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RESOLUTION No. (469)

**In the Name of the People
The Revolutionary Command Council**

In accordance with provisions of paragraph (a) of Article (42) of the Constitution,

The Revolutionary Command Council have decided in their session held on 5.7.1987 to promulgate the following Law :

LAW No. (65) OF 1987

**THE NATIONAL CENTER FOR
CONSTRUCTIONAL LABORATORIES**

Chapter One

Establishment and Objectives

Article 1

In accordance with this Law a center shall be established under the name of "The National Center For Constructional Laboratories" which shall be connected with the Minister of Housing and Reconstruction and shall be located in Baghdad. The Center may establish branches in and outside Iraq.

Article 2

The Center shall have a juridical personality and financial and administrative independence to accomplish its objectives referred to in this Law and it shall be represented by its director general or whoever he may authorize.

Article 3

First - The nominal capital of the Center shall be limited to twenty five million dinars.

Second - The nominal capital of the Center shall be amended by approval of the President of the Republic according to a proposal made by the Minister.

Article 4

The Center shall aim at accomplishing the following objectives :

First - Performing laboratorial tests for various constructional materials, quality control works and soil analysis and the tests required for constructional works and submitting technical consultancy within its specialization.

Second - Carrying out applied researches on constructional works in order to establish and perform the best methods in the field of construction through coordination with competent authorities.

Third - Submitting technical consultancy for solving constructional problems.

Fourth - Documenting the scientific references, publications and periodicals which are issued by local and international scientific organizations and relating to the Center's activities.

Fifth - Improving the technical level of performance in the field of quality control and examinations.

Article 5

To accomplish its objectives the Center may apply the available methods and means which shall not contradict the provisions of the law, and in particular it may follow the following :

First - Establishing contractual relations with various Iraqi, Arab and foreign authorities for the purpose of implementing laboratorial examination services, quality control works soil analysis and other works within its specialization.

Second - Cooperating and contracting with governmental offices, national organizations, Arab and foreign universities and establishments and experienced persons and consultancy bureaus relating to the Center's specialization in order to accomplish its objectives.

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Third - Publishing the researches performed by the Center and distributing same among the concerned authorities to benefit from them.

Fourth - Organizing special courses for training and qualifying the engineers and technicians.

Fifth - Establishing a library containing the references publication and periodicals relating to the Center's activities.

Chapter Two

The General Body

Article 6

The General Body is the supreme authority in the Center and is formed of all its personnel and headed by the Director General.

Article 7

The General Body shall practice the following competences :

First - Discussing the following matters and issuing decisions and recommendations in their concern.

- a. The report of the Center's Board of Directors as concerns the stages of executing the annual plans.
- b. The programmes and general policies of the Center which are schemed by the Board.
- c. The annual final accounts of the Center.
- d. The proposals and reports on expanding and developing the work, treating work impediments increasing production and productivity and identifying the distinguished personnel and the unproductive ones.
- e. The internal regulations and instructions issued by the Center.

Second - Electing the members of the Board referred to in clause (e) of paragraph (First) of Article Nine of this Law.

Article 8

First - The General Body shall meet once per year at least by invitation of its head or by request of two thirds of the members of the Board.

Second - The quorum needed for the General Body to meet is deemed complete by presence of the majority of the personnel. In case the number of the personnel exceeds three hundred (300) the meeting shall be held on the basis of their proportional representation according to the rules determined by the Board.

Third - The decisions and recommendations shall be made by the majority votes of the present and in case of equality the head shall have a casting vote.

Chapter Three

The Administrative Formations

Article 9

First - The Board shall be formed of :

- a. The Director General - Chairman .
- b. A person specialized in the works undertaken by the Center and chosen by the Minister - Member.
- c. A specialist from the Building Research Center - Member.
- d. Three managers from the Center appointed by the Minister - Members.
- e. Three persons representing the Center's personnel chosen by the General Body by secret election - Members.

Second - The personnel's representative who has proposed himself for the membership referred to in clause (e) of paragraph (First) of this Article and came fourth in obtaining the number of votes in the elections for membership shall be an alternate member for the members already elected.

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Third - The Board shall be formed by a decision made by the Minister.

Fourth - The membership for the Board shall last for a renewable period of two years.

Article 10

First - The Board shall meet at least once per month by invitation of the Director General or by written request made by two thirds of its members. The Director General shall make the invitation for meeting within three days from the date of receiving the request.

Second - At its first meeting the Board shall elect from its members a deputy chairman who shall substitute the chairman upon his absence.

Third - The quorum needed for the Board to meet shall be deemed complete by presence of the majority of its members and the decisions and recommendations shall be made by the majority votes of the present members and in case of equality the chairman shall have a casting vote.

Article 11

The Board shall undertake scheming the policies and plans of the Center, particularly the undermentioned once, and accomplish such objectives it may practice various competences within the limits of this law and the laws in force :

First - Scheming the Center's general policy and annual plans.

Second - Adopting the proposed budget and annual staff of the Center.

Third - Discussing and approving the annual report and final accounts of the Center.

Fourth - Determining the ways of investing the capital of the Center.

Fifth - Approving borrowing.

Sixth - Rearranging the allocations in the annual budget of the Center during the fiscal year.

Seventh - Determining the contractual conditions and concluding various contracts with Iraqi, Arab and foreign authorities as regards consultancy services submitted by or to the Center or as regards any other matters which may help the Center in running its works including employing Iraqi and Non-Iraqi personnel.

Eighth - Sharing with Iraqi, Arab and foreign companies and establishments or participating with same in executing works relating to the Center's objectives.

Ninth - Determining the basis for rewarding the distinguished personnel referred to in Article Fourteen of this Law.

Tenth - Determining the basis for rewarding during the work execution period.

Eleventh - Amending the Center's formations by establishing, amalgamation or abolishing .

Twelveth - Fixing the fees for analysis, consultancy works and researches and other works commissioned to the Center.

Thirteenth - Executing the decisions and recommendations of the General Body and taking necessary procedures in their concern.

Fourteenth - Entitling some of its competences and powers to Director General or any official of the Center.

Article 12

First - The decisions made by the Board shall be subject to approval of the Minister and they shall be deemed approved if

not rejected within ten days from registration of such decisions at the Ministry and if rejected they shall be resubmitted to the Board at its first session. In case the Board insists on its opinion it shall hold a session headed by the Minister to consider the subject. The decision issued by the majority votes of the members present shall be deemed final.

Second - The Minister may invite the Board to meet. In case he attends the meeting he shall head the session. In such case the final decisions shall be made by majority votes of the members present.

Article 13

First - The Center shall be headed by an experienced and specialized director general under a republican decree.

Second - The Director General is the supreme head of the Center and he shall undertake running and supervising the progress of work for which he shall entitle the powers awarded to him by the Board. He may entitle some of his powers to any official of the Center.

Third - When the Director General is absent the Minister shall appoint a deputy to substitute him.

Chapter Four

Distribution of Profits

Article 14

First - The net profits of the Center shall be the credit balance of the profit and loss account or the income and expenditure account organized in accordance with the accounting system of the fiscal year confirmed by the Financial Control Diwan and approved by the Minister.

Second - The annual net profits of the Center shall be distributed prior to repayment and extinguishment of the Center's capital according to the following percentages :

- a. (30%) thirty percent for repayment and extinguishment of the capital.
- b. (20%) twenty percent as income for the Public Treasury.
- c. (15%) fifteen percent for studies, development, expansions and improving the circumstances and methods .
- d. (1%) one percent for the Ministry's headquarters to be distributed as rewards under decision of the Minister.
- e. (25%) twenty five percent to be distributed among all personnel of the Center according to their salaries.
- f. (8%) eight percent for rewarding the distinguished officials in the Center excluding the Members of the Board.
- g. (1%) one percent for rewarding the Members of the Board.

Third - The annual net profits of the Center shall be distributed after repayment and extinguishment of its capital according to the following percentages :

- a. (25%) twenty five percent as income for the Public Treasury.
- b. (25%) twenty five percent for studies, development, expansions and improving the circumstances and methods of work.
- c. (1%) one percent for the Ministry's headquarters to be distributed as rewards under decision of the Minister.
- d. (35%) thirty five percent to be distributed among all personnel of the Center according to their salaries .

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- e. (5%) five percent as a reserve for the capital.
- f. (8%) eight percent for rewarding the distinguished officials of the Center excluding the Members of the Board.
- g. (1%) one percent for rewarding the Members of the Board.

Article 15

The Board may withhold part or all of the profits to be distributed under clause (e) of paragraph (Second) and clause (d) of paragraph (Second) of Article Fourteen from the personnel or a work team of the Center whose performance was not up to the required level during the year of profit.

Article 16

In any year the Center incurs loss, such loss shall be deducted from the net profits of the subsequent years taking the following into consideration :

- First - The deduction shall not exceed 50% (fifty percent) of the annual net profits.
- Second - The remaining balance of the net profits shall be distributed after the deduction of loss in accordance with provisions of Article Fourteen of this Law.

Chapter Five

Rules of Service

Article 17

- First - The Center shall be exempted from the restrictions pertaining to the maximum limits for salaries and allowances paid to the public servants and contracting employees, including the allowances for delegation and travelling and fees for additional works referred to in the laws, decisions, regulations and instructions issued in this concern.
- Second - The officials covered by paragraph (First) above shall preserve the salaries and rights obtained under the laws,

regulations and rules of service applied to them before they were covered by the rules of service of the Economic Organization (as abrogated).

Third - The Director General may conclude special contracts with any Iraqi, Arab or foreigner whose services are needed by the Center for a period determined according to the task contracted for and the salaries of same shall be determined according to the prevailing fees.

Chapter Six

General Provisions

Article 18

The duties and competences of the Director General and the administrative formations of the Center and their competences shall be determined under internal regulations prepared by the Board and issued by the Minister.

Article 19

- First - The Center shall apply the uniform accounting system.
- Second - The Center's accounts shall be subject to control of the Financial Control Diwan.
- Third - The Center shall be exempted from income tax and stamp duty.

Article 20

The services submitted by Center shall be made against fees.

Article 21

The Minister shall undertake the powers and competences of the Board until it is formed under this Law.

Article 22

First - Law of the National Center for Constructional Laboratories, No. 143 for 1976, shall be cancelled and the regulations, instructions and declarations issued in its concern shall remain valid in a way

not contradicting the provisions of this Law until their substitute is issued.

Second - The Center shall replace the National Center for Constructional Laboratories founded under Law No. 143 for 1976 (as cancelled) and it shall receive all rights and obligations of same.

Article 23

The Minister may issue the internal regulations and instructions necessary for facilitating the execution of this Law.

Article 24

This Law shall come into force from the date of its publication in the Official Gazette.

Saddam Hussain

Chairman of the

Revolutionary Command Council

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Statement of Grounds

In carrying out the new scheme for developing the works of the offices of the socialist sector aiming at raising the level of performance and accomplishing the best execution of the decisions and making and supervising the work plans and in order to stimulate the officials by granting them a part of the economic gains resulting from their distinguished performances and as a result of the practical experience practised by the National Center for Constructional Laboratories founded under Law No. 143 for 1976 (as cancelled) and as a result of the emergence of several indications the first of which is the importance of reformulating the objectives of the Center to enable it to do its best in the building sector so that it can play its role in its field of work in a better way, this Law has been legislated.

RESOLUTION No. (714)

In the Name of the People

The Revolutionary Command Council

In accordance with the provisions of para. (a) of Article (42) of the Constitution, and by virtue of the power vested in us according to para. (3) of Article (44), as amended, of the Constitution,

The Revolutionary Command Council have decided, in their session held on 9.9.1987, the following :-

- 1- Iraqi teaching staff deputed to universities of the country shall be given night allowances in conformity with the provisions of the Law of the Deputation and Travel Allowances No. (38) of 1980.
- 2- Minister of Higher Education and Scientific Research and Minister of Finance are charged with the execution of this Resolution.

Ahmed Hussain

**Chief of the Presidency
Diwan**

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