

The Federal Supreme Court has convened in 13.6.2017, headed by the Judge Medhat Al-Mahomood and the membership of the Justices Jaefar Naser Hussain , Akram Taha Mohamed , Akram Ahmed Baban , Mohamed Saeb Al-Naqshabnde , Mikaeel Shamshon Qas Qourqis , Hussain Abbass Abo Al-timen and Farooq Mohamed Al-Sami who are authorized to judge in the name of the people. And it issued the follow decision:

The Plaintiff: (Noon. Meem. Aen.) his agent the attorney (Meem. Gaen. Aen.).

The Defendant: The Prime Minister/being in this post, his agent the legal co-consulter (Ha'. Alef).

#### THE CLAIM:

The agent of the plaintiff claims that the Council Of Ministers on 28.2.2017 in its session held in Waset Governorate decided to transport the center of (The Center Oil Company) from Baghdad Governorate to Waset Governorate according to the provisions of article (3) of The General Companies Code no.(22) for year 1997/amended, the plaintiff impeaching in the unconstitutionality of that decision as its violate the establishing statement because the company original location is in Baghdad, which is near to all the Iraqi center governorates. In another side the plaintiff claims that the impeached decision violated article (3) of The General Companies Code, also its violation to articles (29/first A&B/second/third) that deals with the family and the necessity of keeping it, and article (30/first & second) that the State shall guarantee the family.

After completing the legal procedures stipulated in article two of the FSC Bylaw no.(1) for year 2005 and registering the case, a day appointed as a date for the proceeding, on it the Court convened, the agents of the two parties attended, the agent of the plaintiff repeated his requests, the agent of the defendant repeated his requests mentioned in the answering draft and request to reject the case for the reasons mentioned in it. The two parties repeated their sayings, as there was nothing left to say, the follow decision made clear.

THE DECISION:

In the deliberation and discussion the FSC found that the agent of the plaintiff requesting to judge in the unconstitutionality of the Council Of Ministers decision no.(57) for year 2017 issued on 28.2.2017 that decided to transport the center of (The Center Oil Company) from Baghdad Governorate to Waset Governorate according to the provisions of article (3) of The General Companies Code no.(22) for year 1997/amended.

The FSC finds that the impeached decision issued by the Council Of Ministers is an administrative order that the law named a special party to impeach it before, not among them the FSC. As the specialty of the FSC restricted in article (93) of the Constitution and article (4) of FSC Bylaw no.(30) for year 2005.

According to that the plaintiff case will be rejected as it is out of the FSC competence and to burden him the expenses and the fees of the defendant agent amount of money (100000) Iraqi Dinar. The decision was made unanimous and made clear in 8.5.2017.