

## LAWS

### In The Name Of The People

#### The Presidency Of The Republic

Pursuant to what has been adopted by the National Assembly, and the approval of the Revolutionary Command Council and in accordance with the provisions of Article 53 of the Constitution. Do hereby order the promulgation of the following Law.

#### Law No. (3) Of 1997

#### Protection And Improving The

#### Environment

#### Chapter One

#### The Objectives and Definitions

##### Article -1-

This law aims at protecting and improving the environment including the territorial waters from the pollution as to avoid of its effectiveness over the health, environment and natural resources, and putting the environmental policy, and preparing the plans necessary to that as to achieve the development liable to continuous.

##### Article-2-

The following expressions shall have the meanings stated thereagainst for the purposes of this law.

Firstly - Council : The Council of protecting and Improving the Environment.

Secondly - Governorate Council : The Council of protecting and Improving the Environment in the Governroate.

Thirdly - Department : The Department of protecting and Improving the Environment.

Fourthly - Environment : The environment in its all elements of which the created living things alive therein.

Fifthly - Pollution of the Environment : Any solid, liquid or gaseous substances or uproar or radiating or heat (caloric) or Blaze or

vibration or and the like, or revival factors which lead by a directly or indirectly way into the pollution of environment.

Sixthly - Pollution of the environment : Existing of any of the effective pollutions in the environment by a quantity or concentration (condensed) or un natural way which leads by a directly or indirectly way to injury of human being or other living creatures or the pollution where existing thereinto.

#### Chapter Two

#### Council of Protecting and Improving

#### The Environment

##### Article -3-

There shall be established by virtue of this Law a Council in the name of (Council of Protecting and Improving the Environment) which shall be connected with the Council of Ministers, and shall be represented by its chairman or ever shall be authorized.

##### Article -4-

Firstly - The Council shall consist of:

- 1- Minister of Health as - chairman.
- 2- Undersecretary of Ministry of Interior representative of the Ministry as Deputy chairman.
- 3- Director General of the Department as - member and rapporteur.
- 4- A representative for each of the following authorities as - member provided that the member should be in a grade of director general at least and from a department or authority having a relation with the protection of the environment and improving same, and to be from those having the experience in this field :

A- The Arab Baath Socialist Party.

B- Ministry of Culture and Information.

C- Ministry of Irrigation.

D- Ministry of Agriculture.

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- E- Ministry of Industry and Minerals.
- F- Ministry of Oil.
- G- Ministry of Foreign Affairs.
- H- Ministry of Education.
- I- Ministry of High Education and Scientific Research.
- J- Amanat Baghdad (Mayorality of Baghdad).
- K- Planning Body.

5- Members from the specialists experts in protecting and improving the environment whose their members not to exceed 4, to be designated by Council of Ministers with the nomination from chairman of the Council.

Secondly - The Council of Ministers may add other members for the Council.

Thirdly - The Council may invite as a guest any of the specialists or representatives for any of the State departments and the Socialist, mixed and private sectors to perceive tamable of his opinion and inquire about the environmental matters connected with the authority that he represents.

### Article -5-

Firstly - The Council shall hold one meeting at least per a month by an invitation from its chairman or whomsoever he authorizes.

Secondly - The Quorum shall be done in the meetings of the Council by the attendance of tow-thirds of the members present.

Thirdly - The decisions shall be taken in the Council by majority of votes of the members present and in case of equality of votes the the Chairman shall have a casting vote.

Fourthly - Decisions of the Council shall be deemed obligatory (Binding and subject to execution by the authorities concerned after the approval of Council of Ministers thereon.

Fifthly - The Department shall undertake to perform all the works that are required by the Council.

### Article -6-

Firstly - The Council shall exercise in order to achieve its objectives the followings :

- 1- Proposing the general policy to protect the pollution and working for improving its quality, as well as submitting same to the Council of Ministers for approving thereon.
- 2- Deciding the plans being submitted to it from the Department and Councils of the governorates.
- 3- Deciding the determinations and standards concerning to quality of the environment.
- 4- Considering the environmental matters and problems submitted to it and taking the appropriate decisions in this respect.
- 5- The coordination between activities of the authorities concerned with the protection of the environment and its imporvement, and following up the valuation of its works.
- 6- Taking the decision of recommendations submitted by the Department or by the governorate's councils on halting the work or interim or permanent closing of the enterprises or factories or the sections or the units, or any other activity having effective pollution for the environment.
- 7- Giving the opinion in the Arab, territorial, and International relations in the fields of protecting the environment and improving of it.
- 8- Proposing of the Iraqi accession of Iraq into the Arab, territorial and International conventions, treaties, and Protocols related with the environment.
- 9- Approving of granting the remunerations and encouragement prizes for the authorities and personnel who render distinctive efforts in the fields of protecting the environment and improving thereof according to the rules laid down by the Council in this respect.

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Secondly - The Council may authorise some of its competencies (powers) to its chairman and to heads of the governorates Councils, and to the Director General of the Department.

### Chapter Three Councils of Protecting

#### And Improving the Environment in The Governorates

##### Article - 7-

There shall be established in each Governorate a Council called (the Governorate Council for Protecting and Improving the Environment) which shall be headed by the governor and it shall be attached with the Council.

##### Article -8-

The Council shall undertake to form the governorate's Council according to Nature and speciality of the environmental work in each governorate, provided that should join in its membership a representative on behalf of the local popular Council in the governorate.

##### Article -9-

Firstly - The governorate Council shall hold once meeting at least every one month by an invitation from its chairman.

Secondly - The quorum in the meetings of governorate's Council shall be done by attendance of two-thirds of their members.

Thirdly - The decisions shall be taken in the governorate's Council by the majority of number votes of its members present, and in case of equality of votes, the chairman shall have a casting vote.

Fourthly - Minutes of the meetings of the governorate Council shall be submitted to the Council monthly for perusal or approving thereon according to the jurisdictions being authorized there of.

##### Article -10-

Firstly - Council of the governorate shall exercise the following :

- 1- Following up the execution of decisions of the Council and the general policies which he traces.
- 2- proposing the plans to protect the environment and its improvement, and presenting periodical reports for the activities and the reality of the environment (factual findings) to the Council periodically.
- 3- The coordination between activities of the authorities concerned of protecting the environment and improving it and the rectification of its works.
- 4- Looking into the matters connected with the protection of the environment and its improvement and taking the decision of halting the interim work or closing same for a period not to exceed six months for the enterprises or factories or sections or any activity has the polluted affection in the environment, and submitting the recommendations to the Council in cases of which the permanent close required so for any resource of the environment pollution.
- 5- Inviting any one of the specialists or representatives for any of the State Departments and the socialist, mixed and private sector to get advantage of his opinion or explicating on the environmental matters relating to the authority that he represents.

Secondly - The governorate Council may authorize some of its powers to its chairman.

### CHAPTER FOUR

#### Council of Protecting improving the Environment

##### Article -11-

Firstly - There shall be established according to this law a Department Named (Department of protecting and improving the Environment) and it shall be attached with Minister of Health.

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Secondly - The Department shall be headed by a director general in a special grade from those having specialization.

Thirdly - The Department shall have a juristic personality and it shall be represented by its Director general or whoever he authorizes

### Article -12-

Firstly - The Department shall practise the following :

- 1- Putting the annual, intermediate and far plans to protect the environment and improving it, and submitting them to the Council for approval.
- 2- Proposing the determinations and guidelines of the environment pollutions, as well as supervising safety of its implementations and presenting same to the Council for approving thereof.
- 3- Studying the environmental problems and proposing the solutions for tackling them in coordination with the authorities concerned.
- 4- Following up the existing and the proposed usages for the natural resources and well guiding same within the policy of the State as to realize not making the damages with the environment in coordination with the authorities concerned.
- 5- Following up safety of the environment and its improvement within carrying out the tests (examination) related to the environmental pollutions and the effective factors on the safety of the environment and its improvement in coordination with the authorities concerned.
- 6- Making the environmental surveys in coordination with the authorities concerned.
- 7- Studying the fitness of project sites from the environmental side and putting the guide lines for these sites, and the coordination with the planning offices for this purpose.

- 8- Arranging and encouraging the studies and researches concerning with protection of the environment and its improvement, together with their promulgation.
- 9- Defining the environmental subjects which could be studied by the researchers and students of the higher studies in the universities and the scientific institutions as well as making the contracts for carrying out same.
- 10- The coordination and cooperation with establishments of Ministry of Higher Education and Scientific Research in regard of creating environmental Researches Centres or preliminary or higher studies in the environmental fields.
- 11- The working for diffusion the environmental consciousness.
- 12- Setting up and encouraging the symposia, training and Qualifying courses concerning the protection of environment and its improvement.
- 13- Following up the Arab, Regional and International activity in the fields of environment protection and its improvement as well as proposing the cooperation's activities in this field and forwarding same to the Council to take the decision thereon.
- 14- The coordination with the environmental formations in the ministries and authorities not connected with a ministry and demanding the announcements.
- 15- Following up the execution of the sections plans of protecting and improving the environment in the Governorates.
- 16- Giving the opinion to the Council concerning decisions and recommendations of the governorates councils.
- 17- Preparing the annual report for the condition of the environment.

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- 18- Studying and adopting the environmental effect submitted by the authorities which are responsible for the projects wanted to be constructed and the standing (set up) one.
  - 19- Working to protect the Nature and establishing the environmental protectorates in coordination with the authorities concerned.
  - 20 Building the environmental Bases of information and maintaining same.
  - 21- Depending on the Bureaux, consultancy's authorities and laboratories to carry out the studies, analysis and measurements in fields of protecting the environment and its improvement.
  - 22- Following up implementation of the Council's decisions.
- Secondly - The director general of the Department (the national commissioner) shall be towards the Arab, regional and international organizations in the fields of protecting the environment and its improvement.
- Thirdly - The Department may demand from any authorities concerned the announcements and data concerning its activities in the fields of protecting the environment and improving it according to the reliance guidelines.
- Fourthly - The director general of the Department or whomsoever he authorizes may warn any enterprise, factory, authority or a source has an effective-polluted effect to remove the effective factor during Ten days from the date of notification with the warning, and in case of not obeying the warning, so, the director general has the right to cease the work or closing temporary of the polluted source for a period of not exceeding (30) days and he may submit (raise) a recommendation to the Council with the permanent closing.

### Article -13-

Formations of the Department shall be defined by a regulations prepared by the Council and to be issued by the Council of Ministers.

### Article -14-

Firstly - There shall be established in every governorate a section for protecting and improving the environment which shall be attached administratively with the health department of the governorate and technically with the Department of Protecting and improving the environment.

Secondly - The Council shall define tasks and formations of the Section.

### Article -15-

Firstly - There shall be a special regulation for the incentives and wages for the Department and sections of protecting and improving the environment in the governorates.

Secondly - The Council shall define the wages collected by the department against the services rendered by the authorities concerned with the environment in the socialist sector.

## Chapter Five

### Provisions of Protecting and Improving The Environment

### Article -16-

The authorities of which is resulted from its activity environmental pollution should carry out the following :

Firstly - Providing of the measurement devices and observing the pollution according to its nature, and supplying the department with results of standardization, and in case of being not available, it should carry out the tests by the Bureaux, consultative authorities and the laboratories which are dependent by the Department.

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Secondly - providing means and systematics of tackling the pollution as well as operating them and assuring of their efficiencies and tackling the rupture (defect) in the time of its occurrence and informing the Department in this respect.

Thirdly - Building a base of information and maintaining it in particular of protecting the environment and the concentrations and the pollution's levels resulted from the source, according to its nature.

### Article -17-

All the effective activities on the environment are subjected for the environmental control, and the responsible authority toward these activities, should render the necessary facilities to teams of the environmental supervision to perform their tasks in order to be sure of soundness of the environment.

### Article -18-

The study of the technical and economical advantage for any project should contain a report for the environment effect which should include the following:-

Firstly - Rectifying the environmental effect and the positive and negative influences for the project on the environment.

Secondly - The proposed means to avoid and tackle the causative of factors the pollution as to achieve the submissive (obedient) to the guidelines and the environment information.

Thirdly - Cases of the contingent and probable pollution and the precautions which should be taken .

Fourthly - The possible substitutes for using clean environmental techniques, and the economization of using the resources.

Fifthly - Reducing of leftovers and circulating or re-using thereof.

Sixthly - Estimating costs of the benefits, and the environmental damages of which the project occur.

### Article -19-

Firstly - Drawing off any industrial or agricultural or domestical or serviceable leftovers to the rivers or water surfaces or the subterranean (ground water), or the air or the or land unless after making the necessary treatments thereon as to secure their applications to the regulations, instructions, and the environmental definitions and this shall contain all the disposals whether the drawing off is continuous or interrupted or temporary.

secondly - Drawing off the oil leftovers or rests of the fuels or balancing water for the oil tankers to the internal surface water or the territorial water whether the disposal was from standing stations or from moving sources

Thirdly - Throwing the wastes, scraps of the animals and its corpses and leftovers in the water sources including the drainages.

Fourthly - Hunting Fish, birds and other animals by using toxic or explosive materials.

Fifthly - Drawing off any leftovers containing toxic materials as the insecticides, heavy minerals, and the other toxic ingredients into the networks of the sewerages the water surfaces and other environmental elements, unless after being tackled and becoming in conformity with the guidelines and the environmental definitions.

Sixthly - Combining and drawing off sewerages of the houses, factories and other enterprises into the networks of water's rains.

**CHAPTER SIX  
PENAL PROVISIONS**

**Article -20-**

without prejudice to any severe penalty stipulated in the laws and decisions, the contravener of the provisions of Article (19) of this law shall be punished with imprisonment and with a fine not less than (10000) ten thousand Dinars and not exceeding (100000) one hundred thousand dinars.

**Article -21-**

Firstly -1-Whoever Contravenes the provisions of instructions issued by the Council shall be punished with a fine not less than (5000) Five thousand dinar and to exceed (50000) Fifty thousand dinar.

2- In case of repetition of committing the contravention, the penalty shall be with imprisonment for a period not less than three months and not to exceed (6) months and with a fine not less than (5000) Five thousand and not exceeding (50000) Fifty thousand dinars.

Secondly - Chairman of the Council or whoever is authorized of those whose job not to be less than the director general, shall be authorized the jurisdiction of imposing the sanctions stipulated in Para.(1)of Item (Firstly) of this Article.

**Article -22-**

In addition to the penalties stipulated in Article (20) and Item (Firstly) of Article (21) of this law, there shall be binding (bound) with the compensation against injuries being occurred by whoever practises an activity caused therefrom the pollution of the environment and the compensation shall contain expenses of removing the pollution and its effects.

**Chapter Seven  
Final Provisions**

**Article -23-**

The Law of Protecting and Improving the Environment No. (76) of 1986 shall be repealed and the regulations and the instructions issued accordingly shall remain in force as not to be contradicted with the provisions of this Law until issuance what shall replace or abolish thereof.

**Article - 24 -**

It is permissible to issue regulations, instructions, and announcements to facilitate the execution of the provisions of this Law.

**Article - 25 -**

This Law shall be implemented after elapsing (60) sixty days as from the date of its publication in the Official Gazette.

Made at Baghdad this the First Day of Dhul-Qidda, 1417 Hijra, the Tenth Day of March, 1997 A.D.

**Saddam Husain**

**President of the Republic**

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