



Official Gazette of Iraq

Agricultural Quarantine

No. (76) Of 2012

قانون الحجر الزراعي مع تعديلاته

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In the name of people

The Presidency

Resolution no. (77)

Pursuant to what had been approved by parliament in accordance with the provisions of Clause (First) of the Article (61) and Clause (third) of the Article (73) of the constitution:

The President of the Republic decided on (18/ 10/ 2012)

To issue the following law:

No. (76) Of 2012

Agricultural Quarantine Law

Article 1

For the purpose of this law, the following phrases mean the meanings shown opposite to it:

First: The Department: The Plant Protection Department in the Ministry of Agriculture. ⁽¹⁾

Second: Agricultural quarantine employee: The technical employee authorized by the ministry of agriculture to carry out



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tasks assigned to him/ her under the provisions of this law.

Third: Plants: Living plants or parts thereof, including seeds or plant genetic material.

Fourth: Plant products: Products of plant origin those prepared in a way that has not diverted them from their plant nature.

Fifth: Pest: Any species, strain, or biological pattern belonging to the plant or animal kingdom or any pathogen that harms plants or their products. Dead organisms that do not cause any infection are not considered as pest.

Sixth: Stone pest: A pest that has potential negative impacts on the economy and poses a threat to plant production and does not exist in the Republic of Iraq.

Seventh: Non-stone pest: A pest is found in the Republic of Iraq, and its entry negatively affects the economy as it affects plants and their products.

Eighth: Plant quarantine station: It is the place designated for monitoring imported plants for scientific research.

Ninth: Genetically modified organisms: Any organism that has undergone changes in its genetic material.

Tenth: Beneficial organisms: Any living organism, including fungi, yeasts, bacteria, viruses, and invertebrates those declared by the ministry of agriculture as plants beneficial for plants or for plant production.

Eleventh: The quarantine: An official impounding of items or materials subject to phytosanitary instructions in order to place them under



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supervision or conduct research on them or to continue inspecting them for testing or treatment.

Twelfth: Consignment: Any material that enters the Republic of Iraq from abroad and accompanied by an agricultural health certificate subject to the law.

Thirteen: Agricultural health certificate: A document template designed in accordance with the international plant protection convention, annexe no. (1) attached to this law.

Fourteen: Importer: Any natural or legal person who has the right to trade and import any of the plants and their products, beneficial organisms, soil or plant packaging materials.

Fifteen: Exporter: Any natural or legal person who has the right to export any of the plants and their products, beneficial organisms, soil or plant packaging materials.

Sixteen: Soil: The material partially or completely extracted from the top layer of the earth's crust, which can feed the plant.

Seventeen: Packaging material: Any plant material used to package and contain plants.

Eighteenth: Agricultural quarantine points: The airports, seaports, land border crossings, railway stations and post offices.

Ninetieth: License: The approval issued by the ministry of agriculture in accordance with the forms it prepares.



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Twenty: Extermination: The elimination of pests using one of the control methods used or adopted locally and internationally.

Twenty one: Destruction: The disposal of consignments coming from outside the Republic of Iraq by means determined by the agricultural quarantine committee for each case separately.

Twenty two: Disinfection: Treating the consignment before export in order to get rid of pests.

Twenty three: Internal quarantine: Putting a specific area or areas under control by the competent department to avoid the spread of the pest.

Twenty four: quarantined area: The site where the pest first spread or an eruption occurred in a pest already present in the Republic of Iraq.

Twenty five: The rejected material: The material that does not meet the conditions stipulated in this law.

Twenty six: Transit consignments: The passage of consignments in Iraqi territory.

Twenty seven: Internal safety certificate: A document template that includes specifications for the consignments transport carried out outside the quarantined area inside the Republic of Iraq.

Twenty eight: The national inquiry point: The ministry of commerce or the body authorized by it, which represents the government of the Republic of Iraq. It is



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responsible for answering inquiries and sending and receiving international information from the world trade organization, provided that the ministry of commerce submits periodic reports to the general secretariat of the council of ministers on the activities and mechanisms of work that it undertakes in this regard.

Twenty nine: Internal inquiry point: The body authorized by the ministry of agriculture to submit reports and answer international inquiries submitted to the national inquiry point and coordinate with it in this field.

Thirty: The committee: (The agricultural quarantine committee).

Article 2

This law aims to perform the following:

First: Regulating the import, export and circulation of plants and their products and beneficial organisms.

Second: Preventing the entry, spread and localization of agricultural pests to the extent necessary to protect plant production from their dangers.

Third: Protecting plant production from the threat of agricultural pests and preventing their spread.



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Article 3

The ministry shall achieve the objectives of this law by following means:

- First: Examining the plant consignment and their products at their point of entry into the Republic of Iraq.
- Second: Quarantine polluted agricultural areas in the Republic of Iraq.
- Third: Issuing certificates and licenses of safety from agricultural pests for all plants and their products exported outside Iraq in accordance with international standards.

Article 4

The department shall assume the following tasks:

- First: Preventing or limiting the import, export, sale, cultivation, propagation or transfer of any plant and its products, pest, beneficial organism, genetically modified organisms, soil, or any other material capable of harbouring or spreading a pest.
- Second: Allowing the import of any plant and its products, a beneficial organism or any other material whether prohibited or restricted, for the purposes of scientific research and conducting experiments in a manner that suits the basic goal of importing them and the conditions required to protect public health, agricultural production and the environment in Iraq.
- Third: Locating plant quarantine stations.
- Fourth: Placing plants and their products, pests, beneficial organisms or genetically modified organisms, soil, or anything else imported for the purposes of scientific research and scientific experiments which can carry pests when necessary in a plant quarantine station that determined by the department



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and under the supervision of the technicians working in it, for a period of time determined according to scientific standards for the case.

Fifth: Allowing entry of some plants and plant products stipulated in the instructions for identifying plants and their products that are banned from entering after the minister's approval for a specified period of time, provided that all their pest and stages are completely exterminated and in the methods decided by the committee and at the importer's expense.

Sixth: Proposing examination fees, fumigation and other expenses required for the implementation of this law in accordance with the instructions in force.

Seventh: Defining checkpoints on the main roads that link the quarantined area with other areas, the administrative authorities shall facilitate the task of internal plant quarantine procedures.

Eighth: Coordinating with the relevant authorities to determine the procedures necessary to contain the damage.

Ninth: Eliminating the internal quarantine from the quarantined area after obtaining the approval of the minister at the request of the general authority for the protection of crops in the ministry of agriculture.

Article 5

First: A committee shall be formed in the ministry called (the agricultural quarantine committee) headed by one of the undersecretaries of the ministry named by the minister and with the membership of each of the following:

a. Representatives from the ministry, none of whom two members

 Shall be less than a director

b. One representative from the ministry of higher one member



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- Education and scientific research, his/ her rank
not less than assistant professor
- c. A representative from the ministry of science and technology, entitled researchers chief one member
- d. A representative from the ministry of the Interior, with a rank of no less than a Lieutenant-colonel one member
- e. A representatives from the ministry of commerce their ranks are not less than a director one member
- f. A representative from the ministry of finance\ General Authority of Customs with a rank not less than a director one member
- g. A representative from the ministry of environment less than a direct one member with a rank not
- h. A representative from the ministry of the national Security Service with a rank not less than a director one member
- i. A representative from the ministry of health with a rank not less than a director one member



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J. A representative of the Ministry of Agriculture and Water Resources in the Kurdistan Region whose address is no less than a director.

Member.⁽²⁾

Second: One of the agricultural quarantine employees who have experience in this field shall be the rapporteur of the committee.

Third: The committee shall undertake the following:

- a. Laying the ministry's policy in the field of agricultural quarantine and its applications after the approval of the minister.
- b. Determining the plants and their products that are not allowed to be imported or entered into the Republic of Iraq, or allowing to be imported in accordance with instructions issued by the minister.

Fourth: The workflow in the committee and its meeting, how to take decisions and recommendations, its quorum and any other matters required by the nature of its work shall be determined by the minister.

Article 6

First: Plants, their products and other materials subject to import instructions shall be subject to examination by the agricultural quarantine employee at the point of entry or at the last place of container's arrival or that specified by the department.

Second: The importer shall bear the responsibility and all costs resulting from the measures taken, including the costs of loading, unloading, transporting, re-exporting, processing, rechecking and destroying.

Third: Customs and other responsible authorities shall not allow consignments to enter except under a license from an agricultural quarantine officer.



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Article 7

First: Any consignment from plants, plant products, beneficial organisms or other materials subject to import instructions under this law may not entered, except under an import license and an agricultural health certificate issued by the plant protection authority in the exporting country stating its safety from harmful pests.

Second: The department shall specify the conditions that must be met before importing consignments of plants, plant products or beneficial organisms.

Third: The importer must declare upon the arrival of the consignment to the point of entry for plants, plant products, beneficial organisms and other materials subject to import instructions under this law.

Article 8

First: Every person who enters Iraq with plants, plant products, beneficial organisms or any materials covered by the provisions of this law shall declare them with the customs authority at the point of entry and shall inform the agricultural quarantine officer of that for the purpose of taking the necessary measures.

Second: Customs workers who impound any of the materials stipulated in Clause (First) of this article shall not allow its entry except with the approval of the agricultural quarantine employee in accordance with the law.

Article 9

First: The materials of perfumery, tanning, and non-imported consignments for agriculture received by mail, accompanied by travelers or shipped shall be exempted from the agricultural health certificate, provided that their weight does not exceed (10) Ten kilograms, and provided that it does not conflict with the provisions and controls related to public health.



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Second: Seed samples submitted to the National Committee for the Registration, Approval and Protection of Agricultural Varieties for the purpose of registration shall be exempted from the import license, after determining their quantity by the said committee and in a manner that does not conflict with the laws in force.

Third: Materials that do not require an examination certificate from the country of origin shall be subject to examination in the agricultural quarry. ⁽³⁾

Article 10

First: Plants, plant products, beneficial organisms or other materials subject to export instructions under this law from Iraq may not be exported, except after granting them an agricultural health certificate issued by the department.

Second: The exporter shall package the shipment of materials exported under law tightly with packaging materials and shall be sealed with the seal of the agricultural quarantine department.

Third: The exporter shall bear the fees for the export examination under provisions of this law.

Fourth: The shipment shall be exported within (10) ten days from the date of issuing the agricultural health certificate, and the department may extend the export period in accordance with the type of shipment, storage conditions and transportation requirement no more than (20) twenty days.

Fifth: The exporter shall carry out the purification operations decided by the legislation of the importing countries for agricultural consignments at the Agricultural Quarantine Department or the authority authorized by the department and under the supervision of the aforementioned department, except for the Iraqi dates, it shall be owned by the Iraqi Company for



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Manufacturing and Marketing Dates, under the supervision of the Agricultural Quarantine.

Sixth: The exporter shall bear the costs of the procedures for transporting consignments for examination and clearance.⁽⁴⁾

Article 11

First: Transited consignments shall be accompanied by an agricultural health certificate from the country of origin.

Second: The importer shall specify the consignment's entry and exit port in accordance with which the agricultural quarantine employee shall determine the necessary period for the consignment's exit from Iraq.

Third: The entry and exit of transited consignments shall be through agricultural quarantine points, and the agricultural quarantine officer shall at the first transit point organize a form for transited consignments clarifying all their data.

Article 12

The conditions specified by this law shall be applied to transited consignments if they are found to contain a pest that endangers agricultural production.

Article 13

First: The consignments refused to cross the lands of the Republic of Iraq by its importer in implementation of the provisions of this law shall be re-exported within (7) seven days from the date of notification of the rejection decision; otherwise, the agricultural quarantine officer shall destroy the consignment at the expense of its importer without compensation



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Second: The minister may, upon the recommendation of the agricultural quarantine committee, decide to destroy the transited consignment that its entry refused or transited before the end of the period stipulated in Clause (First) of this article if its presence poses a threat to crops.

Article 14

First: The consignments that are prohibited from entering Iraq in accordance with the provisions of this law may not cross, except that they are inside refrigerators or tightly closed iron containers and packaged to prevent the leakage, entry and spread of pests during their transit and shall be stamped with a seal of agricultural quarantine at the point of entry, and may not be opened during its transit through Iraqi territory, and shall be verified by the quarantine employee at the exit point.

Second: The importer and the carrier of the consignment shall be required to inform the department in the event of any accident or emergency occurs while the consignment passes within the territory of the Republic of Iraq.

Article 15

First: Whoever desires to export consignment of plants, plant products, beneficial organisms or materials subject to the provisions of this law shall meet the following:

- a. Obtaining an export license and the approval of the ministry of agricultural on the type and quantity of the consignment and the authority to which the consignment is to be shipped.
- b. Submitting an application for each material included in the consignment exported to one party.



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- c. Notifying the agricultural quarantine department in the event that the consignee has been replaced (7) seven days before shipment.

Second: The agricultural health certificate of the consignment that is permitted to be exported shall be granted only if the exporter submits an official document proving that the shipping procedures for the consignment have been completed in accordance with the form stipulated in appendix no.(1) accompanied with this law.

Article 16

First: The ministry shall determine the following:

- a. Areas infected with a pest registered for the first time in Iraq or any existing pest spreads and has rapid reproduction leading to major economic damage to the vegetation and this area shall be considered quarantined.
- b. The botanical family and its products prohibited from moving from the quarantined areas.
- c. quarantine's procedures and duration.

Second: The botanical family and its products specified in paragraph (b) of item (First) of this article may not transfer from the restricted areas to other areas during the quarantine period.

Third: The agricultural quarantine employee shall examine the plant family and its products not covered by the provisions of Clause (Second) of this article to ensure their safety and freedom from injury, and clearance operations shall be carried out if that happens and in accordance with the opinion of the competent authority before allowing them to leave the area, and the person concerned shall bear the cost of disinfection, provided that they are provided with a permit supports allowing it to leave the restricted area.



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Article 17

First: Without prejudice to any more severe punishment mentioned in the laws in force, whoever plants, owns, sells, offers for sale, transfers or distributes any material contrary to the provisions of this law shall be punished by imprisonment for a period of no less than (6) six months and not exceeding (3) three years or a fine of no less than (1000000) one million dinars and not exceeding (10,000,000) ten million dinars or both and confiscating the consignment the subject of the violation.

Second: Whoever commits one of the following acts shall be punished by imprisonment for a period not exceeding (6) six months or by a fine of no less than (1000000) one million dinars or both:

- a. Obstructing or abusing the work of an agricultural quarantine employee during the exercise of his/ her duties under this law.
- b. Not declaring in the points of entry into the Iraqi lands for plants, plant products and other materials subject to import according to the provisions of this law.

Third: Whoever violates the provisions of article (15) of this law shall be punished with imprisonment for a period of no less than (6) six months or a fine of no less than (2000000) two million dinars or both.

Article 18

An internal inquiry point shall be formed in the ministry that shall undertake the coordination with the national inquiry point, and its association, formations and tasks shall be determined by instructions issued by the minister.



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Article 19

The employees of the Agricultural Quarantine Department and the supporting employees of the same department shall be granted (10%) ten percent of the wages collected under the instructions for wages of inspection and fumigation no. (1) For the year 2006 and distributed by a decision of the Minister. ⁽⁵⁾

Article 20

The minister of agriculture shall determine the fees for examination, fumigation and other expenses required for the implementation of this law and the conditions for exemption from them, by instructions the minister issued in coordination with the minister of finance.

Article 21

The agricultural quarantine law no. (17) of 1966 shall be cancelled, and the instructions issued pursuant to it shall remain in force in a manner that does not conflict with the provisions of this law, until the issuance of what replaces or cancels it.

Article 22

The minister of agriculture shall issue instructions to facilitate the implementation of the provisions of this law.

Article 23

This law shall be published in the gazette and shall be implemented after (30) thirty days from the date of its publishing.

Jalal Talabani

The President of the Republic



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References

- (1) It was deleted based on parliament's resolution No. (3), in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution. On January 26, 2020, pursuant to the President of the Republic's decision, First Amendment to the Law of Agricultural Quarantine No. (76) of 2012, official Gazette's Issue no. 4577, on 10/ 2/ 2020, Article 1.
- (2) It was added based on parliament's resolution No. (3), in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution. On January 26, 2020, pursuant to the President of the Republic's decision, First Amendment to the Law of Agricultural Quarantine No. (76) of 2012, official Gazette's Issue no. 4577, on 10/ 2/ 2020, Article 2.
- (3) It was added based on parliament's resolution no. (3), in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution. On January 26, 2020, pursuant to the President of the Republic's decision, First Amendment to the Law of Agricultural Quarantine No. (76) Of 2012, official Gazette's Issue no. 4577, on 10/ 2/ 2020, Article 3.
- (4) It was added based on parliament's resolution no. (3), in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution. On January 26, 2020, pursuant to the President of the Republic's decision, First Amendment to the Law of Agricultural Quarantine No. (76) Of 2012, official Gazette's Issue no. 4577, on 10/ 2/ 2020, Article 4.
- (5) It was added based on parliament's resolution no. (3), in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution. On January 26, 2020, pursuant to the President of the Republic's decision, First Amendment to the Law of Agricultural Quarantine No. (76) of 2012, official Gazette's Issue no. 4577, on 10/ 2/ 2020, Article 5.



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Appendix No. (1)
Agricultural Health Certificate



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ملحق رقم (١) : الشهادة الصحية الزراعية

١ اسم المصدر وعنوانه NAME AND ADDRESS OF EXPORTER	٢ شهادة السلامة من الآفات الزراعية PHYTOSANITARY CERTIFICATE SR.NO. العدد			
٣ اسم المرسل اليه وعنوانه Name and address of consignee	٤ الهيئة العامة لوقاية المزروعات / العراق State Board for Plant Protection / Iraq الى منظمة وقاية النبات في / To Plant Protection Organization (s) of/ ٥ المنشأ Place of origin			
٦ واسطة النقل Means of conveyance	٧ نقطة الدخول Point of entry			
٨ اسم المنتج Name of product	الاسم العلمي للنبات Botanical name of plants	عدد الطرود ووصفها Number and description of packages	العلامات المميزة Distinguishing marks	٩ الكمية Quantity declared
١٠ تؤيد ان النباتات و / او المنتجات النباتية الموصوفة أعلاه : قد فحصت وفقا للتراتق الرسمية المناسبة ووجد انها خالية من آفات الحجر في البلد المستورد فضلا عن الآفات غير الحجرية وبذلك فهي منسجمة مع انظمة الصحة النباتية المعمول بها في البلد المستورد. This is to certify that the plants, plant products or other regulated articles described herein: - have been inspected and/ or tested according to appropriate official procedures, and - are considered to be free from the quarantine pests specified by the importing contracting party, and - are considered to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non- quarantine pests. -				
١١ بيان اضافي Additional declaration				



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معاملة التبخير و / او التطهير DISINFESTATION AND / OR DISINFECTION TREATMENT		مكان الاصدار ١٨ Place of Issue
نوع المعاملة ١٢ Type of treatment		التاريخ Date
المادة الكيميائية (الفعالة) ١٣ Chemical (active ingredient)		اسم الموظف المسؤول Name of authorized officer
مدة المعاملة ودرجة الحرارة ١٤ Duration and temperature		التوقيع Signature
التركيز ١٥ Concentration		الختم Stamp
التاريخ ١٦ Date		
معلومات اخرى ١٧ Additional information		

لا تتحمل الهيئة العامة لوقاية المزروعات او أي من موظفيها او ممثليها المسؤولية المالية الناتجة عن

استخدام هذه الشهادة

No financial liability with respect to this certificate shall attach to the plant protection state Board or to any of its officers