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Al-Waqai' Al-Iraqiyya

الوقائـع العراقيـة

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الجريدة الرسمية لجمهورية العراق

رۆژنامەی فەرمی کۆماری عیراق

تصدر عن وزارة العدل

وەزارەتی دادەری دەکات



Legislation

No.43


# Iraqi Atomic Energy Commission Law

**No. (43) of 2016**

**قانون هيأة الطاقة الذرية العراقية**


**Translated in**

**Ministry Of Justice**

**Iraqi Official Gazette Department**

**Translation Section**

**2026**

***Disclaimer***

***The translation Section responsible for translating this law substituted a number of terms, including non-specialized ones, at the of the body requesting the translation (the Nuclear, Radiological, Chemical, and Biological Regulatory Commission). The Commission maintained that these terms are in common use within the nuclear, radiological, chemical, and biological fields and that the aim is to ensure alignment with global regulations in this field. For example:***

1. ***The term "commission" was selected based on the opinion of the relevant legal Commission, It had been translated by us as: ''Commission''.***
2. ***The Translation Section do not agree to replace the term (Head) with (Chairman) because it's terminological unsuitability. The National Commission of the Nuclear, Radioactive, Chemical and Biological Control insisted on this replacement, arguing that the term (Chairman) is the one commonly used in the Nuclear, Radioactive, Chemical and Biological field. Consequently, the amendment was made based on their justification.***

***Translators***

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**In the name of the people**

**Presidency of the Republic**

## RESOLUTION NO (51)

Based on what the Parliament had approved, pursuant to the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on December 29, 2016 issuing the following law:

## LAW NO (43) 2016

## LAW OF IRAQI ATOMIC ENERGY COMMISSION

دائرة التوثيق والدراسات والترجمة

# SECTION ONE

# DEFINITIONS AND OBJECTIVES

## ARTICLE 1

For the purposes of this law, the following terms and expressions shall have the definitions assigned to them:

First: Commission: The Iraqi Atomic Energy Commission.

Second: Chairman of the Commission: Chairman of the Iraqi Atomic Energy Commission.

Third: Regulatory Body: A nuclear and radiological regulatory Commission.

Fourth: Safety Controls: Controls approved by the regulatory Commission.

Fifth: Licensing: Approval issued by the regulatory Commission.

Sixth: Radioactive Waste Repository: A nuclear facility where radioactive waste is placed for disposal.

Seventh: Facility or Installation: A reactor, critical facility, , conversion station, fabrication unit, processing unit, isotope separation unit, separate storage unit and any site where nuclear materials are used in quantities exceeding one active kilogram.

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Eighth: Ionizing radiation: Radiation capable of producing ion pairs in matter or biological materials.

Ninth: Nuclear and Radiological Safety: Peaceful operating conditions or preventing accidents or mitigating their consequences that lead to protect workers, public and the environment from nuclear and radiological danger.

Tenth: Nuclear Security: Prevention, detection and response to theft, sabotage, unauthorized entry, illegal transfer or other harmful acts involving nuclear and other radioactive materials or associated facilities.

Eleventh: Radioactive waste: Waste containing or contaminated with radionuclides, whose concentration levels exceed the levels required to clearance controls, as determined by the regulatory Commission.

Twelfth: Nuclear Materials: Special Fissile material of plutonium-239 and uranium-233, uranium enriched with either 233 or 235, and any material containing one or more of these isotopes, the source material of natural uranium, uranium depleted of 235, thorium in any form, whether metal, alloy of metals, chemical compound or concentrate and any other material containing one or more of these materials.

Thirteenth: Nuclear fuel: Nuclear material fabricated to be carried in a nuclear reactor.

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## ARTICLE 2

First: This law aims to achieve the following:

a. Ensuring the safe use of atomic energy and its applications in peaceful fields, and all related activities, including the handling of nuclear materials and the management or storage of radioactive waste, in accordance with laws and regulatory instructions.

b. Keeping pace with scientific and technological developments in the world in this field, in a way that contributes to consolidating the basic foundations of development in Iraq and establishing a legal framework for it.

Second: The Commission established under this law seeks to achieve its objectives through the following means:

a. Proposing national policies and programs in the areas of peaceful uses of atomic energy to the Council of Ministers for approval.

b. Developing and building infrastructure and laboratories, and preparing human resources.

c- Establishing, operating and managing nuclear facilities and installations for peaceful purpose, including research and study reactors, and establishing power reactors for electricity generation and desalination, in coordination with relevant authorities.

d. Limiting the responsibility for managing and operating nuclear facilities to the commission established under this law. Other sectors may engage in the peaceful use of atomic energy with the Commission's approval.

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## SECTION TWO

## ESTABLISHMENT

### ARTICLE 3

First: Pursuant to this law, a Commission shall be established called the (Iraqi Atomic Energy Commission), it shall enjoy judicial personality, represented by the Chairman of the Commission or his/ her designee and shall be affiliated with the Council of Ministers.

Second: The Commission's Chairman quarters shall be in Baghdad, and it may open branches in the Kurdistan region and not-organized-in-a region governorates.

### ARTICLE 4

The Commission shall undertake the following:

First: Proposing policies, projects and programs in all areas of peaceful purposes of atomic energy and implementing national obligations under international agreements and

treaties related to the Commission's mandates, in a manner that contributes to national development.

Second: Coordinating national efforts in the field of peaceful uses of atomic energy and implementing projects related to this activity in accordance with approved policies and programs and according to specified priorities.

Third: Managing installations and facilities related to nuclear research and the production of radioactive isotopes for medical, industrial, agricultural, water resources and other purposes, and their treatment, in coordination with relevant national authorities.

Fourth: Decontaminating the radioactive pollution, management of radioactive waste and selection of sites for temporary storage and final disposal of various radioactive waste in a manner that ensures the protection of individuals, society and the environment from harmful effects of ionizing radiation.

Fifth:

a. Representing the Republic of Iraq in Arab, regional and international organizations and bodies related to this field, in coordination with the relevant state departments. The Commission shall serve as the national liaison member with these organizations.

b. Representing the Commission in the International Atomic Energy Agency (IAEA) through a permanent scientific advisory committee whose members are named in consultation with regulatory commission, its Chairman quarters shall be the permanent mission of Iraq to the (IAEA) in Vienna.

Sixth: Building specialized national capacities working in the fields of peaceful uses of atomic energy, qualifying and developing them through scholarship and study leaves, fellowship and training courses inside and outside the Republic of Iraq in coordination with the Ministry of Higher Education and Scientific Research and other relevant authorities.

Seventh: Establishing rules to regulate the conduct of individuals participating in the authorities' activities.

Eighth: Managing nuclear information in the Republic of Iraq in accordance with the regulations of the International Atomic Energy Agency (IAEA).

Ninth: Participating in the preparation of national emergency plans for radiation and nuclear accidents, in coordination with regulatory commission, and contributing to responding to them and developing preparedness and response plans for emergencies within nuclear sites.

Tenth: Providing scientific consultation to high authorities in the field of specialization.

Eleventh: Developing a mechanism to implement physical protection requirements for nuclear and radioactive materials, facilities and installations, in accordance with the regulatory commission's controls.

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## SECTION THREE

## CHAIRMAN OF

### ARTICLE 5

First: The Commission shall be Chairmaned by an employee with a special rank appointed in accordance with the law.

Second: The Chairman of the Commission shall have two deputies with the rank of director general appointed in accordance with the law.

a. Deputy for scientific and technical affairs.

b. Deputy for policies, programs and scientific cooperation affairs.

Third: It shall be required for both the Chairman of the Commission and his/ her two deputies to be:

a. An Iraqi with full legal capacity.

b. The Chairman of Commission must hold at least a doctorate in a scientific or engineering field and have a number of published research papers in International journals and conferences in the field of the Commission's competence, and his/ her two deputies must hold at least a bachelor's degree in scientific or engineering disciplines. The Chairman of the Commission and his/ her two deputies must have no less than (20) years of experience in the field of the Commission's competence.

c. Not convicted of a felony or misdemeanor involving moral turpitude.

## ARTICLE 6

First: The Chairman of the Commission shall assume the following responsibilities:

a. Ensuring the implementation of the Commission's policies and strategies;

b. Overseeing the Commission’s performance, events and activities;

c. Proposing internal regulations and procedures, and issuing decisions and orders in all matters related to the Commission, its formations, and all its technical, organizational, administrative and financial affairs;

d. Providing advice to decision-makers on all matters related to the peaceful uses of atomic energy and nuclear policies;

e. Forming specialized committees, utilizing experts and specialists from among employees and non-employees, and granting them appropriate rewards in accordance with the law;

f. Submitting the proposed annual budget to the Ministry of Finance;

g. Establishing new units or merging any of the formations stipulated in Article (10) of this Law, subject to the approval of the Scientific Council;

h. Approving rules for the protection and confidentiality of information related to the work of the Commission;

Second: The Chairman of the Commission may delegate some of his/ her duties to his/ her deputies.

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## SECTION FOUR

## THE ORGANIZATIONAL STRUCTURE OF THE COMMISSION

### ARTICLE 7

The Commission shall be consisted of:

First: The Scientific Council.

Second: The Commission's formations.

### ARTICLE 8

The Scientific Council shall be consisted of the following:

a. Chairman of the Commission **Chairman**

b. Two Deputy Chairmen of the Commission **Two Vice-Chairs**

c. The Directors of the Scientific and Engineering units **Members**

d. Five experts from outside the Commission, selected by the Scientific Council, whose work is governed by legal contracts in accordance with the regulations and instructions.

Second: The Council shall meet at least once a month, or whenever necessary, at the invitation of the Council Chairman.

Third: The Council shall convene with two-thirds of its members present, and its recommendations shall be issued by a majority vote. In the event of a tie vote, the side with which the Chairman votes shall be prevailed.

Fourth: The Chairman of the Council shall appoint one of the Commission's employees as the Council's rapporteur.

Fifth: The Chairman of the Commission may authorize either of his/ her deputies to chair the Scientific Council meetings when necessary.

## ARTICLE 9

The Scientific Council shall be responsible for the following:

First: Studying and discussing the Commission's policies and scientific and research plans in the field of peaceful uses of atomic energy and nuclear policies, and submitting appropriate recommendations regarding them.

Second: Proposing the Commission’s general budget.

Third: Studying topics referred by the Chairman of the Commission, ministries or non-organized-in-a ministry entities and submitting recommendations regarding them.

Fourth: Proposing a plan for preparing and developing human capacity building, university studies and scientific delegations for the Commission's staff.

Fifth: Proposing national legislation to regulate nuclear activities in coordination with the regulatory Commission and relevant government departments, in accordance with the state's plan and objectives and in compliance with international standards.

Sixth: Proposing rules for the protection and confidentiality of information related to the work of the Commission.

Seventh: Developing a media awareness plan regarding the investment in the peaceful uses of atomic energy.

## ARTICLE 10

The units of the Commission shall be consisted of the following:

First: Directorate of Policies and Scientific Programs.

Second: Directorate of Nuclear Applications.

Third: Directorate of Projects and Technical Support.

Fourth: Directorate of Radioactive Waste.

Fifth: Directorate of Central Laboratories.

Sixth: Directorate of Legal and Administrative Affairs.

Seventh: Directorate of the Radioactive and Nuclear Safety.

Eighth: Directorate of Commercial and Financial Affairs.

Ninth: Directorate of Research and Development.

Tenth: Directorate of Decommissioning Nuclear Facilities and Sites.

Eleventh: Section of Internal Audit and Control.

Twelfth: Section of Quality Management.

Thirteenth: Office of the Commission 's Chairman.

## ARTICLE 11

Each one of the units stipulated by the Article (10) of this law shall be directed by an employee holding first university degree least within the field of the unit's competence and his/ her service in his/ her specialization shall not be less than (15) fifteen years.

## ARTICLE 12

The divisions and tasks of the units stipulated in Article (10) of this law shall be defined by a rule of procedure issued by the Commission's Chairman.

## SECTION FIVE

## FINANCIAL PROVISIONS

### ARTICLE 13

The financial resources of the Commission shall be consisted of the following:

First: What is allocated for it from the State's general budget.

Second: The wages collected out of the specialized services that the Commission provides for other authorities under instructions issued by the Council of Ministers.

Third: Gifts and donations in accordance with the law.

### ARTICLE 14

The Commission's accounts shall be subject to the control and audit of the Federal Financial Control Bureau. (The official title of this government institution has been amended by us, replacing (Audit) with (Control), because (Audit) is one aspect of (Control), but not all of them, while (Control) is a comprehensive meaning for this process. Note that the aforementioned institution still uses the tile prior to the amendment. Translators).

## SECTION SIX

## GENERAL AND CONCLUDING PROVISIONS

### ARTICLE 15

The Commission shall be committed to apply the following:

First: The regulations and instructions issued by the Regulatory Body for the secure transportation of radioactive materials from/ to the nuclear sites and facilities within the coverage scope.

Second: The safeguard system and the Additional Protocol annexed to the Treaty on Non-Proliferation of Nuclear Weapons, ratified by the two laws No. (138) of 1969 and No. (52) of 2012.

Third: Nuclear security and safety instructions issued by the Regulatory Body.

Fourth: Quality management programs adopted in all activities, events, and projects related to the peaceful usages of atomic energy.

## ARTICLE 16

By way of exception to the provisions of the Unified Retirement Law No. (9) of 2014 or any other law that replaces it:

First: The Prime Minister may extent the service of the Commission's employees of scientific and engineering specializations when reaching the retirement age of (63) sixty-three years, for a period of five years as maximum, based on the recommendation of the Commission 's Scientific Council yearly.

Second: An employee of the Commission referred to retirement, or his/ her dependents, upon death, shall be entitled to a retirement pension equal to the sum of his/ her nominal salary plus the allowances stipulated in the Unified Retirement Law No. (9) of 2014 or any retirement law that replaces it, the allowances stipulated in the law, in one of the following cases:

a. If the employee referred to retirement after completing the legal retirement age and has at least (30) thirty years of service;

b. If the retirement is due to health reasons resulting from the nature of the employee's work within the Commission and is approved by an official medical committee, regardless of his/ her age or length of service;

c. If the employee dies during or as a result of his/ her service, regardless of his/ her age or length of service.

## ARTICLE 17

Employees of the dissolved Atomic Energy Organization who have retired, upon reaching the legal retirement age, who hold higher degrees in the Commission's fields of specialization, and have at least twenty (20) years of service, may return to work upon the recommendation of the Scientific Council. Their employment shall be governed by legal contracts in accordance with the instructions and regulations.

## ARTICLE 18

Employees of the Commission shall be granted ionizing radiation exposure allowances according to the following percentages:

First: (100%) one hundred per cent of the salary for employees working in the following fields:

a. Nuclear reactors;

b. Hot cells;

c. Radioactive waste removal, treatment and management plants;

d. Decommissioning of nuclear facilities.

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Second: (80%) eighty per cent of the salary for employees working in the following fields:

a. Laser and plasma experiments;

b. Neutron activation;

c. Neutron generators;

d. Gamma ray generators, X-ray generators and accelerators of all types;

e. Production of radioactive isotopes.

Third: (50%) Fifty per cent of the salary for employees working in fields other than those stipulated in Items (First) and (Second) of this article.

## ARTICLE 19

Employee of the Commission working with radiation sources shall be entitled to a special annual leave of (30) thirty days, which shall not be counted as part of regular or sick leave, and shall be entitles to his/ her salary and allowances during this leave.

## ARTICLE 20

The Chairman of the Commission shall, after approval by the Scientific Council, issue instructions to facilitate the implementation of the provisions of this law.

ARTICLE 21

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

**Fuad Masoum**

**President of the Republic**

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