

In The Name Of God, Most Gracious, Most Merciful

Republic of Iraq  
Federal Supreme Court  
Ref.96 /federal/media/2016



Kurdish text

---

The Federal Supreme Court has been convened on 20/12/2016, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami , Jaafar Nasir Hussein , Akram Taha Mohammed ,Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, Hussein Abbas Abu Al-Temman, and Mohammed Rijab AL-Kubaisi, who authorized in the name of the people to judge and they made the following decision :

**The Request:**

The ICR speaker requested according to the letter No.(9733) on 13/11/2016, a statement of an opinion about the opportunity of coordination between the federal council of financial supervision and the council of Kurdistan province supervision which its text is the following: best greetings for you\_ it was listed in the letter of the federal council of financial supervision No.(1046) on 18/1/2016, the mention to the article (38/4<sup>th</sup>) from the law of the federal council of financial supervision No.(31) for 2011 (amended, which stipulated (fourth: the council/ in addition to its other tasks- shall assume the oversight on the financial supervision councils in the provinces, and in order to do this he has the following: Alid. Reviewing all the supervisory reports which were issued by those councils and unifying it into one repots on the federal level.

Beh. Coordinating the work of the federal council of financial supervision with the councils of supervision in the provinces according to mechanisms which be adopted by the council of the supervision that was stipulated in this law.

Jim. Coordinating the mechanisms of the work of the councils of financial supervision in the provinces between them according to the regulations which are decided by the head of the financial supervision council.

From this point and in order to strengthen coordination's fields with your respected council, this matter requires you to prepare all your financial documents and data, so we can examine, and review it, whereas it was listed in the letter of the council of the financial supervision in Kurdistan province No.(46) on 19/1/2016 that was directed to the federal council of financial supervision that according to the article (3) from the law of the council of the financial supervision in the province, the council shall be associated with the parliament of the province, and the financial supervision power was not mentioned within the exclusively federal powers which were mentioned in the article (110) from the Iraqi Constitution, and the priority is for the law of the province according to the articles (115 and 121) from the Constitution of Iraq, and the article (28/4<sup>th</sup>) from the law of the federal financial supervision No.(31) for 2011, is not a suitable introduction for regulating the relationship between the two councils, as well as the ICR can issue the federal laws and a number of supervisory matters on the federal executive power, due to its competences that were determined in the article (61) from the Constitution, so there is not supervisory and functional feasibility from providing the federal council of financial supervision by the aforementioned decision in the council's letter. We pleased you to made clear the opinion of the court about the opportunity of coordination between the federal council of financial supervision and the council of financial supervision in Kurdistan, with all appreciation. The FSC placed the request under the scrutiny and deliberation and it reached the following decision:

### **The Decision:**

During the scrutiny and deliberation by the FSC, the court found that the ICR speaker requests from the FSC according to his letter No.(9733) on 13/11/2016 to made clear its opinion about the opportunity of coordination between the federal council of financial supervision and the council of financial supervision in Kurdistan, whereas the article (5) from the bylaw No.(1) for 2005 for the procedures of the FSC work, it required that If an official

party requests about a current dispute between it and another party to decide on the legitimacy of a text in law, a legislative decision, regulation, instructions or order, the request shall be sent in a case to the federal supreme court, and explains it with its substantiations, by letter that signed by either the specialized minister or the head of the party unrelated to a ministry. The request the subject of the opinion is a disputing between the federal council financial supervision and the council of financial supervision in Kurdistan, and the trying requires to initiate a case before the FSC and to pay its legal fees, and the court decide on it according to the law after hearing the sayings of both parties including the requests of the plaintiff and the defenses of the defendant, and because the requester didn't consider that, The request violated the aforementioned bylaw of the FSC, so the court shall reject it from this point. The court issued the decision unanimously on 20/12/2016 and was understood.