

Law No 27 of 2009
for
Protection and Improvement of
Environment

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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 NO (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)-1-

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)-1-

- 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 members 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 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

1. 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 tress unless obtain permission of the parties authorized to issue such licenses in accordance with declaration of the annual production of the don am(1000 sq.m).

vii. Bring plants or animals of deferent 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 fro 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 Decorators 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.

- i. 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 Minister 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.

