Chapter Three
Privileges and Guarantees

**Article 10**

**First:** The Iraqi or Foreign investor enjoy the same privileges, facilities, and guarantees. They must adhere to the obligations stated in this law.

**Second A-**

1. The Iraqi or Foreign investor may own lands allocated for housing projects that belong to the State and Public Sector. The Iraqi investor may buy lands which belong to Private or Mixed Sector to set up exclusively housing projects provided they do not conflict with the uses of the Basic Design.

2. The Iraqi investor may own lands allocated for industrial projects and belongs to the State and the Public Sector, he may contract a partnership with the Foreign Investor in funding or administration, the Iraqi or Foreign investor can buy the land belongs to the Private and Mixed Sector according to a regulation issued by the Commission.

**B-** The investment project contract shall be concluded with the sectored authority that organizing the activity or with the Commission granted the license, but the real estate contract shall be concluded with the owner authority.

**C-** A mark to prevent discretion is to be placed on the property deed until the Iraqi or Foreign investor completes the execution of his obligations, with a confirmation from the investment commission that issued the license.

**D-** The developer or the Iraqi or the Foreign investor commits to abide by the purpose for which the land or property ownership was given, and not to trade in it, otherwise, bears comparable wage for the period of exploitation.

**E-** If the Developer, or the Iraqi or Foreign Investor who was given ownership of a property as per this law, failed to fulfill their obligations within the period specified in the agreement, the Real Estate Registration Administration, based on a request from the said Commission, would revoke the registration and return the property to its former owner in return for paying back the sale price after collecting comparable wage for that period.

**F-** The Iraqi or Foreign investor commits to make residential units within a period specified in the agreement, and to sell or lease them to citizens as per the directives issued for that purpose, the Iraqi or Foreign investor can handle the rest of the non-residential project for the long as the license is valid as per the agreement terms made with the investor.

**G-** The developer may transfer part of the investment project after completion percentage of 40% of the project to the secondary developer, with consent from the Commission who granted the license, the secondary developer may not transfer the ownership of the investment project only after full completion of the project.

**H-** Secondary Developer enjoy the benefits of this law, and subject to its obligations from the date of obtaining the investment license of the transferee of the project.

**Third- A :** The Iraqi or Foreign investor has the right to rent and hire properties or long lease from the State or from the Private and Mixed Sectors for the purpose of establishing investment projects
in it for a period of not more than (50) Fifty years, renewability subject to the approval of the Commission which grants the license and the relevant authority provided that the nature of the project and its economic feasibility is taken into account. The industrial projects constructed in the industrial cities shall be owned with charges and according to instructions.

B- The Investment Commission which issues the license can make an agreement(s) with the Iraqi or Foreign investor to return the project to the State, the Region, or the Governorate not affiliated with a Region after the expiry of the license period and with the terms agreed upon in the agreement signed with the investor.

C- The investor can transfer the ownership of the investment project in whole or in part during the period of the license to any other investor after securing the approval of the Commission which grants the license provided that 40% of the project has been accomplished. The new investor replaces the old one in terms of rights and obligations stipulated by the law and the agreement.

D- The Commission which grants the license can make an agreement with the Iraqi or Foreign investor to own the investment project as land and building, or just a building, depending on whether the project for housing or other purposes, after the end of the license period without enjoying the privileges, facilities and guarantees stated in this law.

E- The investor may set up an industrial investment projects and private agricultural sector stores on agricultural lands and contracts inside and outside the limits of the basic design.

F- After Agreement with the concerned commission, the Developer or the Investor may extend services of infrastructure to the boundaries of the project according to the Agreement concluded with.

G- It may be invested in the stalled projects in all sectors of strategic and federal nature to rehabilitate and implement it in coordination with the relevant authorities to obtain an investment license from the National Investment Commission exclusively.

H- It may not be possible to refer the projects completed by the government that achieve economically feasible revenue (self-finance companies) to investment.

I- Local authorities are committed to extend infrastructure services to the boundaries of the investment projects.

J- It may not be allowed to invest in disputed territories in the Provinces of Kirkuk and Salahuddin until settlement is reached through the judicial authorities or by cancelling the dissolved Revolutionary Command Council resolutions.

Fourth- A: Ministries and Departments not associated with a ministry and the municipalities in the Province are committed to provide suitable Real Estate for establishing investment projects, and inform the National Investment Commission with its numbers, areas, ownership, kind, and uses through preparing a map updated annually.

B- In case the owners of the properties do not abide to implement the provisions of paragraph (A) of this item during the period of (60) days from the date of National Investment Commission’s request, the Council of Ministers has the right to transfer the ownership of these properties to the National Investment Commission without revenue, and the Commission shall allocate it for investment projects.
Fifth- Properties to be allocated for the establishment of the investment project shall be exempted from the provisions of the laws and the following decisions:

a- The Law of Sale and lease of State Assets No. (21) for the year 2013, and sets bases for calculating the charges of sale and rent in accordance with regulation to be issued for this purpose.


c- Industrial Investment Law No. (20) of 1998 on retain the investor port of the land allocated for them under the provisions of the law.

d- Paragraph (Second) of Dissolved Revolutionary Command Council Resolution No. (850) on 5th July 1979 as amended with the Resolution No. (940) on 21nd December 1987.


Article 11
The investor shall enjoy the following benefits:
First: The investor shall have the right to take out the capital he brought into Iraq and its proceeds in accordance with the provisions of this law and pursuant to the instructions of the Central Bank of Iraq in an exchangeable currency after paying all his taxes and debts to the Iraqi Government and all other authorities.

Second: The foreign investor shall have the right to:
A. Dealing in Iraq Stock Exchange with shares and bonds that are dealt in it, and acquiring membership of private stock and mixed companies, even when there are properties within the assets of said companies.
B. Form investment portfolios in shares and bonds.
C. The Foreign Investor can open a branch for his Foreign Company in Iraq in accordance with the Law.
D. Register the Patent of his investment project in accordance with the Law.

Third: Insuring the investment project with any foreign or national insurance company it deems suitable.

Fourth: Opening accounts in Iraqi or foreign currency or both at a bank inside or outside Iraq for the licensed project.

Article 12
This law shall guarantee the following for the investor:
First: The right to employ and use non-Iraqi workers in case it is not possible to employ an Iraqi with the required qualifications and capable of performing the same task in accordance with guidelines issued by the Commission.

Second: Granting the foreign investor and non-Iraqis working in the investment projects the right of residency in Iraq and facilitating his/her entry and exit to and from Iraq.
Third: A- Lack of expropriation or Nationalization of the investment project except as becoming a final judicial decision.

B- Lack of expropriation of the investment project, but to the public interest in whole or in part and in a fair compensation.

Fourth: Non-Iraqi technicians and administration employees working in any project shall have the right to transfer their salaries and compensations outside Iraq in accordance with the law after paying their dues and debts to the Iraqi government and all other entities.

**Article 13**

Any amendment to this Law shall not have any retroactive affect regarding the guarantees, exemptions, and rights recognized by this Law.

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**Chapter Four**

**Investor Obligations**

**Article 14**

The investor shall observe the following:

First: To notify the National Commission for Investment, the Region or Governorate Commission in writing immediately after the installation and equipping of the fixed assets for the purposes of the project and the date of the beginning of commercial activity.

Second: To keep proper records audited by a certified accountant in Iraq in accordance with the law.

Third: To provide an economic and technical feasibility study for the project and any information, data or documents required by the Commission or other competent authorities regarding the budget of the project and the progress made in its execution.

Fourth: To keep records of the project's duty-free imported materials in accordance with the provisions of this Law and specifying the depreciation periods of these materials.

Fifth: To protect the safety of the environment and to adhere to the valid quality control systems in Iraq and international regulations accredited in this field, also the laws related to security, health, public order and values of the Iraqi society.

Sixth: To adhere to the valid Iraqi laws regarding salaries, vacations, work hours and conditions and others as a minimum.

Seventh: Commitment to the correspondence of the work progress schedule submitted by the investor with reality provided that the time difference shall not exceed six months, and that the National Commission for Investment shall set forth punitive conditions in case of exceeding the six-month period and that the Commission shall have the right to withdraw the license.

Eighth: To train and rehabilitate its Iraqi employees as well as raising their efficiency, skill and capabilities. Priority in employment and recruitment shall be given to the Iraqis.