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Legislation

No. 18

Iraqi Supreme Maritime Authority Law

No. (18) of 2019

قانون الصبأ البحرىة العراقية العلبا

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Laws

In the name of the people

Presidency of the Republic

RESOLUTION NO. (17)

Based on what the parliament had approved in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on August 28, 2019 issuing the following law:

NO(18) OF 2019

LAW OF

**THE IRAQI SUPREME MARITIME
AUTHORITY**



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ARTICLE 1

This law aims to:

- First: Organizing and developing the work of the maritime sector and putting the necessary plans to monitor it.
- Second: Raising the level of marine safety, protecting and improving the marine environment and combating marine pollution.
- Third: Strengthening the role of the private sector and encouraging investment in the field of maritime transport.

ARTICLE 2

The objectives of this law shall be achieved through the following means:

- First: Applying adopted international standards to ships flying the Iraqi flag and ships arriving at the ports of the Republic of Iraq or operating in Iraqi waters.
- Second: Cooperating with maritime departments and bodies in neighboring countries at the regional and international levels and relevant international organizations.
- Third: Proposing legislation to regulate the work of the maritime sector.
- Fourth: Establishing and implementing the general policy for the maritime sector in a manner that ensures the achievement of the objectives of this law.
- Fifth: Implementing and following up on national legislation and international maritime conventions to which Iraq is a party.



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ARTICLE 3

First: A Authority called (the Supreme Iraqi Maritime Authority) shall be established, linked to the Minister of Transport, and enjoy legal personality and financial and administrative independence and represented by the Director General of the Authority or his/ her authorized representative.

Second: The Authority's headquarters shall be in Basra Governorate, and it may open branches and offices inside and outside the Republic of Iraq with the approval of the Board of Directors.

ARTICLE 4

First: The Authority shall be managed by an employee with the title of Director General who holds at least a first university degree in a maritime specialty and shall have experience and efficiency and has a service in the field of specialty for a period of not less than (20) twenty years and shall be appointed in accordance with the law.

Second: The Director General of the Authority shall have two assistants with the title of Assistant Director General, one for technical affairs and the other for administrative affairs. Each of them shall hold at least a first university degree and has experience and specialty and has a service in the field of specialty for a period of no less than (15) fifteen years.



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ARTICLE 5

The Authority shall undertake the following tasks:

- First: Granting licenses to specialized marine companies in accordance with the law to practice work in maritime sector activities, including the approval of marine services licenses, in a manner that does not conflict with the Maritime Agencies Law No (56) of 1985 and the applicable laws.
- Second: Registering of ships and floating units in accordance with the Ship Registration Law No (19) of 1942 and issuing certificates and documents related thereto.
- Third: Issuing and approving official documents for workers in the maritime sector, maritime eligibility certificates, and seaman's identity in accordance with the law.
- Fourth: Supervising and inspecting the ships and the other floating units and their crews to ensure the safety, security and protection of the maritime environment in accordance to the relevant international maritime conventions in which the Republic of Iraq is a party.
- Fifth: Organizing the acts of marine guidance and diameter and the activities of marine navigation in the Iraqi water.
- Sixth: Organizing the work of marine searching and rescue within and outside the Iraqi water.
- Seventh: The administrative and technical investigation in the maritime incidents within the Iraqi and international water and on the Iraqi ships registered wherever they are.
- Eighth: Providing the calling-for-help communications and organizing them in accordance to the international requirements, monitoring them and supervising them.



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Ninth: Representing Iraq in the regional and international maritime entities, organizations, councils, unions and committees and following up their activities.

Tenth: Cooperating and coordinating between them and the local, regional and international authorities relevant to the work of the Authority.

Eleventh: Preparing the studies and researches and issuing the bulletins and periodical reports concerning the activity of maritime sector.

Twelfth: Monitoring and correcting the standards of teaching, training, examinations, certificates and competency tests in the Iraqi maritime institutes, assessing and equalizing international maritime certificates.

Thirteenth: Studying the international maritime conventions and submitting a recommendation regarding this to the Ministry of Transport.

Fourteenth: Contributing to protecting the maritime environment and improving it and preventing the pollution.

Fifteenth: Determining the necessary rules for the safety and security of operating the ports and harbors in accordance to the provisions of the relevant laws and the international maritime conventions in which the Republic of Iraq is a party.

Sixteenth: Setting necessary regulations to enter the ships on the ports and harbors and monitoring their implementation.

Seventeenth: Approving on concluding the contracts related to the Authority's work.

Eighteenth: Adopting the organizational chart and job description for its formations and presenting it before the Authority's Board of Directors to approve it legally.

Nineteenth: Approving the Authority's draft annual budget and its final accounts and submitting them to the Ministry.

Twenty: Accrediting the government banks in which the Authority's funds are deposited.



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Twenty-one: Proposing the necessary regulations and instructions to implement this Law.

ARTICLE 6

First: the Authority shall have a board of directors consisting of:

- | | |
|--|--------|
| a. Head of the Authority. | Head |
| b. Commander of the Naval Force. | Member |
| c. Director-General of Iraqi Ports. | Member |
| d. Director General of the Public Company of Maritime Transportation. | Member |
| e. Director General of Iraqi Oil Tanker Company. | Member |
| f. Head of the Arabian Gulf Academy. | Member |
| g. A representative of the Ministry of Health and Environment for the environment with the rank of Director General. | Member |
| h. Iraqi Coast Guard Commander. | Member |
| i. Two specialists from the private maritime sector (Provided that specialist has the rank of chief engineer, captain, or marine specialist, and has no less than (10) years of experience). | Member |

Second: The Board shall have a rapporteur who holds at least a first university degree and appointed by the Minister from among the Authority's employees who shall be responsible for preparing the Board's agenda, writing down the minutes of its meetings, keeping its records and files, notifying its decisions and following up on their implementation.



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ARTICLE 7

First: The Board of Directors shall meet at the invitation of the Head or his/ her deputy at least once every (3) three months.

Second: An extraordinary meeting of the board may be held based on a reasoned written request by the Minister or his/ her deputy or a proposal submitted by at least (3) of board's members to the Head of the Board within (10) ten days as of the date of his/ her receipt of the request.

Third: A quorum for the Board meeting shall be achieved by the presence of two-thirds of its members, provided that the Board's Head or his/ her deputy is among them, and decisions shall be taken by an absolute majority of the number of members.

Fourth: The board shall may seek the assistance of people with experience and expertise to attend its meetings to seek their opinions, without having the right to vote.

Fifth: The Vice Head of the board shall replace the Head in his/ her absence.

ARTICLE 8

The Board of Directors shall undertake the following tasks:

First: Drawing up the state's maritime sector policy in accordance with its economic and social plans.

Second: Approving the plans, programmers, projects and procedures necessary to achieve the objectives of this law.



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ARTICLE 9

It shall not be permissible for the Head and members of the Board or their first-degree relatives to have a direct or indirect benefit in any of the Authority's operational projects.

ARTICLE 10

First: The Authority shall be consisted of the following sections:

- a. Administrative and financial affairs.
- b. Legal affairs.
- c. Safety and Maritime environment.
- d. Ship Registration and Sailors' Affairs.
- e. Section of Maritime Companies and Licenses Granting Registration.
- f. Controlling Section.

Second: Each section prescribed in Item (First) of this Article shall be managed by an employee holds at least a university degree and is a specialist has service of at least (10) ten year in his/ her field of work.

ARTICLE 11

First: The Authority's financial resources shall be consisted of:

- a. What is allocated to it in the federal general budget.



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- b. Grants, gifts and donations in accordance with the law.
- c. Fees and returns in accordance with the law.
- d. Wages for licence granting services provided by the Authority.
- e. Financial fines resulting from the application of penalties as a result of non-compliance with applicable international and national legislation.

Second: The accounts of the Supreme Iraqi Maritime Authority shall be subject to the controlling and audit of the Federal Bureau of Financial Controlling.

ARTICLE 12

The divisions of the sections stipulated in Item (First) of Article (10) of this law and their tasks shall be determined by a bylaw issued by the Minister.

ARTICLE 13

First: The phrase (Supreme Iraqi Maritime Authority) shall replace the phrase (Inland Navigation Authority) wherever it is mentioned in the Ship Registration Law No. (19) of 1942.

Second: The phrase (the Supreme Iraqi Maritime Authority) shall replace the phrase “Minister” wherever it is mentioned in the Seaman Identity Law No. (51) of 2015.



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ARTICLE 14

First: Item (Fifth) of Article (4) and Items (First), (Second), (Fifth), (Sixth), (Seventh), (Eighth), (Ninth), (Tenth), (Eleventh), (Twelfth), (Thirteenth), (Fourteenth) and (Fifteenth) of Article (5) of the Port Law No. (21) of 1995 shall be repealed and the regulations and instructions issued pursuant thereto shall remain in force until issuance of what replaces or repeals them.

Second: The word (and license) mentioned in the Paragraph (Second) of Article (4) mentioned in Article (2) of the First Amendment Law to the Maritime Agency Law No. (56) of 1985, No. (83) of 2012 shall be deleted.

Third: The Ministry of Transport shall amend the internal regulations of the formations whose missions conflict with the missions of the new authority.

ARTICLE 15

The Authority may collect wages for the licenses and services it provides, which shall be determined based on the proposal of the Board of Directors, provided that (15%) of it shall be allocated to administrative development and incentives for the Authority's employees, or what is approved by the Board of Directors.

ARTICLE 16

First: Regulations may be issued to facilitate the implementation of the provisions of this law.



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Second: The Minister may issue instructions to facilitate the implementation of the provisions of this law.

Third: The Authority's inspector shall be granted the right to enter ports, institutions and maritime institutes and to inspect and seize documents and papers in accordance with the law.

ARTICLE 17

Any text that conflicts with the provisions of this law shall not be applied.

ARTICLE 18

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

Dr . Barham Saleh

President of the Republic