

The law of using the national products and services and supporting Iranian goods

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Chapter 1: Definitions

Article 1- The expressions and terms of this law are used in the meanings explained below:

1- Project: It is a set of purposeful activities (design-engineering, production, procurement, implementation or start-up) that leads to the production or construction of a new industry, the development and modification of an existing industry, or the purchase of products for construction and the instrument is designed-made based on order.

2- Referral of work/work order: it means to carry out or carry out the responsibility of carrying out various activities of a plan (project) in full or a part of a plan (project).

3- Central unit: the central unit of the units that perform the task of managing the subordinate units according to the regulations.

4- Contractor: any natural or legal person referred to in the contract.

5- Design and construction contractor: It refers to a contractor who is responsible for performing detailed and executive design services, engineering design or process engineering, production, procurement and supply of goods and equipment, executive operations and installation and management of these activities in He is in charge of a project.

6- Commodity: A product whose consumption process can be separated from its production process and whose ownership can be transferred from one person to another.

7- Service: a product whose consumption process cannot be separated from its production or creation process, including all kinds of customized and special changes that are made at the customer's request in the condition, shape, position and location of objects or persons, and including all kinds of consulting, educational and therapeutic services or types of contracting, including construction contracting, transportation contracting, repair, maintenance or operation contracting.

8- Domestic product: refers to a manufactured product or a service that is designed by Iranian experts or through reverse engineering or the transfer of its technical knowledge and technology in order to create added value inside the country.

9- Depth of domestic manufacturing: the amount of production factors and inputs used in the manufacturing process of domestic products that are created in the geographical territory of the country.

10- Iranian-foreign partnership: A company consisting of Iranian and foreign natural or legal persons or an economic group formed by common interests (consortium) of these persons based on a valid legal contract to carry out a specific plan (project).

11- Restricted financing: financing of plans (projects) within the country subject to referral of work by the employer to an Iranian contractor or an Iranian-foreign partnership in such a way that the share of the Iranian company is at least fifty-one percent (51%).

12- Public facilities: facilities that are used for public purposes such as office buildings, landscaping or non-industrial parts of the project.

13- Non-conventional standards: standards that are not classified as national, regional and international standards according to the law on the strengthening and development of the standard system approved on 4/9/1396.

14- Chambers: The Chamber of Commerce of Industries, Mines and Agriculture, which in this law is called "Chamber of Iran", "Chamber of Cooperation" and "Chamber of Guilds", all three of which are formed according to the relevant laws.

The second chapter: supporting the domestic product and planned (project) purchases in work referral

Article 2- All ministries, organizations, institutions, state-owned or government-affiliated companies subject to Article (4) of the Public Accounts Law of the country approved on 1/6/1366 with its subsequent amendments and additions, banks, institutions and non-governmental public institutions subject to Article (5)) the said law and their subsidiaries, foundations, Institutions of the Islamic Revolution, companies, institutions and institutions subject to Article (6) of the Law on the Implementation of General Policies, Article 44 (44) of the Constitution approved on 25/03/2018 with subsequent amendments and additions and their subsidiaries, as well as all organizations, companies Institutions, devices and units that are covered by the law, such as the subsidiaries of the Ministry of Petroleum in the fields of oil, gas, petrochemicals and refining and distribution, the Organization for the Development and Modernization of Iranian Industries and the Organization for the Development and Modernization of Mines and Mineral Industries of Iran. Civil Aviation Organization, Ports and Maritime Organization, Broadcasting Organization of the Islamic Republic of Iran, National Steel Company, whether they have their own law or follow general rules and regulations and legal entities related to them, the executive headquarters of the Imam's (RA), construction camps, organizations of special economic zones with public sector management, the board of trustees for saving currency in the treatment of patients, universities, higher education and research institutions, and subsidiaries and institutions and Their affiliates, regardless of whether they use government facilities, public funds,

or their own income, or foreign currency and Rial facilities, credits, and guarantees, regardless of their activities in the mainland or special economic zones, are subject to this law.

Note 1- Natural and legal entities, private or cooperative, who use the facilities of the National Development Fund resources, debt facilities, subsidized facilities or the guarantee of bank facilities by the government in the implementation of plans (projects), up to the amount of government facilities and facilities received in the same plan (project) are subject to this law.

Note 2- Legal entities that, regardless of the type of ownership, at least one member of their board of directors is appointed by one of the institutions referred to in this article, are subject to this law.

Note 3- The inclusion of the provisions of this law to the institutions under the supervision of the Supreme Leader is subject to the inquiry of the head of the supervisory board on the subject of Article (19) of this law and with the permission of the Supreme Leader.

Article 3- In order to comply with this law in holding tenders, the following are mandatory:

A- From the effective date of this law, the purchase of all kinds of goods and services in any way, including holding tenders, or leaving formalities and not requiring formalities by the institutions subject to Article (1) of the Law on Holding Tenders approved on 11/3/2013 with amendments and Subsequent additions are prohibited without complying with this rule.

B- All the leading institutions subject to Article (2) of this law in referring work (subject Article (5) of this law) are added to the institutions subject to the law of holding tenders.

Article 4:

A- The Ministry of Industry, Mining and Trade is obliged to:

- 1- Organize a centralized system to list the capabilities of domestic products from the internal credits and using the existing systems.
- 2- By complying with articles (2) and (3) of the law on continuous improvement of the business environment approved on 11/16/2013 with subsequent amendments and additions and receiving the opinions of the chambers, the Supreme Center of Iranian Employers' Trade Unions and other nationwide employers' and workers' organizations, within Within four months after the entry into force of this law, enter the list of capabilities of domestic products, capacity and names of producers of goods and service providers, design-build contractors, domestic technologies and ranking in the centralized system subject to part (1) of this paragraph. The information of this system must be continuously updated and available to the public.
- 3- 3- Determine the depth of interior construction of domestic products and install a label indicating the percentage of interior construction depth on the products within a maximum period of two years and include it in the subject system of part (1) of this paragraph.

Note - The executive regulations of this component include the method of verifying the depth of internal construction and its realization in compliance with articles (2) and (3) of the Law on Continuous Improvement of the Business Environment approved on 11/16/2013 with subsequent amendments and additions by the Ministry of Industry and Mines. and trade in cooperation with the country's plan and budget organization and the ministries of oil, energy, agricultural jihad and health, treatment and medical education within four months after the entry into force of this law and it is approved by the cabinet.

- 4- Take measures to include the ranking of goods producers, service providers and design-build contractors in the system of the subject of part (1) of this paragraph, which is carried out by competent non-governmental legal authorities, engineering system organizations and the Chamber of Iran. How to rank and determine the list of competent non-governmental legal authorities for ranking in any specialized field, both governmental and non-governmental projects subject to this law, based on criteria including the level of education of board members and CEO, company's work history, financial and technical ability and Software facilities and expert human resources are determined. The executive regulations of this component will be prepared by the Ministry of Industry, Mines and Trade in cooperation with the relevant executive bodies with the participation of chambers, organizations of the country's engineering system and the Supreme Center of Iranian Employers' Trade Unions within a maximum period of three months after the entry into force of this law. It will be approved by the Cabinet.

Note 1- Recognizing the qualification and classification of consulting engineers and contractors of capital (construction) asset acquisition projects, the subject of Article (22) of the Law on the Program and Budget of the country approved on 12/10/1351 with subsequent amendments and additions, and the duties of the subject of Article (34) of the Decree Law Permanent development programs of the country approved on 11/10/1395 with subsequent amendments and additions, in order to increase the efficiency and effectiveness of the project(s) that use public funds and capital asset acquisition plans in compliance with the law on how to implement the general policies of the principle The forty-fourth (44) of the Constitution is the responsibility of the country's program and budget organization, and the relevant list is announced to the Ministry of Industry, Mines and Trade for inclusion in the system of this article.

Note 2- In order to implement the provisions of Article (5) of the law on continuous improvement of the business environment approved on 11/16/2013 with subsequent amendments and additions in order to organize, create, register and announce the national list of economic organizations, three months after the entry into force of this According to the law, the Ministry of Economic Affairs and Finance is obliged to prepare its executive regulations in consultation with the Dialogue Council and approve it by the Cabinet. The Chamber of Iran is obliged to take the necessary measures for the comprehensive membership of economic activists in this chamber, to issue the membership card and renew it without receiving four per thousand annual interest, the subject of Article (13) of the Law of Permanent Decrees on the Country's Development Programs.

B- All institutions subject to Article (2) of this law are obliged to:

- 1- At most one month after the approval of their plans (projects) in the relevant authority, publish their list and specifications in the system subject of this article.

2- To announce the list of foreign goods and services required for the plans (projects) subject of this clause, as well as the needs during the operation of their plans (projects) by mentioning the relevant technical specifications and standards in the system of the subject of this article.

Note 1- In the case of items and defense needs and cases against the security and public interests of the country, the subject of parts (1) and (2) of this paragraph shall be implemented according to the relevant laws and regulations.

To be continued....