Cr, Cu, Pb, Mn, Ni, V) shall be measured over as ample period of minimum of 30 min and a maximum of 8 hours.
- 4- "Dioxins and Furans" Average value shall be measured over sample period of a minimum of 6 hours and a maximum of 8 hours. The emission limit value refers to the total concentration of dioxins and furans are calculated using the concept of toxic equivalence in accordance with Annex 5.
- 5- Adopted in measuring the concentration of any substance the first column the method adopted by EPA as a way of measuring a reference or equivalent methods of measurement of the global reference

#### **Annex(4)**

#### **MAXIMUM ALLOWABLE EMISSION LIMITS OF AIR POLLUTANTS EMITTED FROM HAZARDOUS AND MEDICAL WASTES INCINERATORS**

<b>SUBSTANCE (Symbol)</b>	<b>Max. ALLOWABLE EMISSION LIMITS mg/Nm<sup>3</sup></b>
Total suspended particles(TSP)	10 (daily average) 30 (half-hourly average)
Carbon Monoxide(CO)	50 (daily average) 100 (half-hourly average)
Nitrogen oxides(NO <sub>x</sub> ) (expressed as nitrogen dioxide NO <sub>2</sub> )	200 (daily average) 400 (half-hourly average)
Sulphur dioxide (SO <sub>2</sub> )	50(daily average) 200 (half-hourly average)
Hydrogen Chloride (HCL)	10(daily average) 60 (half-hourly average)
Hydrogen Fluoride (HF)	1 (daily average) 4 (half-hourly average)
Total Volatile Organic Compounds (VOC) (expressed as total organic carbon (TOC)	10(daily average) 20(half-hourly average)
Cadmium (cd) and Its Compounds (expressed as cd)	Total (0.1)
Thallium (TI) and Its Compounds (expressed as TI)	Total (0.1)
Mercury (Hg) and Its Compounds (expressed as Hg)	0.1
Antimony (Sb) and Its Compounds (expressed as Sb)	Total (1)
Arsenic(As) and Its Compounds (expressed as As)	Total (1)
Chrome(Cr) and Its Compounds (expressed as Cr)	Total (1)
Cobalt (Co) and Its Compounds (expressed as Co)	Total (1)
Copper (Cu) and Its Compounds (expressed as Cu)	Total (1)
Lead (Pb) and Its Compounds (expressed as Pb)	Total (1)
Manganese (Mn) and Its Compounds (expressed as Mn)	Total (1)
Nickel (Ni) and Its Compounds (expressed as Ni)	Total (1)
Tin ( Sn) and Its Compounds (expressed as Sn)	Total (1)
Vanadium (V) and Its Compounds (expressed as V)	Total (1)
Dioxins and Furans	0.1 (ng TEQ/M <sup>3</sup> )

#### **Notes:**

- 1- The concentration of any substance specified in the first column emitted from the incinerator shall not at any point before admixture with air, smoke or other gases, exceed the specified limits.

- 2- "Nm<sup>3</sup>" means normal cubic meter being that amount of gas which when dry, occupies a cubic meter at a temperature of 25 degree centigrade and at an absolute pressure of 760 millimeters of mercury (1 atm)
- 3- The Total concentration of the heavy metals (Cd, Hg, As, Cr, Cu, Pb, Mn, Ni, V) shall be measured over a sample period of a minimum of 30 min and a maximum of 8 hours.
- 4- "Dioxins and Furans" Average value shall be measured over a sample period of a minimum of 6 hours and a maximum of 8 hours. The emission limit value refers to the total concentration of dioxins and furans are calculated using the concept of toxic equivalence in accordance with Annex 5.
- 5- Adopted in measuring the concentration of any substance the first column the method adopted by EPA as a way of measuring a reference or equivalent methods of measurement of the global reference.

### Annex(5)

### DIOXINES AND FURANS

#### Notes:

- 1- "dioxins and furans" means polychlorinated dibenzo-p-dioxins (peCDD) and polychlorinated dibenzofurans (peCDF), being tricyclic and aromatic compounds formed by 2 benzene rings which are connected by 2 oxygen atoms in peCDD and by one oxygen atom in peCDF and the hydrogen atoms of which may be replaced by up to 8 chlorine atoms.
- 2- "TEF" means Toxic Equivalency Factor (Toxicology).
- 3- "TEQ" means Total Equivalent Quantity (Toxic Equivalent), being the sum total of the concentration of each of the dioxin and furan compounds specified in the first column of the table below multiplied by their corresponding TEF specified in the second column thereof:

$$\text{TEQ} = \Sigma (\text{TEF} \times \text{Concentration}) \text{ for each type of Dioxin or Furan}$$

Dioxin / Furan	TEF
2, 3, 7, 8- Tetrachlorodibenzo-p-dioxin (TCDD)	1
1, 2, 3, 7, 8-Pentachlorodibenzo-p-dioxin (peCDD)	0.5
1, 2, 3, 4, 7, 8-Hexachlorodibenzo-p-dioxin (HxCDD)	0.1
1, 2, 3, 6, 7, 8-Hexachlorodibenzo-p-dioxin (HxCDD)	0.1
1, 2, 3, 7, 8, 9-Hexachlorodibenzo-p-dioxin (HxCDD)	0.1
1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzo-p-dioxin (HpCDD)	0.01
Octachlorodibenzo-p-dioxin (OCDD)	0.001
2, 3, 7, 8-Tetrachlorodibenzofuran (TCDF)	0.1
1, 2, 3, 7, 8-Pentachlorodibenzofuran (PeCDF)	0.05
2, 3, 4, 7, 8-Pentachlorodibenzofuran (PeCDF)	0.5
1, 2, 3, 4, 7, 8-Hexachlorodibenzofuran (HxCDF)	0.1
1, 2, 3, 6, 7, 8-Hexachlorodibenzofuran (HxCDF)	0.1
1, 2, 3, 7, 8, 9-Hexachlorodibenzofuran (HxCDF)	0.1
2, 3, 4, 6, 7, 8-Hexachlorodibenzofuran (HxCDF)	0.1
1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzofuran (HpCDF)	0.01
1, 2, 3, 4, 7, 8, 9-Heptachlorodibenzofuran (HpCDF)	0.01
Octachlorodibenzofuran (OCDF)	0.001

# **Water**

- Law No. 25 System of Rivers and Other Water Resources Protection  
(Include of 45 Pollutants)**
- Law No. 89 for Public Health (Drinking Water Provision,  
Sanitation and Environmental Monitoring)**
- Law No. 2 for Water System Protection**
- Standard No. 417 on Drinking Water and Analysis**
- Iraqi regulation for the preservation of water sources  
(act No.B (2)-2001 amendment)**
- Regulation for the preservation of water sources  
(act No. B (2)- amendment)**



# **Law No. 25 System of Rivers and Other Water Resources Protection (Include of 45 Pollutants)**

Set of Instructions

Issued by

Ministry of Health

Contamination Limits in Pursuance of Law no.25 of 1967

for

Protection of Rivers

Definition of Water Contamination:

Water Contamination is the physical, chemical, biological or aesthetical changes (partial or total) that affect water, changes its quality and became unuseful for the users or harmful for the surrounding environment.

A. the following terms shall mean:

A-The source of water

1-Rivers tributaries and branches.

2-Brooks, channels, rivulets, main and sub-branches

3-Lakes, basins and other water sources

4-springs, wells and ground water

B-waste water of cities, industry, agriculture and other activities including

1-The waste water drained into the main water drained into the main water supply

2-The waste water drained into the main sewerage

3- The waste water drained into the marshes

Measurements of water components

A- Water sources:

The attached table No (1) includes the required physical, chemical and biological limits of water. It should not be exceeded through drainage any sort of waste into the main water supply and it is considered as the maximum permissible level for the main water supply.

B- The waste water

B-1: The waste water drained into the main water supply.

The attached table No (2) includes the required physical, chemical and biological limits of the waste water drained into the main water supply

B-2: The waste water drained into main sewerage

Designating a specific measures and take into consideration the limits indicated above in Para (B-1) for the drainage water into the main water supply

B-3: The drainage is considered as the draining point into the main water supply.

Regulations indicated above in Para (B-1) should be applied .Further limits for the waste water into the drainage shall be complied with indicated above in Para (B-1) for the toxic substances and hydrocarbon ate.

The drainage required shall take into consideration in the design of the drainage in away that not lead to increase the level of drained water in the drainage as indicated in the design.

B-4: specific limits shall be designated for the waste water drained into the marshes.

With the indicated above Para (B-1) shall be applied for the toxic and Hydrocarbon ate.

Table no (1)

Serial No.	substance	A-1	A-2	A-3	A-4
1	Colour	Normal	Normal	Normal	Normal
2	Temperature	-	-	-	-
3	Plankton	-	-	-	-
4	Hydrogen ion Concentration	6.5-8.5	6.5-8.5	6.5-8.5	-
5	Dissolved Oxygen	More than 5	More than 5	More than 5	More than 5
6	B.O.D.s	Less than 5	Less than 5	Less than 5	Less than 5
7	CO.D.CR207	-	-	-	-
8	Cyanide	0.01	0.01	0.01	0.01
9	Fluorine	0.02 or more as found in the source			
10	Free Chlorine	Trace	Trace	Trace	Trace
11	Chlorides	200 or more as found in the source			
12	Phenol	0.01	0.01	0.01	0.01
13	Sulphates	200 or more as found in the source			
14	Nitrates	15	15	15	50
15	Phosphates	0.4	0.4	0.1	0.4
16	Ammonium	1.0	1.0	1.0	1.0
17	DDT	nil	nil	nil	nil
18	Lead	0.05	0.05	0.05	0.05
19	Arsenic	0.05	0.05	0.05	0.05
20	Copper	0.05	0.05	0.05	0.01
21	Nickel	0.01	0.01	0.01	0.01
22	Selenium	0.01	0.01	0.01	0.01
23	Mercury	0.01	0.01	0.01	0.01
24	Cadmium	0.005	0.005	0.005	0.005
25	Zinc	0.5	0.5	0.5	1.0
26	Chrome	0.05	0.05	0.05	0.05
27	Aluminium	0.1	0.1	0.5	-
28	Barium	1.0	1.0	1.0	1.0
29	Boron	1.0	1.0	1.0	1.0
30	Cobalt	0.05	0.05	0.05	0.05
31	Iron	0.03	0.03	0.03	0.05
32	Manganese	0.01	0.01	0.01	0.01
33	Silver	0.01	0.01	0.01	0.01
34	Hydro carbonates & their derivatives	-	-	-	-

Serial No.	substance	A-1	A-2	A-3	A-4
35	Sulphides	-	-	-	-
36	Ammonia	-	-	-	-
37	Ammonia Gas	-	-	-	-
38	SO <sub>2</sub>	-	-	-	-
39	Oily Alcohol	-	-	-	-
40	Calcium Carbide	-	-	-	-
41	Organic Solvents	-	-	-	-
42	Benzene	-	-	-	-
43	Chlorobenzene	-	-	-	-
44	TNT	-	-	-	-
45	Bromine	-	-	-	-

Note: (A-1) to (A-4) refers to what is indicated in the Paragraph (classification of water) and acts as a guide to the (Directorate General of Human Resources) which is responsible for implementing the system.

Note: Concentration in mg/l unless otherwise indicated

Table No 2

The concentrations defined below is calculated by mg/l unless otherwise stated

Serial No.	substance	B-1	B-2	B-3	B-4
1	Colour	-	-		
2	Temperature	Less than 35 C	45 C		
3	Plankton	60	750		
4	Hydrogen ion Concentration	6-9.5	6-9.5		
5	Dissolved Oxygen	-	-		
6	B.O.D.s	Less than 40	1000		
7	CO.D.CR207	Less than 100	-		
8	Cyanide	0.05	0.5		
9	Fluorine	5.0	10.0		
10	Free Chlorine	Trace	100		
11	Chlorides	<p>If the ratio quantity of the drained water is (1:1000) to the main water supply or less, It is permitted to increase the concentration at the rate of %1 percent of the normal concentration in the main water supply before drainage</p> <p>* If the ratio of the quantity of the drained water is more than (1000), the concentration of the chloride shall not be exceeded the rate of 600 mg /l in the drained water.</p> <p>* if the florid concentration is 200 mg/l less to the main water supply each case shall be studied separately by the party responsible for implementation of the system .</p>			
12	Phenol	0.01-0.05	5-10		
13	Sulphates	<p>1- If the ratio of quality of the drained water is (1000.1) or less to the main water supply , It is permitted to drain water into the main water supply in quantity and concentration leads to increase the sulphate in the main water supply as the rate of 0.01 of the normal concentration in this main water supply before drainage .</p> <p>2- If the ratio of the quantity of the drain water is 100, 01 or more compared to the main water supply sulphate concentration shall not be more than 400 Mg/L in the drained water.</p> <p>3- If the concentration of the sulphate in the main water supply is less than 200 Mg/L, then each case shall be studied separately by party responsible for the implementation of the system.</p>			
14	Nitrates	50	-		
15	Phosphates	3.0	-		
16	Ammonium	-	-		
17	DDT	nil	-		

Serial No.	substance	B-1	B-2	B-3	B-4
18	Lead	0.01	0.01		
19	Arsenic	0.05	0.05		
20	Copper	0.05	0.05		
21	Nickel	0.01	0.01		
22	Selenium	0.01	0.01		
23	Mercury	0.01	0.01		
24	Cadmium	0.005	0.005		
25	Zinc	0.5	0.5		
26	Chrome	0.05	0.05		
27	Aluminium	0.1	0.1		
28	Barium	1.0	1.0		
29	Boron	1.0	1.0		
30	Cobalt	0.05	0.05		
31	Iron	0.03	0.03		
32	Manganese	0.01	0.01		
33	Silver	0.01	0.01		
34	Hydro carbonates & their derivatives	It is permitted to drain the total quantity of the Hydro carbonate into main water supply No.A-1 and A-2 according to the concentrations and limits indicated below in tables. These concentration shall be measured before mixed with the main water supply. It is not permitted to drain any hydrocarbon into the following main water supplies (A-3) and (A-4): first 10 mg/l and according to the following limits. a. The ratio of the quantity of drained water shall not be less than 1000:1 or below b. The state of river shall be in continuous flow. Second: 5 MG/L and according to the following limits A. The ratio of the quantity of the drained water shall not be 500:1 or below. B. The state of river shall be in continuous flow. Third: 3 MG/L and according to the following limits A. the ratio of the quantity of the drained water shall not be 300:1 or below. B. The state of river shall be in continuous flow.	-		
35	Sulphides	-	-		
36	Ammonia	-	-		
37	Ammonia Gas	-	-		
38	SO <sub>2</sub>	-	-		
39	Oily Alcohol		not allowed		
40	Calcium Carbide		not allowed		
41	Organic Solvents		not allowed		
42	Benzene		0.5		
43	Chlorobenzene		0.1		

Serial No.	substance	B-1	B-2	B-3	B-4
44	TNT		0.5		
45	Bromine		1-3		

Note: (B-1) to (B-4) refers to what is indicated in the Paragraph (classification of water) including the rules which must be adhered to by the draining party.

\* It is permitted to increase the concentration with a specified ratio in particular cases depending on the influence of required drainage into the main waste supply to which the waste are drained.

Note: concentration in mg/l unless otherwise indicated

### Instructions No.1 issued by Ministry of Health

In pursuance to provisions of article (16) of the law N0 (25) of 1967 for protection of Rivers and main water supply from contamination, the following instructions have been issued.

1. The ratios indicated in the table below are permitted for the hydrogen sulfide toxic substances,

If the ratios for other items exceeded the levels permitted for them, then they would be harmful. In accordance with the provisions of Para (2) of article (7) of the law indicated above

1. lead	0.1
2. arsenic	0.05
3. copper	0.1
4. nickel	0.05
5. selenium	0.05
6. Mercury	0.005
7. cadmium	0.1
8. Zinc (divalent)	5.0
9. Hydrogen	0
10. Carbon disulphide	0.5
11. Crude oil and its diabetes dissolved hydrogen	0.1
12. Free chlorine trace	
13. sulfide	
14. carbon tetrachloride	0.5
15. D.D.T	0.2
16. dinitroanthracene	0.5
17. chlorobenzene	0.1
18. trinitrotoluence	0.5
19. dinitrobenzene	0.5
20. tetranitromethane	0.5
21. fluorides	1.0
22. Phenols	

2. Any other substances decided to be added to the table

3. Owners of factories must be complied with these instructions and implement them within 6 months from the date of its publication in the official gazette.

Minister of Health

Legislation N0 20973

Date of legislation 1st of Jan. 1980

Reference: official gazette

Issue N0: 2786

Date: 28 of July 1980

Number of pages: (2)

Page number: 1126

Volume N0: (2)

Correction of instructions

In pursuance to the law of rivers and main water supply protection from contamination, the instruction No.80406 has issued in pursuance to the law of protection of rivers and public water from contamination published in official gazette , issue in 17 of march , 1980 shall be corrected in pursuance to the following manners

1- Page no 376, table no (1), serial no (13) the symbol in English are not indicated against sulfide which is  $\text{So}_4$  , also the concentration are not indicated in table no (2) column (B-2) for the same serial. (-) is indicated while the right concentration are (300)

2- Page no 376, table no (1), serial no (14) the symbol in English are not indicated against nitrate and the connect symbol are no 3.

3- Page no 476 , table no (1) serial no (15) the symbol in English are not indicated against phosphate and the correct symbol are  $\text{Po}_4$ .The concentrations are indicated in table no (1) for the same serial number , column A-2(0, 1) and A-3(0, 4) and the correct columns are A-1(0, 4)and A-3(, 1)

4- Substances from serial no (30) cobalt to the serial no (45) cobalt shall be added to tables (2, 1) which have been published in the issue above indicated.

Director General of human environment

Serial No	Substance	A-1	A-2	A-3	A-4	B-1	B-2
30	Cobalt	0.05	0.05	0.05	0.05	0.05	0.05
31	lead	0.3	0.3	0.3	0.5	2	15

32	manganese	0.1	0.1	0.1	0.1	0.5	-
33	silver	0.01	0.01	0.01	0.01	0.05	0.1
34	Hydro carbonates and Its derivatives	-	-	-	-	-	-
35	Sulfide	-	-	-	-	-	-
36	Ammonia	-	-	-	-	-	-
37	Nas free NH3	-	-	-	-	-	-
38	Dioxide Sulfate (So4)	-	-	-	-	-	-
39	Petroleum	-	-	-	-	-	-
-	alcoholic	-	-	-	-	-	-
40	curbed Calcium	-	-	-	-	-	are not permitted
41	organic dissolvent	-	-	-	-	-	are not permitted
42	Benzene	-	-	-	-	-	0.5
43	chlorobenzen	-	-	-	0.1	-	-
44	TNT	-	-	-	-	0.5	-
45	Bromine	-	-	-	-	3-1	-

Note 1- The serial No (13) in the new table, column (B-1) the ratio is (0, 2)

2- The serial no (34) in the table (the Hydrocarbon ate) column (B-1) the ratio would be as follows:

The Hydrocarbon ate are permitted to be drained into the main water supply (A-1), (A-2) and according to the limits and concentration indicated below in the table .The concentrations shall be measured before mixed with the main water supply. It is not permitted to drain any Hydrocarbon ate substance into the main water supply (A-3) and (A-4)

First;

10, Mg/l according to the following limits

A- If the ratio of the quantity of the drain water is 1000, 1 to the main water supply or less

B- The state of the river shall be in continuous flowing.

Second:

5mg/L and according to the following limits

A- If the ratio of the quantity of the drain water is 500, 1 to the main water supply or less

b- The state of the river shall be in a continuous flow

Third:

3 mg/L and according to the following limits

A-If the ratio of the quantity of the drain water is 3000, 1 to the main water supply or less

B- The state of the river shall be in a continuous flow

Official gazette

Issue no 2209

Date 27 Dec, 1972

Page no: the rules and orders

Date: 1972

Page no 607

Instructions number (4) of 1972 issued according to the law of the protection of rivers and main water supply from contamination.

In pursuance of the provision of article no (16) of the law the protection of rivers and main water supply from contamination no (25) of 1967, the following instructions have been issued.

Implementing of the provisions of article no (3) of the law of the protection of rivers and main water supply from contamination no (25) of 1967

If there is sewerage near to any source of the used water that carried away from shops and could be connected with it. Then it is prohibited to drain the heavy water at any rate.

Minister of Health

Published in the official gazette

Issue no 2209

In 27 Dec, 1972

Official gazette

Issue no 2209

Date 27 Dec, 1972

Page no: The rules and orders

Date: 1972

Page no 607

Instructions number (3) of 1972 issued in pursuance to the law of the Protection Rivers and main water supply from contamination

In pursuance of the provisions of the article (16) of the law of the protection of the rivers and main water supply from contamination no (25) 1967, the following instructions have been Issued.

Implementing provision of article 12) of the law of the protection rivers and main water supply from contamination no (25), 1967

1. A license for drainage shall not be given to shops which are located at a distant of less than 1 kilometer from the main water supply, swimming pools and fish farming shops
2. The end of the pipe for the waste water shall be at a distance of 5 meters from the sea coast during the drought time and below the sea level.

Minister of health



Published in the official Gazette

Issue no 2209, in 27, Dec, 1972

Official gazette

Issue no 2209

Date 27 Dec, 1972

Page no: Rules and orders

Date: 1972

Page no 607

Instructions no (2) 1972 issued in pursuance with the law of protection of rivers and main water supply from contamination

In pursuance of the provisions of the article (6) of the law of the protection of rivers and main water supply from contamination no (25) 1967 the following instructions have been issued.

Implementing to the provisions of Paragraph (4) of article (7) of the law of the protection of the rivers and main water supply from contamination no (25) 1967

Temperature of waste water of shops shall not be over 80 centigrade

Minister of Health

Published in the official Gazette

Issue no 2209 in 27, Dec, 1972

**Law No. 89 for Public Health (Drinking Water Provision, Sanitation and Environmental Monitoring)**

**According to Article 105 of the Public Health Law (No.89) of 1981, we decided to Issue the Following Instructions:**

No. (7) for the year 1993 on the lighting in the work Environment

**(Minister Of Health) Published in 1993**

**Article 1:** On the administration or the work owner of all economic activity to be ensure of availability the natural light or industrial lighting, or both, In the work places where people pass through or during emergency

**Article 2:** On the administration or the work owner of all economic activity to be ensure of availability homogeneous and pervasive light to avoid the shadow and to avoid the un reflected luster and glossiness.

**Article 3:** Light bulbs, Windows and openings ventilation and other natural light on the situation must be always clean and devoid of obstacles

**Article 4:** Must take the suitable action to prevent the great disparity in the distribution of light in the neighboring places, and to avoid the retina from strong light, along with find a good facilitate for the vision to prevent the occurrence of accidents and work-related injuries

**Article 5:** Should be pursued the following bellow in order to avoid the light reflected when the light industry use:

1. The ultimate choice for light lamps so that the light bulbs used in public lighting to be closer to the color of natural light
2. The optimal high of the lamps from the surface to ensure adequate lighting for the eye
3. To provide incandescent lamps like mercury lamp and other with barriers to withhold direct light dropping at eye
4. To avoid the reflective surfaces in the workplace

**Article 6:** Must be provided with adequate and appropriate lighting  
Depending on the type of work that is being pursued, whether natural or artificial lighting, or both, guided by the table on safe levels of lighting in industrial processes attached to these instructions in order to protect workers from accidents and work-related injuries and to achieve better productivity

**Article 7:** The level of intensity of lighting in the workplace is measured using a lighting measure device (Lux Meter) at the level of the work table surface (at the Horizontal surface at the high of 85cm above the earth's surface) and the unit of measure is Lux .

**Article 8:** The management or the owner or his representative shall own special record for lighting level in different work locations. This record shall be kept in the work locations and are subject to inspection by the inspectors of Health and Professional Safety Division in the provinces.

**Article 9:** The violators of these instructions shall be punished by the penalties stipulated in Public Health Law No. 89 of 1981. Provided that the inspectors of health and professional safety in the provinces shall record these violations in writing and signed them.

**Article 10:** These instructions shall be applied on social, cooperative, mixed and private sector.

**Article 11:** These instructions go into effect from the date they are published in the Official Gazette.

**Note:** A special schedule for safe lighting level in the industrial operations is attached with these instructions.  
Published in AL-Waqae' AL-Iraqiah Gazette No. 3488 of 1993.

**The Professional Health Instructions  
to Protect Workers From Vibrations**

**According to Article 3, Paragraph 6 and 7 of the Public Health Act (No. 89) of the year / 1981,  
We decided to Issue the Following Instructions:**

**(Minister Of Health) Published in 6 /12/1993**

1. Management or the employer to:
  - a. A primary medical examination of workers employed by the work that would be subjected to vibration in order to keep people who are unfit for work in occupations that expose them to vibration.
  - b. A routine medical examination for workers exposed to vibration every six months.
  - c. The organization of work and rest periods for workers exposed to vibration being given breaks of 10 minutes each hour worked.
  - d. Prevent workers from smoking at work.
  - e. Protective workers to provide them by gloves resistance to vibration and urged them to wear at work.
  - f. Training Group to work correctly by following the following means.
2. Must take all facilities to Control the engineering of the vibration source.
3. Must use a number of Machines that do not occur at the operation as far as possible vibrations.
4. Management or the employer using a Seismograph (Which gives a direct reading), A measurement of the sound of a microphone unit replacing the transfer of energy and measure the rate of measurement db to the gravity with indicative adhere to the permissible limits on exposure to Vibration .

<b>Total duration of Exposure Hours daily</b>	<b>Allowable limits of vibration And which cannot be overcome in the direction of New often Measured m / s 2 or a gravity</b>
Less than 8 hours, 4 hours	4 m / s <sup>2</sup> 0.40 unit of gravity
Less than 4 hours, 6 hours	2 m / s <sup>2</sup> 0.61 unit of gravity
Less than 2 hours, 1 hour	8-m / s <sup>2</sup> 0.81 unit of gravity
Less than one hour	12 m / s <sup>2</sup> 1.22 unit of gravity

The Table Shows the permissible limits of Exposure to Vibration up to the Hands and Arms

The following bases shall be used in measuring the degree of the vibration exposure

- a- The total actual time for the hand exposure to vibration, whether it is continuous or discontinuous.
- b- One of the axes (x, z, and y) shall be a dominant direction most of the times. If the exposure level to vibration of one direction or both exceeds the allowable exposure period mentioned above, this shall be considered in excess of the allowable limitations.
- c- The vibrations reach to the hands depend on the feeling of human of these vibrations. The vibrations are affected by different elements like frequency speed and the way of handling the instrument, they are measured by a unit called vibration level.

The penalties stipulated in Article (99) of Public Health Law No. (89) Of 1981 shall be applied on the violators of these instructions. Provided that the inspectors of health and professional safety in Baghdad Municipality and provinces shall confirm these violations in writing and sign them.

## **Law No. 2 for Water System Protection**

Regulations N0, (2) of 2001  
for  
Preserving Water Resources

### **Chapter One** **Definitions and validity**

#### Article (1)

For the purposes of these regulations, Water is considered common according to the definitions below:

- a. Rivers and their tributaries,
- b. Streams, the waterways and canals, whether main, subordinate or secondary,
- c. Drainages and estuaries,
- d. Surfaces of water including lakes, marshes, ponds and bogs,
- e. Underground water including springs and wells,
- g. Pools and other watery reservoirs,
- h. Valleys' water
- i. Regional water

#### Article (2)

Provisions of these regulations shall apply to every public or private establishment, factory or workshop, as well as to every industrial, agricultural or serviceable activity in the socialist, mixed, cooperative or private sectors. Each one of the above shall be called (a location) for the purposes of these regulations in order to protect water resources from pollution and improve its quality by purifying it from contaminating factors which are discharged from such (locations).

### **Chapter Two** **Regulations for Discharge of Waste of the Common Waters**

#### Article (3)

It is prohibited to discharge or throw any kind or any amount of waste from the location to the common water of any kind or quantity, or whether the discharge was regular, irregular or temporary, for any reason, unless granted a permission from the office of protecting and improving Environment or whom it shall authorize.

#### Article (4)

It is prohibited to discharge or throw any polluted items, including toxic or radiated materials, into common water, or burying them unless granted a permission from the office of protecting and improving Environment or whom it shall authorize.

#### Article (5)

The Council for Protecting and Improving Environment shall issue environmental rules for the following:-

- a. Physical, chemical or biological quality of common water in accordance with the property of every kind and their uses.
- b. Physical, chemical or biological quality of wasted and discharged water into common water or healthy drainage or rain water nets in accordance with the property of every kind and their uses.
- c. Physical, chemical or biological quality of wasted and discharged water containing toxic materials which will be discharged into common water, healthy drainage nets or into rain water nets in accordance with the property of these materials, after the consideration of the following factors:-
  - I. Impact strength of the polluted toxic substances,
  - II. Extent of the polluted toxic substance firmness,
  - III. Variations are happened on the toxic substance when it enters into the human body.
  - IV. Range of impact of the poisoned substance upon the creatures and importance of these affected creatures.
  - V. Treatment and measure of wasted water containing radiated materials.

#### Article (6)

- a. The owner of the location is obliged to use the best technical of treating the waste containing radiated materials generated by his location before their drainage into common water and whatever their cost is.
- b. The owner of the location is obliged to treat wasted water of the location in accordance with the required issued limits under the provisions of clauses (b), (c), and (d) of article (5) of these regulations and it should be not allowed to break these limits and it should be before the drainage of these wasted water into common water, healthy drainage nets or into the rain water nets.

#### Article (7)

- a. The owner of the location shall follow the content of these regulations even if his location exists before their issuance:-
  - I. Using valuable techniques to achieve the requirements of the provisions of the two clauses (b) and (c) in article (5) of these regulations as a first step to make the discharged wasted waters of the location similar to the required quality existed into limits issued by the council due to mentioned article.

II. Submitting required procedures details to the office of protection and improvement of the environment including report of the environmental impact of the project.

b. The office shall estimate the required period for applying paragraph (II) of clause (a) in this article after taking into consideration the activity age, generating wasted waters and its volume as well as the raw materials and the activity nature, valuable techniques for the treatment, the used energy and the economical cost.

#### Article (8)

a. The owner of the location shall submit a request to get annual permission from the office of protection and improving the environment in order to discharge the wasted waters of the location activity into common waters, healthy drainage nets or into rain waters nets.

b. The office shall study the request for the permission and it's renew within (30) days from the date of its submission. When the office does not study the request within the mentioned period or it rejects the request, the applicant shall submit a plea to the Chairman of the Council of the protection of environment and improvement within (15) days from the date of notifying the owner of the location with the decision of rejection and the decision concern shall be final.

c. The office shall issue the permission stated in clause (a) of this article when the existed terms in clauses (b) and(c) in article (5) of this system avail in the location.

d. The office shall cancel the issued permission in accordance with this article in following two cases:

I. If it appears that the drainage affects on environmental safety or on general health.

II. If the permission does not use in accordance with the purpose of its grant.

#### Article (9)

It is prohibited to do the following:-

a. Throwing the following objects near water sources that feed stations of treating and purifying water:

I. Pollutants that cause mineral eradication.

II. High-viscosity materials which may affect these projects.

III. Explosive and flammable materials.

IV. Temperature-raising factors which may heat the water and make him unsuitable for Life and living.

V. Any pollutant with a concentration or quantity that may affect the projects

b. Throwing corpses of animals and their waste or their heavy waste, every rotten substance or garbage whatever its kind is or any substance or another element into the common waters or on their banks,

c. Washing animals, skins, intestines, wool, polluted clothes or any substance generate damage to the environment or general health into the water or urination and excretion into waters or on their banks.

d. Constructing projects of animals breeding on rivers or on even common waters banks with a distance not far (100m) from its embankment edges,

#### Article (10)

To take into consideration, the application of the provisions of clause (II), (III) and (IV) in the resolution of the revolutionary command council NO 30 in 20/2/2000,  
Concerning the preservation of fish wealth and organizing of the fishing.

#### Article (11)

The council of protection and improvement of the environment shall issue a decision giving a period of time to the existed locations from the date of its issuance to implement its requirements and to follow its issued limits, chapter three. Plans of preserving the common waters

#### Article (12)

Governorates' Councils for Protecting and Improving Environment shall coordinate with Local Councils to make special plans for every governorate to protect the common water from pollution and to improve its quality within a timing schedule. This plan shall be submitted for approval to the Council for Protecting and Improving Environment.

#### Article (13)

The plans of Governorates' Councils concerning protection of common water from pollution shall include:-

- a. Identifying pollution sources for common water.
- b. Requirements for treating polluted sources.
- c. Planning future projects including the required financial funds to implement them.
- d. Timing schedules for implementing required projects for treating polluted sources.

#### Article (14)

Governorates' Councils for Protecting and Improving Environment shall submit periodical reports to the Council for Protecting and Improving Environment on the achieved progress in the filed of preservation of the common water.

### **Chapter Four**

#### **General Provisions**

#### Article (15)

A. Any one violates the provisions of these regulations shall be punished according to the Instructions, disciplines and Environmental rules issued by the Council for Protecting and improving Environment to implement the Law no. 3 of 1997 for Protecting and Improving Environment.

B. Any one violates the provisions of Article (10) of these regulations shall be punished according to Articles (5) and (6) of the RCC resolution no. 30 on 20/2/2000

#### Article (16)

Environmental rules & instructions, issued according to Law no. 25 of 1967 for protecting rivers and public water from pollution, shall remain in force, till they are replaced, as long as they do not contradict the provisions of these regulations.

Article (17)

The Council for Protecting and Improving Environment shall issue instruction, statements and rules to facilitate implementation of the provisions of these regulations.

Article (18)

These regulations shall be valid after (60) days from being published in the Official Gazette.



## Standard No. 417 on Drinking Water and Analysis

### Standard Specification for Drinking water

#### 1- Natural Characteristics

Characteristic	The Maximum allowable limit
Color	10 units
Turbidity (NTU)	5 units
Taste	Accepted
Smell	Accepted
PH value	6.5-8.5

#### 2- Chemical Characteristics

Material	The Maximum allowable limit (mg/l)
Arsenic	0.01
Cadmium	0.003
Chrome	0.05
Cyanide	0.02
Fluoride	1.0
Lead	0.01
Mercury	0.001
Nitrate (NO <sub>3</sub> ) <sup>-</sup>	50
Nitrite (NO <sub>2</sub> )	3
Selenium	0.01
Aluminum	0.2
Chloride (Cl)	250
Copper	1.0
Total Hardness (as CaCO <sub>3</sub> )	500
Iron	0.3
Manganese	0.1
Sodium	200
T.D.S	1000
Sulphate (SO <sub>4</sub> ) <sup>-2</sup>	250
Zinc	3.0
Calcium	50
Magnesium	50
Barium	0.7
Nickel	0.02
Dissolved H.C	0.01
Carbon-chloroform Extracted	0.3
Industrial Detergents	0.3
Phenolic compounds	0.002

#### 3-Biological Characteristics

Bacteria type	The Maximum allowable limit
Coliform (100 ml after 24hr at 35°C)	<1.1
E.coli (100 ml after 24hr at 44°C)	<1.1
Escherichia coli (250 ml after 24hr at 35°C)	Zero
Plate count (1ml after 24hr at 35°C)	Zero

#### 4-Pesticides

<b>Pesticide</b>	<b>The Maximum allowable limit (mg/l)</b>
Organic chloro (chlorinated)	0.7
Organic Phosphorous	0.000005
Multi chloro-diphenolic	0.001

#### 5-Radiation

<b>Radiation</b>	<b>The maximum limit (Becquerel/liter)</b>
Total Alfa radiation	0.1
Total Beta radiation	1

## **Iraqi regulation for the preservation of water sources (act No.B (2)-2001 amendment)**

### **Council of Ministers**

In virtue of the provisions of Clause (B) of Article sixty two of the constitution and Clause (second) of Article (4) of the Law of Council of Ministries No. (20) of 1991 and the Articles (19) and (24) of the Law of Protecting and Improving the Environment No. (3) Of 1997.

The Council of Ministers decided on 4 \ Jamadi Al-Ola \ 1422 Hijjri, 25 \ July \ 2001.

To issue the following regulation:-

No. (2) B Of 2001 amended

Regulation of Water Resources Conservation

### **Chapter One**

#### **The Definitions and Effectiveness**

##### **Article -1-**

The following are considered public water for the purpose of this regulation:-

- a. Rivers and their influents.
- b. Brooks, conduits and main, subsidiary and secondary canals.
- c. Ditches and public drains.
- d. Wet lands including lakes, lagoons, pools and swamplands.
- e. Underground water including fountains and wells.
- f. Basins and others water bodies.
- g. Water of valleys.
- h. Territory water.

##### **Article -2-**

The provisions of this regulation shall apply on all public or private facilities, factories or shops and any industrial, agricultural or serviceable activity in social, mixed or private sector. For the purpose of this regulation each of these shall named as (shop) in order to protect water resources from pollution and enhance its quality by clean it from polluting elements that are discharged from the shop stipulated in this article.

### **Chapter Two**

#### **Provisions to discharge the wastes into public water**

##### **Article -3-**

It is forbidden for nay reason to discharge or throw the wastes from the shop to the public water whatever are their qualities or quantities, or whether it is continuous, discontinuous or temporary discharged unless with a permission from the Protecting and Improving the Environment Directorate or its representative.

##### **Article -4-**

It is forbidden to discharge or throw any pollutants including toxic or radiant materials into the public water, unless with a permission from the Protecting and Improving the Environment Directorate or its representative.

##### **Article -5-**

The Protecting and Improving the Environment Council shall issue environmental restrictions for the following:-

- a. Public water quality from physical, chemical and biological aspects, according to the nature and usages of each one.
- b. Quality of waste water that is discharged into public water, sewerage or rain sewers, from physical, chemical and biological aspects according to the nature and usages of each one.
- c. Quality of waste water that contains toxic materials which is intended to discharge into public water, sewerage or rain sewer, from physical, chemical and biological aspects according to the nature and usages of each one, taking into account the following factors:-
  - First – Intensity of the pollutant material.
  - Second – The stability extent of the toxic material.
  - Third – The changes that may occur to the toxic material if it enters to the human body.
  - Fourth – The effect of the toxic material on the living creatures and the importance of the affected living creatures.
- d. Treatment and handling of the waste water that contains radiant materials.

#### **Article -6-**

- a. The owner of the shop, that produces wastes containing radiant materials, is obliged to use the best techniques to treat the wastes before discharge them into public water at all costs.
- b. The owner of the shop is obliged to treat the waste water of the shop to make it compliant with the restrictions issued in pursuance of the provisions of Items (b) and (c) and (d) of Article (5) of this regulation which does not exceed these restrictions. This shall be done before discharge it into public water, sewerage or rain sewer.

#### **Article -7-**

- a. The owner of the shop that exists before issuing this regulation is obliged to do the following:-
  - First – Use the available techniques to achieve the requirements of the provisions of Items (b) and (c) of Article (5) of this regulation as first stage to achieve the quality of discharged waste water of the shop to the intended quality in the restrictions issued by the council in virtue of the mentioned article.
  - Second – Submit details about the required procedures, including a report about the environmental impact of the project, to the Protecting and Improving the Environment Directorate.
- b. The directorate is entitled to determine the required period to perform Clause (second) of Item (a) of the Article, taking into account the activity period in which the waste water is produced, the amount, the primary and raw materials, the activity nature, the available techniques for treatment, the used energy and the economic cost.

#### **Article -8-**

- a. The owner is obliged to submit an application to obtain an annual license from Protecting and Improving the Environment Directorate to discharge the waste water from the shop activity into the public water, sewerage and rain sewer.
- b. The directorate shall take the decision concerning the application and its renewal within (30) days from the date of its reception. If it is not decided within the specified period or rejected, the objection shall be submitted to the chairman of Protecting and Improving the Environment Council within (15) fifteen days from the date of notifying the owner about the rejection decision and the issued decision shall be final.

- c. The directorate shall issue the license stipulated in Item (a) of this Article if the conditions stipulated in Items (b, c) of Article (5) of this regulation are available.
- d. The directorate is entitled to cancel the license issued in pursuance of this article in one of the following cases:-

First – If it appears that the discharge affects the environment safety or public health.

Second – If the license is used for a purpose that differs from the one it is issued for.

#### **Article -9-**

It is forbidden to do the following:-

- a. Throw the following materials near the outlet of the projects and stations of treating and filtering water.

First – Pollutants that cause mineral corrosion.

Second – The high viscosity materials that affect the projects.

Third – The flammable and explosive materials.

Forth – The factors that lead to the rising of water temperature in a way that may prevent or destroy the natural life.

Fifth – Any polluted factor with condensation or amount affects the work of the projects.

- b. Throw the animal carcasses, secretions, offal, any rotten material, garbage whatever its kind is or any material or other element in the public water sewer or its beaches.
- c. Wash animals, hides, bowels, wool, polluted clothes or any material that causes harm to the environment or the public health in the water, or defecate or urinate into the public water or on its beaches.
- d. Establish projects for animals raising on the beaches of rivers or surface public water and in a distance no less than (100) one hundred meter away from their side edges.

#### **Article -10-**

Execute the provisions of Items (second) and (third) of Revolutionary Command Council decision No. (30) Of 20 / 2 / 2000 in the field of maintaining the fish wealth and organizing fishing.

#### **Article -11-**

At the time of issuing this regulation the Council of Protecting and Improving the Environment shall issue decision to determine time ceiling for the existent shops to implement the obligation requirements of the restrictions that are issued in pursuance of it.

### **Chapter Three**

#### **Plans to Conserve the Public Water**

#### **Article -12-**

The provinces council of Protecting and Improving the Environment in cooperation with Local People's Council shall put special plans for each province to protect the public water from pollution and enhance its quality according to schedule and submit these plans to Council of Protecting and Improving the Environment for ratification.

#### **Article -13-**

The plans of provinces councils, in the field of protecting the public water from pollution, shall include the following:-

- a. Resources of public water pollution.
- b. Requirements to treat the polluted resources.
- c. Planning the future projects and the needed amounts to implement them.
- d. Schedules for projects required to be implemented to treat the polluted res

#### **Article -14-**

The provinces councils of Protecting and Improving the Environment submit periodical following up reports to the council of Protecting and Improving the Environment about the achieved progress in the public water conservation field.

### **Chapter Four General Provisions**

#### **Article -15-**

- a. The violator of the provisions of this regulation and the environmental instructions, orders and restrictions issued by the council of Protecting and Improving the Environment shall be punished according to what is stipulated in the Protecting and Improving the Environment Law No. 3 of 1997.
- b. Implement the provisions of Items (fifth) and (sixth) of the Revolution Command Council Decision No. (30) Of 20 / 2 / 2000 against the violator of provisions of Article (10) of this regulation.

#### **Article -16-**

The environmental restrictions and the instructions issued according to Regulation Conservation of Rivers and Public Water from Pollution No. (25) Of 1967 shall be applicable without prejudice to the provisions of this regulation until issuing others to repeal them.

#### **Article -17-**

The Council of Protecting and Improving the Environment is entitled to issue instructions, data and environmental restrictions to facilitate the implementation of the provisions of this regulation.

#### **Article -18-**

This regulation goes into effect after (60) days from the date of its publishing in the Official Gazette.

#### **A.Water resources:**

- A .1**Rivers, their tributaries and branches
- A .2** Brooks, conduit, channels and their original and minor branches.
- A .3** Lakes, basins and other kinds of water areas.
- A .4** Fountains, wells and underground water.

#### **B. Residual Water:**

##### **B.1** Residual water drained to the water resources:

The table below includes the Physical , Chemical and biological restrictions required for the residual water drained to the water resources.

##### **B.2** Residual water drained to the public sewage:

Specified restrictions to be determined subject to the restrictions set out in the above clause (B-1) concerning the drainage of water to the water resources.

**B.3** The ditch is considered as the point of drainage to the water resources: The restrictions stipulated in the above clause (B.1) are to be complied with provided that additional restrictions are to be determined concerning the drained water to the ditch that shall be to clause (B.1) concerning toxic and hydrocarbon materials. The amount required drainage are to be taken into consideration in the design of the ditch so that it would not lead to an increase in the height of the drained water in the ditch from that specified in the design.

**B.4** A specified restrictions are to be imposed concerning the residual and drained water to the marches and to be complied with the above clause (B.1) concerning toxic and hydrocarbon materials.

**The Below Mentioned Concentration are calculated in (mg/l) unless otherwise indicated**

No.	Materials	B-1	B-2	B-3	B-4
1	Color		-	-	-
2	Temperature	under 35 degrees Celsius	45 C°		
3	Suspended solid ( S.S)	60	750		
4	Ion concentration of hydrogen	6-9.5	6-9.5		
5	Dissolved oxygen	-	-		
6	BOD5	less than 40	1000		
7	COD. (Cr <sub>2</sub> O <sub>7</sub> method)	Less than 100	-		
8	Cyanide(CN <sup>-</sup> )	0.05	0.5		
9	Fluorine(F <sup>-</sup> )	5.0*	10		
10	Free Chlorine (Cl <sub>2</sub> )	Trace	100		
11	The chlorides(Cl <sup>-</sup> )	<p><b>A.</b> If the percentage of the drained water amount to the source water amount is 1:1000 or less than that it is allowed to increase concentration in the source by 1% of the normal concentration in the source before drained .</p> <p><b>B.</b> If the percentage of the drained water amount to the source water amount is more than 1:1000, the chlorides concentration in the drained water should not exceed 600 mg/l.</p> <p><b>C.</b> If the chloride concentration in the source water is less than 200 mg/l each case shall be studied apart by entity responsible for carrying out the regulation</p>			
12	Phenol	0.01-0.05	5-10		
13	Sulphate(SO <sub>4</sub> <sup>-</sup> )	<p><b>A.</b> If the percentage of the drained water amount to the source water amount is 1:1000 or less than that it is allowed to drain water to the source with a concentration and in amount lead to the increase in sulfate concentration in the source by 1% of the normal concentration in the source before drained .</p> <p><b>B.</b> If the percentage of the drained water amount to the source water amount is more than 1:1000, the sulfate concentration in the drained water should not exceed 400 mg/l.</p> <p><b>C.</b> If the sulfate concentration in the source water is less than 200 mg/l each case shall be studied apart by entity responsible for carrying out the regulation</p>			
14	Nitrate(NO <sub>3</sub> <sup>-</sup> )	50	-		
15	Phosphate(PO <sub>4</sub> <sup>3-</sup> )	3.0	-		
16	Ammonium(NH <sub>4</sub> <sup>+</sup> )	-	-		
17	The pesticide of DDT	Zero	-		
18	Lead(Pb)	0.1	0.1		
19	Arsenic(As)	0.05	0.05		
20	Copper(Cu)	0.2	-		
21	Nickel(Ni)	0.2	0.1		
22	Selenium(Se)	0.05	-		

No.	Materials	B-1	B-2	B-3	B-4
23	Mercury(Hg)	0.005	0.001		
24	Cadmium(Cd)	0.01	0.1		
25	Zinc(Zn)	0.2	0.1		
26	Chrome(Cr)	0.1	0.1		
27	Aluminum(Al)	5.0	20		
28	Barium(Ba)	4.0	0.1		
29	Boron(B)	1.0	1.0		
30	Cobalt(Co)	0.5	0.5		
31	Iron(Fe)	2.0	15		
32	Manganese(Mn)	0.5	–		
33	Silver(Ag)	0.05	0.1		
34	Total hydrocarbons and their derivatives	<p>It is allowed to drain hydrocarbons to the water. Sources A-1 &amp; A-2 according to the concentration &amp; limitations listed in the tables here under provided that these concentration are to be calculated before getting mixed with the waters of the water source. it is not allowable to drain any hydrocarbons to the water sources A-3 &amp; A-4</p> <p><b>First:</b> 10 mg/l according to the following limitations: A; the percentage of the drained water amount to the source water amount is not less than 1:1000 or less. B: the river shall be streaming.</p> <p><b>Second:</b> 5 mg/l according to the following limitations: A; the percentage of the drained water amount to the source water amount is not less than 1:500 or less. B: the river shall be streaming</p> <p><b>Third:</b> 3 mg/l according to the following limitations: A; the percentage of the drained water amount to the source water amount is not less than 1:300 or less. B: the river shall be streaming</p>			
35	Sulphide(S <sup>-</sup> )	-	3.0		
36	Ammonia	-	10.0		
37	Ammonia gas(Free NH <sub>3</sub> )	-	6.0		
38	Sulfur dioxide SO <sub>2</sub>	-	7.0		
39	Alcohol-oil	Nil	unallowable		
40	calcium carbide CaC	Nil	unallowable		
41	Organic solvents	Nil	unallowable		
42	Benzene	-	0.5		
43	Chlorobenzene	-	0.1		
44	TNT	Nil	0.5		
45	Bromine(Br <sub>2</sub> )	-	1-3		

**Note**

B-1 to B-4 Intended as documented in the classification of a water and parameters to be adhered to by the discharges.

\* Can be increased focus allowed by certain special cases, depending on the impact of the discharge water to the source .



## Regulation for the preservation of water sources (act No. B (2)- amendment)

### REGULATION No. (25) OF 1967 PRESERVATION OF RIVERS AND PUBLIC WATERS FROM POLLUTION

In the Name of the People,

The Presidency of the Republic,

In accordance with Article (2) of the  
Public Health Law No. (45) of 1958, pursuant  
to the proposal of the Minister of Health and

30.7.1975

meanings shown thereagainst:-

1. **Health Authority** — The Minister of Health or whoever he authorizes.
2. **Place** — The Public or private place or the factory, the administration or any other national or governmental establishment.

#### Article 2

The following shall be considered as public waters for applying the provisions of this Regulation:

1. All rivers and their tributaries.
2. Streams, brooks, channels and their main or subordinate branches.
3. Drainage channels and their main and subordinate branches.
4. Lakes, marshes, pools and swamps.
5. Springs, wells and other underground water.
6. Basins and other water reservoirs.

#### Article 3

Waste waters are not permissible to be drained from the place to the public waters unless by a licence and under special instructions issued by the Health Authority.

#### Article 4

Application for licence shall be submitted through a special form issued by the Health Authority with two copies of the location's map and the plan of the process of draining the waste water from the place, and the Health Authority shall consider the application within (60) days as from the date of submitting it.

#### Article 5

The Health Authority may define the quantity of waste water which may be drained into the public waters within the limits provided for in the instructions issued by it.

#### Article 6

The place's owner shall be subject to the instructions and orders issued therefor.

If either the absorbed biological oxygen or the suspended or buoyant substance exceeds the proportion defined in the instructions by the Health Authority, provided that the ceiling should not exceed (60) units per million.

2. If it contains harmful amounts of hydrogen sulfide or toxic substance or it contains harmful microbes or substance which may produce toxic substance when interacting with chemical elements which may exist in the public waters.
3. If the ionic concentration of the hydrogen is less than (6) or more than (10).
4. If its temperature affect the waters into which they are drained.
5. Any other case defined by the Health Authority under instructions issued by it.

#### Article 8

1. If it is shown from analysis that the proportions of pollution in the waste waters contravene the proportions provided for in Article (7) of this Regulation, the place's owner shall, within (3) months as from the date of the registered notification is forwarded to him by the Health Authority, proceed on establishing refinement centres approved by the cited authority, provided that such centres shall be established and operated in a duration not exceeding twelve months as from the date of the Health Authority's approval and the owner of the place or factory should follow the instructions issued by the Health Authority for reducing the harms during the establishment of the refinement centres.
2. If the place's owner shall not apply the provisions of Para. (1) of this Article, the Health Authority is entitled to cease the draining of the waste waters from his place.

#### Article 9

If the Health Authority deems that the waste drained by the place in the channels of public waters forms threat to the public health, they should notify the owner of the licensed place or the responsible person through a registered letter and ask him to stop draining it until the provision of Articles (7 & 8) of the this Regulation shall be applied and the instructions and orders issued accordingly shall be executed.

with the approval of the Council of Ministers, do hereby order the promulgation of the following Regulation:-

#### Article 1

The following expressions shall have the meanings shown thereagainst:-

1. **Health Authority** — The Minister of Health or whoever he authorizes.
2. **Place** — The Public or private place or the factory, the administration or any other national or governmental establishment.

#### Article 2

The following shall be considered as public waters for applying the provisions of this Regulation:

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3. If the ionic concentration of the hydrogen is less than (6) or more than (10).
4. If its temperature affect the waters into which they are drained.
5. Any other case defined by the Health Authority under instructions issued by it.

#### Article 8

1. If it is shown from analysis that the proportions of pollution in the waste waters contravene the proportions provided for in Article (7) of this Regulation, the place's owner shall, within (3) months as from the date of the registered notification is forwarded to him by the Health Authority, proceed on establishing refinement centres approved by the cited authority, provided that such centres shall be established and operated in a duration not exceeding twelve months as from the date of the Health Authority's approval and the owner of the place or factory should follow the instructions issued by the Health Authority for reducing the harms during the establishment of the refinement centres.
2. If the place's owner shall not apply the provisions of Para. (1) of this Article, the Health Authority is entitled to cease the draining of the waste waters from his place.

#### Article 9

If the Health Authority deems that the waste drained by the place in the channels of public waters forms threat to the public health, they should notify the owner of the licensed place or the responsible person through a registered letter and ask him to stop draining it until the provision of Articles (7 & 8) of the this Regulation shall be applied and the instructions and orders issued accordingly shall

tance whether hard or liquid, any kind of garbage or any other harmful substance in any channel of public waters or on its banks.

#### Article 11

Animals, leather, intestines, wool, polluted clothes or any substance which produce harm to public health may not be washed in public waters. Pissing and relieving nature in such public waters or on their banks is impermissible.

#### Article (12)

The Health Authority shall have the right to refrain from granting licence of draining the waste water into the public waters at the areas close to the locations of drinking water pumping, or close to the public swimming pools, places of fish breeding, or any location assigned by it, if such draining is harmful to the public health.

#### Article (13)

The Health Authority shall have the right at any time, to ascertain the application of the provisions of this Regulation and the instructions issued accordingly.

#### Article (14)

Reports of analysis issued by laboratories or institutes defined by the Health Authority according to instructions shall be deemed as reliable for implementing the provisions of this Regulation.

#### Article (15)

Whoever contravenes the provisions of this Regulation, the notifications or instructions issued accordingly shall be punished in accordance with Article (11) of the Public Health Law No. (45) of 1958.

#### Article (16)

The Minister of Health may issue instructions and notifications for facilitating the execution of this Regulation and appraise the amount of waste water and the places of their analysis.

#### Article (17)

The provisions concerning of rivers and public waters from pollution shall be deleted from Nuisance Regulations for Street Cleansing the Removal of Refuse, the Abatement of Nuisance and Prevention of Pollution of Rivers No. 4 of 1935.

#### Article (18)

This Regulation shall come into force as from the date of its publication in the Official Gazette and its provisions shall be effective on the places established before its promulgation after a duration of (18) months as from the date of its execution.

#### Article (19)

The Ministers are charged with the execution of this Regulation.

Made at Baghdad 8th day of Rabi' al-Thani of 1387 and the 16th day of July, 1967.

#### The Presidential Council in Deputation

Member,

Member,

Member,

(The Ministers).

(Published in the Waqai Al-Iraqiya No. 1446 of 2.8.1967).

# **Solid Waste**

**-Specification of Sanitary Landfill of Wastes**

## **Specification of Sanitary Landfill of Wastes**

It has been approved by the Bureau of the Republic Presidency under its letter No m/5/4/5637 dated 5/5/1980 to observe the following bases which are required in the process of the sanitary landfill of the wastes.

### **First- Limitations of Assigning the Site:**

The following conditions shall be achieved when assigning a site as a landfill:

The site shall be outside the basic design of the cities.

It is preferable to choose the natural low lands and mud, sand, stones and lime quarries.

If the low lands are not available, the non-agricultural lands are used by digging trenches for this purpose.

The areas which contain high levels of underground water shall be avoided.

It is to choose locations far away from the main streets and cities entrances.

### **Second- Sanitary Landfill Methods:**

The sanitary landfill shall be carried out according to the following specifications:

The wastes shall be spread in layers, pressed by mechanical means, covered with sand and rolled then there is a second layer of wastes and another layer of sand, provided that the following items shall be complied with:

The thickness of the wastes layer is (1.01-1.5) meter.

The thickness of the sand layer above the wastes layer is (20-30) cm.

The wastes shall be covered at the end of each working day with a layer of sand as mentioned in Item (b) to prevent the growing of insects and the emission of bad smells.

The thickness of the last sand layer shall be (50-80) cm. the necessary licenses shall be given to discharge rain water to prevent its gathering.

The process of rolling the wastes and sand layers shall be accurate.

Pesticide and chemical materials shall be used to kill rodents and insects.

The ruins of buildings produced from destruction and maintenance and materials resulted from construction could be used to cover wastes.

If the low lands are not available, trenches shall be dug to bury wastes in a depth that is no less than (3-4) meter and (6) meter in width. The same method of burying above mentioned in (1) shall be used.

### **Third - Necessary Tracks:**

An integral unit of tracks and equipment shall be provided for each of the sanitary landfills and shall be assigned to the purpose of burying wastes; they shall not be used for other purpose. The unit shall consist of the following trucks. Their number depends on the size of the work location and the nature of the work. They are as follows:

Kind of truck	Number
Bulldozer	1
Roller	1
Water tanker	1
Excavator	1
Kredar	1
Dumper truck	2
Backhoe (in the case of deep drilling)	1

The same kind of trucks for the purpose of burying wastes shall be used in all the provinces to facilitate their maintenance, retention and spare parts procurement.

Forth- Working Staff:

The necessary staff shall be supplied in each site. They shall be full time workers, observers and administrators as follows

Kind of staff	Number
Administrator	1
Observer	1
Technical observer	1
Driver	8
Worker	3

Fifth- Providing the requirements that are needed in landfills:

To enclose the site before using it as a landfill and plant trees in its sides as far as possible.

To provide suitable roads to carry wastes to the site and good inner roads to facilitate the movement of the trucks.

To provide suitable ceiling to protect the trucks from weather conditions.

To provide a room to the administration, another one to the guards; a storage for the materials, water closet, and a balance in the entrance of the landfill to weigh the wastes trucks incoming to the site, especially in the centers of the provinces.

To put clear signs and billboards to find the location of the sanitary landfill.

To provide water and electricity in the landfill to control fires, if happened, and operate trucks and lights.

# **Chemical**

- Instructions No (2) of 1984 (Chemical Carcinogens)**
- The Hydrocarbon Preservation Law (No. 84 of 1985)**
- Instruction No. (4) of 1989 Safety in Storing and Handling Chemical Materials**

### **Instructions No (2) of 1984 (Chemical Carcinogens)**

In accordance with the authority vested in us pursuant to the provisions of Article (105) of Public Health Law No. (89) Of 1981 and according to what is stipulated in Clauses (sixth and seventh) of Article (3) of the above mentioned law, we decided to issue the following instructions:-

**Article One:-** The following chemical materials listed below which are used in, manufactured by or resulted from industrial processes are considered carcinogenic materials for human beings.

- 1- Aminobiphenyl-4.
- 2- Arsenic and Certain Arsenic Compounds.
- 3- Asbestos.
- 4- Manufacture of Auramine.
- 5- Benzene.
- 6- Benzidine.
- 7- N; N – (2-Chlorethyl) -2- naphtylamine ( Chloronaphazine).
- 8- Bis (Chloromethyl) ether and technical grade Chloromethyl methyl ether.
- 9- Chromium and certain Chromium compounds.
- 10- Diethylstilboestrol.
- 11- Under ground haematite mining.
- 12- Manufacture of isopropyl alcohol by strong acid process.
- 13- Melphalan.
- 14- Mustard gas.
- 15- Naphthylamine-2.
- 16- Nikle refining.
- 17- Soot, Tars and Mineral Oils.
- 18- Vinyl Chloride.

**Article Two: -** The following listed chemical **materials** are possible to be carcinogenic materials or the human beings.

- 1- Aflatoxine.
- 2- Cadmium and Certain Cadmium Compounds.
- 3- Chloroambucil.
- 4- Cyclophosphamide.
- 5- Nikel and Certain Nikle Compounds.
- 6- Tris (1- azirdinyl) Phosphate Sulphide ( Thiotepa).
- 7- Acrylonitrile.
- 8- Amitrole.
- 9- Auramine.
- 10- Beryllium and Certain Beryllium Compounds.
- 11- Carbon tetra chloride.
- 12- Dimethyl carbonyl Chloride.
- 13- Dimethyl Sulphate.
- 14- Ethylene Oxide.
- 15- Iron dextran.
- 16- Phenacetin.
- 17- Poly chlorinated biphenls.
- 18- Oxymethilone.

**Article Three: -** The management or the owner of work shall do the following procedures:-



- 1- Try to replace the carcinogenic materials with non carcinogenic materials, taking into account the harmful features of the substitute materials.
- 2- Try to reduce the number of workers who are exposed to materials or carcinogenic factors, and the time and degree of the exposure to the minimum degree to ensure their health and safety.
  - a- Use safe work methods to prevent leakage of the carcinogenic materials to the work environment, whether they are caused by main, intermediate, side products or professional products.
  - b- Set the necessary precautions to monitor work conditions periodically, which shall include the time and period of exposure in work environment in cooperation with the National Center of Health and Professional Safety when necessary.
  - c- In the case of inability to control the pollution in the work environment, he shall ask for assistance of the National Center of Health and Professional Safety to take the necessary precautions to get rid of the pollution or reduce it to the safe concentration according to the instructions.
  - d- Take suitable measures to prevent workers from exposure to a leakage or pollution of the work environment during transporting or storing the carcinogenic materials.
- 3- All workers who work with carcinogenic materials shall be submitted to the following medical checkups:
  - a- The preliminary medical checkup before starting work.
  - b- Periodical medical checkup during work.
  - c- Laboratory checkups to evaluate the exposure degree and monitor the health condition.
- 4- The laboratory checkups and the periodical medical checkups shall be done during work hours.
- 5- If it is proved that the worker has been effected by the carcinogenic materials, he should be sent to the competent medical commission to take the necessary actions to protect him from the work hazards.
- 6- Put caution signs in work locations for all workers who are exposed to the hazards of the carcinogenic material.
- 7- Prepare educational and guiding programs about the professional cancer for the workers, and take the necessary actions to provide the workers with all available information about the hazards that can be resulted from this exposure before or after the employment or during entering new carcinogenic materials and the measures that should be taken.
- 8- The management or the owner shall provide special and qualified technical staff to supervise the operations which can cause exposure to the carcinogenic materials.

**Article Four:-**These instructions go into effect from the date they are published in the Official Gazette.

**Note: -** These instructions published in AL-Waqae' AL-Iraqiyh Gazette issue No. (11) on 17 / 9 / 1984.

## **The Hydrocarbon Preservation Law (No. 84 of 1985)**

### **(Articles related to the environment only)**

#### **Chapter 1 : Article 4**

The working team should take the necessary measures and precautions to stop damages and avoid risks which could result from the operations that threaten the individuals health or life or cause damage or waste to property, natural resources , archeological or religions places and prevent the pollution of ground and underground water as much as possible.

#### **Chapter 1 : Article 8/2**

The working team should be prevented from spilling the crude oil on the ground or in water ways or burn it during drilling , completion or testing operations unless it would not be possible to get it out of its waste or drain it with the produced oils because of technical or economical reasons it should also be prevented from burning the gas unless it would not be possible to invest it economically.

#### **Chapter 8 : Article 55**

The working team should take the necessary measures to ensure the safety of its staff , equipment and facilities.

#### **Chapter 8 : Article 57**

The working team should take the measures for draining the waste of crude oil and its derivatives , gas, oil emulsion , saltwater and chemical materials that result from in petroleum operation in the ways that protect the Environment.

#### **Chapter 8 : Article 58**

The working team should take the necessary measures in the transportation and loading to avoid leakage and seepage, pollution and other incidents.

#### **Chapter 8 : Article 59/1**

Put an emergency plan to deal with all probable cases that could be resulted from the operations and take measures that ensure good application.

#### **Chapter 8 : Article 59/2**

Supply the equipment and ways that ensure firefighting in the appropriate places in all facilities.

## **Instruction No. (4) of 1989 Safety in Storing and Handling Chemical Materials**

In accordance with the provisions of clauses sixth and seventh of Article (3) and Article (105) of Public Health Law No. ( 89) of 1989, we decided to issue the following instructions:-

**Article One:** - All the economic activities which manufacture, use, store or handle chemical materials shall categorize and register them in special records according to the following categorization:-

- a- Explosive chemical materials.
- b- Flammable chemical materials.
- c- Oxidant chemical materials.
- d- Burning and tissues damaging chemical materials.
- e- Radioactive chemical materials.
- f- Carcinogenic chemical materials.
- g- Anesthetized chemical materials.
- h- Toxic chemical materials and pesticides.
- i- Scratching chemical materials.
- j- Inert chemical materials.

If the chemical material has more than one characteristic, they have to be referred to taking into consideration the signs fixed on the containers which refer to the chemical material characterizations.

**Article Two:** - All the economic activities shall do the following:

All the necessary precautions shall be taken when handling and storing chemical materials taking into consideration the approved signs fixed on each container which refer to the chemical materials characterizations and how hazardous they are. They shall try to substitute the hazardous chemical materials with less hazardous ones when possible and use them in as small as possible containers. They shall keep as less as possible of the chemical materials inside the laboratories and work sites. It is prohibited to store any concentrated chemical material which is more than 2.5 Liter inside laboratories except in special cases which require that, provided that all necessary safety precautions shall be taken.

**Article Three:** - All economic activities which produce chemical materials shall fixed safety and security signs that are internationally approved. They should indicate the category of chemical material on each container with writing instructions on them.

**Article Four:** - All economic activities shall study the following factors when planning to store chemical materials:

- a) Determine the kind of storage, is it temporary or permanent.
- b) Characteristics of the required storage materials.
- c) Storage methods of each material according to its category and the shape and features of the container.
- d) The followed means to protect the storage materials from exposed to damage and fire.
- e) The required equipment and tools for containers transportation.

**Article Five:** - All the economic activities shall observe the following specifications when build new stores that are used to keep the chemical and biological materials.-

- a- There shall be water installations with sink, sewer and special store to discharge the storage water.

- b- There shall be lockable small stores or special cases used to keep the controlled materials in the big chemical store.
- c- There shall be air conditioning and air pumps.
- d- The store shall have more than one door for emergency.
- e- The electrical installations shall be fire- resistant and invisible.
- f- Providing fire extinguisher and fire hose.
- g- Covering the floor and the walls with normal and ceramic tiles.
- h- The store should be isolated from other rooms as much as possible.
- i- Providng the following materials:-
  1. Bearings with shelves (wooden or mineral).
  2. Pyrometer.
  3. Psychrometer.

**Article Six:** - All the economic activities shall bserve safe storage rules and take into consideration the following:-

- a- The barrels, receptacles, bags and containers of the chemical materials should be stored in the way that does not affect:-
  1. The homogenous distribution of light.
  2. The process of using the alleys and walkways in a safe manner.
  3. Usage of the fire extinguisher equipments.
- b- During the storage of receptacles or barrels that contain hazardous liquids like; concentrated acid, ethirat, alcohols and etc, they should be stored in a cold place and the plug direction should be to the top, and the opening and closing of the plug should be done carefully with moving the receptacles or the barrels. This operation shall be done weekly if the period of the storage is long.
- c- The stored receptacles which contain dangerous or flammable liquids and those whose storing process requires keeping them in certain liquids such as sodium and phisphore and others should be observed at least weekly for fear of the hazards of dryness or loss of the liquids for any reason.
- d- The stored chemical materials should be put on stable and irrefrangible stands and bases and these stands or bases and the floor under them should be designed to carry the needed weights and should be far from wetness.
- e- It is forbidden to cumulate the containers, barrels or bags of the chemical materials directly on the ground.
- f- It is unallowable to arrange or cumulate the chemical materials on the walls or the barriers of the store unless after ensuring that the strength of the wall or the barrier can bear the pressure results from the cumulation.
- g- The chemical materials that have the ability to interact with each other or produce smokes or steams which may cause fires or explosions should be stored in isolated manner from each other.
- h- Providing suitable fire lighting equipments to extinguish the fire of the chemical materials according to the kind of chemical material, shall be provided with a number that matches the amount and kind of the stored materials and no less than of 25% of the employees shall be trained on how to use these equipment including the storekeeper and the guards.
- i- The floor of the store room of the toxic chemical materials shall be little slopped and supplied with sewer connected to sump to collect the discharged materials, provided that it should not be connected to the public sewer of water discharge.
- j- Caution marks and signs shall be put on the doors of the chemical stores, to indicate the danger of the stored chemical materials, like the signs of no smoking and the international authorized signs of chemical materials.

- k- The stores of the chemical materials shall be aired continuously and enough air inlet and outlet shall be provided to renew the air with good distribution according to the authorized engineering methods.

**Article Seven:** - The person in charge or the keeper of the chemical materials store shall immediately notify about any damage or harm in any container contains chemical materials in order to treat it chemically to dispose of its hazards or destroy it by an authorized people according to specific regulations.

**Article Eight:** - In the case of leakage or emission of the steams or the occurrence of a reaction between flammable chemical materials or an explosion inside the stores and the laboratories, it is forbidden to operate the air pump or open the electricity in order to avoid sparks that lead to the explosion. It is enough to open the windows and the doors to draw the steams and the gas.

**Article Nine:** - When transporting the toxic or scratching chemical materials from the big containers to smaller containers this shall be done by using the automatic methods or by other suitable means and via conductive pipeline. The liquid shall be kept in special containers which shall have the following specifications:-

- a- The receptacles and the containers shall be named, marked and numbered to identify its contents.
- b- It should be made of materials that did not react with the stored materials.
- c- The small containers shall be accompanied by the instructions about how to use and handle the stored materials such as it is stated on the big main containers from where it was taken.

**Article Ten:** - The unauthorized people are prohibited from entering to the chemical materials stores.

**Article Eleven:** - In the case of leakage in one of the containers which contain toxic or hazard materials or in the case of breaking the containers that contain such materials for any reason, the following steps shall be done:-

- a- Empty the store or the work location from employees.
- b- Notify about the accident at once.
- c- Treat the chemical material or get rid of its impact by authorized people who are supplied with suitable self-protection equipments.

**Article Twelve:** - The process of mixing or diluting the chemical material of high concentration to lower concentration shall be done in place of good aeration and supplied with adequate local air pump. The employees who make the diluting process shall be supplied with suitable self-protection equipments and should be trained about how to handle with this material and the protection means and quick treatment.

**Article Thirteen:** - Special refrigerators and freezers shall be supplied to keep the chemical materials that need low temperature and observe it continuously to ensure the safety of its contents.

**Article Fourteen:** - The storekeepers or the persons who are assigned to protect the store inside the store or the work room where the chemical material is handling are prohibited to stay there at night in order to prevent the suffocation accidents or poisoning by steams and gases and other toxic materials.

**Article Fifteen:** - It is forbidden to eat, drink and smoke inside the store and the work location that contain large amount of chemical materials.

**Article Sixteen:** - It is forbidden to use different kind of heaters inside the stores of the chemical materials.

**Article Seventeen:** - The air-coolers shall be set outside the stores or the work rooms in a way that permit to draw the fresh air from the outside and pump it inside the stores or the work rooms. It is unallowable to set it inside.

**Article Eighteen:** - All economic activities shall take the following procedures:-

- a- Destroy all containers and barrels that contain toxic chemical materials, pesticides and carcinogenic materials after washing them well with water and in the way that ensure not to use them again to keep another material, this can be done by using sharp instrument to scribe or crack them before final destroy. The radiant materials shall be disposed after consulting the Radiation Protection Center.
- b- It is unallowable to sell the containers and the barrels which contained toxic material, pesticides or carcinogenic materials and they should be disposed after washing them as it was stipulated in Clause (a) above.

**Article Nineteen:** - The management or the owner shall provide the self-protection equipments for the employees, whom work with chemical materials and in a manner that is appropriate to the nature of the work and the hazards result from it, they include:-

- a- Work suit or chemical resistant apron.
- b- Safe shoes or boots (for transportation and mixing operations of the chemical materials).
- c- Rubber gloves resistant to chemical materials type (b v c).
- d- Cotyloid glasses or with side protection.
- e- Respirator with filter against steams and gas or dust in the case of exposure to low condensation. Gas mask with filter covering all face for high condensation or when entering to lockers and closed places that have bad aeration.

**Article Twenty:** - The management or the owner shall carry out the following:-

- a- Conduct the preliminary medical checkup for the workers before employing them to ensure their adequacy to work with chemical materials.
- b- Conduct the direct periodical medical checkup for the workers who deal with dangerous chemical materials to protect their health and safety.

**Article Twenty One:** - All economic activities shall carry out the following:-

- a- All storekeepers shall participate in special training courses to train them about how to deal with chemical materials and store them in a safe manner.
- b- Spread the protection awareness and professional health among the workers how deal with chemical materials, by holding different activities and field practices to ensure the adequate implementation of the special restrictions of the chemical materials use.
- c- Provide the workers who deal with the materials with scientific reports and complete information about how to handle or use the chemical materials.

**Article Twenty Two:** - The entities that import the chemical materials shall ask the companies who manufacture the materials to supply them with the illustrative information and reports about the imported chemical materials and the suitable methods for treatment in the case of poisoning to protect the safety and healthy of the people who work with these materials.

**Article Twenty Three:** - All economic activities shall follow the international approved signs and caution marks, which are attached in appendix (1), to indicate the danger or the kind of the stored or the handled chemical materials.

**Article Twenty Four:** - These instructions go into effect from the date they are published in the Official Gazette.

**Note:** - Seven caution marks are attached with these instructions including the following caution marks:-

Oxidant materials, explosive materials, flammable materials, burning materials or damaging the tissues, toxic materials, radiant materials, scratching materials.

Published in AL-Waqae' AL-Iraqiah Magazine No. 3258      p 378-p382      on 5 / 6 / 1989  
Baghdad.

# **Factory**

**-Health Care System for Factories**



## Health Care System for Factories

### The Professional Health Instructions to Protect Workers From Vibrations

According to Article 3, Paragraph 6 and 7 of the Public Health Act (No. 89) of the year / 1981,  
We decided to Issue the Following Instructions:

(Minister Of Health) Published in 6 /12/1993

5. Management or the employer to:
  - g. A primary medical examination of workers employed by the work that would be subjected to vibration in order to keep people who are unfit for work in occupations that expose them to vibration.
  - h. A routine medical examination for workers exposed to vibration every six months.
  - i. The organization of work and rest periods for workers exposed to vibration being given breaks of 10 minutes each hour worked.
  - j. Prevent workers from smoking at work.
  - k. Protective workers to provide them by gloves resistance to vibration and urged them to wear at work.
  - l. Training Group to work correctly by following the following means.
6. Must take all facilities to Control the engineering of the vibration source.
7. Must use a number of Machines that do not occur at the operation as far as possible vibrations.
8. Management or the employer using a Seismograph (Which gives a direct reading), A measurement of the sound of a microphone unit replacing the transfer of energy and measure the rate of measurement db to the gravity with indicative adhere to the permissible limits on exposure to Vibration .

Total duration of Exposure Hours daily	Allowable limits of vibration And which cannot be overcome in the direction of New often Measured m / s <sup>2</sup> or a gravity
Less than 8 hours, 4 hours	4 m / s <sup>2</sup> 0.40 unit of gravity
Less than 4 hours, 6 hours	2 m / s <sup>2</sup> 0.61 unit of gravity
Less than 2 hours, 1 hour	8-m / s <sup>2</sup> 0.81 unit of gravity
Less than one hour	12 m / s <sup>2</sup> 1.22 unit of gravity

The Table Shows the permissible limits of Exposure to Vibration up to the Hands and Arms  
The following bases shall be used in measuring the degree of the vibration exposure

- d- The total actual time for the hand exposure to vibration, whether it is continuous or discontinuous.
- e- One of the axes (x, z, and y) shall be a dominant direction most of the times. If the exposure level to vibration of one direction or both exceeds the allowable exposure period mentioned above, this shall be considered in excess of the allowable limitations.
- f- The vibrations reach to the hands depend on the feeling of human of these vibrations. The vibrations are affected by different elements like frequency speed and the way of handling the instrument, they are measured by a unit called vibration level.

The penalties stipulated in Article (99) of Public Health Law No. (89) Of 1981 shall be applied on the violators of these instructions. Provided that the inspectors of health and professional safety in Baghdad Municipality and provinces shall confirm these violations in writing and sign them.

# **Radiation**

- Law No. (99) of 1980 Protection from the Ionic Radiations**
- Instructions No 1 for Protection from Non-Ionic Radiation Emanated from Mobile Phone Systems**

## **Law No. (99) of 1980 Protection from the Ionic Radiations**

### **Article 1**

For the purpose of this law, the following terms shall have the meanings set out:-

**First** - The radiation- the ionic radiation.

**Second** – The radiation resources- the materials of ionic radiation activity and the instruments generate it, in which the exposure to such materials shall cause danger to the health, public safety and the environment.

**Third** – The radiation hazards- the condition occurs when the human being is exposed to the radiation resources in doses exceed the maximum limitations of the allowable doses that are to be determined by the Commission as instructions.

**Forth** – Pollution- the sedimentation or drop of the radiation materials on the body of the human being or enter into it or the spread of these materials in the environment in amounts exceed the allowable maximum limitations that are determined by the Commission in instructions.

**Fifth** - The accident- the exposure of human being or the environment to the radiation resources in high or accumulated doses that exceed the allowable maximum limitations, or the total or partial pollution of the facilities or the environment.

**Sixth** – Protection methods- all methods and scientific and technical means that are used to protect the human being and the environment from the radiation hazards.

**Seventh** - The worker in the radiation- any person who deals with radiation resources or is exposed to them continuously.

**Eighth** - The owner of the resource- the person or the entity who owns, uses or makes the radiation resources.

### **Article 2**

The provisions of this law shall be applicable on the state offices and socialist, private and mixed sectors that deal with the resources of ionic radiation for peaceful purposes and on the workers.

### **Article 3**

It is unallowable to own, use, make, store, loan, transport, sale, buy, import, export, possess or do any thing with the resources of ionic radiation, unless after acquiring a license according to the provisions of this law.

### **Article 4**

**First-** A commission named (Radiation Protection Commission) reports to the Council of Protecting the Environment. It shall consist of:-

- a- The deputy chairman of the Council of Protecting the Environment – chairman.
- b- Two representatives of the Atomic Energy Organization nominated by its manager- members.
- c- A specialist in the radiation field nominated by Minister of Health- member.

d- The director of Protection from Radiation Center – member and rapporteur.

**Second-** The meetings of the Commission and the method for taking the decisions are organized by instructions issued for this purpose.

**Third-** The decisions of the Commission shall be submitted to the chairman of the Council of Protecting the Environment for approval before execution.

**Forth-** The Commission shall plan the policy in the field of protection from radiation, put the plans and the programs and follow their execution, coordinate and monitor the activities of protecting from the radiation.

**Fifth-** Give approval on:-

a- Choice of the place to establish and store the radiation resources.

b- The designs of the radiation resources and the related projects and facilities.

## **Article 5**

**First-** According to this law a center called (Radiation Protection Center), reports to the Commission chairman.

**Second-** The formation and authorities of the Center shall be determined by instructions issued by the Commission.

**Third-** The Center shall be managed by a director general who shall be appointed by the chairman of the Council of Protecting the Environment, provided that he is a specialist in the radiation field, and he shall be the direct chairman of the Center and the orders and decisions shall be issued in his name and he shall execute the decisions of the Commission.

**Forth-** The Center has a separated budget within the budget of the Council of Protecting the Environment prepared by the director of the Center and submitted to the Commission for approval.

## **Article 6**

The Center shall monitor the usage of the radiation resources in all the safe uses and ensure the protection from being exposed to or polluted by them. To perform that; the Center is entitled the following:-

**First-** Determining the licensed and unlicensed radiation resources in a declaration to be published in the Official Gazette.

**Second-** Granting the special license for the usage of the radiation resources that is stipulated in Article (3) of this law.

**Third-** License for the experimental operation of the radiation resources.

**Forth -** License for the continuous operation of the radiation resources.

**Fifth -** Giving the approval concerning the employment of the people in the radiation fields, provided that their ages are no less than eighteen years.

## **Article 7**

**First-** The Commission shall issue instructions to determine the terms to grant licenses and the necessary procedures and steps to be followed.

**Second-** It is unallowable to conduct any action with prejudice to the terms of the license unless after acquiring a previous approval from the Center.

#### **Article 8**

The Commission shall issue a numbered of declarations related to the radiation resources, protection methods, radiation measured units and the maximum allowable limitations of the radiation materials concentration in water and air taking into consideration the recommendations and the instructions issued by the International Agency of Atomic Energy and the other related organizations.

#### **Article 9**

The rules of the radiation resources movement in the country shall be determined in instructions issued by the Commission taking into consideration the recommendations and the instructions issued by the International Agency of Atomic Energy and the other related organizations. These instructions shall organize the following specifically:-

**First-** Identifying the radiation resources.

**Second -** Safe transportation of the radiation resources.

**Third –** Store of the radiation resources.

**Forth –** Dispose of the radiation resources.

#### **Article 10**

The Commission shall issue instructions to guarantee the protection measures that should be taken to prevent the positional and public accidents, and the detailed procedures and plans to control such accidents and avoid the affects that result from or may result from them.

#### **Article 11**

**First-** According to schedules, the Center shall send teams to inspect all those who are covered by the provisions of this law, to ensure:-

a- The workers in the radiation, the facilities and the owner of the radiation resource have obtained the necessary license, according to the provisions of this law.

b- The adequacy of work locations and the protection methods.

c- The execution of the provisions of this law and the instructions, data and information issued according to it.

**Second-**

a- If the owner of the resource has violated the provisions, instructions, data, and the decisions issued according to this law, the inspection team shall give him a warning to treat this violation in a period that does not exceed more than thirty days. Provided that, it shall be registered in the inspection register which is maintained by the owner of the resource according to the instructions.

b- The inspection team shall possess the unlicensed radiation resources and the dangerous licensed resources that need immediate actions. The team may ask for assistance of the related entities to facilitate the execution of its decision, if required.

## **Article 12**

The owner of the resource is obliged to do the following:-

**First-** Do not employ the people who are not licensed by the Center.

**Second** – Obtain the licenses that are stipulated in Article (6) of this law.

**Third-** Accomplish all the requirements of the work and the protection methods which are decided by the Center.

**Forth** – Pursuant to the instructions, to be observe the maximum allowable limitation of the radiation and concentrations of the radiation materials.

**Fifth-** Ensure the conduct of the preliminary and periodical medical checkup for the workers in the radiation, according to the instructions and at his expense.

**Sixth-** Arrange reports that are requested by the Center, according to the instructions.

**Seventh-** Nominate a person approved by the Center to be responsible for the protection from radiation resources, according to the instructions.

**Eighth-** Grant the workers in the radiation their rights that are stipulated in this law and other laws.

**Ninth-** Notify the Center immediately of any loss or steal of radiation resources or an accident or any similar thing that exposes the human being or the environment to the hazards of the radiation or pollution.

## **Article 13**

**First-** The owner of the resource is the only person who is responsible to compensate any damages resulted actually from the radiation resources. The responsibility of the owner concerning this matter shall be presumable ipso jure, and the opposite can not be proved.

**Second-** The right of compensation shall be disclaimed after ten years from the date of the accident.

**Third-** Without prejudice to the provision of Clause (first) above, the worker in the radiation has the right to claim for compensation within ten years from the date of stopping his work with the owner of the resource.

**Forth-** The owner of the resource has the right to recourse to others for what he has paid as compensation according to the provision of Clause (first) of this Article.

## **Article 14**

**First-** According to the instructions, the working hours for the worker shall not exceed thirty five hours weekly. If the work requires an overtime (provided that the exposure to the radiation shall not exceed the maximum allowable limitations), the chairman of the Council of Protecting the Environment or whomever he authorizes is entitled to approve that. Thereupon the worker in the radiation shall be given the overtime allowance.

**Second-** Workers in the radiation are entitled to take a one day paid leave every ten days from the period of their service. And they have the right to take at least twenty one days leave yearly out of their normal leaves.

#### **Article 15**

Workers in the radiation shall be given a (30%) thirty percent of their basic salary as recompense for the protection from the radiation resource, provided that it shall not be less than fifteen dinars monthly. These allowances shall not be subject to the provisions of the Law of the Allowances of State Employees.

#### **Article 16**

A 30% thirty percent of the actual employee service shall be added, for the purposes of retirement, to the service of the worker in the radiation who spent at least five years of his actual completed service before and after this law being effective in the state offices and socialist sector.

#### **Article 17**

**First-** In addition to what is stipulated in Article (13) of this law, the worker in radiation is entitled to have a retirement salary equals to his final basic salary with the high cost of living allowances or total amount of his final monthly salary if it is proved that he is suffered from a permanent disability happened during or because of his work and he has retired because of that. This shall be done according to a report by specialist medical committee.

**Second-** If the worker dies during or as a result of his work in the radiation, the provision of Clause (first) above shall be applied on his children.

#### **Article 18**

By a suggestion of the Commission and by an order issued by Minister of Health, a Special Medical Committee shall be formed in the Center, managed by the director of the Center and membership of two doctors who are specialist in the radiation. The Committee shall be responsible for the following:-

**First** - Identification the occurrence of the accident and the exposure to the radiation.

**Second-** Taking decision on the diagnosis and the medical treatment in the cases stipulated in (first) above inside and outside the country at the expense of the owner of the resource.

**Third-** Workers in the radiation shall be garneted a paid leave for no more than six months if they are exposed to an accident or to the hazards of radiation. This leave shall not be considered one of their sick or normal leaves.

**Forth-** Taking decision on sending workers away from the radiation resources permanently or temporarily and making recommendation to employee them in a different work.

**Fifth-** Making recommendations on the retirement of workers in the radiation when they get hurt by radiation.

#### **Article 19**

The worker in the radiation, who is delegated, on studying leave or has a scholarship inside or outside the country, shall take the allowances and other rights that are stipulated in this law if the nature of his work in this case exposes him to the radiation resources.

#### **Article 20**

Without prejudice to the severer punishment, any person who violates the provisions, regulations, instructions and declarations issued according to this law shall be punished with imprisonment for on more than one year or with a penalty for no more than two thousand dinars or by both.

#### **Article 21**

The Civil Service Law and Civil Retirement Law or Labor Law and Workers Retirement and Social Security Law shall be applied to workers in radiation, if no particular legal text is stipulated in this law.

#### **Article 22**

Protection from Ionic Radiation Law No. (80) Of 1971 shall be canceled.

#### **Article 23**

It is allowable to issue regulations, instructions and data to facilitate the execution of the provisions of this law.

#### **Article 24**

This law goes into effect from the date it is published in the Official Gazette.

### **Due Causes**

Due to the great expansion that has take place in the country in the fields of peaceful utilization of the resources and materials of ionic radiation activity, and because it has been approved that there are enormous hazards resulted from exposing the human being and the environment to these resources and materials and the possibility that the next generation may be affected by them, there is a need to review the legislation that regulates the utilization of these resources and prepare a new law that regulate the monitoring on and control the radiation resources and enable the formation of commissions with authorities to supervise and control the utilization of these resources continuously and scientifically, to protect human health from exposure to the hazards and accidents and to protect the environment from pollution. And since that the radiation resources are hazardous in themselves, the liability of the owner of the resource has been decided on the basis of the cause relation between the injury and the radiation resource. The law organizes the issue of providing guarantees for the workers in the radiation and to their families including employees and workers, and special provisions



have been issued for them other than others who work for government and obligations on the owner of the resource have been arranged for them as an insurance for their work with such materials and dangerous instruments. The Law also stipulates special provisions concerning their normal leaves, diagnoses and treatment inside or outside the country and compensation for the injuries that may inflict them during or because of their work. Finally, the law has found the applicable provisions for workers in the ionic radiation.

To achieve the above mentioned, this law has been issued.

### **Instructions No. (1) Of 1985**

#### **Issued by the Commission of Protection from Radiation**

In virtue of the decision of the Commission of Protection from Radiation which had been taken on ninth session held on 30 / 2 / 1984 accompanied by the approval of -the Minister of Health- the chairman of the Council of Protecting and Improving the Environment according to the letter of the special department in the Ministry of Health No.2152 on 19 / 2/ 1985 and in the virtue of the provisions of Article (23) of the Law of Protection from Ionic Radiation No. (99) Of 1980, we issued the following instructions:-

**First:** The worker in the radiation who is stipulated in Clause seven of Article first of the above mentioned law shall mean everyone who:-

a- Works proficiently and continuously on ray generators ( ray instruments) including the following types ( radiation photographer, radiation therapist, doctor of preparative and therapeutic ray, the engineer who repairs the radiation, physical and chemical instruments who works in the radiation field to calibrate radiation instruments continuously and the technician and the professional whose conditions of work require direct contact with radiation instruments to operate them continuously).

b- Works in the institutions that use the radiation resources (opened and closed), stipulated below:

- 1- Iraqi Atomic Energy Organization.
- 2- Radiation and Atomic Medicine Institution.
- 3- Atomic Isotopes Institution.
- 4- The Center of Protecting From Radiation.

c- The privileges stipulated in the Law of Protection from Radiation above shall be granted only to those who are stipulated in Articles (A and B) of the above mentioned first item.

**Second:** The privileges stipulated in the Law of Protection from Radiation above mentioned which are stipulated in Articles (A and B) of the first shall be granted directly by the competent authorities without permission of the Commission.

**Third:** The execution of the instructions of this Commission No. (66) on 20 / 12 / 1980 and 3324 on 16 / 9 / 1982 shall be ceased from the date of issuing these instructions on 1/4/1985 .

**Forth:** Those who are deprived from the privileges stipulated in the above Law of Protection from Radiation, who are not stipulated above, shall have the right to submit their requests to the Commission by there competent authorities to be studied by the Center of Protection from Radiation and recommended to the Commission for each condition in order to take the right decision on them by the Commission

## **Instructions No 1 for Protection from Non-Ionic Radiation Emanated from Mobile Phone Systems**

MOE Instructions

According to the provisions of Article 14 from the law of the environment No.37 for the year 2008 we issued the following instructions:

Instructions No 1 of 2010  
Issued By  
Minister of Environment  
for  
Protection from Non-Ionic Radiation  
Emanated from  
Mobile Phone Systems

Article 1:

The following terms are defined for the purposes of these instructions as follow:

I: Non-Ionic Ray: Electromagnetic ray within the frequencies of electromagnetic specter less than  $(3 \times 10)^{15}$  hertz which does not bear enough energy to change the partial combination of live material like radio frequency (RF) and micro waves (MW) and infrared ray (IR).

II: Mobile phone system: A wireless communication services net of mobile phones which consist of three parts:

A-central switch board.

B-Mobile phone base stations.

C-Mobile phones.

III: central switch board: A self-independent building that includes the basic construction of mobile phone system as electronic and electric materials and towers and the requirements of operation and service which provide the base of communication net work through the exchange of wireless waves within the micro waves frequencies with the basic stations of mobile phones and other communication systems by specific kind of antennas.

The mobile phone net of a company may consist of more than one central switch board and the central switch board may include a basic station or more according to the designs of the holding companies.

IV: the basic station of mobile phone : A self-independent building , or attached to another building , consist of a container of electronic and electrical equipments and antennas and a tower or more and the requirements of operation and service to provide wireless communication service within limited frequencies of micro wave or radio or both for possible biggest number of users within limited distances. Basic stations are classified to three kinds depending on the energy of casting and the area

of net service coverage: Macro cell station to provide covering service of more than 1000 meter from the location of the antennas as in the locations inside cities and on the highways outside the cities.

B-Micro cell station is to provide additional covering service within the downtown and suburbs where the large number of users. Its range reaches 100m from antennas location. This station broadcast lower than the macro cell station.

C-Pico cell station is to provide covering service for limited areas full of users within a range of 100m from the antenna location .This station broadcast in very low capacity as in airports and railway stations and markets.

V: Mobile phone: A small device to exchange the radio waves with the service center in the central switch board through the basic stations by low capacity

VI: Antenna: A sending and receiving device of electromagnetic waves among the parts of mobile phone system. According to the purpose of using it is in different volumes and designs as follows:

A- Covering antenna: for exchanging radio frequencies among basic stations and mobile phones of the users such as panel-shaped sector and shaped antenna.

B-Joining antenna: to exchange microwaves from a spot to another between the central switch board and basic stations within the net such as dish antenna.

VII: The tower: the required structure for hanging an antenna or more and sometimes it is an iron pipe in different volumes depending on the capacity of the required coverage of Communication service.

VIII: Exposure level: The intensity of electromagnetic capability emanated from antennas of mobile phone system falling on the area unit of human body in time unit and is measured by watt/m<sup>2</sup> units.

## Article 2:

The purpose of these instructions is to protect human beings from the possible biological effects of the non-ionic radiation emitting from mobile phone systems. Health and vocational safety of the workers in these systems should be considered.

## Article 3:

The technical specifications and the site requirements of mobile phone system according to the following:

I: The central switch Boards are from pollutant activities class (B) and the basic stations are from pollutant activities class (c) according to the principles of environmental classification of pollution sources adopted by Environment Ministry .They could be established inside or outside the basic designs of towns , villages and boroughs that are developed in consideration with technical specification and environmental requirements of the site in accordance with these instructions.

II: The construction of the following shall be prohibited :

A-The central switch boards in residential areas or within hospitals, schools, kindergartens and nurseries buildings. They should be constructed as separated building.

B - Basic stations (large – small) within the buildings of hospitals, school, kindergartens, nurseries and on the roofs of the buildings that are used for other purposes as partial housing, working, storing , breeding , sleeping and guarding

C- Large and small basic stations on the roofs of non- reinforces concrete buildings.

D - Large and small basic stations on the floor of houses gardens, open spaces and pavements.

III: A- The horizontal distance between the centers of two stations towers should not be less than 50 m for small basic stations and 300m for large basic stations unless one of the towers or both carry connecting antennas only.

B- taking in consideration the provisions of paragraph 2 of this article the antennas should be fixed on towers set up on the ground or buildings roofs according to the following

1- Vertical distance between the lower edge of the central switch boards antennas and large basic stations and the level of ground surface should not be less than 15 m and the vertical distance between the lower edge of these antennas and the level of the building roof should not be less than 6m.

2- The vertical distance between the lower edge of the small basic stations antennas and the level ground surface should not be less than 10 meters. The vertical distance between the lower edge of these antennas and the level of building roof should not be less than 4m.

3- The vertical distance between the antennas of very small basic station and the level of ground surface should not be less than (2, 5)m inside and outside buildings.

4- The vertical distance between the lower edge of the large basic stations covering antennas and the highest spot in the neighbor buildings and constructions used by human being should not be less than 4 meters within a circle circumference of 30 meters diameter.

5- The vertical distance between the lower edge of small basic stations covering antennas and the highest point in the neighbor buildings and constructions used by human being shall not be less than two meters within a circle circumference of 12 meters diameters.

IV: The micro waves of central switchboards and basic stations connecting antennas shall not be directed to the buildings and constructions in which human being live and the vertical distance between these antennas and the highest point in the buildings and constructions opposite to the direction of the antenna not less than two meters from any distance.

V: A- The building root occupied by a large or small basic station shall be closed by a secured door and surrounded by a non-ironic fence from all directions of 1, 5 meter height so as to prevent persons from reaching the stations. Marks shall be put to warn non-authorized persons from being near. Central switch board and stations installed on ground are included with the permission of having ironic fence.

B- if there is a fence or more to the roof from one side or more round the station the construction the provisions of paragraph (A) of this article.

VI: A- The level of human being exposure to radiation ability of mobile phone system shall not exceed 0.4 MLW/CM<sup>2</sup>.

B- Entry to the place of high level energy which is on the opposite direction of the front broadcasting area of the antennas shall be prohibited.

VII: Modern of high affecting electric generators should be used taking in consideration not harming air quality and the level of noise and vibration in the surrounding environments of the communications system parts. Correct way of using fuel, oil and water to operate the generator should be used through preventing these materials from being poured on ground or leakage to sewerage system .instructions and disciplines concerning throwing off oil wastes maintenance should be followed.

#### Article 4:

The owing companies of the systems included by these instructions shall provide measuring instructions of electromagnetic radiation resulted from the parts of mobile phone system according to the provisions of Article (16)from the law of protection and improvement of environment N0.(3) of the year 1997.

#### Article 5:

1: the side that requires the permission for establishing the mobile phone system shall present the following:

A- a permission from the ministry of communications and the board of information and communications and the board of information and communications to practice this activity in accordance with their instructions.

B- a report of environment effect evaluation in accordance with the provisions of article (18) of law for protection and improvement of environment No.(3) for the year 1997.

C-The designs of mobile phone system shall contain: the techniques of communications, levels of used energy, adopted frequencies, kinds and heights of antennas and data sheets of expected capability volume in the area of the system parts work.

II: the specialized side in the ministry of environment shall decide the application during 30 days from the date of registration and in case of rejection it shall describe the reason. The application shall be rejected if it is not approved after the end of the period.

III: The permission of the environment side shall not be an alternative of any permission that the laws require.

#### Article 6:

The existing systems included by the provisions of these instructions shall adjust their status in accordance with it during a year from the date of publishing it in official gazette.

#### Article 7:

The instructions of protection from non-ionic radiation resulted from main and secondary mobile phones towers No for the year 2007.

Article 8:

These instructions shall be carried out since the date of publication in the official gazette.

Narmeen Othman Hassan

Minister of environment

24-1-2010

# **Flora, Fauna & Biodiversity**

**-Law 17, 2010: Wild Animals Protection Law**

**Laws**  
**In the Name of the People**  
**Presidency**  
**Decree (11)**

Given the ratification of the Iraqi Parliament according to the constitutional articles 61-1 and 138-5-a, the Presidency issued the following law in its session in February 15<sup>th</sup> 2010:

**Law 17, 2010: Wild Animals Protection Law**

**Article 1**

This law aims at protecting the wildlife as a national wealth, defining hunting areas, controlling licensing regulations of hunting and specifying species of which hunting is allowed or banned and hunting seasons.

**Article 2**

**One:** wildlife in Iraq is a national wealth, hence people and governmental bodies must protect, avoid harming, avoid assaulting wildlife and stop hunting unless for scientific experiment after getting the official approval according to this law.

**Two:** for the purposes of this law and according to the annex attached to it, wildlife here means mammals, wild birds.

**Article 3**

For the protection and preservation of wildlife, the Ministry of Agriculture is entitled to the following:

**One:** raising wild animals in fenced areas or protected land to protect them and their reproduction to ensure restoring the natural balance without directly or indirectly harming the environment.

**Two:** limiting and regulating protected hunting areas and defining wild life species for hunting

**Three:** banning hunting permanently or temporarily according to this law

**Article 4**

**One:** the use of the following means to hunt wild animals is prohibited:

- a. Group hunting devices like nets, poison, traps, et.
- b. Chasing animals and birds with planes, cars, etc.
- c. Automatic weapons, rifles or shot guns (if barrel is less than 400 millimeter)
- d. Harming or making damage to wild animals in any way
- e. Collecting eggs of the wild birds or sabotaging their nests

**Two:** the hunting is prohibited for the animals and birds of which hunting is banned

**Article 5**

The minister of agriculture is entitled, in coordination with the general costumes commission and consulting experts in agricultural quarantines, to license individuals and organizations involved in raising and producing wild animals for sale and export purposes.

**Article 6**

**One:** specialized individuals and companies are entitled to import, provide, and sell hunting equipment and accessories that meet the specifications set by the ministry of agriculture according to the proper import approvals.

**Two:** hunting wild animals license is granted by means of the following:

- a. Filing request to the public company of animal wealth services with the following documents:
  1. Iraqi ID card
  2. Rationing card
  3. Iraqi naturalization card
  4. Residence card
- b. Submitting membership ID of the Iraqi hunters society



- c. Paying fee of 250000 ID to have one hunting license issued. The fee of renewing the license is 100000ID.

#### **Article 7**

The minister of agriculture, in coordination with the minister of higher education and scientific research, is entitled to issue instructions that include the following:

**One:** species of the wild animals and birds the hunting of which is banned

**Two:** species of the wild animals and birds the hunting of which is allowed

**Three:** the areas in which hunting is permanently or temporarily banned

**Four:** seasons during which hunting is banned

**Five:** the maximum limit for hunting quantity

**Six:** kinds and measures of hunting equipment and tools

**Seven:** terms and conditions of licensing hunting as a hobby

#### **Article 8**

The minister of agriculture is entitled to make an exception in the instructions he/she issued which are related to this law for the scientific and research bodies and allow them to hunt wild animals the hunting of which is banned in the banned areas and seasons in numbers and times specified in the exception document.

#### **Article 9**

**One:** punishments of disaccording to this law and related instructions are 3-year imprisonment and 3 million ID penalty; or with one of these along with confiscating the catch, hunting equipment, and transportation used.

**Two:** confiscated materials, after the sentence becomes final, become property of the ministry of agriculture and can be sold according to the law of selling and leasing state properties number 32 in 1986. The minister is entitled to issue an order to destroy the illegal items according to the valid laws and by legitimate processing.

**Three:** the weapons used in hunting are to be confiscated and the weaponry included in this law become at the legal disposal of the ministry of interior.

**Four:** the minister of agriculture, or whom he/she authorizes, is entitled to approve the selling of the confiscated animals.

#### **Article 10**

Mayor or district director is hereby empowered with judge authorities to impose the punishments of violating this law.

#### **Article 11**

The minister of agriculture is entitled to issue instructions that would facilitate the execution of this law.

#### **Article 12**

The law of protecting wild animals and birds number 21 in 1979 is hereby abolished.

#### **Article 13**

This law is valid by the date it is published in the official newspaper.

Tariq Al-Hashimi  
Vice President

Adel Abdil-Mahdi  
Vice President  
Motivations

Jalal Talabani  
President

His law has been issued for the purpose of protecting wild animals as a national wealth and regulating hunting and conservation of wildlife in Iraq.

**Al-Waqaii Al-Iraqiya (Iraqi Official Newspaper) – Issue number 4148 in May 15<sup>th</sup> 2010.**

Decision No. (1) of 1991

In accordance with the provisions of Article (5) of the Law of Protecting and Improving the Environment No. (76) of 1986, and pursuant to the proposal of the Council of Protecting and Improving the Environment and with the approval of the Vice – President of the Re-publifte.

We have decided the following:

- 1.- Cutting the trees from natural forests and pavements of the towns' streets, areas of growing trees and green belts or causing of the death thereof in a willful form, shall be considered as an environmental contravention and the contravenor shall be punished according to the provisions of Articles (16) and (17) of the Law of Protecting and Improving the Environment No. (76) of 1986.
- 2.- This Decision shall be enforced from the date of the publication in the Official Gazette.

Minister of Health

Chief of the Board of Protecting

And Improving the Environment

(Published in the Alwaqai Aliraqiya

(Ar. Edit., ) No. 3379 of 11-11-1991)

# **Cultural Heritage**

**- LAW No.55 of 2002 For The Antiquities & Heritage of Iraq**

**[The following text was provided by UNESCO]**  
**LAW No.55 of 2002 for The Antiquities & Heritage of Iraq**

**CHAPTER 1 - OBJECTIVES AND MEANS**

**Article 1- The LAW aims to fulfill the following:**

1. Preserving the Antiquity and Heritage in the Republic of Iraq for being substantial aspect of the (National Wealth).
2. Demonstrating the Antiquities and Heritage to the people of Iraq and the International community so as to expose the notable role of the Iraqi Civilization and its contribution in the Civilization of Humanity.

**Article 2- To achieve the objectives of this LAW the (Antiquity Authorities) shall depend on the following:**

1. Locating the Antiquity, Heritage and Historical Sites.
2. Undertaking Archaeological excavations all over the country by implementing the latest scientific & technical methods.
3. Restoration of the Antiquity, Heritage (Monuments and Artifacts) as well as the Historical Sites to prevent any Deterioration or Corrosion on their structure.
4. To enable the citizens and visitors taking a look on the Antiquity and Heritage artifacts, it will be essential to hold contemporary museums.
5. Making samples of some important Antiquity and Heritage artifacts, producing photocopies, slides and films for broadcast, sale and exchange.
6. Preparation of a program of studies, research, conferences and symposiums, that shall contribute to the presentation of the Iraqi Antiquity and Heritage.
7. Working on exhibiting the mentioned Antiquity and Heritage artifacts in temporary exhibitions abroad.
8. Qualifying Archeologists and Heritage specialists throughout the world by involving them in training courses, fellowships and scholarships prepared for this purpose.
9. Forming national surveying teams for both Antiquity and Heritage, to start a comprehensive survey project covering the whole country.

**Article 3-**

1. Disposition of the Antiquities or the Heritage property is restricted, except for the items prescribed in this LAW.
2. The owner of a land where an immovable Antiquity in which, shall not have the rights to dispose, dig, vandalize or change the features on or under the soil of which.

**Article 4 – The Terms used in this LAW are as follows:**

1. The Ministry: The Ministry of Tourism & Antiquities
2. The Minister: The Minister of Tourism & Antiquities.
3. The Antiquity Authority: The State Board of Antiquity and Heritage.
4. Chairman of the Archaeological Authority: Chairman of the State Board of Antiquity and Heritage.
5. The Participation Authority: The Authority empowered to run and restore the Heritage buildings in the Ministry of Interior, the Ministry of Awqaf and Religious Affairs (now cancelled and replaced with the Shite and Sooni Waqf <sup>1</sup>) and Amanat Baghdad (Municipality of Baghdad).
6. The Artistic Committee: The committee that comprises of specialists in the following fields of knowledge; Archaeology, Heritage, Arts and Law.
7. Antiquity: The movable and immovable property which has been built, made, carved, produced, written or painted by man, those age of which is not less than 200 years, as well as the man and animal skeletons besides the plants remains.
8. The Heritage Material: The movable and immovable property, less than 200 years of age, possessing a historical, national, religious and artistic value.
9. The Historical Site: A place where a notable historical event took place, therein, regardless its age.
10. Archaeological Excavation: The actions of digging or sensing and sounding those devoted to uncover the movable or immovable property in or under the surface of soil or in the bottom of Rivers, Lakes, Marshes and the Regional water surfaces.

## **CHAPTER 2**

**Article 5**

1. The Antiquity Authority shall be entitled to hold its own registrations, to register the Archaeological Monuments (Buildings and Sites), besides inserting the data, documents and the attachment rights related to the neighboring real estate and publishing it in the official Gazette to secure permanent protection and restoration.

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<sup>1</sup> Note: A waqf (plural awqāf) refers to a religious endowment in Islam, that typically involves a building or plot of land used for Muslim religious or charitable purposes. It is conceptually similar to the common law trust.

2. If a monument has already been registered, while the attachment rights of the neighboring real estate were not determined, this shall be done in accordance with the LAW.
3. The attachment rights should include determination of a prohibited zone (no man's land) around the archaeological areas besides securing roads and pathways to reach them.
4. The Stylistic Character of the modern buildings adjacent to the Archaeological sites should also be determined, the new or renewed buildings, their heights, frontispiece and colors so they will be harmonious to the neighboring antiquity buildings, in coordination with the Antiquity Authority and the Participation Authority.

#### **Article 6 –**

1. The Antiquity Authority shall be entitled to take over (taking a private property for public use) which possess antiquities in accordance with the Possession Law No. 12 of 1981, regardless of the value of the extent Antiquities in the real state in the case of evaluating the reparation for possession.
2. The Antiquity Authority shall be entitled to evacuate (individuals and property) from the Antiquity and Heritage areas and their forbidden zone, when this might represent a threatening upon the presence of the Antiquity or Heritage area.

#### **Article 7 –**

All the Antiquity and Historical Sites including those owned by individuals or public property should be registered in the name of the ministry of finance, allocated for the purposes and possession of the State Board of Antiquity and Heritage.

#### **Article 8 –**

In coordination with the State Directorates, the Antiquity Authority is obliged to prepare a comprehensive survey for the whole Archaic and Heritage sites in Iraq, documenting them on the maps, the survey documents shall be provided with standard scales, inserting them within the basic designation of which as well as referring to their usages whether they were merely lands or Antiquity buildings. The Real Estate Registration Office, Municipality of Baghdad or any other Municipalities concerned, shall be notified.

#### **Article 9 –**

1. In case of confiscating, allocating or clearing a real estate within the limits of the basic designation of a city or out of it, the state directorates and the (Socialist Sector) shall be committed to avoid

constituting or using the Antiquity (Sites, Buildings); it will also be necessary to determine their prohibited zone in coordinating with the Antiquity Authority.

2. After possessing the written permission from the Antiquity Authority, the concerned authorities shall be committed to rent or sell (Farming Lands) those possess antiquities in or under their soil, after being reformed.

3. The concerned authorities shall be committed to conserve the Antiquity, Heritage and Historical Sites when the mentioned authorities are about to making state industrial, agricultural or residential projects and other projects like: city and the village planning, beautification, expansion, irrigation canals and the road paving. The written permission from the Antiquity Authority shall be acquired before or at changing the plans of these projects.

4. In case of an inconsistency of a specific and important project within the (Growth Plan) with an antiquity Site, the Antiquity Authority shall be committed to undertake Excavations, therein, which shall be financed by the (Executive Authority), putting a dead line that must be adequate from the scientific and project time schedule point of view. The total cost of the excavations shall be listed in the project's budget before the initiation of digging.

5. The building license, shall not be granted in the antiquity locations or adjacent to which with about one kilometer, except for the cases when a permission is to be granted by the Antiquity Authority within a time not exceeding 30 days from the date of handing in a license application .

6. The Antiquity Authority is entitled to coordinate with Amanat Baghdad or any other concerned municipality for granting a license that concerns an erected monument inside the limits of Baghdad or the Governorates (Provinces).

## **Article 10 –**

Mosques, Masjids, Holy Shrines, Monasteries, Convents, Tombs, Takaya, Churches, Inns and other ancient buildings , owned or constituted in Waqf, in the occupation of persons de facto or de jure whether they own or run such buildings, to be used for the purpose for which they have been built, taking into consideration development and expansion works in accordance with the contemporary demands.

## **Article 11 –**

1. The Antiquity Authority shall be, periodically, responsible for monitoring the utilities mentioned in Article 10, allowing the owner or occupier to carryout any necessary preservation works, subject to the supervision of the Antiquity Authority.

2. Should the owner or appropriator of the monuments mentioned above in Article 10 of this LAW, proved to be incapable of doing the necessary restoration, it shall be charged to the Antiquity Authority, provided that the expenses shall be charged to the owner, supervisor or from the income

resources fulfilled from the monument in accordance with the law No.56 of 1977 concerning the state's debts.

3. Should the owner or occupier proved to be incapable of affording the required restoration demands (costs), he shall be effaced of this unless there were specific income resources of the monument.

4. No person shall, without a permission from the Antiquity Authority, render any immovable antiquity those mentioned in the article 10 or dispose of any of its constructional material, utilize such antiquity, moving it (totally or partially), on the contrary, the Antiquity Authority shall be entitled to restore the building into the original state, the owner in this case shall afford the total costs of the procedures, he shall also be submitted to the penalties listed in this LAW or compensating the owner, occupier, just in case.

#### **Article 12 —**

Any person who discovers or ever discovered an immovable antiquity, shall, within 24 hours, be committed to inform the nearest official authority, which in turn, shall immediately notify the Antiquity Authority.

#### **Article 13—**

1. Any occupier of a land containing immovable Antiquity or Heritage sites, shall be committed to allow the Official Antiquity Authority to enter these sites or monuments at all appropriate times, with the aim of examining it, drawing maps, undertaking soundings or excavations, restoration and conservation works with their tools, machines and devices those shall be used in proceeding the mentioned works, proved a damage sustained on the land therein, the Antiquity Authority shall be committed to paying the owner an appropriate compensation, whether by a setting or as a judicial decision.

2. The presence of the Antiquity Authority prescribed in the item 1 above, shall not be considered a kind of (land dominating, laying hands on) or confiscation.

3. The owner of a land, appropriator, any person in charge of public property or Waqf land, shall not have the right to acquire any rental, after being prohibited by the Antiquity Authority abusing the antiquity.

#### **Article 14—**

1. Throughout procedures like, setting the attachment rights or evacuation from the antiquity areas, the prejudiced shall be compensated in accordance with the rules of this LAW.

2. A committee shall be formed in the aim of compensations for the listed details in item 1 of this article, presided by a representative of the Antiquity Authority with members representing the



concerned municipalities in Amanat Baghdad or the administrative departments in the governorates (provinces), the real estate registration office, the state's real estate office and from the directorate of real estate taxation, in the administrative limits of which the real estate lies, accordingly, within a time not exceeding 90 days from the date of indicating the attachment rights or evacuation, contrary to this, the Antiquity Authority resolution concerning the evacuation or the attachment rights, shall be considered cancelled.

**Article 15 – The following actions are forbidden:**

1. Contravenes on the Antiquity, Heritage and Historical sites including the mounds and the plain landscape those scattered artifacts on the surface of its soil, which has not been published in the official Gazette, in a manner, the normal person might possess a knowledge about so.
2. Actions like: cultivation, erecting residential or other kinds of buildings, construction upon the Antiquity, Heritage sites and their prohibited zone, or rendering their features.
3. Using the Antiquity sites as a rubbish or debris collecting places or erecting buildings, cemeteries and quarries therein.
4. Uprooting trees and plants, removing any utilities from the Antiquity sites or carrying out any acts those may render the features of an Antiquity site .
5. Erecting an eco-pollution industrial facilities, those probable to affect the (general health), less than 3km, from the Antiquity sites and the Heritage building, at each side.
6. Removing any Antiquity or Heritage monument, disposing with its construction material in a manner, that might cause any damage or render.

**CHAPTER 3 — MOVABLE ANTIQUITY & CONSTRUCTION MATERIAL**

**Article 16 – The Antiquity Authority shall hold the following:**

1. A Registration of the movable antiquity those were, by chance, discovered and reported to the Antiquity Authority.
2. A Registration of the Antiquity and Heritage artifacts, which exists in the places prescribed in Article 10 of this LAW, providing the possessor with a legal document that confirm the ownership of an antiquity which should periodically, be monitored.

**Article 17 –**

1. It is prohibited to possess any movable antiquity by any person, whether de facto or de jure.
2. Any movable antiquity found in the possession of person, shall be delivered to the Antiquity Authority within 30 days after this LAW come into force.

3. Make an exception of the rules prescribed in item 1 of this article, for the following:

A. The movable antiquity, existed in the places prescribed in Article 10 of this LAW.

B. The Manuscripts and the Antiquity Coins, registered in the Antiquity

Authority, those possession is allowed.

4. The owner or possessor of the Antiquity prescribed in item 2 of this article, shall be committed to the following:

A. Registration of the Antiquity, in the Antiquity Authority, within 180 days from the date of the execution of this LAW or from the date of possession.

B. Preserving the antiquity and, in written, instructing the Antiquity Authority of all the possible circumstances, those may expose the antiquity to a loss or damage.

C. Obtaining the Antiquity Authority's permission, to transfer the ownership or possession to the (Iraqi citizen) resident in Iraq, who shall commit to the Antiquity Authority, keeping the very commitments those were due to the former owner.

D. For an official receipt, deliver any antiquity to the Antiquity Authority, in the aim of, study and photography and return to the owner, the Antiquity Authority in such case, shall pay the whole expenses.

5. The Antiquity Authority shall be entitled to determine the negligent, when the antiquity prescribed in item 3 above were lost, damaged or disused, shall be proved that it was due to the possession party, the Antiquity Authority shall confiscate the antiquity.

#### **Article 18 –**

1. From the owner, the Antiquity Authority shall be allowed to purchase any registered Manuscript or Coin, with a reward that shall be determined by the (Artistic Committee), after the setting of both parties.

2. With the exception of possessing a written permission of the Antiquity Authority, the seller shall be committed not to publish the Manuscript.

#### **Article 19 –**

1. Whoever discovers a movable or immovable antiquity or have been acknowledged about that, shall be committed to inform the nearest official authority or any (public organization) within 24 hours from the date of discovery or acknowledgment.

2. The official Authority or the (public organization), shall immediately notify the Antiquity Authority, accordingly.

3. The Antiquity Authority, shall be allowed to pay the discoverer or informer, a suitable reward provided that, in the case of gold, silver or precious stones, the reward which has been determined by

the (Artistic Committee) shall not be less than the intrinsic value of the artifact, regardless of its antiquity, workmanship and historical value.

#### **Article 20 –**

1. Whoever, in accordance with the LAW, enters [imports] a movable or heritage artifact, shall post a license to the custom authority.
2. In details, the customs authority shall inform the Antiquity Authority, concerning the movable or heritage artifact, within 24 hours from the date of presenting the license.
3. Whoever, enters [imports] a movable or heritage artifact, shall be committed to register the artifacts to the Antiquity Authority, within 30 days, according to the provisions (B, C, D) of item 4 of article 17 of this LAW.
4. The authority, shall confiscate the movable or heritage artifact that entered Iraq, should proved, it has illegally taken over from the origin, it shall also be restored to the original country, taken reciprocity, into consideration.

#### **Article 21 –**

1. The Antiquity Authority is entitled to take the movable or heritage artifact, abroad, for the purposes of, scientific studies, restoration or to hold temporary exhibitions, the minister concerned shall be the only person authorized to issue such procedures.
2. The council of ministers may pass a resolution to exchange a certain antiquities in the possession of the Antiquity Authority, by other antiquities possessed by Arabic and foreign museums, institutions, universities and any other scientific institutions, in the aim of, fulfilling a scientific or historical aid and to enrich the Iraqi museums.
3. The Antiquity Authority shall be entitled to exhibit the movable and the heritage artifacts in its possession, to the public, museums and the galleries, inside Iraq.

#### **Article 22 –**

1. It is forbidden to:

- A. Counterfeit or imitate antiquities.
- B. Make moulds or models of certain types of antiquities.
- C. Damage or deform an antiquity or heritage artifact, through out, writing or making incisions on which or rendering its features.

2. The Antiquity Authority or any permitted person, shall be entitled to make moulds or models, those prescribed in item B of this article, which shall be determined in accordance with specific conditions, in the aim of, preventing counterfeit or cheating.
3. It is not allowed to, dedicate or sell any antiquity or heritage artifact or taking them out of Iraq, on the contrary, of the rules prescribed in this LAW.

## **CHAPTER 4 — THE IMMOVABLE HERITAGE PROPERTY**

### **Article 23 –**

1. The Antiquity Authority shall be committed to document the heritage buildings and areas, in the purpose of, accomplishing its scientific criteria and to execute the duties complied upon which.
2. The participant authority shall make a registration which includes information of the Heritage buildings and the residential districts, those possess specific heritage or historical importance or for their architectural or Arab – Islamic heritage significance, in accordance with the point of view, of the Antiquity Authority.
3. The participant authority shall declare that the buildings, areas and the residential districts those were prescribed in item 2 of this article are: a preservation zone, it shall be committed to prepare maps and issuing decisions to protect it, for being an architectural heritage, determining how it shall be used and its prohibited zones and the attachment rights imposed on the neighboring estates, within 90 days from the date of declaration in the official Gazette .
4. The Antiquity Authority shall notify the concerned real estate registration office to mark it with non – disposal sign on the documented heritage buildings, issuing decision of protection or not, within 90 days from the date of fixing the sign.

### **Article 24 –**

1. The participant authority shall be entitled to possess the Heritage buildings, according to the rules prescribed in the ownership Law.
2. In case of a hazardous situation, which may threat the lives and the Heritage buildings, the participant authority, in accordance with the rules it issues, shall evacuate persons and property from the historical and Heritage buildings and its ohibited zones.

### **Article 25 –**

For the purposes of, restoration and reconstruction of the rented heritage buildings, after a warning warrant, the participant authority shall evacuate the Heritage building in a period not exceeding 90 days from the date of warning.

#### **Article 26 –**

When erecting general projects, the State offices and the (Socialist Sector), shall commit to preserve the Heritage and Historical buildings , in coordination with the Antiquity Authority.

#### **Article 27 –**

The owner of the Heritage building which is covered with conservation and documentation, shall possess the following privileges:

1. Possessing a donation or prepayment, which shall be paid by participant authority in accordance with certain rules, for the purposes of the preservation of the Heritage building.
2. Discharge from the real estate taxation.
3. Renting the Heritage building, except from the rules of the rent Law No. 87 of the year 1979.

#### **Article 28 –**

1. It is not allowed:

A. Contravene on the buildings or heritage districts those were declared in the official Gazette, tearing them down or rendering the professions practiced in the shops, markets and the heritage streets or and cancellation of their major functions that granted them the character (HERITAGE).

B. Cancellation the character HERITAGE of an erected heritage structure, upon the property of the others, by evacuation, and in the case of disagreement between the owner and the hiring individuals, and in the aim of preserving the structure as well as preventing its demolition, the state board of taxation shall evaluate the rental.

C. No person shall, without a permission granted by the Antiquity Authority and a license from the participant authority that shall secure homogeneity with the architectural specifications and the general standards of the conservation area, the documented and preserved buildings; pull down, reconstruct or change the use of such building in a wrong manner. The permission license shall be decided within 30 days from the date of presenting the application.

2. Any contravener (violator) of the rules prescribed in the clause C of the item 1 of this article, shall be obliged by the participant authority, to deal with the violation, in accordance with the proper methods and time schedule imposed by the participant authority, on the contrary to this, he shall afford the expenses.
3. As a result of the consequences of the attachment rights on someone's land, prescribed in the item 3 of the article 23 of this LAW, or due to the evacuation from the heritage property in accordance with

the item 2 of the article 24 of this LAW, the participant authority shall compensate the prejudiced, within 90 days from the date of indicating the attachment rights or evacuation, on the contrary to that, the participant authority decision concerning the attachment rights or evacuation, shall be considered withdrawn.

There is no Article 29 under this LAW.

## **CHAPTER 5 — EXCAVATION FOR ANTIQUITIES**

Only the Antiquity Authority is authorized to undertake Excavation for Antiquity in Iraq, it is entitled, herewith, to grant permissions to the scientific committees, scientists and the Iraqi, Arabic and foreign institutions, after the indication, of their archaeological capacity, scientific and financial sufficiency.

### **Article 30 –**

1. It is allowed to carry out excavation in the lands owned by the state or persons, whether, de facto or de jure, in which lies antiquity remains.
2. The parties and persons prescribed in article 29 of this LAW, are committed to restore the excavated areas into their original pre excavation situation, paying compensation for the reparation of damages sustained on the land after the conclusion of the excavation, the compensation shall be evaluated by the Antiquity Authority.
3. The Antiquity Authority shall determine the time schedule of the excavation, in the land not of a public property, only the minister shall be entitled to extend the schedule.

### **Article 31 –**

1. Excavation shall be carried out scientifically under the supervision of a committee, which shall be formed by the minister or any authorized party, accordingly.
2. The director or the chief of the expedition, shall be a well known archaeologist with previous experience in archaeological excavation.
3. An architect specializing in ancient architecture.
4. An assistant competent in drawing and photography.
5. When needed, an epigraphist of ancient languages and scripts.

**Article 32 – The holder of the permit of excavation, those do not belong to the Antiquity Authority, shall comply with the following conditions:**

1. The application permits shall be made to the Antiquity Authority, setting forth:

- A. Particulars of the applicant, his previous experience and financial capacity.
- B. Affiliation and authorization of a well known scientific institution that deals with excavation and archaeological research.
- C. Number of the workers, therewith, their scientific qualification in excavation.

2. Additionally:

- A. Preparing a map to explain the boundaries of the area, showing details of the site intended to excavate, therein
- B. A report containing the general program (scheme) of the work to be followed for the next 5 years.

- 3. The minister's approval for the excavations, according to the study and recommendation made by the Antiquity Authority.
- 4. The applicant shall be jointed with the Antiquity Authority, by a contract, in the aim of determination the rights and commitments of both parties.

**Article 33 –**

The Antiquity Authority shall be entitled to inspect the excavations undertaking and the uncovered artifacts, in any time it sees proper.

**Article 34 –**

- 1. The Antiquity Authority shall suspend the excavation, if the holder of the permit contravenes the conditions laid down in the permit, warning the excavating party of the necessity to eliminate the contravention, within a proper time determined by the Antiquity Authority.
- 2. If the holder of the excavation permit did not remove the contravention or it was significant and or the holder's situation required that, the minister shall be entitled to cancel his approval.

**Article 35 –**

- 1. All antiquities discovered within the course of the excavation and the information obtained from which, including photographs, maps and plans are state property, shall not be allowed, except of a written permission by the Antiquity Authority, to dispose with or publication inside or outside Iraq.
- 2. For his efforts, the Antiquity Authority, shall grant the following for the permit's holder:
  - A. Moulds, photographs, maps and the plans of the discovered antiquities.
  - B. In the purpose of analyses and studies, pottery fragments, organic materials and soil samples, provided that the holder of a permit shall be committed to deliver the results of the studies and research to the Antiquity Authority, within a year from the date of receiving the samples.

C. Under the direct supervision of the Antiquity Authority, the materials prescribed in the item B of this article, shall obtain an export permit without having to pay any export fee or Customs duty.

#### **Article 36 –**

Except of the approval of the Antiquity Authority, from media and commerce point of view, it is not allowed to invest any photographs or films of any antiquity sites or heritage property.

#### **Article 37 –**

The Antiquity Authority shall be entitled to restore the Iraqi stolen antiquities from abroad, in accordance with international provisions, by any legal ways or diplomatic paths.

### **CHAPTER 6 — PENALTIES**

#### **Article 38 –**

Whoever possesses a movable antiquity and did not report it to the Antiquity Authority, shall be punishable with imprisonment not exceeding 10 years or compensation two times the value of the evaluated artifact, within 30 days from the date of this LAW come into force.

#### **Article 39 –**

Whoever possesses a manuscript, coin or a registered heritage antiquity, resulted in their loss or damage (totally or partially), whether due to a disuse or evil will, shall be punishable with imprisonment for a period not exceeding 10 years and paying a compensation, two times the evaluated value of the antiquity.

#### **Article 40 –**

1. Whoever stole an artifact or heritage antiquity in the possession of the Antiquity Authority, in the state of not restoring it, shall be punishable with imprisonment for a period not less than 7 year and not exceeding 15 years and paying a compensation 6 times the evaluated value of the artifact or the heritage antiquity, or, if the committed was in charge of running, keeping or guarding the stolen artifact or the heritage antiquity, shall be punishable with life imprisonment, when the robbery shall sustain by force or threatening by two persons or more those carry any weapons (concealed or apparent), shall be punishable with execution.



2. The participant of committing the crime laid down in the provision 1 of this article, shall be considered as a guilty of an offence.

#### **Article 41 –**

1. Whoever exported or intended to export, deliberately, an antiquity, from Iraq, shall be punishable with execution.

2. Whoever deliberately exported a heritage antiquity from Iraq, shall be punishable with imprisonment for a period not exceeding 3 years or a fine not exceeding 100,000 I.D. (Iraqi Dinars).

#### **Article 42 –**

Whoever excavates for , or attempts to discover antiquities ,without obtaining a written permission by the Antiquity Authority, resulted in damaging the site or its prohibited zones and or the antiquity in or under its soil, shall be punishable with imprisonment for a period not exceeding 10 years and a compensation two times the evaluated value of the damages sustained, with the confiscation of the antiquities extracted and the digging instruments, he shall be punishable with imprisonment for a period not exceeding 15 years, if the guilty of an offence was a member of staff of the Antiquity Authority.

#### **Article 43 –**

1. Whoever dug, built, planted or inhabited in a declared antiquity site, or removed, rendered, damaged, deformed, demolished an antiquity or heritage monument, attempted to dispose with its construction materials or used it in a harmful manner which may result in tearing it down or altering the original features of which, shall be punishable with imprisonment for a period not exceeding 10 years, a compensation two times the evaluated value of the damage and removing the contravene on his charge.

2. Any employee or a representative of the party concerned with sustaining the deliberate damage upon the antiquity sites or the heritage districts or dwellings, shall be punishable with the penalty laid down in the provision 1 of this article.

#### **Article 44 –**

Whoever traffics in antiquity, shall be punishable with imprisonment for a period not exceeding 10 years and a fine not exceeding 1,000,000 I.D., when the guilty of an offence is a staff member of the Antiquity Authority, he shall be punishable with the imprisonment and a fine not exceeding 2,000,000 I.D., and the antiquity in his possession shall be liable to be confiscated.

#### **Article 45 –**

Whoever, without a permission of the Antiquity Authority, traffics in a counterfeited or imitated antiquity, shall be punishable with imprisonment for a period not exceeding 3 years and a fine not exceeding 100,000 I.D., he shall only be punishable with imprisonment when the guilty of an offence is a staff member of the Antiquity Authority, the instruments and materials used in committing this crime shall be liable to be confiscated.

#### **Article 46 –**

Whoever contravenes on the heritage buildings, shops and districts, declared in the official Gazette, by demolishing or changing the purposes for which they have been built, shall be punishable with imprisonment for a period not exceeding 7 years, and at his charge he shall be committed to restore the building into the original pre contravention situation.

#### **Article 47 –**

1. Any owner or appropriator of the buildings prescribed in the article 10 of this LAW, who, without a written permission of the Antiquity Authority, totally or partially, demolishes, moves, reconstructs, renews or alters the buildings listed, shall be punishable with imprisonment, and at his charge he shall be committed to restore the building into the original situation.
2. Whoever contravenes the provisions of the articles 12 , 15, 19-A , 20-A/C , 22-A/C , 36, listed in this LAW, shall be punishable with imprisonment for a period not exceeding 2 years and a fine not exceeding 100,000 I.D. (Iraqi Dinar).

#### **Article 48 –**

1.
  - A. The Antiquity Authority shall be entitled to award whoever shall report of any illegal possession of antiquity or heritage material and helps laying hands on which.
  - B. The chairman of the Antiquity Authority , shall be the only party to make a decision in the legal suits resulted by the offences prescribed in the articles 12, 15, 19/A, 20/A.C, 22/A.C and 36 of this LAW.
  - C. In order to practice the authorities prescribed in clause B of item 1 of this article, the chairman of the Antiquity Authority shall enjoy the powers granted to a delict judge.
  - D. The decisions or the judgments issued by the chairman of the Antiquity Authority, in his capacity of a delict judge, shall be liable to appeal within 15 days from the date of the

acknowledgment with the judgment or decision and or to be considered instructed before a permanent appeal committee presided by at least a second grade judge, who shall be named by the minister of justice, and two members those shall be named by the minister of Tourism and Antiquity, the decisions of the committee shall be absolute .

2. For the purposes of this LAW, the inspectors of antiquities shall enjoy the powers granted to investigators.
3. Guards and attendants of the antiquity authority shall have the same powers as those granted to policeman in respect to this LAW.
4. The official reports submitted by the Antiquity Authority as to whether the antiquity sites and the heritage buildings or the antiquity and heritage artifacts, a fake or not, shall be considered as legal documents before the courts.

**Article 49 – The artistic committee shall be responsible for the following:**

1. Determine whether the antiquity or heritage property [is] a fake or not.
2. Making an evaluation (a reward) of the materials prescribed in item 1 of this article, according to the market prices, which shall not be less than the intrinsic value if they were made of gold, silver or precious stone.
3. Evaluating a compensation for the reparation for the damage sustained on the antiquity (monument) or any antiquity and heritage artifact.
4. Decide the sum of a reward to whoever discovers or reports any antiquity.

**Article 50 –**

The minister shall issue a rule of procedure to determine the following:

1. Fees for:
  - A. Entering the museums, antiquity areas and the historical or heritage buildings.
  - B. Guides, as a companion, in the antiquity areas and to the historical or heritage buildings.
  - C. Photography and filming, in the antiquity areas or in the historical or heritage buildings.
  - D. Land's detection (investigation).
2. The prices of materials prescribed in item 2 of article 22 of this LAW.
3. Emoluments for those working in investigations or detection.

**Article 51 –**

1. The following laws shall be considered cancelled: Law No. 40 of 1926, concerning the prevention of antiquity smuggling, antiquity Law No. 59 of 1936, Law No. 73 of 1937, concerning the antiquity export fee.

2. Regulation of the museum's attendance No. 35 of 1946 shall be valid, until the issuance of a regulation that shall take the place or cancel the mentioned above regulation.

**Article 52 –**

The minister shall be entitled to issue any instructions to facilitate the execution of this LAW.

**Article 53 –**

This LAW shall come into force from the date of its publication in the official Gazette.

Made at Baghdad , this 28th day of Sha'aban, 1423, and the 3rd day of November, 2002 .