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Al-Waqai' Al-Iraqiyya

الوقائـع العراقيـة

وەقایعی عیراقی

الجريدة الرسمية لجمهورية العراق

رۆژنامەی فەرمی کۆماری عیراق

تصدر عن وزارة العدل

وەزارەتی داد دەری دەکات

Legislation

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Iraqi Atomic Energy Authority Law

No. (43) of 2016

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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 AUTHORITY

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: Authority: The Iraqi Atomic Energy Authority.

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

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

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

Fifth: Licensing: Approval issued by the regulatory authority.

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 lift controls, as determined by the regulatory authority.

Twelfth: Nuclear Materials: 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 authority 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 authority established under this law. Other sectors may engage in the peaceful use of atomic energy with the authority' approval.

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SECTION TWO

ESTABLISHMENT

ARTICLE 3

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

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

ARTICLE 4

The Authority 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 Authority'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 Authority shall serve as the national liaison member with these organizations.

b. Representing the authority in the International Atomic Energy Agency (IAEA) through a permanent scientific advisory committee whose members are named in consultation with regulatory authority, its headquarters 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 authority, 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 authority's controls.

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SECTION THREE

HEAD OF AUTHORITY

ARTICLE 5

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

Second: The head of the Authority 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 head of the Authority and his/ her two deputies to be:

a. An Iraqi with full legal capacity.

b. The Head of Authority 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 Authority's competence, and his/ her two deputies must hold at least a bachelor's degree in scientific or engineering disciplines. The head of the Authority and his/ her two deputies must have no less than (20) years of experience in the field of the Authority 's competence.

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

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ARTICLE 6

First: The head of the Authority shall assume the following responsibilities:

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

b. Overseeing the Authority's performance, events and activities;

c. Proposing internal regulations and procedures, and issuing decisions and orders in all matters related to the Authority, 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 Authority;

Second: The Head of the Authority may delegate some of his/ her duties to his/ her deputies.

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SECTION FOUR

THE ORGANIZATIONAL STRUCTURE OF THE AUTHORITY

ARTICLE 7

The Authority shall be consisted of:

First: The Scientific Council.

Second: The Authority's formations.

ARTICLE 8

The Scientific Council shall be consisted of the following:

a. Head of the Authority	Chairman
b. Two Deputy Heads of the Authority	Two Vice-Chairs

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c. The Directors of the Scientific and Engineering units Members

d. Five experts from outside the Authority, 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 president voted shall be prevailed.

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

Fifth: The Chairman of the Authority 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 Authority'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 Authority’s general budget.

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

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

Fifth: Proposing national legislation to regulate nuclear activities in coordination with the regulatory authority 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 Authority.

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

ARTICLE 10

The units of the Authority 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.

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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 Authority 's Head.

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 Authority 's head.

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SECTION FIVE

FINANCIAL PROVISIONS

ARTICLE 13

The financial resources of the Authority 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 Authority provides for other authorities under instructions issued by the Council of Ministers.

Third: Gifts and donations in accordance with the law.

ARTICLE 14

The Authority'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).

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SECTION SIX

GENERAL AND CONCLUDING PROVISIONS

ARTICLE 15

The Authority 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.

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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 Authority'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 Authority 's Scientific Council yearly.

Second: An employee of the Authority 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 Authority 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.

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ARTICLE 17

Employees of the dissolved Atomic Energy Organization who have retired, upon reaching the legal retirement age, who hold higher degrees in the Authority'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 Authority 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 Authority 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 Head of the Authority 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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