

Republic of Iraq  
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Ref. 35 / federal /2021



Kurdish text

The Federal Supreme Court (F S C) has been convened on 29/9/2021 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jabir Abid, Hayder Ali Noori, Khaled Ahmed Rajab, Ayoob Abbas Salah, Abdul-Rahman Suleiman Ali, and Dyar Mohammed Ali who authorized in the name of the people to judge and they made the following decision:

The Plaintiff: the Prime Minister/ being in this capacity – his agent the legal advisor Hayder Ali Jaber Al-Sofi.

The defendant: the Speaker of the ICR/ being in this capacity-his Agents the legal advisor Haytham Majid Salim, and the official jurist Saman Muhsin Ibrahim.

### The Claim

The plaintiff/ being in this capacity claimed in the petition of the case that the defendant/ being in this capacity enacted the Federal Budget Law of the Republic of Iraq No. (23) of 2021, which included the listing of several articles, which were not present in the government's draft law, or amended, and since the addition or amendment of those articles involved constitutional violations in both formal and substantive terms are contrary to the decisions of the Constitutional Judiciary in Iraq by the decisions of the Honorable Court. The Council of Ministers has decided to challenge some of the provisions and articles listed for the reasons indicated for each of them: first: article (62/2<sup>nd</sup>) of the Constitution authorized the Council of Representatives to carry out the transfer between the chapters of the general budget and reduce its total amounts, and may, if necessary, propose to the Council of Ministers to increase the total amount of expenditures, which means that its validity is limited to

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the said matters. In the foregoing. Second: Beyond the foregoing, the implementation of its powers under the Constitution does not in any way mean to bypass the role of the executive power, specifically the Council of Ministers, as responsible for planning and implementing the state's policy, plans, and supervision of the work of ministries and entities not associated with the Ministry and issuing regulations, instructions and decisions to implement laws based on an article (first and third) of the article (80) of the Constitution and the powers of the Prime Minister as the direct executive officer of state policy based on an article (78) of the Constitution, and violation of article 78 of the Constitution. The government program voted on by the Council of Representatives when forming a government, especially when it comes to fundamental amendments to the government bill that would have a fundamental impact on the objectives it took into considerations from the development of this or that text, which was approved by the constitutional judiciary in many of its provisions among them is the decision of the Federal Supreme Court No. (25/Federal/ 2012) when it ruled: The Council of Representatives is not entitled to make substantial amendments to the government's draft budget ( as well as its numbered decision (21/federal/ 2015) which unified with (29/federal/media/2015) when it ruled (the Member Replacement Law is not a law affecting the principle of separation of powers, because it did not have added financial effects on the executive power, nor constitutes a disagreement with the general policy of the state. Moreover, it does not affect the functions or independence of the judiciary, and its legislation is a practice of its inherent jurisdiction to legislate laws, and according to the contrary concept, the Council of Representatives does not have the right to legislate laws without returning to the government or amend the texts proposed by the Council of Ministers if it arranges added financial effects

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or conflicts with the general policy of the state, as well as decisions (e. 24/ Federal /2016), (17/Federal/ 2017) and (83/Federal /2018), the Council of Representatives has not passed legislation contrary to the provisions of the Constitution and the state policy (article 78 and 80/ First and third of the Constitution) and the competences of the executive branch or interference in the affairs of the executive branch, violating the principle of separation of powers (Article 47 of the constitution), exceeding its powers provided for in articles (61 and 62/3<sup>rd</sup>) of the Constitution or burdening the State Treasury with significant financial burdens. Third: The House of Representatives has violated the constitutional texts referred to above, and the constitutional judiciary has settled on the addition of new texts or the amendment of the texts proposed by the Council of Ministers without knowing the government's opinion or taking its approval, adding or amending the following articles:

1. Article (2/1<sup>st</sup>/4/Alif) of the law (challenge subject): a new provision that includes (the reconstruction plan for the province, districts, and its districts prepared by the governor must be scrutinized by the Finance Committee of the House of Representatives in terms of sectoral distribution), which is an interference in the tasks of the executive branch provided for by the article. Article (80) of the Constitution and in violation of the principle of separation of powers provided for by article (47) of the Constitution and contrary to the article (61) and item (3<sup>rd</sup>) of the article (62) From the Constitution to the competence of the executive power has jurisdiction to monitor and scrutinize reconstruction plans in the provinces, which is purely executive, contrary to the competence of the Council of Representatives, and this additional measure increases the stages of the resolution of the plan to start reconstruction and leads to delays in its implementation, especially in the event of disruption of the House

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of Representatives and its committees or lack of attendance and incomplete meeting of the Committee, as well as will eliminate the role of the Ministry of Planning specified in the Ministry of Planning Law No. (19) Of 2009 in the distribution of projects of various types nationwide following the ministry's law earlier.

2. Article (2/1<sup>st</sup>/4/Zin) of the law (challenge subject): It is a new provision that includes (obliging the Ministry of Finance to cap the allocations mentioned in table Beh) and redistributing the allocations in their operational and capital aspects and tabulating them at the level of sections and chapters) in addition to table (Beh) attached to the budget law. After proving that the additions and amendments made by the Council of Representatives to the budget law are violated in the appeals list detailed, it is no longer possible to oblige the executive power to redistribute allocations in its operational and capital aspects following additions and changes in the case of the ruling of the Honorable Court to annul the texts added or amended by the Council of Representatives, which requires allowing the Ministry of Finance to play its role in distributing financial allocations in both operational and investment branches to enable the Government to implement its government program. In line with article 80 of the Constitution.
3. Article (2/1<sup>st</sup>/4/Ha') of the law (challenge subject): a new provision that includes the phrase "empowering the governor to approve expenditure", which is an interference in the work of the executive power, especially after the passage of the Third Amendment Law of the Law governorates not incorporated into a region No. (21) of 2008, which reconnected the health departments with the Ministry of Health, how can the governor ratify a spending plan for a department that is not a province formation and is not administratively or financially subject to this governor on the one hand, and on the other

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hand, the expenditure plan must be in line with the policy established by the government and implemented by the ministry or the entity not associated with a ministry, which requires that the plan be ratified centrally.

4. Article (2/first/8) of the law (challenge subject): a new provision that guarantees (the establishment of the Petrodollar Fund in the governorates producing crude oil, refined or gas is administered by the governor concerned, and is financed by increasing the price difference from crude oil....) The agent of the plaintiff points out that petrodollar allocations were added within the budget revenues, and therefore their application leads to a budget deficit contrary to the will of the House of Representatives to reduce the deficit gap as well. Executive as the establishment of financial funds as an executive act and represents an infringement of the jurisdiction of the Council of Representatives provided for in articles (61 and 62/3<sup>rd</sup>) of the Constitution, in violation of the principle of separation of powers mentioned in the article (47) of this Constitution in addition to the financial implications of the development of such funds, which constitutes an infringement of the jurisdiction of the House of Representatives and the unconstitutionality is consistent with the Constitution and the decisions of the Federal Supreme Court.
5. Article (12/2<sup>nd</sup>/Beh) of the law (challenge subject): (Requiring the Council of Ministers to disengage and restructure departments and departments in ministries and entities not associated with a ministry whose laws exercise corresponding tasks to the tasks carried out by the Federal Service Council... Etc.). Since many entities will be disengaged from their ministries and join the Federal Service Council, this would lead to significant inflation of the Federal Service Council, contrary to the Government's policy of reducing the administrative

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structures of the state, not expanding them, it would also take away the powers of ministries and bodies not associated with a ministry in contravention of the laws in force, which is an interference in the work and structuring of the executive branch and an overreach of the Powers of the House of Representatives under article (61) of the Constitution and a violation of the principle of separation of powers.

6. Article (18/3<sup>rd</sup>/Beh) of the law (challenge subject): under which a 15% tax was imposed on imported fuel. This is contrary to the general policy of the State, which is based on the non-increase of taxes at the moment because citizens suffer from high prices in the first place and the weak purchasing power of the citizen, and the proportion of amounts derived from this tax is very small compared to the suffering of citizens, and does not achieve economic benefit because of its weak contribution to the payment of the fiscal deficit, as well as fuel is the main material for the movement of industrial and agricultural sectors and other activities such as transport and trade, which will lead to the exhaustion of producers and citizens and increase the financial burden, especially since the product Domestic fuel is not enough for domestic consumption, so there is no economic point in this increase.
7. Article (50/Alif) of the law (challenge subject): a new provision that restricts the authority of the Minister of Finance to fill the shortfall in employee compensation by no more than (500) billion dinars, which is an interference with the work of the Government and renders it unable to secure the salaries of employees and the wages of contractors.
8. Article (50/Jim) of the law under appeal: a new provision that guarantees ((requiring the Council of Ministers to increase the current prices for the purchase of wheat, barley, and rice crops from farmers by (50)000 dinars per ton). This is interference with the work of the

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government on the one hand and poses a very large financial burden on the public treasury on the other, which would lead to an increase in the budget deficit contrary to the claims of the House of Representatives to reduce the deficit gap, increasing the financial burden on the Government, and leading to a lack of competition as the crops mentioned are state-subsidized.

9. Article (56/3<sup>rd</sup>) of the law (challenge subject): a new provision that guarantees (requiring extractive oil companies not to include expenses on licensing contracts in the lists of calculating the cost of business ... etc. of the text). This is contrary to the general policy of the state competent to draw it by the Council of Ministers based on articles (87 and 80/ 1<sup>st</sup> and 3<sup>rd</sup>) of the Constitution, which is based on what is determined by the Law on Public Companies No. (22) of 1997, which is an interference in the work of the government and In violation of the principle of separation of powers and the violation of the powers of the House of Representatives under article (61 and 62/2<sup>nd</sup>) of the Constitution, this is a breach of the Government's obligations arising from licensing contracts that cannot be violated as (the contract is the law of contractors). This brings the Government substantial compensation to companies as a result of a breach of contractual obligation that may amount to avoidance of contracts.
10. Article (58) of the law (challenge subject): a new provision that guarantees (obliging the Council of Ministers to send the names of those in charge of the positions of heads of independent bodies and special degrees, agents of ministries and advisers to the House of Representatives by 30 June 2021) ... etc. text) which is an interference in the work and functions of the executive branch regarding the submission of its candidates to enact one of the special grades, since the tasks and powers of the Council of Ministers under article (80/ 4<sup>th</sup>)

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of the Constitution recommend to the House of Representatives to appoint the grades described in the text subject to appeal without specifying the Constitution For a certain period, it is an interference in the work and functions of the Prime Minister defined by article (78) of the Constitution as the direct executive officer of state policy and chairs meetings from which the nominations are approved earlier, and the practical reality supports the failure to specify the duration of the cabinet's policy and the fact that many of these nominations require a lot of scrutiny, investigations, interviews, statements, and information provided by the relevant official institutions. The Council of Representatives shall have exceeded its tasks and powers set out in the article (61/5<sup>th</sup>/Beh, Jim) of the Constitution for not specifying a specific period for submitting nominations. Fourth: Since it is already established that the articles added by the House of Representatives or its amendments to the government bill involve an infringement of the executive role of the government and a violation of the legislative mechanism established by the Constitution and exceed its powers provided for in articles (61 and 62/3<sup>rd</sup>) and a clear violation of the principle of separation of powers confirmed by article (47) of the Constitution and confiscation of means to promote the tasks entrusted and violate the state policy as stipulated in article (7) of the Constitution Contrary to what was settled by the constitutional judiciary in Iraq in many decisions of the Federal Supreme Court. For all the reasons and other reasons that the Federal Supreme Court may consider, the plaintiff/ being in this capacity requested to invite the defendant/ being in this capacity to argue and issue the decision as follows: 1. Ruling on unconstitutionality and nullifying the following articles: Alif. Phrase (scrutinized by the Parliamentary Finance Committee in terms of the sectoral distribution of projects) mentioned

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in the article (2/I/4/A) of the Act. Beh. Paragraph (g) of the article (2/first/4) of the Law and Table B attached to the Budget Act. A. Phrase (The Governor is authorized to approve the spending plan mentioned in the article (2/1/4/h) of the Act. D. Paragraph (8) of the article (2/first) of the law listed in the establishment of the Petrodollar Fund in the oil-producing provinces is managed by the governor concerned and is financed by an increase in the price difference from crude oil. Paragraph (b) of the article (12/II) of the Law. Paragraph (b) of the article (18/III) of the Law on a 15% tax on imported fuel. G. The phrase (not exceeding the total amount (500) billion dinars mentioned in the article (50/a) of the Act. H. Paragraph (c) of the article (50) of the Law, which required the Council of Ministers to increase the current prices for the purchase of wheat, barley, and steel crops from farmers by (50) thousand dinars per ton. i. Paragraph (III) of the article (56) of the Law, which obliged extractive oil companies not to include expenses for licensing round contracts in the lists of calculating the cost of the ongoing activity except for the salaries of employees seconded to work with contracting companies in licensing rounds. Yeh. Article 58 of the Act, which obliged the Council of Ministers to send the names of those in charge of the positions of heads of independent bodies, ministry agents, and advisers to the Council of Ministers by 30 June 2021. 2. Charging the defendant with the expenses of the case and the fees of the lawyer. Based on article (1/III) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2005, the case was recorded in the number (35/Federal/2021) and the legal fee was met, and the defendant is informed/in addition to his job naked Its documents are based on the provisions of article (2/first) of the aforementioned rules of procedure and its Attorney General, Director General of the Legal Department of the House of

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Representatives, Dr. Sabah Juma al-Bawi, responded in the answer list dated 6 June 2021 in accordance with the following detail: 1. What the prosecutor went to in paragraphs (first and second) of the list is to limit the authority of the House of Representatives with regard to the budget in the jurisdiction of the House of Representatives to approve the budget and conduct the transfer between its doors and chapters on the basis of article (62/II) of the Constitution and its texts and resolutions are only evidence and support confirming the harmony of the additions made by the House of Representatives to the Budget Act and that what the deputy prosecutor went to does not mean that if the powers of the House of Representatives are deprived of the powers of legislation and amendment of bills, the Federal Supreme Court has already indicated in its decision of the number (21/federal/media/2015 and unified 29/federal/ Notification/2015) Restrictions restricting the power of the House of Representatives to legislate laws in only three restrictions: the law does not make financial obligations to the executive branch that were not included in its plans or financial budget without consulting with it and taking approval to do so the law should not conflict with the ministerial curriculum on which the Ministry has won the confidence of the House of Representatives. The law should not affect the functions of the judiciary without consulting them. Other than these restrictions, the House of Representatives exercises its inherent jurisdiction in legislating federal laws in which it finds an interest in the public interest and within the scope of the Constitution, and if the additions made by the House of Representatives to the Budget Act are considered to have not departed from the legislative powers of the Council, on the one hand, and on the other hand, the prosecutor's statement included a clear confusion between the budget and its revenues and expenses and the budget law's possible Controls

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on its implementation and means of control over this implementation, and the provision of the Constitution in some articles on the jurisdiction of the House of Representatives with the power not to take away the powers assigned to it in other articles, but the amendments made by the House of Representatives are fully in line with the government curriculum that approved as the House of Representatives remedied the inevitable material that the Council of Ministers has missed to take into account the government curriculum for what we will see in detail. It is known that the House of Representatives has a general mandate to control the executive branch and that the inclusion of the articles of the budget law means that enable the House of Representatives to exercise such control, such as providing for the powers to check the extent of the governor's commitment to preparing the plan of actions of the province, districts, and districts in accordance with the regulations contained in the legal text, which is not in any way considered to exceed the limits of the House of Representatives and does not violate the principle of separation of powers. 2. In response to the prosecutor's statement in paragraph (III/1) of his list regarding article (2/first/4/a) of the Budget Act, we show the distinguished court: the evidence inferred by the prosecutor on his claim that the legislation of the text referred to To him is an interference in the tasks of the executive authorities provided for by article (78) and the two items (first, third) of article (80) without any basis, this is clearly demonstrated by reference to the texts referred to in article (78) which states The (the Prime Minister is the direct executive officer of the state's public policy, and the Commander-in-Chief of the Armed Forces manages the Council of Ministers, chairs its meetings and has the right to dismiss ministers, with the approval of the House of Representatives) does not indicate in any way what he

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claimed to be the audit of the plan for the reconstruction of the provinces, districts and aspects of the tasks of the executive branch, the purpose of the article is the responsibility of the Prime Minister to implement the public policy of the state, a policy revealed by the laws enacted including the budget law but What is included in the text is fully in line with the ministerial programme's contents that anti-corruption must be combated nor is there any indication in section (I and III) of article (80) of the plaintiff's claim in the supervision contained in section (I) which provides for the authority of the Council of Ministers to (plan and implement the state policy, and public plans) The general plans and supervision of the work of ministries, and non-ministry-related entities) are applied only to ministries and entities not associated with the ministry and each does not include local authorities. The clause referred to is a guide for the House of Representatives and does not have to prove its supervisory powers, despite the constitution's provision for the practice of the Council of Ministers. For the authority to supervise ministries and entities not associated with a ministry, this was not an objection to the council's jurisdiction to control these ministries and those not associated with a ministry, as well as to infer section (III) of the article that provided for the authority of the Council of Ministers in (issuing regulations, instructions, and decisions to implement laws) it can be said that this item has nothing to do with the research shop, especially since the deputy prosecutor did not indicate the reasoning of this clause and even other texts on the texts on What he claimed from the audit count referred to is the tasks of the executive branch. Beh. The text of the article in question limits the role of the parliamentary finance committee to the scrutiny of the plan for the reconstruction of provinces, districts, and districts in terms of (sectoral distribution of

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projects) and (distribution of allocations to administrative units based on approved population ratios) without going beyond them to details concerning those plans, and the House of Representatives derived this jurisdiction from two bases: its constitutional competence to control the work of the executive branch stipulated in article (61/II) of the Constitution and it is known that the governor is part of this authority. Its legal jurisdiction provided for in Article (3) of Law No. (27) of 2019 (Second Amendment Act of the Law on Irregular Provinces in the Province of No. (21) of 2008 amended) which stipulates that (members of the House of Representatives and both as much as the province he represents shall exercise supervision and control over the work of the governor and his deputies in each province ...) It is known that the members of the parliamentary finance committee represent all Iraqi provinces in accordance with the provisions of Article (49/First) of the Constitution. It is no secret that the two topics under the scrutiny of the Finance Committee only ensure that the sectoral distribution of projects is fair and that allocations are distributed to administrative units according to the approved population ratios to ensure that some administrative units are not unjustly unfairly exposed, which is at the heart of the regulatory jurisdiction assigned by the Constitution and the law to the House of Representatives to put an end to the extreme disparity in development and urbanization plans between administrative units in the provinces, whose principality and verses appear to be clear to each observer. T. The plaintiff's claim that the text in question will eliminate the role of the Ministry of Planning specified in the Ministry of Planning Act No. (19) of 2009 is also an unspecified general statement, yet it is stated that the 17 clauses contained in article (3) of the Ministry of Planning Act do not conflict with any of them, and perhaps the closest of those items to the article

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in question is the provision (II) of article (3) indicating that one of the objectives of the Ministry (preparing the appeal) Evaluation of investment projects, annual capital projects and medium- and long-term national development plans in coordination with ministries and entities not associated with the Ministry, the private, public and mixed sectors and civil society organizations), and the separation between this competence and the competence of the House of Representatives in the control of justice and equality that should be taken into account in the provincial plans, and the whole matter will be entrusted to the Ministry of Planning after the Parliamentary Finance Committee has scrutinized those criteria in the plans as stipulated in the article in question, how did the text abolish the competence of the Ministry of Planning? Note that the distinguished Federal Supreme Court is not concerned with considering the compatibility of legal texts among themselves, which the Court has ruled in many of its decisions to be concerned with verifying the constitutionality of the texts, this is to impose a conflict between the legal texts in the first place. W. It is well known that the House of Representatives exercises through its members control the work of governors and their deputies based on the provisions of the Constitution and the provincial law as we have provided, as the mandate of the provincial councils has ended and the conservatives have become uncensored in their work except through the control of the members of the House of Representatives and the text in question was an honest expression of that control. A. The text in question is a guarantee of the implementation of one of the paragraphs of the government's current government program, which provides for (... Through the budget law, the state takes into account all citizens and takes care of all provinces...) Perhaps the scrutiny of the conservative plans by the House of Representatives is one of the

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ways in which this aspect of the government's program was achieved after the government failed to include guarantees for it. H. What the prosecutor pointed out was that what he considered to be an additional measure would increase the stages of the resolution of the plan and delay its implementation, and in doing so it was indicated that, if this was to be imposed, this would not amount to a failure to be satisfied with the constitutionality of the article, noting that the purpose of the text was to ensure that the governor's planning work was consistent with constitutional standards, the proportion of the population and the rate of damage as contained in the articles (123/III) and (112/first) of the Constitution. Moreover, such a condition that claims to harm citizens and delays the approval of projects also does not amount to The subject of an appeal before the distinguished court, what the plaintiff considers harmful may be considered useful by the House of Representatives, and it does not go beyond being a legislative option within the jurisdiction of the Legislative Council 3. In response to the prosecutor's statement in paragraph (III/2) of his list regarding article (2/first/4/g) of the Budget Act, we show the distinguished court: A. The plaintiff's claim that the text in question cannot be obliged to the government in the event of a ruling by the Supreme Federal Court to annul the texts added by the House of Representatives, but is the stoning of the plaintiff's agent, as it establishes his appeal with an existing text binding on his client on the possibility that the court may rule that some provisions of the Law are unconstitutional. Budget and this strange appeal are suspended from a decision of the distinguished court, which does not serve as a basis for challenging the constitutionality of the laws 3. In response to the prosecutor's statement in paragraph (III/2) of his list regarding article (2/first/4/g) of the Budget Act, we show the distinguished court: A. The plaintiff's

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claim that the text in question cannot be obliged to the government in the event of a ruling by the Supreme Federal Court to annul the texts added by the House of Representatives, but is the stoning of the plaintiff's agent, as it establishes his appeal with an existing text binding on his client on the possibility that the court may rule that some provisions of the Law are unconstitutional. Budget and this strange appeal are suspended from a decision of the distinguished court, which does not serve as a basis for challenging the constitutionality of the laws B. The text of the article in question is a collection that is obtained and natural, the obligation of the Ministry of Finance to ceiling the allocations contained in the table (b) amended and redistributed based on sections, chapters, materials, types, and sequence of type is necessary after the House of Representatives reduced total budget spending from (165) trillion dinars to (130) trillion dinars as well as conducted transfers between the doors and chapters of the budget based on the provisions of article (62/II) of the Constitution and article (12) of the Financial Act Federal No. (6) for 2019, and it was only natural that the Ministry of Finance would amend Schedule B in accordance with the reduction and transfers made by the Council and not maintain the allocations contained in the budget bill before amending the schedule. 4. In response to the prosecutor's statement in paragraph (III/3) of his list regarding article (2/first/4/h) of the Budget Act, we show the distinguished court: A. The prosecutor did not explain how the text challenged intersected with the Constitution so that his appeal would be heard within the jurisdiction of the distinguished Federal Supreme Court. B. Although the distinguished court has no jurisdiction to show that the text challenged on the governor approves the spending plan for operational allocations only within the limits of the amounts received from the

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collection revenues and fees for the municipal and health departments in the province for years (2019-2021) and therefore any expenditure within the operating budget cannot be outside the main drainage sections of the government accounting system. However, article (24) of the General Budget Act of 2021 dealt with the financial allocations order relating to the health departments, stating that (the Federal Minister of Finance has the power to transfer the financial allocations of the departments to be disengaged from the ministries and attached to the province during the fiscal year and vice versa), which denies any defects incurred by the prosecutor regarding the text. . In response to the prosecutor's statement in paragraph (III/4) of his list regarding article (2/first/8) of the Budget Act, we show the Distinguished Court: A. Petrodollar allocations have been granted to producing provinces based on the provisions of article (29/2) of the Federal Financial Administration Act No. (6) of 2019, which stipulates that the following financial revenues (including the provinces of the province) shall be accounted for: ... 2. The province's share of the revenues of the border crossings and petrodollars) and therefore the text represents a legal obligation that the Council of Ministers should have taken into account the imperative of including it in the draft budget law, and since the Council did not implement this obligation, the House of Representatives took it by law. B. The provision for the establishment of (petrodollar funds) does not mean that these funds have a moral personality or administrative and financial independence until the prosecutor claims that this is an executive act but is intended (to create an accounting tab) for those funds and this tab will be financed from petrodollar allocations, facilitating the imposition of control and control of such financial allocations. T. The plaintiff's claim that the establishment of (petrodollar funds) will cause a budget deficit is

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payoff, as the amounts to be allocated to finance the Fund are (the difference in the price of crude oil from what is established in the article (1/1/b) of this law), and it is known that this margin of price difference was not taken into account by the Government because it had priced oil on the basis of a specified amount and did not know that the amount would rise for reasons that had nothing to do with it, This margin, to which the Government has not calculated any account, constitutes the amounts of petrodollar funds, so how has it become a cause of the deficit. W. What the prosecutor said is that the allocation of petrodollars was added within the budget revenues and the conclusion that this leads to a budget deficit is surprising if the allocations of petrodollars and the additional amounts of the funds referred to were added within the budget revenues and that these funds will be financed by increasing the difference in the price of crude oil, what is the point of increasing the deficit in this, especially since the House of Representatives has reduced the deficit in the budget. The budget is from 1,71046051671 000 dinars (seventy-one trillion, forty-six billion, fifty-one million, six hundred and seventy-one thousand dinars) to 28672867307,000 dinars (twenty-eight trillion, six hundred and seventy-two billion, eight hundred and sixty-seven million, three hundred and seven thousand dinars). A. The prosecutor's statement that the establishment of financial funds is an executive act and represents an infringement of the Council's jurisdiction is baseless, it is known that financial funds are established only by law or based on a law, which is a legislative act restricted by the three restrictions contained in the decision of the Federal Supreme Court. Whenever the establishment of these funds does not arrange financial obligations on the authority, does not affect the functions of the judiciary, and does not conflict with the ministerial curriculum, which the Ministry has

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won the confidence of the House of Representatives, based on which its establishment is permissible to work, especially since the establishment of these funds is in line with the ministerial curriculum, which made it a priority to prepare an exceptional budget bill that takes into account all citizens and takes care of all the provinces and the deprived southern provinces, and the provinces that were destroyed by the gangs of ISIS. 6. In response to the prosecutor's statement in paragraph (III/5) of his list regarding article (12/II/b) of the Budget Act, we show the distinguished court: what the prosecutor has said will lead to the inflation of the Federal Service Council, contrary to the government's policy, which is only the heart of the truth. Regulation of federal public service affairs, including appointment and promotion), as mandated by Law No. (4) of 2009 (Federal Public Service Council Act) in Article 9 and others with tasks that lack significant staff, therefore, what the text went to is consistent with the Constitution and meets the requirements of implementing an earlier law, especially since the prosecutor did not show what was taken from the ministries of powers contrary to the Constitution to be an acceptable face to challenge him, noting that the claim of the prosecutor to violate the text of the government policy in reducing the administrative structures of the state has no basis, on the contrary, what the text went to is only an implementation of the provisions of the ministerial curriculum of activating the Federal Service Council. The reduction of administrative structures whose functions were entrusted to a constitutionally based legal formation, the Federal Service Council. 7 . In response to the prosecutor's statement in paragraph (III/6) of his list regarding article (18/III/B) of the Budget Act, we show the distinguished court: A. The prosecutor's statement that the provision of the state policy is contrary to the right, on the

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contrary, the ministerial curriculum approved by the House of Representatives has made it a priority (the preparation of an exceptional budget bill that, once approved by the House of Representatives, will deal with the current economic crisis, and the repercussions of the collapse of the prices of the current economic crisis. Oil and attention to the diversification of sources of income and the development of the system of collection and tariffs, but what the prosecutor said that the tax rate is very low compared to the suffering of citizens and there is no economic feasibility of this, the report proved controversial does not amount to a constitutional violation until it is considered by the distinguished court as well as to rule the unconstitutionality of the text. B. The House of Representatives based a tax on imported fuel on its legislative jurisdiction under the Constitution, where article (28/II) stipulates that (taxes and fees are not levied, do not amend, are not levied, and are exempted only by law). T. The House of Representatives envisaged the imposition of this tax to increase revenues that will reduce the size of the deficit as well as stimulate the consumption of domestic products in the face of imported foreign products. W. The claim not to impose taxes at the moment to increase the burden of citizens is paying off, as the House of Representatives has already rejected provisions in the budget bill sent by the government and may include direct taxes on the entry of citizens, and the deputy prosecutor Moreover, the prosecutor indicated that the proceeds of this tax would be very low, so how did he conclude that it would increase the burden of the citizens? 8. In response to the prosecutor's statement in paragraph (III/7) of his regulation on article (50/a) of the Budget Act, we show the Distinguished Court: A. The prosecutor's statement that the text is an interference with the work of the Government and renders it unable to

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secure the salaries of employees and the wages of contractors is based on an incorrect reading of the legal text on the one hand and the provision of the Government's general budget bill, on the other hand, the text contains the validity of a reserve passport. To the Minister of Finance to fill the shortfall that occurs if there is and it is known that it is natural that there is no such shortage, but if there is a power for the Minister of Finance to fill this shortfall, what is the objection of the plaintiff?. Beh. The text in question was in line with the Federal Financial Administration Act, which prohibits exceeding the ceiling of budget allocations, and since the government text in the draft budget bill, specifically article (55) of the draft, has made the authority of the Minister of Finance absolute without limits or ceilings in adding financial allocations to the section of employee compensation, and since this is contrary to the accounting grounds and the need to determine the amounts of financial allocations in the beginning, the House of Representatives has restricted those allocations by no more than (500) billion JD, a figure considered by the Finance Committee and guarantees the Minister of Finance a very appropriate ceiling to face any shortfall in the compensation of employees. 9. In response to the prosecutor's statement in paragraph (III/8) of his list on article (50/c) of the Budget Act, we show the Distinguished Court: The House of Representatives approved the increase in current prices for the purchase of wheat, barley and steel crops only because they are strategic and essential crops that are at the heart of the people's food security and that prevailing prices do not meet the ambition of farmers. The prevailing prices do not meet the ambition of farmers and do not encourage them to leave any other activity to agriculture, and the amounts of the slight increase represent compensation for the permanent delay incurred by farmers to spend their rights by the

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government, noting that the House of Representatives has guaranteed the financing of the added amounts through the transfers it made to the government budget project and the increase is fully in line with the state policy revealed by the ministerial curriculum, which aimed to encourage agricultural production and achieve food security. 10. In response to the prosecutor's statement in paragraph (III/9) of his list regarding article (56/III) of the Budget Act, we show the Distinguished Court: A. This article was added based on: provisions of article (61/II) of the Constitution, which stipulates that (the House of Representatives is competent to control the performance of the executive branch) where the text is an application of oversight by the House of Representatives on the work of the executive branch in the form of a binding text that ends a defect that has always been the owner of the executive branch. In the subject of text reports of the Federal Financial Supervisory Office that diagnosed the existence of financial irregularities in the preparation and calculation of the result of the activity and charged the calculation of barrels of oil through the addition of fixed assets owned by the Ministry of Oil to calculate the extinction of those assets in the lists of the cost of the current activity and thus increase the volume of profits of companies without right, but in the end, the public treasury is charged repeated expenses (once by the Ministry of Oil in its investment projects when purchasing those fixed assets and once Other when calculating the cost of extracting barrels of oil by national oil companies)!. Beh. The addition of this article is not a breach by the Government of its contractual obligations to licensing round contracts because these contracts do not contain any clause relating to the mechanism for calculating extractive costs for Iraqi national oil companies and the unified account system doesn't allow this. T. We accompany the distinguished court to the

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reports of the Financial Supervisory Office in this regard and the court may consider summoning the representative of the Court to verify the violation that was followed and which harmed the public money and the House of Representatives has put an end to it through the text in question, which the government requests to rule unconstitutional!. 11. In response to the prosecutor's statement in paragraph (III/10) of his list regarding article (58) of the Budget Act, we show the Distinguished Court: A. The plaintiff's claim that the Constitution did not commit the Council of Ministers to a specified period to send its recommendations for the appointment of those with grades set out in the article (80/IV) of the Constitution is intended to undermine a constitutional jurisdiction owned by the House of Representatives in approving the appointment of those with the said grades, perhaps to show the Distinguished Court the government's desire to make the acting appointment file An endless principle, a file that has long been the subject of instability of positions and positions in the Iraqi state after 2003 until now. Beh. B. The failure of the Constitution to provide for a specified period of time to send the government's recommendations to appoint certain groups to the House of Representatives to approve those recommendations means that sending those recommendations should be immediate as evidenced by the Constitution's mechanism for appointing those with such grades as if the rule in their appointment is that the Council must initially approve the appointment and that the exception is that those functions should take over exceptionally agency to ensure the operation of public facilities and state institutions until the Council approves their appointment, and the government may intend to take over their functions exceptionally. To make the exception the rule here, as it's been for nearly two decades. T. There is no acceptable justification

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that prevents the government from sending nominations to those it voted to appoint to positions requiring the approval of the House of Representatives, and the Council has given the government an additional period over its past years to send nominations and obliged the Council itself to vote on them within 30 days of receiving those nominations to ensure that the file of appointments by proxy is terminated and all its negative effects are not hidden. W. What the prosecutor went to count the provisions as interference in the work and functions of the executive branch because the authority of the Council of Ministers under article (80/IV) of the Constitution came absolutely without specifying a certain period in addition to the right, it is known that the exercise of its constitutional authority by the authorities is not only in accordance with the Constitution but also in accordance with the provisions of the Constitution absolute and total. Article (66) of the Constitution stipulates (the federal executive branch, consisting of the President of the Republic, and the Council of Ministers, exercises its authority, exercises its authority, In accordance with the Constitution and the law) if the Constitution guarantees the attribution of the authority of the Council of Ministers, the exercise of this authority must be in accordance with the laws in force, including the Federal Budget Act, especially since the Council of Ministers has omitted to resolve the file of appointment by proxy despite the consequent mismanagement, noting that the Council of Ministers has already challenged a similar provision, namely article (44/II) of the Law of the House of Representatives and its formations, which stipulates (appointees exercise their agency of functions ..... The relevant body of the proposal should recommend an appointment to the Council within three months of the appointment and the Council must decide on this recommendation within three months of receipt)

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and the Constitutional Court has decided to dismiss the challenge to the article for not violating the text of the Constitution in its resolution of number 140 and unit 141/federal/2018). Therefore, when the distinguished court considers that the attorney general of the defendant requested the Speaker of the House of Representatives, in addition to his job, to dismiss the plaintiff's case and charge him all expenses. In addition to his job, the prosecutor replied to the defendant's agent's list in addition to his post with an answer list dated August 17, 2021, which included:

1. In response to paragraph (1) of the defendant's agent's list: A. The defendant's agent missed access to the text of the article (130) of the House of Representatives rules, which included requiring the Finance Committee to take the opinion of the Council of Ministers on every proposal for an amendment proposed by the Finance Committee in the appropriations contained in the draft budget, and also obliged the Committee's report to include the Government's opinion on this matter and its justification, and this provision applies to every proposal for an amendment by any committee of the Council or A member if it entails financial burdens, according to the text in question. B. The defendant's attorney's inference of the Federal Supreme Court's decision referred to in paragraph (1) is evidence that the power of the House of Representatives to legislate laws is limited by three restrictions contained in the decision of the said judgment. Jim. A. Article (61/VII, B, C, and eighth) of the Constitution, as well as the rules of procedure of the House of Representatives in articles 50-61, have addressed the issue of means of oversight of the performance of the executive branch, and the mechanisms for such oversight have been defined from the fact that the Member of the House of Representatives has

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asked questions to the Prime Minister and ministers on any subject within their jurisdiction, each of whom has to answer members' questions, and the question alone has the right to comment on the answer, as well as the right of (twenty-five) members of at least twenty-five members of the least member of the The House of Representatives presented a general topic of discussion to clarify the policy and performance of the Council of Ministers or one of the ministries, and submits to the Prime Minister or ministers a date to appear before the House of Representatives for discussion, and to member the House of Representatives with the approval of (twenty-five) members to question the Prime Minister or ministers in matters that fall within their jurisdiction, and to end with a withdrawal of confidence from one of the ministers by an absolute majority and the issue of confidence in the Minister may not be raised except at the request of the Minister or at the request of a site of fifty members of the Council of Ministers MPs after discussing questioning addressed to him. In response to paragraph (2/a) of the answering regulation: The defendant's agent stated that the competence or authority of the Council of Ministers in article (80) of the Constitution is limited to ministries and entities not associated with a ministry without any basis, based on the provisions of article (80) 45/ III) of the Provincial Law No. (21) of 2008 amended, which includes that the provinces abide by the policy drawn up by the Council of Ministers and the relevant ministries, each of which cancels any conduct contrary to the policy drawn up, As mentioned in the article above, there is a high body for coordination and coordination between the provinces and their local administration, with a mechanism for managing the joint terms of reference between the federal and local governments

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provided for in articles (112, 113, 114) of the Constitution, and therefore the reconstruction plans of the provinces are within the policy of the state, and fall within the purview of the executive branch. . In response to paragraph (2/b) of the answering regulations: the provisions of article (93) of the rules of procedure of the House of Representatives, under which the terms of reference of the Finance Committee are specified, and its tasks do not include the scrutiny of the provincial reconstruction plan in terms of the sectoral distribution of projects and the distribution of administrative allocations based on population ratios, and the text of article (98) of the rules of procedure has defined the competence of the Committee for The Affairs of The Provinces and Irregular Provinces in the Territory to take care of the affairs of the provinces and provinces and their relationship with the federal government, and follow-up the fair distribution of materials and allocations. between provinces and provinces, Therefore, the paragraph in question is an interference with the functions of the executive branch provided for by the provisions of articles (78 and 80) of the Constitution, especially since the Constitution entrusts the House of Representatives and not one of its committees with the power to control the performance of the executive branch. 4. In response to paragraph (2/t) of the answer list: Regional planning is the responsibility of the executive branch represented by the Ministry of Planning, and the text enacted by the House of Representatives is an interference in the terms of reference and tasks of the Federal Government, as regional planning is one of the important methods of the Ministry of Planning, which is used in planning for sustainable development to achieve a measure of balance in the distribution of various projects and economic, social and urban

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investments between the provinces of Iraq, as it focuses on the spatial dimensions of the development process for different sectors (agricultural, industrial, transportation, buildings and services through the pursuit of To achieve economic efficiency in signing development projects in the provinces according to comparative advantage, as well as achieving social justice in the provision of basic services in accordance with the planning standards for the distribution of services, based on instructions no. (1) for the year 2012 (formations and tasks of departments and departments of the Ministry of Planning), Article 3 states that the Regional and Local Development Department of the Ministry of Planning exercises tasks related to the spatial dimensions of the development process for different economic sectors, and scrutinizes the structural plans of the provinces, which are responsible for preparing them for the Directorate of Urban Planning in the Ministry of Housing and public municipalities, which determines the pattern of land uses at the provincial level, and in light of the spatial development strategies developed by this department, while following up strategic studies of spatial development of all Iraqi provinces and in cooperation with Planning units in the provinces and contribution In preparing the development programs of the provinces in coordination with the competent technical departments in the Ministry of Planning and the competent authorities in the provinces and coordinating and monitoring the affairs of the planning directorates in the provinces, therefore the Ministry of Planning aims to form planning directorates at the provincial level to provide support and technical support, and contribute to the follow-up of the implementation of projects, whether within the investment program of the ministries or within

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the program of development of the provinces in coordination between them and the competent sector departments in the ministry, and transfer the central development guidance for each province to the authorities local with the aim of helping to guide the provinces properly, and to integrate the view between the local and central plans to achieve the acceptable spatial budget for development, which is the primary objective of regional planning that falls within the tasks of the executive branch, It is not the prerogative of the House of Representatives. 5. In response to paragraphs (w, c, h) of section (2) of the answering list: The defendant's agent did not indicate the figures of the constitutional texts with the figures of the provisions of the Provincial Law No. (21) of 2008 on which he must base it to prove the validity of censorship The House of Representatives on the work of the governors, but in referencing the text of article (61/II, VII, VIII) of the Constitution, as well as the provisions of articles (50-61) of the rules of procedure of the House of Representatives governing the mechanisms of control of the House of Representatives, as well as the provisions of the provincial law above We find that the House of Representatives has no authority to control the work of governors, and that the House of Representatives rely on the reports of the Federal Financial Oversight Office based on instructions No. (1) for the year 2012 (the rules of procedure of the Federal Financial Control Office), where the text of article (1/V) stated the existence of provincial auditing departments exercising auditing and financial control within the scope of their work through The financial supervisory bodies, as well as the House of Representatives requesting the Federal Financial Supervisory Office to investigate matters requested by the House of

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Representatives to scrutinize them on the basis of the text of article (6/V) of the Financial Control Act No. (31) of 2011, there is no requirement for the Finance Committee to scrutinize the provincial reconstruction plan according to the foregoing, so the legislative option of the House of Representatives does not in any way allow it to violate the provisions of the Constitution and interfere in the functions of the executive branch and violate the principle of separation of powers. 6. In response to paragraph (4/t) of the defendant's agent's list: The defendant's claim that there was no disruption in spending to claim that the authorization of the Minister of Finance to transfer the financial allocations to the departments that will be disengaged in any way justifies the violation of the provisions of the Constitution by the House of Representatives, interference with the government's terms and functions, and violation of the principle of separation of powers and overriding government functions. In addition, there is no basis in the Constitution for this payment, in addition to how there is no defect if the governor is granted the power to approve the spending issued by the federal government in accordance with its powers, tasks, and plans, which will certainly be delayed and disturbed to implement, especially when the government refuses to approve the spending in question. 7. In response to paragraph (5/a) of the defendant's agent's list: the payment of the defendant's agent is unsubstantiated by the Constitution and the fact that its basis in establishing the House of Representatives for petrodollar funds in the provinces producing refined oil and gas is unsubstantiated by the Constitution and interference in the terms of reference of the executive branch and its tasks, although based on the establishment of these funds to the provisions of the said article of the Financial

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Management Act, which he interpreted as he pleases since the text includes the financing of the province's account. Produced and refined with port revenue (and petrodollar), the text did not include Any term for the establishment of petrodollar funds, also the House of Representatives does not violate the provisions of the Constitution and interfere in the executive branch's tasks by invoking a provision in the law that does not go beyond the provisions of the Constitution, and on the assumption that the Council of Ministers has not implemented the legal text regarding the inclusion of allocations in the budget bill, this does not allow the House of Representatives to violate the Constitution and interfere in the tasks of the executive branch, and may amend the budget bill sent to it by the government and include financial allocations After asking the government and taking its approval or inquiring from it according to the constitutional contexts in the drafting of laws, which the distinguished court went to in its previous decisions set out in the appeals list, 8. In response to paragraph (5/b) of the defendant's agent's list: "Petrodollar funds, although not given moral personality, the text in question has given the governor the power to manage them, which is an interference with the government's tasks, and giving the governor the power to interfere in these tasks is contrary to the provisions of the Constitution, as mentioned earlier in this regulation, and it is not permissible to manipulate the terms of a financial fund funded by the government other than the Constitution and the general policy of the state and interfere in its tasks entitled "Establishing a tab." Accountant. 9. In response to paragraph (5/t) of the defendant's agent's list: The defendant's prosecutor's claim that the House of Representatives reduced the fiscal deficit in the general budget is

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an illusion that he is underinsured without auditing the transfers made by the House of Representatives, as the House of Representatives has fictitiously reduced the budget deficit by cutting and transporting very large amounts of important drainage doors, which are of utmost and strategic necessity in the State throughout the fiscal year and have fictitiously covered a proportion of fiscal deficit resulting in a very large shortage of ministries allocations, including the Supreme Judiciary Council, which led to the use of all state institutions, including the Supreme Judicial Council, which addressed us with its book numbered (3442) dated 6 May 2021 to challenge the budget to re-allocate the financial allocations deducted from its allocations to cover the fictitious deficit, and we accompany the communications of ministries and the Supreme Judicial Council to object to transfers made by the House of Representatives to show the distinguished court that these transfers are not scientific and professional. 10. In response to paragraph (5/s) of the defendant's proxy list: The price difference in crude oil prices is expected by the government with its experts and sensors through (OPEC), in which Iraq is a member, founder, and periodic president, and the government takes into account this financial revenue and even the Council of Ministers is reducing the price of a barrel of oil in the draft budget bill, calculating the difference and avoiding reserves the fall in unexpected oil prices in accordance with emergency circumstances and International policy. Indeed, the increase in world oil prices has been contributed by Iraq through OPEC by adhering to OPEC plus's decision to reduce the amount of oil exported by 2.5 million barrels per day. In its previous decision set out in the appeals list, the defendant's agent with the last line of this paragraph of his list

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acknowledged that the House of Representatives had carried out this obligation, which is a judicial declaration of interference in the functions of the executive branch (and the firm argument of headquarters as approved) in accordance with articles (75 and 67) of the Proof Act No. (107) for the year 1977 (rate). 11. In response to paragraph (6) of the defendant's agent's list: The formations of human resources ministries cannot be excluded, and this is contrary to the general policy of the State, which has formations in ministries for the public service with its human resources information base with which it can provide adequate reports to the Federal Service Council for its functions, as the source of information of the Federal Service Council is the government sectors, including the judicial and legislative branches, to provide the Service Council with an information base. Statistics and the amount of staff needed or lack of need and reports on the structure of the institution and functional competencies and the number of human resources in it, so the transfer of these formations is interference in the tasks of the executive branch and even the judiciary and exceeds the competences and tasks of the government, In violation of the principle of separation of powers, particularly since it took place without the government's opinion or approval, the claim that the dismantling, association, and restructuring of the department and sections in question lead to a reduction in administrative structures that are not right because this does not lead to downsizing but the transfer of large numbers of staff to the Federal Service Council and therefore the reduction is fictitious in the ministries, as this leads to their inclusion in the Federal Service Council and the retention of these numbers of employees in the functional service. 12. . In response to paragraph

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Kurdish text

(7/a) of the defendant's agent's list: State policy is a broader term than the government program and more comprehensive, and the government program is part of the state's policy, and the Council of Ministers can approve a policy depending on the circumstances in which the country is going, so that the Council of Ministers does not tend to impose financial burdens on the poor and middle-income segment in imposing a fuel tax and tends to increase revenues from levies and customs tariffs, which is Different from the subject of a fuel tax, since the levy represents state revenues from public property, fees and fines and comes from a commercial and professional activity commensurate with the amount of income received by the individual and therefore does not cause harm to the owner of the activity, but the fuel tax leads to damage to a large percentage of citizens, especially the segment of the poor, as fuel is a consumer material for his or her life. . In response to paragraph (7) of the defendant's agent's list: Article (28/II) of the Constitution on which the defendant's agent was based does not allow the House of Representatives to impose taxes and fees without asking or inquiring from the Government, but rather its approval of this tax, because it is not reasonable for the House of Representatives to impose a tax as it pleases on the grounds that the State's policy regarding the need of the State Treasury for revenues, while this leads to a financial burden borne by the citizen, while the Government It has information and data on market policy, supply and demand processes, the amount of public and private capital, as well as the amount of tax, which is the most informed as to whether there is a need to import some funding to finance the state treasury and the economic feasibility of the tax is only estimated by the Council of Ministers, including the ministries, especially my

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ministries (finance, planning) from an information base, data and vision of the economy and investment, the House of Representatives has violated the articles (78 and 80/1) for the competence of the Council of Ministers to draw, plan and implement the state policy in all areas. In response to paragraph (9) of the defendant's agent's list: It is not the prerogative and tasks of the House of Representatives to assess whether these crops are strategic or essential or intrusive in the design of food security, the House of Representatives does not have the capacity, capabilities and information base to estimate that prevailing prices do not meet the ambition, the House of Representatives cannot award compensation for damages that it cannot, and does not have the institutions to assess or prove damages in order to assess appropriate compensation, and that the prosecutor's agent Recognizes that the House of Representatives raises crop prices apparently in order to compensate those affected internally This is contrary to the state policy, which is based on the fair distribution and transparency of the distribution of revenues, and the guarantee claimed by the defendant's agent to finance the amounts is unscientific and unscientific transfers that have led to the deduction of very important allocations from state sectors and institutions, including the Supreme Judicial Council, as indicated in paragraph (10) of this regulation, thus violating the state policy on which the Government allocated the amount of funds to each sector of the State and its institutions. The House of Representatives cannot determine allocations according to the government program only because financial allocations are determined based on state policy and the government program is broad lines, objectives, and visions of the state plans for (4) years to come and the general policy of the

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state means determining the most precise details for its implementation on the ground. In response to paragraph (10) of the defendant's agent's list: the text enacted by the House of Representatives cannot be applied to the mechanism for implementing licensing round contracts realistically as (the contract is the law of contractors) and that this would lead the country to judicial claims that are not hidden in your esteemed court, and on the other hand, such a provision is an interference in the work and functions of the Government and a violation of the principle of separation of powers and the imposition of the validity of the defendant's agent's claim. Deputies exercise their oversight functions detailed in paragraph (1) of this regulation according to articles (61/VII/A, B, C and Eighth). . In response to paragraph (11) of the defendant's agent's list: The practice of the Council of Ministers' functions and competences cannot be interpreted as a blow to the constitutional jurisdiction of the House of Representatives as he claims to have paid as long as the state's policy is drawn, planned, implemented, responsible for it and decisions are issued by the Council of Ministers, as long as the appointment of an agency is in accordance with general rules and the Law of Functional Service, and the defendant's agent cannot distribute the charges unfairly that the executive branch makes the agency's file eternal without evidence and constitutional grounds and the Council of Constitutional Principles and the MPs exercise their oversight role in imposing the existence of such cases and this is not an excuse for the defendant to violate the provisions of the Constitution and restrict the tasks and activity of the government and interfere in its terms of reference and violate the principle of separation of powers and exceed its powers and tasks, especially

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since the House of Representatives Although dozens of cabinet decisions have been sent to appoint special grades, he has not exercised his role as a decree either in the Constitution or in budget laws. For all the reasons given and for other reasons that the court may consider, the prosecutor/prosecutor in addition to his job repeated the appeal list and requested the verdict according to it. After completing the required procedures in accordance with the provisions of the rules of the procedure mentioned above and based on the provisions of article (2/II) of which he set up a date for the case, in which the court was formed and attended by the plaintiff (prime minister/ in addition to his job) his agent Haidar Ali Jaber al-Sufi and the defendant (speaker of the House of Representatives/ in addition to his job) and his agents legal counsel Haitham Majid Salem and human rights officer Saman Mohsen Ibrahim and Usher to conduct public argument repeated the plaintiff's agent what was stated in the petition and what came with the regulations submitted by him. The judgment was requested in accordance with its statement and the defendant's agents requested, in addition to his job, to dismiss the case for the reasons in the regulations. The answer list submitted on 6 June 2021 and when the court decided to introduce the Minister of Finance / in addition to his job and the Minister of Oil / in addition to his job and the Governor of the Central Bank of Iraq / in addition to his job third persons in the case for the purpose of disparaging It is clear from them and what the representative of the Minister of Finance explained (that the shortage of employee compensation is what is happening during the fiscal year changes in increasing staffing or increasing their salaries with bonuses and raises and it is possible to create departments that need employees, and added in the event of an

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increase in the amount of compensation for employees for The amount specified in article (50/a) of (500) billion dinars, the payment of the amount of the increase is made through the financial methods used by the state, including borrowing from government banks or other entities, and in the event that the upper ceiling of the amounts allocated to employee compensation is not set in the budget law This can be paid by other means according to the authority of the Minister of Finance specified by law, including the transfer without resorting to borrowing and in any case can not exceed the upper limit specified for the annual budget and if there is a necessity outside the authority of the Minister of Finance presents the matter to the Council of Ministers, the representative of the Minister of Oil / in addition to his job explained that the imports of the Ministry of Oil are sovereign imports deposited in the Federal Reserve bank account and that the authority responsible for allocating them is the Ministry of Finance and added that Which determines the imported fuel is the company of distribution of petroleum products and is imported at a certain price and sold at a lower price and the difference borne by the above-mentioned company and therefore the tax imposed on imported fuel is borne by the citizen and with regard to article (56/III) of Law No. (23) of 2021 federal budget of the Republic of Iraq for fiscal year 2021 is intended for The oil extractive companies are the national oil companies represented by Basra Oil Company, the North Oil Company, the Middle Oil Company, the Dhi Qar Oil Company and the Msian Oil Company, and the licensing round contracts were concluded between national oil companies and foreign oil companies, and the foreign companies mentioned have the capacity and possibility in oil extraction operations, which exceed national

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companies and are obliged to increase the production rate upwards in accordance with a plan drawn by the Ministry of Oil, and the salaries of employees are among the expenses of the contracts mentioned. who has been assigned by the Ministry of Oil to foreign companies The one who pays their salaries is the Ministry of Oil and the expenses also include drilling materials and fuel and was assigned support and support and cost of extinction and paid those expenses by the Ministry of Oil and foreign companies carry out extraction and exploration operations, and the one who sells is the Ministry of Oil, and what is mentioned in paragraph (III) of the article (56) of the budget law has not yet been introduced and if it is operated, this will cause a great loss to the national oil companies bear the negative effects of the Ministry of Finance Iraqiya and the agents of the two parties reiterated their previous requests and statements and where there is nothing left to understand the conclusion of the case and appointed on 29 September 2021 the date of the decision, in which the court was formed and issued the next decision in public.

### **The decision:**

Upon scrutiny and deliberation by the Federal Court, it was found that the Prime Minister's Prosecutor/ In addition to his post claimed that the defendant, speaker of the House of Representatives/ in addition to his job, enacted Law No. (23) of 2021 (Federal General Budget of the Republic of Iraq for fiscal year 2021) and the latter submitted a number of articles that were not present in the draft law submitted by the government or amended them, and since the addition

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or amendment of those articles involves constitutional irregularities in both formal and objective terms, the Council of Ministers decided to challenge some of the provisions and materials listed for the reasons indicated for each of them, especially since article (62/II) of the Constitution authorized the House of Representatives to carry out the transfer between the doors and chapters of the general budget and reduce its total amounts and, if necessary, to propose to the Council of Representatives Ministers increase the total amount of expenditures, and the implementation of the defendant/in addition to his function his powers stipulated in the Constitution should in no way exceed the role of the executive branch and specifically the Council of Ministers as responsible for planning and implementing the public policy of the state and supervising the work of ministries and entities not associated with the ministry issuing regulations, instructions and resolutions with a view to implementing laws on the basis of article (first and third) of article (80) of the Constitution and the constitutional powers of the Prime Minister as the direct executive officer of the state's public policy based on article (78) of the Constitution and violating the government program voted on by the House of Representatives when forming a government, especially if substantial amendments to the government draft were concerned that would have a substantial impact on the objectives envisaged by the drafting of this or that text, and this is what this is. The Iraqi constitutional judiciary approved it in many of its rulings, including the decision of the Federal Supreme Court No. (25/Federal/ 2012) when it ruled what comes (the House of Representatives does not have the right to make substantial amendments to the draft budget submitted by the government) as well as its numbered decision (21/federal/2015) and its unity (29/federal/media/2015) when it ruled

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(The Member Replacement Act is not a law that affects the principle of separation of powers because it has not had added financial effects on the executive branch, does not constitute a conflict with the state's policy and does not affect the functions or independence of the judiciary, and its legislation is a practice of its original jurisdiction to legislate laws) According to the contrary concept, the House of Representatives has no right to legislate laws without referring to the government or amending the texts proposed by the Council of Ministers if it arranges added financial implications or conflicts with the state's policy. When submitted and violated the provisions of articles (47, 61, 62/III, 78 and 80/I and III) of the Constitution of the Republic of Iraq in 2005, the plaintiff/ in addition to his function challenges the unconstitutionality of the articles outlined below in Law No. (23) of 2021, the Federal General Budget of the Republic of Iraq for the fiscal year 2021: 1. Article (2/First/4/a) which stipulates (the governor to prepare the reconstruction plan for the province, districts and its districts based on the plans drawn up by the heads of administrative units, to be checked by the Parliamentary Finance Committee in terms of the sectoral distribution of projects and the distribution of allocations to the administrative units of the province based on the approved population ratios and sent to the Federal Ministry of Planning for the purpose of studying and approving them to take into account the most affected areas within the province after excluding strategic projects that benefit from them more than On the one hand, the allocation of new strategic projects should not exceed (15 percent) of the province's allocations, and the federal finance and planning ministers have the power to conduct the transfer by 5 percent (five percent) of regional development project allocations to the province's own poverty alleviation strategy allocations The reason for

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the appeal is the addition of a new text that includes the scrutiny of the reconstruction plan of the province, districts and its districts by (parliamentary finance committee in terms of the sectoral distribution of projects) and the plaintiff claimed/ in addition to his function that this is contrary to the provisions of the articles (47, 61/ II, 78 and 80 / first and third) of the Constitution and this court finds that the principle of parliamentary oversight is one of the most important democratic principles and through which the House of Representatives can carry out the work of the executive branch and confirm the Iraqi Constitution for the year 2005 on the importance of parliamentary oversight Article (61/II) of the Constitution (the House of Representatives shall be concerned with the following: II: control of the performance of the executive branch) and that such oversight must be understood in its general framework, which includes the executive branch, both the President of the Republic and the Council of Ministers, and must also be understood under article (47) of the Constitution, since the federal authorities are made up of legislative, executive and judicial authorities exercising their powers and functions on the basis of the principle of separation of powers and the need not to go beyond the principle mentioned, hence the drawing of the legislator and under the articles (27, 25, 29, 30 and 31) of the Law of the House of Representatives and its compositions No. (13) of 2018 the oversight role of the House of Representatives on the work of the executive branch, especially that the system of government in Iraq and based on article (13) of 2018 1) From the Constitution of the Republic of Iraq 2005 is (Representative Republican (Parliamentary) Democratic) so the responsibility of the Prime Minister and ministers before the House of Representatives is solidarity and personal based on the provisions of article (83) of the Constitution and since the

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governor is the supreme executive chief executive in the province based on the provisions of Article (122/III) of the Constitution is obliged to implement the policy set by the federal government within the limits of the province based on the provisions of article (31/III) of the Law on Irregular Provinces in The Province of No. (21) of 2008 The amendment is therefore an extension of the executive branch and one of its consequences, and since the plan for the reconstruction of the province and under the same article challenged (2/first /4/a) of the Budget Act 2021 must be sent to the Federal Ministry of Planning for the purpose of studying and approving it, so the preparation, scrutiny, study and ratification of that plan is an executive act of the executive branch, for which it is fully responsible before the House of Representatives, as the House of Representatives cannot be part of the performance of the authority. Executive and at the same time exercises parliamentary control over them, so the phrase (to be scrutinized by the Parliamentary Finance Committee in terms of the sectoral distribution of projects) Added by the House of Representatives to the text of the above-mentioned article is inconsistent with the article (61/II) and article (47) of the Constitution, therefore this provision requires unconstitutionality. As for the defendant's agent (speaker of the House of Representatives/ in addition to his job) that the text in question was initiated by the House of Representatives based on two basic realities: the constitutional jurisdiction of the House of Representatives to control the work of the executive branch provided for in article (61/II) of the Constitution and its jurisdiction The law provided for in Article (3) of Law No. (27) of 2019 (Second Amendment Act of the Irregular Provinces Act of The Territory no. (21) of 2008 amended), this court finds that such a payment The Constitution specified how the House of Representatives exercises its

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constitutional jurisdiction to control the work of the executive branch, which is as follows: Accountability of the President of the Republic at the request of an absolute majority of its members based on the provisions of article (61/VI/A). B. Exempting the President of the Republic by an absolute majority of the number of members of the House of Representatives after his conviction from the Federal Court in one of the following cases (Perjury, violation of the Constitution, high treason) based on the provisions of article (61/VI/B) of the Constitution. A. A member of the House of Representatives shall ask the Prime Minister and ministers questions on any matter that falls within their jurisdiction based on an article (61/VII/A) of the Constitution. Dal. Twenty-five members of the Lower House of Parliament may put forward a general topic of discussion to clarify the policy and performance of the Council of Ministers or one of the ministries based on the provisions of Article (61/VII/B) of the Constitution. E. With the approval of 25 members, the Prime Minister or ministers will be questioned to hold them accountable for matters that fall within their jurisdiction based on article 61/7/c of the Constitution. The House of Representatives withdraws confidence from a minister by an absolute majority and resigns from the date of the decision to withdraw confidence based on an article (61/VIII/a) of the Constitution. Sin. The House of Representatives, at the request of five (1/5) members, withdraws confidence from the Prime Minister based on the provisions of Article (61/VIII/B/2) of the Constitution, so the Constitution has created ways in which the House of Representatives can perform its constitutional duty to control the work of the executive branch and may no longer find other ways by law enacted by it because its discretion in legislating this is restricted by the Constitution. Based on the text of Article 3 of Law No. (27) of

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2019 above, the unconstitutionality of the text challenged for violating the provisions of the Constitution does not make it a constitutional legal provision based on another legal text. 2. Article (2/first/4/g) which stipulates (the Ministry of Finance must abide by the allocation ceiling in schedule (b) amended and redistribute those allocations in their operational and capital aspects and tabulation on the basis of the level of sections, chapters, materials, types and type sequence in ministries and entities not associated with the Ministry and provinces in the other attached tables) and that the reason for the appeal as stated in the plaintiff's case/addition to his post is that the above-mentioned text is a new text added by the House of Representatives The Government cannot be obliged to redistribute allocations in its operational and capital aspects in accordance with additions and changes in the case of the ruling by this Court of Heroes of the texts added or amended by the House of Representatives, which requires the Ministry of Finance to exercise its role in the distribution of financial allocations in order to enable the Government to implement its government programme in accordance with the provisions of article (80) of the Constitution and the deputy defendant replied/ In addition to his function that the application for an appeal of unconstitutionality cannot be based on the possibility that the court will rule not to rule not to rule The constitutionality of the texts challenged by the plaintiff and the obligation of the Ministry of Finance to ceiling the allocations contained in the table (b) The amendment and redistribution on the basis of sections, chapters, materials, types and sequence of type, which is necessary after the House of Representatives reduced total budget spending from (165 trillion dinars to 130 trillion dinars) and this court finds that the constitutional presumption assumes validity and the approval of the

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Constitution as a general asset in every legislation issued by the competent authority issued, so this court does not rule that the text is unconstitutional and therefore invalidates it unless it is proven to be certain and without certainty and without certainty. The origin of the legislative texts is to make them conform to the Constitution and the text in question must be treated and considered, starting with the assumption of its validity and approval of the Constitution, and assuming that the legislator has made sure that its organization of this text is the most appropriate organization and appropriate solution to the issue in question, and that This court exercises its control over the necessity it requires, and it is whenever the contested texts cannot in any way be adapted to its contents and the provisions of the Constitution, but at the same time it cannot find the contested text a way out of the proven text of the constitution and its principles. The Constitution, therefore, although the contested text is added by the House of Representatives, has not proved to this court its violation of the Constitution, its principles, and objectives, which requires the rebuttal of the appeal raised against it. 3. Article (2/First/4/h) which stipulates (allocates revenues from collection and fees to municipal and provincial health departments and those in their assets to the same departments for 2019, 2020, and 2022 1 The governor authorizes the approval of the spending plan) and the plaintiff based his job in addition to challenging him that the defendant added a new text to the above article, which is the phrase (authorizes the governor to approve the spending plan) and this is an interference in the work of the executive branch, especially after the issuance of the Third Amendment Law of the Provincial Law Irregular in the territory no. (21) of 2008, which reconnected the health departments with the Ministry of Health and explained to the defendant's agent in addition

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to his job that the plaintiff's claim regarding the above article is due to be answered because it is not the jurisdiction of this court to consider violating the contested text of another legal text, and article (24) of the Budget Act 2021 dealt with the financial allocations order where it authorized the Federal Minister of Finance to transfer financial allocations to the departments that will be disengaged from ministries and attached to the province During the fiscal year and vice versa , this court finds that the federal system in the Republic of Iraq, based on the provisions of article (116) of the Constitution, consists of the capital, provinces, decentralized provinces and local administrations, and has granted provinces that have not been regulated in the territory of broad administrative and financial powers so that they can manage their affairs in accordance with the principle of administrative decentralization based on the provisions of article (122/II) of the Constitution, the contested text is in accordance with the provisions of articles (116 and 122/II) of the Constitution, which requires a response to appeal against it. Article (2/First/8) stipulates (establish funds in all provinces producing crude oil, refined oil or gas called (Petrodollar Fund) administered by the governor concerned, financed monthly by increasing the price difference at the prices of the sale of crude oil from what is established in the article (1/first/b) of this law and add to the origin of the amounts confirmed in the article (2/first/5) in accordance with the provisions of the same article) and the plaintiff requested to add to his job the provision that the above article is unconstitutional as mentioned above. A new text added by the House of Representatives represents an infringement of the jurisdiction of the House of Representatives provided for in articles (61 and 62 /III) of the Constitution and a violation of the principle of separation of powers in addition to its financial implications, and the defendant's

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agent argued that the establishment of (petrodollar funds) is not an executive action because these funds do not have a moral personality or financial and administrative independence and will be financed by the oil price difference and does not arrange financial effects , this court finds that the draft general budget law and the final account must be submitted from the Council of Ministers to the House of Representatives for approval on the basis of the provisions of article (62/first) of the Constitution and based on section (II) of the same article, the House of Representatives shall conduct a move between the doors and chapters of the general budget and reduce its total amounts and may, if necessary, propose to the Council of Ministers to increase the total amount of expenditures This court finds that the system of government in Iraq, based on the provisions of article (1) of the Constitution, is a representative (parliamentary) democratic republic based on the principle of separation of federal authorities in accordance with the provisions of article (47) of the Constitution, where each authority has a specific function and does not exceed it to ensure that the unity of the State is preserved, with the separation of federal authorities being an organic chapter based on each authority adhering to the limits of its terms of reference with cooperation and balance between them in order to ensure the proper functioning of the work. The philosophy of the parliamentary system is based on mutual cooperation and balance between federal authorities and since the Constitution and under paragraph (II) of article (62) Determine the authority of the House of Representatives on the legislation of the General Budget Act, so it must abide by the limits of that authority, especially since the distribution of constitutional jurisdictions and the controls of their exercise are governed by the Constitution as the supreme law on which the system of government is based, determines

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both the legislative, executive and judicial functions and powers and sets limits and restrictions on its activity so as to prevent any of them from interfering in the work of other authority or crowding it in the exercise of its terms of reference entrusted to it by the Constitution, which means that the rules of jurisdiction specified under the Constitution as The rules of command may not be violated and accordingly it is a requirement to respect the principle of constitutional legitimacy to respect all the jurisdiction granted to it by the Constitution so as not to deviate from the scope of this jurisdiction Whether by bypassing the jurisdiction of another authority or by waiving its jurisdiction, if it violates this, its work falls under the subject of constitutional violation, and the law may be issued by the competent authority to issue it and within the jurisdiction of its jurisdiction, but at the same time it is constitutionally flawed in form, as it did not meet the forms and procedures required by the Constitution The legislation must meet all the procedures and conditions imposed by the Constitution, whether they are related to the submission, proposal, discussion, vote or ratification of bills, and the legislation is a constitutional flaw that requires the judiciary to be unconstitutional if it is issued contrary to the formality and procedures required by the Constitution at any stage from the stage of its proposal and submission as a bill, discussion and voting on it, and ending with the stage of publication and implementation, Therefore, since the contested text violates the provisions of article (47) and article (62/II) of the Constitution, which requires unconstitutionality.

5. Article (12/II/B) which stipulates (the Council of Ministers to disengage and restructure departments and departments in ministries and entities not associated with a ministry whose laws exercise corresponding or similar functions under the functions stipulated in

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the Federal Public Service Council Act No. 4 of 2009 amended to activate the council's role in the public service file) and the plaintiff based his claim to challenge the constitutionality of the above-mentioned text that this will lead to the inflation of the Federal Service Council and the withdrawal of the powers of ministries and non-governmental bodies. Associated with a ministry contrary to the laws in force and violation of the Powers of the House of Representatives under article (61) of the Constitution, the legislation of the previous text violates the principle of separation of powers, and the defendant's agent argued that the contested text legislation is in accordance with the Constitution and meets the requirements of the implementation of Law No. (4) of 2009 (Federal Public Service Council Act), This court finds that the essence and urgency of the legislator's discretion is the trade-off between the various alternatives that separate the subject from the legislative organization in parallel to weight what it considers most appropriate for the benefit of society and frees it to achieve the purposes it envisages and its sponsors to meet the heaviest interests in its enforcement. Otherwise, that legislation was a clear error of judgement and should be overturned, so the constitutionality of the laws depends on whether it is not marred by apparent inappropriateness or apparent disproportion between it appears between the purposes of the legislation and the means of achieving it, and that the disproportionateness of the legislation occurs when the legal rule that has been legislated does not conform to the content sought by the legislator, as it is stated in the text of the contested article that its purpose (activating the role of the Council in the public service file) and that this should not be at the expense of disturbing the public interest sought by the state departments to achieve it, since the application of the text of the above article and the restructuring of

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departments and departments in ministries and non-associated entities  
In a ministry that violates the objectives that these departments seek to achieve and the possibility of addressing the issue of the Federal Public Service Council in another way that does not affect the rest of the ministries and entities not associated with the ministry on the other hand, the contested article is contrary to the provisions of article (80/first) of the Constitution, considering that the planning and implementation of the state policy is the prerogative of the Council of Ministers, which requires ruling that the article is unconstitutional above. 6. Article (18/III/B) which stipulates (a 15% tax on imported fuel sold directly through fuel filling stations for cars), and this court finds that the above-mentioned text is added by the House of Representatives and is not contained in the government bill, which makes it contrary to the provisions of article (60/first) of the Constitution and also contradicts the provisions of article (62/ first and second) of the Constitution, as the Constitution of the Republic of Iraq 2005 singled out the Council of Ministers to submit the draft general budget law and the final account to the House of Representatives for approval and the House of Representatives to make the transfer between the doors and chapters of the general budget and reduce its total amounts and, if necessary, to propose to the Council of Ministers to increase the total amounts of expenditure, which requires the provision of unconstitutional article (18/III/B) of the law in question Article (50/a) stipulates (for the Minister of Finance to add financial allocations to fill the shortfall in employee compensation from salaries, contractors' wages and daily wages if found not to exceed the total amount (500) billion dinars to be audited by the Federal Financial Supervisory Office later.) The plaintiff was based/ in addition to his job in his claim that it is a new text added by the House of

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Representatives and is an interference in the work of the government and makes it unable to secure employees' salaries and contract wages, and pay an agent The defendant, if the prosecutor's claim is based on an incorrect reading, the text contains the power of a reserve passport for the Minister of Finance to fill the shortfall, if any, and the text of the above-mentioned article is consistent with the Federal Financial Administration Act, and this court finds that any state authority With discretion in exercising its functions assigned to it by the Constitution does not mean the release of that authority without certain limits in the Constitution, as it has granted it that much discretion, but it has given it a purpose, including a measure of the ability to deal with the new political, economic and social variables of society with a kind of flexibility conditional on the benefit of society and in a manner that does not conflict with constitutional texts and their objectives, as legislation seeks to enable the authorities in the state On the one hand, the text of the contested article authorized the Minister of Finance to add financial allocations for the purpose of filling the shortage of employees' compensation from the salaries and wages of contractors and daily wages. This is contrary to the provisions of articles (62/I and II) of the Constitution, which requires that the aforementioned phrase of the article (50/a) be ruled unconstitutional. 8. Article (50/c) of the law under appeal, which stipulates (the Council of Ministers shall increase the current prices for the purchase of wheat, barley and steal crops from farmers by (50) thousand dinars per ton for each of the crops mentioned) and this court finds that although it is newly added by the Council of Nubia, this does not place financial burdens on the government as the House of Representatives is guaranteed to finance the added amounts through the transfers it made to the government budget project, so the legislation The text in question is in accordance

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with the provisions of article (61/first) of the Constitution, which requires the rebuttal of the appeal raised. 9. Article (56/III) of the law under appeal, which stipulates that "extractive oil companies are obliged not to include expenses for licensing round contracts in the lists of calculating the cost of the ongoing activity except for the salaries of employees seconded to work with contracting companies in the licensing rounds, taking into account the decision of the Council of Ministers of number (S.L. 212 on 29 May 2013)) and claimed in addition to his post that the above-mentioned article is added by the House of Representatives, which is a new text and violates the provisions of articles (78 and 80/first and third) of the Constitution and exceeds the powers of the House of Representatives provided for in articles (61 and 62/II) of the Constitution and is a breach of the government's obligations arising from licensing tour contracts, and this court finds that the activity of the executive branch is of a complex technical nature and because of its scientific knowledge and technical specialization made this a violation of the legislative initiative in practice by the executive branch considering that the activity of the executive branch is of a complex technical nature and because of its scientific knowledge and technical specialization made this a legislative initiative in practice by the executive branch as the draft laws are submitted by them, where many constitutions of the countries of the world stipulated the competence of the executive branch in submitting bills to the legislative authority, including the Iraqi constitution, as article (60/first) of the Constitution stipulates (bills submitted by the President of the Republic and the Council of Ministers) and since the contracts for license rounds were concluded between the national oil companies of the Ministry of Oil and foreign oil companies, the assessment of the rights and obligations of those

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contracts belongs to the Iraqi government, considering that the Ministry of Licensing rounds was concluded between the national oil companies of the Ministry of Oil and foreign oil companies. Oil is a government satellite and these contracts include specialized technical matters, so the addition of the challenged text could lead to a defect in the government's obligations, contrary to the provisions of article (80/first) of the Constitution, especially since paragraph (II) of the same article under appeal stipulated (the Council of Ministers and stakeholders must review all oil contracts (signed with foreign companies to explore, extract and transport oil and gas) throughout Iraq and in accordance with the principles of the Constitution.) The House of Representatives uses its powers of constitutional control under article (61/II/VII/A, B, C and Eighth/A, B/2/3). Therefore, the addition of the contested text violates the provisions of article (60/first) and article (80/first) of the Constitution, which requires unconstitutionality. 10. Article (58) of the law in question, which stipulates that (the Council of Ministers is obliged to send the names of those in charge of the positions of heads of independent bodies and special degrees and agents of ministries and advisers to the House of Representatives by a maximum of 30/6/2021 and the Deputies to decide to vote within 30 days of the date of the sending of names) and the plaintiff requested in addition to his job to challenge the unconstitutionality of the article above as a new text added to the government draft and contrary to the provisions of articles (78 and 80 / IV) of the Constitution as it is an interference in the work of The functions of the executive branch and this court finds that the above-mentioned article is in accordance with the provisions of article (61/V) of the Constitution, considering that the House of Representatives is competent to appoint the categories They are mentioned in the text

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and the Council of Ministers is obliged to do so under article (80/V) of the Constitution, which stipulates (recommendation to the House of Representatives, to approve the appointment of agents of ministries, ambassadors and private grading holders, the chief of staff of the army and its aides, those who are in the position of commander of a division and above, the head of the National Intelligence Service, and the heads of the security services.) And the Nubian Council exercised its constitutional powers under article (61/first) of the Constitution, so there is no constitutional basis for ruling that article (58) is unconstitutional. of the law under appeal.

As progressed, the Federal Supreme Court decided:

First: Ruling on the unconstitutionality of the phrase (to be scrutinized by the Parliamentary Finance Committee in terms of the sectoral distribution of projects) contained in the article (2/I/4/a), article (2/first/8), article (12/II/b), article (18/III/B) and the words (Not to exceed the total amount (500) billion dinars contained in the article (50/a) and article (56/III) of Law No. (23) of 2021 (Federal Budget Act of the Republic of Iraq for the fiscal year 2021) and its abolition for the reasons described for each of them.

Second: dismiss the plaintiff's claim in addition to his function with the appeal of articles (2/I/4/G) and the words "The Governor is authorized to approve the spending plan" in the article (2/first/4/h), (50/c) and (58) of the act above for the reasons described in each of them.

Third: The parties are charged/ in addition to their functions relative expenses and relative legal fees of 100,000 dinars distributed in accordance with the law and the provision of the agreement was issued in full and binding to all authorities based on the provisions of articles (93 and 94) of the Constitution of the Republic of Iraq 2005 and article

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(5/II) of the Law The Federal Supreme Court No. (30) of 2005 amended by Law No. (21) of 2021 and publicly understood on 21/Sufar/1443 Hijri, 29/9/2021 AD.

|                                       |                                    |                                      |
|---------------------------------------|------------------------------------|--------------------------------------|
| <b>Signature of<br/>The president</b> | <b>Signature of<br/>The member</b> | <b>Signature of<br/>The member</b>   |
| <b>Jasem Mohammad<br/>Abbood</b>      | <b>Sameer Abbas<br/>Mohammed</b>   | <b>Haidar Jaber Abed</b>             |
| <b>Signature of<br/>The member</b>    | <b>Signature of<br/>The member</b> | <b>Signature of<br/>The member</b>   |
| <b>Haider Ali Noory</b>               | <b>Khalaf Ahmad Rajab</b>          | <b>Abdul Rahman<br/>Suleiman Ali</b> |
| <b>Signature of<br/>The member</b>    | <b>Signature of<br/>The member</b> | <b>Signature of<br/>The member</b>   |
| <b>Diyar Muhammad<br/>Ali</b>         | <b>Ghalib Amir<br/>Shunayen</b>    | <b>Ayoob Abbas Salah</b>             |

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