

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 100

TRANSITION OF LAWS, REGULATIONS, ORDERS, AND DIRECTIVES ISSUED BY THE COALITION PROVISIONAL AUTHORITY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), Resolution 1511 (2003), and Resolution 1546 (2004);

Reaffirming that the laws, regulations, orders, memoranda, instructions and directives of the CPA remain in force unless and until rescinded or amended by legislation duly enacted and having the force of law, as set forth in Article 26(C) of the Law of Administration for the State of Iraq for the Transitional Period (“TAL”);

Recognizing that the Government of Iraq will be responsible for interpreting and implementing these laws, regulations, orders, memoranda, instructions and directives following the transfer of full governing authority on 30 June 2004;

Noting that many of these laws, regulations, orders, memoranda, instructions and directives require technical amendment and/or rescission to properly reflect the transfer of full governing authority and the dissolution of the Coalition Provisional Authority on 30 June 2004;

Further noting that many of these laws, regulations, orders, memoranda, instructions and directives require technical amendment and/or rescission to reflect the structure of the Iraqi Interim Government and to allow for proper delegation of responsibilities within that Government and subsequent Iraqi Governments;

Determined to facilitate the continuity of Iraqi law and to ensure a smooth transfer of full governing authority to the Iraqi Interim Government on 30 June 2004;

Having consulted with the Iraqi Interim Government, including the Prime Minister, I hereby promulgate the following:

Section 1 Purpose

This Order makes appropriate revisions to laws, regulations, orders, memoranda, instructions and directives issued by the CPA to facilitate an orderly transfer of full governing authority to the Iraqi Interim Government on 30 June 2004. The Order seeks to ensure that the Iraqi Interim Government and all subsequent Iraqi governments inherit full responsibility for these laws, regulations, orders, memoranda,

instructions and directives so that their implementation after the transfer of full governing authority may reflect the expectations of the Iraqi people, as determined by a fully empowered and sovereign Iraqi Government. This is the final Order of the CPA, which will dissolve on 30 June 2004, after the transfer of full governing authority to the Iraqi Interim Government.

Section 2 General Rules

Except where otherwise noted in this Order, the following General Rules shall apply to every law, regulation, order, memorandum, instruction and directive issued by the CPA:

- 1) All powers, authorities, and responsibilities granted to the Administrator under any law, regulation, order, memorandum, instruction or directive of the CPA transfer to the Prime Minister and shall be exercised pursuant to law, including the TAL and its Annex. As the official with day-to-day responsibility for management of the federal government, the Prime Minister may delegate such powers and responsibilities to an appropriate minister or ministry.
- 2) All powers, authorities, and responsibilities granted to the CPA under any law, regulation, order, memorandum, instruction or directive of the CPA transfer to the Federal Government and shall be exercised pursuant to law, including the TAL and its Annex. The Federal Government means the Iraqi Interim Government, the Iraqi Transitional Government, and the Iraqi Government to be elected under a permanent Iraqi constitution as set forth in Chapter 9 of the TAL.
- 3) All references to “consultation” or “coordination” with the CPA, or CPA “direction,” “supervision,” or “control” of an Iraqi Ministry or other Iraqi government entity or official, or any related reference, are hereby rescinded.
- 4) All references to the Iraqi federal government in any form, including references to “an internationally recognized, representative government” or “a transitional Iraqi administration,” shall apply equally to the Iraqi Interim Government, and all subsequent Iraqi governments, including the Iraqi Transitional Government and the Iraqi Government to be elected under a permanent constitution as set forth in Chapter 9 of the TAL. This rule does not implicate references to regional, governorate, local, or municipal government entities in Iraq.
- 5) All provisions that contemplate present or future orders, regulations, and/or memoranda issued by the Administrator or the CPA shall be read to contemplate present or future orders or regulations of the Iraqi Interim Government as well as

duly enacted legislation or duly promulgated regulations of any subsequent Iraqi Government.

- 6) The word “interim” when immediately preceding “minister” or “ministers” shall be deleted. All references to a minister or ministers shall refer equally to a minister or ministers serving in the Iraqi Interim Government, the Iraqi Transitional Government, or the Iraqi Government to be elected under a permanent Iraqi constitution as set forth in Chapter 9 of the TAL.
- 7) References to “CPA or Coalition personnel” or “Coalition Authorities” or “Coalition personnel” shall be read to cover all foreign national personnel performing services for, or on behalf of, a foreign embassy, including foreign contractors and subcontractors, whether hired by the Federal Government or hired by a foreign government and operating legally in Iraq.
- 8) All references to “Coalition Forces” and related references shall apply equally to Multinational Forces operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546.
- 9) All references to “the Iraqi Governing Council” are hereby rescinded and shall refer instead to the Federal Government generally, including the Iraqi Interim Government, the Iraqi Transitional Government, and the Iraqi Government to be elected under a permanent Iraqi constitution as set forth in Chapter 9 of the TAL.
- 10) The phrase “body vested with national legislative powers” shall refer to the Council of Ministers in the Iraqi Interim Government and the National Assembly in the Iraqi Transitional Government. The same phrase shall apply to the body having legislative powers in the Iraqi Government to be elected under a permanent Iraqi constitution as set forth in Chapter 9 of the TAL.
- 11) The terms “chief executive,” “head of the Iraqi Government,” and “head of the Iraqi Government exercising national command authority” shall refer to the Prime Minister in the Iraqi Interim Government and Transitional Government and the equivalent office in the Iraqi Government to be elected under a permanent Iraqi constitution as set forth in Chapter 9 of the TAL. All Iraqi governments subsequent to the transfer of full governing authority from the CPA, however, enjoy the authority inherent in sovereignty to divide authorities and responsibilities among the Presidency Council, the Prime Minister, and any other office, in a manner consistent with law.
- 12) All references to “foreign liaison mission” shall apply equally after 30 June 2004 to diplomatic and consular missions.

Section 3

Revisions of Specific CPA Order Provisions

Notwithstanding the General Rules set forth in Section 2 of this Order, the following specific provisions of CPA Orders shall be amended, rescinded, or otherwise changed as follows:

1) CPA Order Number 1, De-Ba'athification of Iraqi Society

Section 1(6) shall be rescinded in its entirety.

2) CPA Order Number 2, Dissolution of Entities

a) In Section 2(3), the term “local Coalition authorities” shall be rescinded and replaced with the following: “federal government authorities.”

b) The following shall be appended to the end of the final sentence of Section 2(3): “in accordance with law.”

c) Section 5 shall be rescinded in its entirety.

d) Section 6(2) shall be rescinded in its entirety.

3) CPA Order Number 3 (Revised) (Amended), Weapons Control

a) CPA Order Number 3 shall not apply to personnel or Member States of the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546. Accordingly, all references to “Coalition Forces,” “Coalition Member States,” “Coalition Force Commander,” and/or “Commander, Coalition Forces,” shall be rescinded.

b) In Section 1(4), the definition of “Iraqi security forces” shall be amended to include “the Iraqi Armed Forces.”

c) In Section 1, a new subsection (10) shall be inserted as follows: “10) ‘Private Security Company’ means a private business, properly registered with the Ministry of Interior and Ministry of Trade that seeks to gain commercial benefits and financial profit by providing security services to individuals, businesses and organizations, governmental or otherwise.”

- d) Section 3(1)(c) shall be rescinded in its entirety and replaced with the following: “Groups and individuals who have been authorized by the Minister of the Interior to carry weapons in the course of their duties.”
- e) Section 3(2) shall be rescinded and replaced with the following: “Private security companies may be licensed by the Minister of the Interior to possess and use licensed Firearms and Military Weapons, including Special Category Weapons, in the course of their duties, including in public places.”
- f) Section 4(3) shall be rescinded and replaced with the following: “The carrying of concealed weapons is prohibited, other than by (a) Iraqi security forces; (b) Private Security Companies; (c) security officers from diplomatic missions; and (d) any other group or individual so authorized by the Minister of the Interior.”
- g) The first sentence of Section 5 shall be rescinded and replaced with the following: “Individuals not otherwise authorized to possess or use Firearms or Military Weapons by this, any other CPA instrument, or any other provision of Iraqi law, may apply for weapons authorization.”
- h) In Section 6(1), the phrase “are subject to confiscation by Coalition Forces and other relevant authorities” shall be rescinded and replaced with the following: “are subject to confiscation by the Iraqi Security Forces.”
- i) Section 6(6) shall be rescinded in its entirety and replaced with the following: “An investigative judge of competent jurisdiction may grant a certificate of immunity from prosecution for offenses under this Order or the Iraqi Weapons Code of 1992, but only upon written findings that the person to be granted such immunity provided information that (a) led to the apprehension and conviction of persons in relation to whom information was sought by the Federal Government or (b) resulted in the prevention of a violent crime against public security, including a violent crime against the Federal Government and its personnel, or the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546 and its personnel.”
- j) The following sentence shall be appended to the end of Section 7: “This Order and all regulations promulgated hereunder shall be interpreted in a manner consistent with CPA Order Number 17 (Revised), (CPA/ORD/27 June 2004/17).”

4) CPA Order Number 13 (Revised) (Amended), The Central Criminal Court of Iraq

- a) Section 5 shall be rescinded in its entirety and replaced with the following: “All judges of the Central Criminal Court of Iraq shall be appointed pursuant to Article 46(A) of the TAL and subject to removal only pursuant to Article 47 of the TAL.”
- b) Sections 8(1) shall be rescinded in its entirety.
- c) Section 8(3) shall be rescinded in its entirety and replaced with the following: “A judge of the CCCI shall remove himself or herself from any case in which a party to the proceeding is a spouse, relative of second degree or other close relationship of that judge.”
- d) The first sentence of 8(4) shall be rescinded.

5) CPA Order Number 14, Prohibited Media Activity

- a) Section 3 shall be rescinded in its entirety and replaced with the following: “The Prime Minister shall have the authority to enforce Section 2 of this Order, consistent with Chapter 2 of the TAL and Iraq’s obligations under international law.”
- b) Section 3 shall be retitled “Enforcement.”
- c) Sections 4(1) and 4(2) shall be rescinded in their entirety.
- d) Section 5(2) shall be rescinded in its entirety and replaced with the following: “Additionally, media organizations penalized in accordance with Section 5(1) shall be referred to the Iraqi Communications and Media Commission for consideration of other appropriate sanction, including withdrawal of duly issued licenses.”
- e) Section 6 shall be rescinded in its entirety and replaced with the following: “Any media organization sanctioned under Section 5(1) of this Order may appeal to a court of competent jurisdiction for a determination of whether the sanction complies with applicable law, including Chapter 2 of the TAL and the International Covenant on Civil and Political Rights.”

6) CPA Order Number 15, Establishment of the Judicial Review Committee

A new Section 8 shall be added, entitled “Expiration,” which shall provide as follows: “This Order shall expire and the Judicial Review Committee shall be abolished upon the transfer of governing authority to the Iraqi Interim Government on 30 June 2004; provided, however, that (1) all of the Committee’s decisions prior to 30 June 2004 shall remain in full force and effect and (2) the Iraqi Judiciary Act, to the extent consistent with the TAL and relevant CPA Orders, shall remain in full force and effect. All judicial appointments to, and removals from, the federal courts after 30 June 2004 shall be conducted pursuant to Chapter 6 of the TAL.”

7) CPA Order Number 16 (Revised) (Amended), Temporary Control of Iraq Borders, Ports, and Airports

- a) In Section 1(1), “Coalition Personnel” shall be rescinded and replaced with “Multinational Force Personnel.”
- b) A new Section 1(3)(d) shall be added as follows: “citizens and nationals traveling to Iraq on official government business of any state which contributes more than 500 military personnel to the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546.”
- c) The remainder of Section 1(3) shall be read and interpreted according to its express terms, notwithstanding Section 2(7) of this Order.

8) CPA Order Number 17 (Revised), Status of Coalition Provisional Authority, MNF-Iraq, Certain Missions and Personnel in Iraq

This Order shall not apply to Order Number 17.

9) CPA Order Number 19, Freedom of Assembly

- a) In Section 3(1), the phrase “unless acting under authority of the Coalition Force Commander or a Divisional or Brigade Commander (hereinafter ‘Approving Authorities’)” shall be rescinded and replaced with the following: “unless acting under authority of the Ministry of Interior (the ‘Approving Authority’) pursuant to a regularized procedure for issuing permits for such marches, assemblies, meetings, or gatherings. The Ministry of Interior shall promulgate regulations to establish this regularized procedure as soon as possible after 30 June 2004. All such

regulations shall be consistent with the TAL and Iraq's obligations under international law.”

- b) In Section 3(3), the phrase “or to be held within 500 meters of any CPA or Coalition Force facility” shall be rescinded and replaced with the following: “or to be held within 500 meters of any foreign embassy, including foreign embassy regional offices and consulates, facility of the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546, or public building actively used by the Iraqi government.”
 - c) At the end of Section 3, the following shall be inserted as a new subsection: “4) Any party denied an opportunity to march, assemble, meet, or gather pursuant to this Order shall have recourse to a federal court for review of whether such denial should be reversed on account of being arbitrary, capricious, or otherwise contrary to law.”
- 10) CPA Order Number 22, Creation of an Iraqi Armed Forces

- a) Section 3(2) shall be rescinded in its entirety and replaced with the following: “The mission of the Iraqi Armed Forces is the military defense of the nation, including defense of the national territory and the military protection of the security of critical installations, facilities, infrastructure, lines of communication and supply, and population. The tasks of the Iraqi Armed Forces include developing a military capability in order to provide the basis for militarily effective, professional, and non-political armed forces for the military defense of the nation. Except as authorized by orders or regulations of the Iraqi Interim Government as well as duly promulgated legislation or regulations of any subsequent Iraqi government, the Iraqi Armed Forces shall not have, or exercise, domestic law enforcement functions. Nor shall the Iraqi Armed Forces intervene in the domestic political affairs of the nation. Tasks of the Iraqi Armed Forces will also include, when so ordered, participation in domestic relief operations associated with natural or man-made disasters and humanitarian relief missions.”
- b) Section 3(3) shall be rescinded in its entirety and replaced with the following: “The President of the State will commission officers in the Iraqi Armed Forces who have been approved for commissioning by the Prime Minister. The Prime Minister or the Minister of Defence will designate Commanders of units of the Iraqi Armed Forces, including officers to command the principal units of the Iraqi Armed Forces, as they are created.”

- c) In Sections 3(4), 6(1), 6(8), 6(10), 6(16)(b), 8(1), 10 and 11, all references and associated references to “a civilian member of the CPA reporting directly to the Administrator and to whom such authority is specifically delegated in writing” shall be rescinded and replaced with the following: “the Minister of Defence.”

11) CPA Order Number 25, Confiscation of Property Used in or Resulting From Certain Crimes

In Section 6(6), the reference to “the CPA, Director of Management and Budget” shall be rescinded and replaced with the following: “the Prime Minister or any official the Prime Minister deems most appropriate to receive the Criminal Property report.”

12) CPA Order Number 30, Reform of Salaries and Employment Conditions of State Employees

- a) In Section 3(4) and 8, all references to the “CPA Director of Management and Budget” shall be rescinded and replaced with the following: “the Iraqi Minister of Finance.”
- b) Section 10 shall become Section 11.
- c) A new Section 10 entitled “Other Matters” shall provide as follows: “The Office of the Council of Ministers, which served under the previous regime, shall be dissolved immediately prior to the transfer of full governing authority to the Iraqi Interim Government. Each employee, if he or she chooses, shall be transferred at that time with his or her rank to the Office of Surplus Personnel in the Ministry of Finance for reassignment to other civil service employment within the federal government. In the alternative, each employee may choose to retire and, in such a case, the employee shall receive his or her pension pursuant to Iraqi law.”

13) CPA Order Number 35, Re-Establishment of the Council of Judges

Pursuant to Article 45 of the TAL, the Higher Juridical Council shall assume the role of the Council of Judges as of 30 June 2004. The membership of the Higher Juridical Council is set forth in Article 45 of the TAL. To the extent Order 35 is inconsistent with Article 45 or any other provision of the TAL, the TAL provision shall control.

14) CPA Order Number 36, Regulation of Oil Distribution

- a) In Section 1(1), the references to “the Coalition Provisional Authority” and “Commander Coalition Forces” shall be rescinded.
- b) Section 7 shall be rescinded in its entirety.

15) CPA Order Number 37, Tax Strategy for 2003

In Section 5, the reference to “the Administrator of the Coalition Provisional Authority or” shall be rescinded.

16) CPA Order Number 38, Reconstruction Levy

Section 2(2) shall be rescinded in its entirety and replaced with the following: “The Reconstruction Levy shall not apply to (a) Multinational Forces and departments and agencies of Multinational Force Governments and (b) Foreign (non-Iraqi) employees and foreign (non-Iraqi) contractors and subcontractors of Multinational Force Governments as specifically defined in CPA Order Number 17 (Revised), (CPA/ORD/27 June 2004/17).”

17) CPA Order Number 41, Notification of Criminal Offenses

- a) In Section 1(1), the phrase “the Governing Council, the interim Iraqi Ministers, those persons specifically authorized to draft the new Iraqi constitution, the CPA and Coalition Forces” shall be rescinded and replaced with the following: “the Iraqi Interim Government and the Iraqi Transitional Government and any subsequent Iraqi Government elected under a permanent constitution as set forth in Chapter 9 of the TAL.”
- b) Section 3 shall be rescinded in its entirety.

18) CPA Order Number 45, Non-Governmental Organizations

- a) The following shall be appended to the end of Section 3(1): “The Office shall issue a registration certificate or a written decision within 60 business days of receiving an application to register from a non-profit organization. If neither a registration certificate nor a written decision is issued within 60 business days, an application shall be considered provisionally approved until receipt of subsequent communication from the Office confirming approval or denial of the application.”

- b) Section 6 shall be rescinded and replaced with the following: “If an NGO is found to be operating programs after the suspension or revocation of its registration, or is engaged in conduct that is a direct threat to security or public safety while operating programs regardless of whether registered or not, the Minister of Planning may recommend that the Prime Minister direct closure of the NGO. The Prime Minister may then direct the appropriate minister to effect such closure. In cases of an immediate and substantial threat to security or public safety, as determined by the Prime Minister in consultation with the Presidency Council, the Prime Minister may direct that the assets of an NGO which has had its operations closed in accordance with this paragraph be confiscated and its premises sealed. The NGO may appeal the decision to close its operations and/or confiscate its assets and/or close its premises to a court of competent jurisdiction.”
 - c) Section 9(10) shall be rescinded in its entirety.
- 19) CPA Order Number 48, Delegation of Authority Regarding an Iraqi Special Tribunal
- a) Sections 1(6) of the Delegation of Authority shall be rescinded in its entirety.
 - b) Section 3 of the Delegation of Authority shall read in its entirety “This Order shall enter into force on the date of signature.” The remainder of Section 3 shall be rescinded.
- 20) CPA Order Number 55, Delegation of Authority Regarding the Iraqi Commission on Public Integrity
- Section 2(g) of the Delegation of Authority shall be rescinded in its entirety.
- 21) CPA Order Number 57, Iraqi Inspectors General
- a) The following sentence shall be appended to the end of Section 2(3): “In the event a vacancy arises in the position of Inspector General for the Amanat Baghdad, a position created by CPA Memorandum Number 13 (CPA/MEM/2 June 2004/13), the Mayor of Baghdad shall fill the vacancy by appointment.”
 - b) Section 7(1) shall be rescinded in its entirety and replaced with the following: “To enhance their independence, all ministerial Offices of Inspectors General (which shall include the Inspector General for the

Amanat Baghdad) shall be centrally funded from an allocation within the annual national budget. Any such allocation shall be prepared by the relevant Inspector General in consultation with the Commissioner for Public Integrity and the President of the Board of Supreme Audit, be limited only to those functions and duties required of Inspectors General under this Order, and submitted to the Ministry of Finance. The Ministry of Finance shall consider the budgetary request and determine the appropriate amount of funding for the forthcoming fiscal year in accordance with the budget preparation process set forth in CPA Order Number 95, Financial Management Law and Public Debt Law, (CPA/ORD/2 June 2004/95).”

22) CPA Order Number 60, Ministry of Human Rights

Section 2(3) shall be rescinded in its entirety and replaced with the following: “This shall include requesting and coordinating appropriate support from external sources, including non-governmental and other international organizations, the United Nations, and the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546.”

23) CPA Order Number 65, Iraqi Communications and Media Commission

- a) In Section 4(3), the phrase “in consultation with the IGC and the Administrator” shall be rescinded.
- b) The following definition shall be added to Section 2: “Media organization” includes individuals or groups, and private, corporate, or public entities, domestic or international, established for the purpose of transmitting information by any means.”
- c) All references in Section 8 to “broadcaster, telecommunications operator or information services provider” shall be replaced with “broadcaster, telecommunications operator, information services provider, or any other media organization.”
- d) Section 11(1) shall be rescinded in its entirety and replaced with the following: “The Commission shall be funded from the following sources: (a) Recurring and non-recurring fees collected from licensees and registrations; and (b) Grants, donations or other amounts received by the Commission from any source, insofar as they are in conformity with applicable law.”

24) CPA Order Number 67, Ministry of Defence

- a) The following sentence shall be appended to the end of Section 1(2): “If the position of Minister of Defence becomes vacant for any reason after the transfer of full governmental authority to the Iraqi Interim Government, a new Minister of Defence shall be appointed in accordance with Article 38(A) of the TAL.”
- b) Section 2(1)(a) shall be rescinded and replaced with the following: “The IAF will consist of the Army, Air Force, Coastal Defence Force, and reserve components (when established), and associated headquarters.”
- c) In Section 4(2), the reference to “the provisions of United Nations Security Council Resolution 1511” shall be rescinded and replaced with the following: “the provisions of United Nations Security Council Resolutions 1511 and 1546.”
- d) The following sentence shall be appended to the end of Section 4(7): “All subsequent Inspectors General for the MoD shall be appointed pursuant to the process set forth in Section 2 of CPA Order Number 57, (CPA/ORD/10 Feb. 2004/57).”

25) CPA Order Number 69, Delegation of Authority to Establish the Iraqi National Intelligence Service

- a) In the Delegation of Authority, Section 2(4) shall be rescinded in its entirety.
- b) In the Delegation of Authority, the following sentence shall be appended to the end of Section 2(5): “All subsequent Inspectors General for the INIS shall be appointed pursuant to the process set forth in Section 2 of CPA Order Number 57, (CPA/ORD/10 Feb. 2004/57).”

26) CPA Order Number 71, Local Government Powers

- a) The following sentence shall be appended to the end of Section 2(3): “After the transfer of authority on 30 June 2004, additional positions may be designated as ‘senior positions’ by the Prime Minister with approval of the Presidency Council.”
- b) Section 2(4) shall be rescinded in its entirety.

- c) The current Section 3(5) shall become Section 3(7).
- d) A new Section 3(5) shall provide as follows: “At least two weeks prior to any Governorate Council vote on whether to remove a Director General pursuant to Section 3(4) of this Order, the Governorate Council shall notify in writing the relevant Ministry that such a vote will be held. The Ministry may avail itself of this two week period to hold consultations with the Governor and Governorate Council regarding the proposed removal of the Director General. Only at the conclusion of this two week period may the Governorate Council bring the proposed removal to a vote.”
- e) A new Section 3(6) shall provide as follows: “Notwithstanding any provision of this Order or any other law, the removal of a Director General or an official in a designated senior position may be suspended for 6 months upon the Prime Minister’s certification in writing that such removal will cause significant damage to national security and upon the unanimous approval of that certification by the Presidency. To continue the suspension of a removal vote for another 6 months, the Prime Minister must recertify in writing that the removal will cause significant damage to national security and the Presidency must unanimously approve that certification.”
- f) The current Section 9 shall become Section 10.

27) CPA Order Number 73, Transfer of the Iraqi Civil Defense Corps to the Ministry of Defense

Section 3(8) is rescinded in its entirety.

28) CPA Order Number 74, Interim Law on Securities Markets

- a) The following sentence shall be appended to the end of Section 1(6): “For purposes of this Order, the body vested with national executive authority in both the Iraqi Interim and Transitional Governments shall be the Council of Ministers.”
- b) Section 6(2)(b) shall be rescinded in its entirety and replaced with the following: “The Exchange’s Board of Governors shall appoint the Chief Executive Officer of the Exchange.”
- c) The following sentence shall be appended to the end of Section 6(3): “Subsequent selections of members of the Board of Governors shall be

made by a vote taken by the General Assembly of the Exchange, in conformance with the Exchange's bylaws and/or relevant rules.”

- d) Section 6(9) shall be rescinded in its entirety, and replaced with the following: “A Governor may be removed prior to the expiration of his or her term only for cause and by a super majority (seventy five percent) vote of the Commission.”
- e) Section 12(6) shall be rescinded in its entirety and replaced with the following: “The Commission may set its own salaries, benefits and financial entitlements in conformance with the Ministry of Finance's requirements for budgetary management of Iraq's public money.”
- f) Section 13(6) shall be rescinded in its entirety.

29) CPA Order Number 75, Realignment of Military Industrial Companies

- a) In Sections 2(4), 3(1), 3(2), and 3(3), all references to “the Administrator” shall be rescinded and replaced with the following: “the Prime Minister in consultation with the Council of Ministers.”
- b) Section 3(5) shall be rescinded in its entirety and replaced with the following: “The Minister of Industry may make specific recommendations to the Prime Minister for alternative courses of action.”

30) CPA Order Number 76, Consolidation of State Owned Enterprises

The following sentence shall be appended to the end of Section 5(7): “Following the transfer of full governmental authority to the Iraqi Interim Government, the duties of the Administrator under this Order shall transfer to the Prime Minister and the duties of the Governing Council under this Order shall transfer to the Council of Ministers.”

31) CPA Order Number 77, Board of Supreme Audit

In Section 2(4), references to “the Coalition Provisional Authority” and “the Iraqi Governing Council” shall be rescinded.

32) CPA Order Number 82, Iraqi National Remembrance Foundation

- a) In Section 3(4), references to “the Iraqi Governing Council” shall be replaced with “the Council of Ministers.”

b) Section 6 shall be rescinded in its entirety.

33) CPA Order Number 90, Special Taskforce for Compensating Victims of the Previous Regime

The following sentence shall be appended to the end of Section 1(2): “Should a vacancy in the Chairmanship arise at any time, the Prime Minister shall appoint a new Chairman after consultation with the Presidency Council.”

34) CPA Order Number 91, Regulation of Armed Forces and Militias in Iraq

a) Section 3(1)(e) shall be rescinded in its entirety and replaced with the following: “A Private Security Company and officers and employees of a Private Security Company, provided the Private Security Company meets all of the licensing and regulation requirements of Iraqi law, including the Memorandum regulating Private Security Companies.”

b) In Section 4(5)(h), the reference to “the CPA or government of Iraq following transfer of full Governance authority” shall be rescinded and replaced with the following: “the Transition and Reintegration Implementation Committee.”

35) CPA Order Number 95, Financial Management Law and Public Debt Law

The phrase “the body vested with national legislative authority,” which appears at Annex A, Sections 1, 4(2), 6(8), 7(1), 7(3), 7(4), 7(5), 9(6), 9(8), 10(7), 11(5), 11(6), 11(8) and 15(7) of the Financial Management Law of 2004, shall mean the Interim National Council of the Iraqi Interim Government; the elected National Assembly of the Iraqi Transitional Government; and the elected assembly in whatever form of the Iraqi Government to be elected under a permanent constitution.”

Section 4
Rescission of CPA Orders

The following CPA orders are hereby, or have been, rescinded in their entirety and shall have no force and effect whatsoever after the transfer of full governing authority to the Iraqi Interim Government on 30 June 2004:

1) CPA Order Number 4, Management of Property and Assets of the Ba`ath Party

- 2) CPA Order Number 5, Establishment of the Iraqi De-Ba'athification Council
- 3) CPA Order Number 6, Eviction of Persons Illegally Occupying Public Buildings
- 4) CPA Order Number 11, Licensing Telecommunications Service and Equipment
- 5) CPA Order Number 12, Trade Liberalization Policy
- 6) CPA Order Number 21, Interim Exercise of Baghdad Mayoral Authority
- 7) CPA Order Number 42, Creation of Defense Support Agency
- 8) CPA Order Number 47, Amendment of CPA Order 38 on Reconstruction Levy
- 9) CPA Order Number 61, Amendment to CPA Order Number 45
- 10) CPA Order Number 62, Disqualification from Public Service

Section 5
Revisions of CPA Regulations

Notwithstanding the General Rules set forth in Section 2 of this Order, the following specific provisions of CPA Regulations shall be amended, rescinded, or otherwise changed as follows:

- 1) CPA Regulation Number 1, Coalition Provisional Authority

A new Section 7 entitled "Dissolution" shall provide as follows: "Upon dissolution of the CPA, this Regulation shall have no force and effect."

- 2) CPA Regulation Number 5 (Amended), Council for International Coordination

This Regulation shall be rescinded in its entirety.

- 3) CPA Regulation Number 6, Governing Council of Iraq

This Regulation shall be rescinded in its entirety.

- 4) CPA Regulation Number 7, International Donor Assistance

a) Section 1(3) shall be rescinded in its entirety and replaced with the following: "*Membership*. The Board shall consist of the following

individuals: two appointed by the Governing Council; the Minister of Planning and Development Cooperation; the Minister of Finance; and one or two individuals appointed by the Prime Minister upon recommendation of the Minister of Planning and Development Cooperation in his capacity as Chairman of the Board.”

- b) The following sentence shall be added to the end of Section 1(3): “The occupants of the first two positions listed above as of 30 June 2004 will continue for a period of two years. The Minister of Planning and Development Cooperation will recommend a replacement or reappointment to the Prime Minister after the elapse of one year or in the event that the position(s) become vacant.”
- c) The following shall be appended to the end of Section 2(1): “The Council for International Coordination (“Council”) will continue to be the in-country coordinating body for international assistance in the relief, recovery and development of Iraq. The Council will encourage the international community to provide funds and other forms of assistance to Iraq and will assist in coordinating international assistance provided by contributing States, non-governmental organizations, and international organizations.”
- d) Section 6 shall be rescinded in its entirety and replaced with the following: “The Federal Government alone has the authority to carry out the functions and responsibilities set forth in this Regulation.” Section 6 shall be retitled as follows: “Exclusive Authority of the Federal Government.”

Section 6

Revisions of CPA Memoranda Provisions

Notwithstanding the General Rules set forth in Section 2 of this Order, the following specific provisions of CPA Memoranda shall be amended, rescinded, or otherwise changed as follows:

- 1) CPA Memorandum Number 1, Implementation of De-Ba’athification Order No. 1

This Memorandum shall be rescinded in its entirety.

- 2) CPA Memorandum Number 2, Management of Detention and Prison Facilities

- a) Section 2(3) shall be rescinded in its entirety and replaced with the following: “To ensure these standards are met, the Minister of Justice shall remain in full control of the Iraqi prison system and shall report

periodically to the Prime Minister regarding the status of the Iraqi prison system and any changes in Iraqi law that may be necessary to comply with this Memorandum and the Federal Government's obligations under international law and the TAL."

- b) Section 2(4) shall be rescinded in its entirety.
- 3) CPA Memorandum Number 3, Criminal Procedure
- In Section 2, references to "the Coalition or any of its member States" and "a Coalition member State" shall be rescinded and replaced with the following: "the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546 and all States contributing forces to that Multinational Force."
- 4) CPA Memorandum Number 4, Contract and Grant Procedures with Appendices
- a) All references to the Program Review Board shall apply to its successor board in the Iraqi Government.
 - b) In Section 1, all but the first sentence shall be deleted.
 - c) All references to the term "Iraqi Funds" shall be replaced by "Public Funds."
 - d) Section 2(5) shall be rescinded in its entirety and replaced with the following: "Others delegated such authority by the Prime Minister."
 - e) Section 3(8) shall be rescinded in its entirety and replaced with the following: "'Public Funds': Funds owned and controlled by the Federal Government."
 - f) Section 4(1) and 4(2) shall be rescinded in entirety and replaced with the following: "The Ministry of Finance shall determine which officials are authorized to appoint Contracting Officers who may enter into Contracts or Grants within their directorates, commands, or organizations."
 - g) In Section 4(3), the phrase "the officials listed in paragraph 2 above" shall be rescinded and replaced with the following: "officials."
 - h) Section 6(1) shall be rescinded in its entirety and replaced with the following: "Identification of Parties. Contracts and Grants must

prominently identify the parties.

- i) In Section 10(1), the following phrase shall be deleted: “The CPA Office of Management and Budget will allocate funds to the Iraqi Ministry of Finance for further distribution to the Iraqi Ministries, in accordance with the national Budget.”
 - j) In Section 12, the final sentence shall be deleted.
 - k) In Appendix B(12) “United States currency” shall be replaced with “Iraqi currency.”
 - l) Appendix (B)(16) shall be rescinded in its entirety and replaced with the following: “Disputes. Failure of the parties to this contract to reach agreement on any request for equitable adjustment, claim, appeal, or action arising under or relating to this contract shall be a dispute to be resolved in accordance with the laws of Iraq. The contractor shall proceed diligently with performance of this contract, pending final resolution of any dispute arising under the contract.”
 - m) Appendix B(35), Appendix B(36), and Appendix B(40) shall be rescinded their entirety.
 - n) Appendix D shall be rescinded in its entirety.
- 5) CPA Memorandum Number 5, Implementation of Weapons Control Order Number 3 with Annex.
- a) All references to “foreign liaison mission[s]” shall be replaced with “diplomatic or consular missions.”
 - b) In Section 1(iii), the reference “authorized by the CPA” shall be rescinded and replaced with the following: “authorized by the Iraqi government and/or the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546.”
 - c) In Section 4, the two references to “the CPA office advising the” shall be rescinded.
 - d) In Annex A, the text and the chart preceding, but not including, the phrase “United Nations Specialized and Related Agencies are” shall be rescinded. The remainder of Annex A shall remain unchanged.

- 6) CPA Memorandum Number 6, Implementation of Regulation on the Governing Council

This Memorandum shall be rescinded in its entirety.

- 7) CPA Memorandum Number 7, Delegation of Authority Under De-Ba'athification Order Number 1

All authority delegated under this Memorandum shall be withdrawn and the Higher National De-Ba'athification Council, established pursuant to that authority, shall be abolished at such time as the Iraqi Interim Government issues an order establishing the Independent Iraqi De-Ba'athification Council.

- 8) CPA Memorandum Number 9, Appointment of Deputy Ministers

This Memorandum shall be rescinded in its entirety.

- 9) CPA Memorandum Number 10, Rewards Program for Information Leading to the Recovery of Iraqi State and Former Regime Assets

Section 2 shall be rescinded in its entirety and replaced with the following: "The Prime Minister in coordination with the Minister of Finance may authorize the payment of financial rewards to eligible individuals who provide the Iraqi government or the Multinational Force operating in Iraq pursuant to United Nations Security Council Resolutions 1511 and 1546 with information that leads to the recovery of state assets or former regime-owned assets."

Section 7
Effective Date

This Order shall enter into force immediately prior to the transfer of governing authority from the CPA to the Iraqi Interim Government.

 6/28/04

L. Paul Bremer, Administrator
Coalition Provisional Authority