

Consumer protection law

No. (1) Of 2010

**Translated in
Ministry Of Justice
Iraqi Gazette Office
Translation department
2020**



Laws

In the name of people

The Presidency

Resolution No. (1)

Pursuant to what had been approved by parliament in accordance with the provisions of clause (61\ First) of constitution and based on the Para (b) of Item (Fifth) of the Article (138) of constitution;

The President of the Republic decided on (4\ 1\ 2010) to issue the following law:

No. (1) Of 2010

Law

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Chapter One

Definitions, Objectives and Validity

Article 1: Definitions:

The following terms for the purposes of this law shall mean the phrases indicated opposite to them:

First: The council: The consumer protection council



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Second: The commodity: Every industrial, agricultural, transformational, semi-factory product, raw material or any other product that can be calculated or estimated by counting, weighing, measuring or prepared for consumption.

Third: Service: The work or activity provided by any party for or without pay, with the intention of benefiting from it.

Fourth: Consumer protection: Protecting consumer rights and preventing harm to them.

Fifth: The consumer: A natural or legal person who supplies a commodity or service with the intention of benefiting from it.

Sixth: The provider: Every natural or legal person who is a producer, importer, exporter, distributor, commodity seller or service provider, whether he\she is incumbent, mediator or agent.

Seventh: The advertiser: Every natural or legal person who advertises or promotes a commodity or service by himself\herself or through others using any means of advertising.

Eighth: Inspection committees: Committees that formed by the council and are responsible for following up the implementation of the provisions of this law.

Article 2: The objectives

This law is aiming to:



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First: Ensuring the basic consumer rights and protecting them from unlawful practices that harm them.

Second: Raising the level of consumer awareness.

Third: Preventing any action that violates the rules of importing, producing or marketing goods or decreasing their benefits to misleading the consumer.

Article 3

This law shall be applied to all natural and legal persons who manufactures, supplies, buys, markets, imports, provides or advertises services.

Chapter Two

Consumer Protection Council

Article 4

First: A council called (consumer protection council) shall be formed, with legal personality and financial and administrative independence, and linked to the council of ministers.

Second: The council should be chaired by a full-time person with experience and competence in matters related to consumer protection and holds an initial university degree at least at undersecretary-level.

The council shall be consisted of:



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a. General Manager-level members representing the following bodies:

- 1- Ministry of Industry and Minerals.
- 2- Ministry of Commerce.
- 3- Ministry of Health.
- 4- Ministry of Agriculture.
- 5- Ministry of Communication.

b. Expert-level members representing the following bodies:

- 1- The ministry of environment.
- 2- Customs general directorate.
- 3- General board for tourism.
- 4- General organization for standardization and quality control.

c. A representative of the following bodies:

- 1- The Iraqi federation of industries.
- 2- The Iraqi federation of chambers of commerce.
- 3- One of the agricultural societies.

d. Three members representing the private sector.

Third: The prime minister shall determine the financial reward for each of the representatives of the bodies mentioned in paragraphs (c, d) above.



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Fourth: The prime minister shall, upon a proposal from the chairman of the council, determine the persons representing the bodies mentioned in paragraphs (c, d), and may add a representative from the consumer protection societies.

Article 5

a. The council shall undertake the following tasks:

First: Establishing policies and work programs that shall ensure protecting the consumer and his\her rights and organizing them.

Second: Raising the level of consumer awareness.

Third: Receiving complaints and investigating them and taking appropriate decisions and recommendations in this regard.

Fourth: Sending a warning to the violator that the violation must be removed within (7) seven days from the date of notification or setting lawsuit in motion when its expiration and the continuation of the violation. The council shall rely in the issuance of the warning on the reports of the inspection committees.

Fifth: Studying draft laws related to consumption and consumer, providing feedback on them, conducting studies and research, and building a database related to consumer protection.

Sixth: Defining the tasks, powers and objectives of consumer protection societies and using them in consumer rights awareness processes.

Seventh: The council may seek the assistance of people with experience and competence from state employees or others, whether they are natural or legal, in exchange for wages or rewards determined by the council.



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Eighth: The council may form inspection committees affiliated to it, based in Baghdad, with branches in the provinces of Iraq. The committees are composed of members according to the specializations related to consumer protection affairs.

Ninth: A budget for the council shall be allocated from the general state budget.

b. The inspection committees shall undertake the following tasks:

1. Acquainting with the commodity specifications and the conditions of storage in the warehouses and display locations, during or after official working hours, and the supplier and advertiser must show full cooperation in this regard.
2. Notifying the competent authorities of damaged commodities and do not meet the health safety conditions and following up their procedures in coordination with the relevant ministries.
3. Submitting reports of violations to the council.

Chapter Three

Consumer Rights

Article 6

First: The consumer may obtain the following:

- a. All information related to the protection of his\her legitimate rights and interests.



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- b. Full information about the specifications of the commodities and learning about the proper ways to use them, or how to receive the service in the approved official form and language.
- c. Evidence of consumer's purchase of any commodity or his\her receipt of any service, stating the value, date, and specifications of the commodity, its number, quantity, type and price.
- d. Guarantees for commodities whose nature requires such a guarantee and for the period agreed upon with the supplier, without incurring additional expenses.

Second: The consumer and any interested party may, in the event of not obtaining the information stipulated in this article, return the commodities in whole or in part to the supplier and claim compensation before the civil courts for the damage caused to him\her or his\her money as a result of that.

Third: Obtaining after-sale services in accordance with the agreement concluded with the supplier.

Fourth: Freedom to choose the offered commodity or service in exchange for its price without any interference by the supplier.



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Chapter Four

Provider and Advertiser Duties

Article 7

The supplier and advertiser shall adhere to the following:

- First: Ensuring that the complete data, specifications and components of the product are fixed, especially the start and the end of validity and the country of origin before they are put on the market or before the sale or purchase process or announcing them.
- Second: Commitment to the Iraqi or international standard specifications for determining the quality of imported or locally manufactured commodities, and the central organization for standardization and quality control shall be the reference for this purpose and may request the assistance of the relevant authorities.
- Third: Choosing a commercial name and title and registering them in the fundamental records with the competent authorities and keeping the records adopted for its activity.
- Forth: Maintaining receipts of sale and purchase, coping, displaying them or submitting them to the relevant official authorities when requested or making them accessible in their place without any objection.
- Fifth: Not to promote in any way of the media, publishing or publicity of for a commodity or service that does not meet the approved local or international standards.



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Sixth: His/ her commercial name and address shall be written on all his\ her correspondence, publications and advertisements, and any mark approved by law, if any.

Seventh: Attending by himself\herself or his\her legal representative before the competent authorities or those related to his\her work within (7) seven days from the date of notification to answer about any violation of the provisions of this law or to give any information about the commodity or service that he\she prepares or advertises.

Eighth: Allowing the relevant official authorities to conduct inspection at his\ her workplace to obtain sample of his\her stock and exhibits in order to conduct checks on them at the officially approved bodies to determine their suitability for human consumption.

Article 8

Without prejudice to the provision of Clause (Second) of article (6) of this law, the supplier shall be fully responsible for the rights of consumers of his\ her commodities or services, and his\ her responsibility shall remain valid throughout the guarantee period agreed on in paragraph (c) of Clause (First) of the article (6) of this law.

Chapter Five

Prohibitions

Article 9

The supplier and advertiser shall be prohibited from the following:

First: Cheating, misleading and deceiving, and hiding the reality of the materials that form the adopted standards in all commodities and services.



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Second: Using of force or reluctance with inspection committees and representatives of relevant authorities and preventing them from carrying out their duties or obstructing them by any means.

Third: Producing, selling, displaying or advertising:

- a. Commodities and services contrary to public order or public morals.
- b. Any commodities not clearly marked on their packages or containers the complete ingredients of them, warnings (if any) and the production expiration date.

Fourth: Hiding, changing, removing or distorting the production expiration date.

Fifth: Repackaging damaged or expired products in packages and wrappings that bear a false validity and are misleading to the consumer.

Chapter Six Penalties

Article 10

First: Whoever violates the provisions of Article (9) of this law shall be punished with imprisonment for a period no less than (3) three months or a fine not less than (1000000) million dinars, or both.

Second: Whoever violates the provisions of articles (7, 8) of this law shall be punished with imprisonment for a period not exceeds (3) three months or a fine not exceeding (1000000) million dinars, or both.



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Third: The informer, for any crime punishable by this law, shall be granted a financial reward of no less than (100.000) one hundred thousand dinars and more than (1.000.000) one million dinars, to be paid from the relevant party in which the notification is made if this notification leads to the condemnation of the perpetrator and the acquisition of the decision the degree of bits.

Chapter Seven General Provisions

Article 11

The commodities and services that the supplier, marketer or advertiser deals with shall be subject to quality standards and the mechanism of supply and demand in relation to prices and production.

Article 12

The provisions of the civil service law no.(24) of (1960) (amended), the unified retirement law no. (27) of (2006) (amended) and the state employee discipline law no.(14) of (1991) (amended) shall be applied to employees of the council.

Article 13

The chairman of the council shall establish the appropriate framework for implementing the provisions of this law and shall be approved by the prime minister.

Article 14

The workflow of the council shall be determined by a bylaw issued by the council.



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Article 15

The provisions of the central organization for standardization and quality control law no.(54) of (1979) or any law replaces it shall be applied to all matters not stipulated in this law.

Article 16

The resolution of the revolutionary command council resolution (dissolved) no.(236) of (2002) shall be repealed, any provision that contradicts the provisions of this law shall not be enforced.

Article 17

The prime minister may issue instructions to facilitate the implementation of this law.

Article 18

This law shall be effective once it is published in the gazette.

Tariq al- Hashimy
Deputy prime Minister

Adel Abdul- Mahdi
Deputy prime Minister

Jalal al-Talabani
President of the Republic



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