



Official Gazette of Iraq

Instructions for Organizing the Works of the Commercial Agency

No. (1) Of 2014

تعليمات تنظيم أعمال الوكالة التجارية

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Laws

In accordance with the provisions of Article (23) of the Law of the Commercial Agency Regulation no. (51) Of 2000, we issued the following instructions:

No. (1) Of 2014 Instructions of the Law of Organizing the Works of the Commercial Agency

Article 1

First: The commercial agency shall be regulated by a contract under which the second party (Iraqi commercial agent) shall be entitled by the first party (foreign authorizer), whether natural or legal person, to represent and act in first party's name or for his/ her account in Iraq, for a commission in the form of a salary or a lumped wages or a percentage of the amount of contracts concluded with the mediation of the agent for a specified period, provided that the activity and competence of the first party are mentioned in the contract.

Second: The commission-agency shall be regulated by contract under which the second party (Iraqi commercial agent) shall be entitled by the first party (foreign authorizer), whether natural or legal person, to represent and act in agent's name or for authorizer's account under his/ her terms including the distribution and marketing of the first party's products for a commission in the form of a percentage of the sales or for services rendered for a certain period, provided that the contract mentions the activity and competence of the first party.

Article 2

First: Maritime agencies, travel agencies and aviation agencies shall be considered a kind of commission-agency and shall be subject to the provisions of the commercial agency regulation no. (51) of 2000.

Second: Contracts for agencies that are limited to maintenance and after-sale services may be registered only on behalf of the authorizing company.



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Article 3

The natural person who asked for permission to practicing the business of the natural commercial agency must submit an application to the company registration department accompanied by the following documents:

- First: Copy of the certificate of Iraqi nationality and the identity of the civil status.
- Second: The commercial name that registered in the commercial register.
- Third: The identity of the chamber of commerce, including the reference to the type of work which is commercial agencies.
- Fourth: The property title or the lease of the commercial office duly certified.
- Fifth: Register of commercial agencies.
- Sixth: Housing card.
- Seventh: Contract of a commercial agency for a foreign company duly certified.
- Eight: A written undertaking includes that he/ she is:
 - a. Not an employee in the state departments or public sector or charged with public service.
 - b. Not sentenced to a felony or dishonorable misdemeanor.
 - c. Not spouse or son of a minister, a deputy minister, a special employee, a general manager or anyone who holds a degree of any of them.

Article 4

The legal person asking to be granted license to practice the business of the commercial agency must submit an application to the company registration department accompanied by the following documents:

- First: A certificate of establishment of the company duly certified.
- Second: The Company's memorandum of association duly certified.
- Third: Minutes of the meeting of the general assembly for the appointment of the authorized director of the company.
- Fourth: An official document supporting the fact that the company is Iraqi and all its capital is owned by Iraqis.



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Fifth: The identity of the chamber of commerce, including the reference to the type of work is commercial agencies.

Sixth: Its name must be mentioned in the contract of the commercial agency or the commission-agency.

Article 5

The parties wishing to contract with a foreign company through their commercial agent in Iraq must ensure that he/ she is authorized to carry out the business of the commercial agency and that his/ her commercial agency for that company has registered in his/ her name in the company registration department.

Article 6

The commercial agent must:

First: Applying for renewing the license to practice the business of the commercial agency granted to him/ her in accordance with the law.

Second: Notifying the company registration department of any amendment or change to the commercial agency contract with the support of the company and duly certified.

Third: Providing a two copies of the statement of the received and not received commission achieved for his\ her account with bank citations supporting thereof to the department within (60) sixty days from the beginning of each year.

Article 7

The authorized agent shall keep a register to record his/ her transactions in accordance with the requirements of the commercial business, provided that the following information shall be included:

First: Number and date of the license granted to him/ her.

Second: Name of the foreign authorizing company.

Third: Amount of the net commission.



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Fourth: Commission rate.

Fifth: Number and date of the credit.

Sixth: Received and not received commission.

Seventh: Number and the date of bank notification.

Eight: Name, address and signature of the agent.

Article 8

Instructions of the license of practicing the business of the commercial agency no. (1) of 2000 shall be abolished.

Article 9

These instructions shall be effective from the date of their publication in the Official Gazette.

Dr. Kairalla Hassan Babaker
The Minister of the Trade