



Official Gazette of Iraq

LAW OF BORDER PORTS BODY

No (30) of 2016

قانون هيئة المنافذ الحدودية

Translated in
Ministry Of Justice
Iraqi Gazette Office
Translation department
2019



Laws

In the name of people The presidency

Resolution no (34)

In accordance with what the parliament had decided according to provisions of item (first) of article (61) and item (Third) of article (73) of constitution; the president decided on 27/9/2016 issuing the following law:

No (30) of 2016 Law of Border Ports Body

Article 1

- First: It shall be established a body called (border ports body) connected with the cabinet and enjoyed with moral personality and represented by head of the body or whom he entitled.
- Second: Headquarter of the body shall be in Baghdad and opened branches in border ports in territory and province not affiliated to a territory.
- Third: The body shall be headed by special functional- degree employee holds a university degree and nominated according to the law.
- Fourth: The body shall have vice president titled as general director hold a university degree and has service not less than (15) fifteen years and nominated by the law .



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Article 2

This law aims to the following:

- First: Upgrading the level of workers in the border ports through the coordination with ministries and authorities not affiliated with a ministry which has working in the border ports.
- Second: Identifying of all contraventions and negative manifestations and dealt with them.
- Third: Providing service utilities and developing them from the technical aspect.

Article 3

- First: Controlling and supervising performance of departments working in border port to ensure application of law.
- Second: Putting a plan to train workers and suggesting their participation in training courses in coordination with their offices.
- Third: Putting security plans and providing protection for headquarter of the body and border ports and supervising their implementation in coordination with security authorities in territories and provinces not affiliated with a territory.
- Fourth: Putting special standards and instruction related to organizing the work in the border port and the custom administration shall be in coordination with government of territories and provinces not affricated with territory
- Fifth: Punishing the workers in the border ports those who work in the ministries and authorities not affiliated with ministry when they breach their job duties in accordance with the law.



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Article 4

First: It shall be established a council for the body called (the council of border ports body) consists of :

- | | |
|--|---|
| a. Chairman of the body | chairman |
| b. Vice chairman of the body | member and vice chairman |
| c. One representative from each province has border port | member |
| d. Representative from ministries and authorities not affiliated with a ministry | members are not less than general director degree |

- 1- Ministry of foreign affairs
- 2- Ministry of finance
- 3- Ministry of interior
- 4- Ministry of health
- 5- Ministry of transportation
- 6- Ministry of trade
- 7- Ministry of agriculture
- 8- Ministry of planning
- 9- Ministry of tourism and antiquities
- 10- Intelligence agency

Second: The prime Minister may add representatives from ministries and authorities not affiliated with another ministry to membership of the body council stipulated in item (first) of this article.

Article 5

First: The council shall meet at least every month by invitation of its chairman and the quorum is completed in presence of majority of the council's members and decisions shall be made by majority of attendants' votes and when equality, the side of the present shall be prevailing .

Second: The vice present shall replace the present in his absence.



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Third: The chairman of the council shall designate one of the staff of the body who has efficiency and experience and shall be at least a director level as the rapporteur for it.

Article 6

First: The council shall undertake the following:

- a. Putting general policy of the body
- b. General supervision of affairs of border ports .
- c. Suggestion of establishing border port or office, and the order to cancel any border port is left to the council of ministers.
- d. Suggestion of annual financial budget and investment plan and staff plan of the body.

Second: the council may authorize some of its functions to the chairman of the body.

Article 7

The chairman of the body shall undertake the following:

First: Managing body affairs.

Second: Execution of decisions and directive issued by council of ministers.

Third: Execution of decisions issued by body council.

Fourth: referring recommendations that issued by body council to council of ministers.

Fifth: Formation of committees and investigative councils against offenders working in the border ports in coordination with their departments according to the law.

Sixth: Transferring bad and insufficient civilians and members of internal security forces and military personnel working in the ports to outside with approval of body council the ministries and authorities not affiliated with ministry should replace them with good ones.



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Article 8

The border port shall be managed by an employee with manager level who holds at least an initial university degree and has service not less than (10) ten years .

Article 9

Tasks of border port manager:

First: Supervision and control of the security and administrative situation on the departments working in the border port and coordination with them.

Second: Suggesting transfer of heads of departments and workers in the border ports and replacing them with sufficient ones.

Third: Evaluating performance of workers in the border port.

Article 10

The airport and port shall be considered a border port for the purposes of this law and its work shall be regulated by instructions prepared by the body council and issued by the council of ministers.

Article 11

First: The body shall be consisted of:

- a- The administrative and financial department
- b- Legal department
- c- Operation and plan department
- d- Office of the body chairman

Second: All departments stipulated in the Paragraphs (A) (B) (C) of Item (First) of this article shall be managed by an employee titled general director and holds at least an initial university degree with experience and competence and has service not less than (15) fifteen years and appointed in accordance with the law .



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Third: Office of the body chairman shall be managed by an employee titled director holds at least an initial university degree and has service not less than (10) ten years .

Fourth: Divisions and functions of departments stipulated in the item (First) of this article and in border port shall be defined by instructions issued by council of ministers at suggestion of chairman of the body.

Article 12

The body shall have independent financial budget allocated by ministry of finance within federal general budget of the state.

Article 13

Clothing and budges of the staff of the body and records of body shall be determined by instructions prepared by body council and issued by council of ministers.

Article 14

- a. Rights, obligations and assets of employees of general directorate of the border ports shall be transferred to staff of the border ports body in accordance with this law.
- b. Employees of ministries (civilians and police) shall be remained in the staff of their original ministries.

Article 15

Provisions of service, salaries, discipline and retirement shall be applied to employees of the body.



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Article 16

The council of ministers shall issue instructions to facilitate implementation of provisions of this law.

Article 17

This law shall be enforced from date of its publication in the Gazette.

Fuad Ma'soum
President