

Type of Law: Law

Date Issued: 18 Oct 2012

Date Published: 8 Apr 2013

Status: In force

Summary:

For the purpose of the organizing of plants and plant products importing and exporting (trading operations) and to ensure the prevention of the entry of Agricultural pests and prevent their spreading and resettling in Iraq,

In the name of Iraqi people

Presidency

Based on what have been approved by Iraq Iraqi Assembly of Representatives and yet approved by the President of Republic of Iraq, and based on the provisions of subsection (First) of Article (61) and item (third) of Article (73) of the Constitution:

Issued the following law:

Quarantine Law

No. (76) For the year 2012

Article 1, the following terms are intended the meanings against indicated for the purposes of this law:

First, the authorized authority: Directorate of Crop Protection / Ministry of Agriculture in Iraqi.

Second, Quarantine officer: technical officer authorized by Iraqi Ministry of Agriculture to the implementation of the tasks entrusted to him under the provisions of this law.

Third, plants: living plants or parts thereof, including seeds or genetic plant material, and other propagation materials.

Fourth, plants products: Products of plant origin and processed for not changing their biological nature.

Fifth, pest: any type, strain or biotype follows the vegetable kingdom, animal or any pathogen harm plants or their products, no longer dead organisms that do not cause any pest infection.

Ninth, Quarantine pest: pest has potential negatives impact on the economy and possess a threat to plant production which is non-existent in Republic of Iraq.

Seventh, non-Quarantine pest: pest present in Republic of Iraq and its entry has a negative impact on the economy also affect the plants and their products.

Eighth, Agricultural quarantine station: the place that been determined to monitor imported plants for the purposes of scientific research.

Ninth, living genetically modified organisms (GMOs): any living organism being genetically modified.

Tenth, beneficial organisms: any living organism, including fungi, yeasts, bacteria, viruses and invertebrates that are announced by Iraqi Ministry of Agriculture as objects useful to plants or plant production.

Eleventh, the Quarantine measure: formal detention for items or materials subject to the instructions of plant health in order to be placed under surveillance or conduct research them or to continue the inspection to be tested or treated.

Twelfth, consignment(s): any material being consigned to Republic of Iraq from abroad and accompanied by Agricultural Health Certificate, which are subject to the law.

Thirteenth, Agricultural Health Certificate: model document is designed according to the International Plant Protection Convention Annex (1) accompanying this law.

Fourteenth, importer: any normal or legal person has the right to import and circulation of any of the plants and their products or beneficial soil or their packaging materials.

Fifteenth, exporter: any normal or legal person has the right to export any of the plants and their products or beneficial soil or their packaging materials.

Sixteenth, soil: material those were being extracted partially or entirely from the upper layer of the earth's crust, which can feed the plant.

Seventeenth, packaging materials, any plant-based substances used to encapsulate or contain (packaging) the plants.

Eighteenth, agricultural Quarantine check points: airports, seaports and land border crossings and railway stations and postal services.

Nineteenth, license: approval from Iraqi Ministry of Agriculture in accordance with the models prepared.

Twentieth, Eradication (genocide): the eradication of pests using one of the methods of control used or approved nationally and internationally.

Twenty-one, splurge: getting rid of the consignment(s) imported from outside the Republic of Iraq using the means being specified by the Commission of Quarantine and each case should treated individually.

Twenty-two, cleansing: the treatment of the consignment(s) prior to export to get rid of pests.

Twenty-three, interior the Quarantine measure: development area or specific areas under the control of the specialist Department in order to avoid the spread of the pest.

Twenty-four, Quarantined area: the site that spread the outbreak for the first time or event Furan pest already present in Republic of Iraq.

Twenty-five, rejected materials: materials non-compliant with the conditions set forth in this law.

Twenty-six, consignment(s)s transit: the passage of consignment(s)s into Iraqi territories.

Twenty-seven, internal safety certificate: A document model includes a consignment(s) descriptions transferred out of the Quarantine placed area within Republic of Iraq.

Twenty-eight, national inquiry points (bodies): Ministry of trade or any of the bodies authorized thereof representing the Government of Republic of Iraq and holds the answer queries and for sending and receiving international information from the World Trade Organization that Iraqi Ministry of trade to submit periodic reports to the General Secretariat of the Council of Ministers on the activities and mechanisms of work you do in this regard.

Twenty-nine internal inquiry Body: the entity is being authorized by Iraqi Ministry of Agriculture forward reports and to answer the international inquiries to the national inquiries Body and yet to coordinate with them in this field point.

Thirty, the committee: (the agricultural committee of Quarantine).

Article 2, this law aims to:

First, to regulate importing, exporting and trading of plants, or their based products, and beneficial organisms.

Second, preventing the Agricultural pests from entering and spreading whereas to protect the plant production from their risk(s).

Third, the protection of the plant production from the risk(s) of pests and prevent their spreading.

Article 3, Iraqi Ministry of Agriculture shall verify the objectives of this law by using the following means:

First, to examine plants consignment(s) together with their products at their entering point to Republic of Iraq.

Second, to quarantine the farmlands those being contaminated inside Republic of Iraq.

Third, the issuance of certificates and licenses the safety of Agricultural pests to all plants and their products exported out of Iraq in accordance with international standards.

Article 4, shall the authorized authority assumes the following tasks:

First: prevent or restrict the import, export or sell or planting or propagation or transfer of any plant or its products, pest or beneficial organism or organisms are genetically modified or soil or any other material capable of harboring or spreading of the pest.

Second: allow the import of any plant or its products, wholesome object or any other material, whether they are prohibited or defined for the purposes of scientific research and experimentation to outfit the basic objective of imported and the conditions required protecting public health and Agricultural production and the environment in Iraq.

Third: to determinate the locations of the Agricultural Quarantine stations.

Fourth: placed plants, if necessary, and its products or pests or beneficial organisms or living modified genetically or soil organisms or anything else imported for the purposes of scientific research and scientific experiments that could carry pests in vegetable the Quarantine measure determined by the authorized authority station and under the supervision of technicians working in and for a period of time sets according to the scientific standards of the situation.

Fifth: allow the entry of certain plants and plant by products are set forth in the instructions to identify plants and their products those were prohibited from entering after the approval of the minister for a specific period of time, but on condition to completely get better pests with all their stages by using methods and means set by the commission and on account of the importer.

Sixth: proposal examination fees, vaporization and other expenses required for the implementation of this law according to valid instructions.

Seventh: to determine the checkpoints on the main roads linking the Quarantined area to other regions and the administrative authorities to facilitate the task of internal Quarantine measures.

Eighth: to coordinate with the relevant authorities in order to determine the necessary measures to be taken to control the harms.

Ninth: to lift internal Quarantine measures from the Quarantined area after obtaining the approval of the minister at the request of the authorized authority / ministry of agriculture.

Article 5, first: to form a committee in Iraqi Ministry of Agriculture that called (Agricultural Quarantine Commission) and headed by a deputy ministers named by the Minister and the membership of:

a- two representatives of Iraqi Ministry of Agriculture with ranks of not less than a director.

b- A representative from Iraqi Ministry of Higher Education and Scientific Research of not less degree for an assistant professor, "Member".

c- A representative of Iraqi Ministry of Science and Technology, entitled Head of community members

d- A representative from Iraqi Ministry of Interior for not less than the rank of a member provider.

e- A representative from Iraqi Ministry of Trade of not less degree, director of member.

f- A representative from Iraqi Ministry of Finance / General Administration of Customs of not less degree, director of member.

g- A representative from Iraqi Ministry of Environment to less degree, director of member.

h- A representative from the National Security Services at least degree from the manager, "Member".

i- A representative from Iraqi Ministry of Health no less degree from the manager, "Member".

Second, one of the Agricultural Quarantine staff who has the experience to be the secretary of that commission.

Third, follows the Commission shall:

A, to draw up the ministry's policy in the field of Agricultural Quarantine and its applications after having the minister's authentication.

B to identify plants and their products banned imported or brought into Republic of Iraq or allow being imported with instructions issued by the Minister.

Fourth, determines the functioning of the committee and its meetings and how to make decisions and recommendations and the Quorum of the session and any other matters required by the nature of their work instructions issued by the Minister.

Article 6, first: plants and their products and other materials subject to the instructions of import inspection of Quarantine officers are subject to a point of entry or in last place for the arrival of the container or determined by the authorized authority.

Second: the importer shall assume responsibility of costs ensued from measures taken, including charge, discharge, transportation, re-export processing and testing.

Third: the customs authorities and other responsible authorities not to allow the entry of consignment(s) except under license from the Quarantine officer.

Article 7, first: may not enter any consignment(s) of plants or plant by products or beneficial organisms or other materials subject to the instructions of import under this law, but under the import license and health certificate Agricultural issued by a plant protection in the exporting country provides for the integrity of harmful pests.

Second: determine the authorized authority conditions to be met before you import the consignment(s) of plants or plant by products or beneficial organisms.

Third: importer declaration upon the arrival of the consignment(s) to enter for plants and plant by products, beneficial organisms and other materials subject to the instructions of the point of import under this law.

Article 8, first: on every person entering Iraq, along with plants or plant by products or any material objects covered by the provisions of this law that authorized by the customs authority at the point of entry and shall inform the Quarantine officer so for the purpose of taking the necessary measures.

Secondly: the Customs' workers who confiscate any item of the items stipulated in "Article First" should not allow to these items to enter only by the approval of the Agricultural Quarantine officer and according to this law.

Article 9, First: leathering and other materials that have not been imported for the ministry either via the post or via individuals should be excluded from health certificate. Weight of these materials should not exceed 10kg and should not oppose the special rules and provisions concerning the public health.

Second: materials that do not require inspection certificate from the country of origin to the examination subject in the border Quarantine.

Article 10, First: is not permitted to export plants or their products or beneficial organisms or other materials subject to the instructions of export under this Act (Law) from Iraq only after the granting of Agricultural Health Certificate issued by the authorized authority.

Second: the exporter should pack shipment materials according to the law and should be sealed with the Agricultural Quarantine seal.

Thirdly, the exporter should pay the fees those related to the consignment(s) examination according to the export based on this law.

Fourth: the shipment must be exported during the ten (10) days from the date of issuance of Agricultural Health Certificate, besides the duration of export should

be extended not over (20) days depending on the type of the shipment, conditions of storage and transportation requirement.

Fifth: on the source conducting purges determined by the legislation of importing countries under the supervision of Quarantine section.

Sixth: the exporter should bear the transfer of consignment(s)s for examination and disinfection measures cost.

Article 11, First: plants and their products should and other materials should be accompanied with Agricultural Health Certificate from the origin country.

Second: exporter specifying a port entry and exit of the consignment(s) under which determines the Quarantine period required by the Quarantine officers to exit the consignment(s) from Iraq.

Third: materials and other things should be entered via the Agricultural Quarantine points where the Quarantine officers assume organizing forms of materials as to explain their data.

Article 12, based on this law the terms should be applied on materials crossing and it include pests that endangers (threatens) the Agricultural production.

Article 13, first: re-export the consignment(s)s being crossing denied (cross rejected) to the territory of the Republic of Iraq, according to the provisions of this law within (7) days from the date of notifying the exporter of the decision of rejection, otherwise the Quarantine officer would terminate these materials on accounts of its importer without compensation.

Second: based on recommendation of the Quarantine officer the Minister has to decide to destroy materials and other things those being rejected to enter the Republic of Iraq territory before the expiry date as that mentioned in the article (first) if only considered its existence poses a danger to the plants.

Article 14, First: is not permitted the prohibited consignment(s)s from entering (the transit action) into Iraq in accordance with the provisions of this law, unless they are being inside refrigerators or containers (made of Iron), sealed and wrapped closely so as to prevent leakage and the introducing and spreading of pests during their transit, yet they should and stamped the seal of Quarantine at the point of entry and they shall not be opened during the transit action through the Iraqi territory. That mentioned sealed should be validated from the Quarantine officer at the exit point.

Secondly: the exporter and the carrier of the consignment(s) should inform the Quarantine Department about any emergency or accidental thing might happen during the passage of the consignment(s) within the territory of Republic of Iraq.

Article 15 First: Whoever wants to export consignment(s) of plants or plant by products or beneficial organisms or other materials subjected to the provisions of this law, should have the following:

- A. to have exporting license that being approved by Iraqi Ministry of Agriculture on the type and the quantity of the consignment(s) and the destination to which the shipment of consignment(s) is sent,
- B. to submit a request for every single materials being exported to a specific body,
- C. to inform the Agricultural Quarantine Department in case of any changing on the consignment(s) destination within (7) days before shipment,

Second, the Agricultural Health Certificate to the exporting permitted consignment(s) unless, the exporter should presents the official and approved memorandum that approved that the consignment(s) shipping proceduers have been done just according to the formal format model that being attached to the index No (1) of this law.

Article 16, first: Iraqi Ministry of Agriculture assumes responsibility of determining:

A: pest of the affected areas, which are recorded for the first time in Iraq or any pest present and spread and might happened a rapid multiplication leads to a significant economic damages to the plantation coverage. This area shall consider “area under Quarantine”.

B: plant family and its products prohibited to transfer from the area that is being under Quarantine.

C: the Quarantine measures and its duration.

Secondly, it is not permitted to the plant family and its products those were being identified in the paragraph (b) of section (first) of this article from Quarantined areas to other areas during the Quarantine period.

Third: the Quarantine officer exams the plant family and its products those were not being covered by the provisions of section (second) of this article to ensure safety and free of infection(s), and are conducting clearing operations that update it, according to the opinion of the competent authority before allowing them to leave the region and bear the person concerned the cost of cleansing to be supplied a statement in favor of letting get out of the Quarantined area.

Article 17, First: without prejudice to any more severe penalty contained in the applicable laws shall be punished by imprisonment for not less than (6) months and not more than three (3) years or a fine of not less than (1,000,000) million IQD and not more than (10,000,000) ten million IQD, or both and the confiscation of the consignment(s) subject of the offense each of the transplant or owned, sells, offers for sale, transfer or distributed any material violation of the provisions of this law.

Second: shall be punished by imprisonment for a period not to exceed (6) months or a fine of not less than of (1,000,000) million IQD, or both, of:

A: hinders working of the Agricultural Quarantine officer or assaulted him during the exercise of his functions under this Act.

B: Does not state about plants or its products at Iraqi entering point and according to provisions of this law.

Third: be punished by imprisonment for not less than (6) months or a fine of not less than (2,000,000) million IQD , or both any person who violates the provisions of Article (15) of this Law.

Article 18, an internal investigations point shall be formed in the Ministry, assuming coordination with national investigations point. The point, its connections, its formations and tasks shall be identified by instructions issued by the Minister.

Article 19, the workers in the Quarantine Department in the authorized authority should granted (10%) of the fees updated under test fees instructions and evaporations No. (1) For the year 2006 and that is being distributed by a decision from the Minister.

Article 20, the Minister of Agriculture determines the fees of consignment(s) test, evaporation and other expenses as that stipulated by this law and its provisions along with terms of exclusion issued by coordination with the Minister of Finance.

Article 21, the Agricultural Quarantine law No.(17) for the year 1966 shall nullified and these instructions issued by this law shall remain valid opposing not to the provisions this law until issuing another law replacing or nullifying the former one.

Article 22, the Minister of Agriculture shall issue instructions to facilitate the implementation of the provisions of this law.

Article 23, of this Act shall be published in the Official Gazette and implemented after thirty (30) days from the date of publication.

Reasons:

For the purpose of the organization of plants and their products, import and export trading operations and ensure the prevention of the entry of Agricultural pests and prevent their spread and resettled in Iraq. Initiated this law.