Written Submission on the Iraqi Communications and Media Commission's Draft Regulation on Artificial Intelligence Services

Submitted by: AI Policy Lab at Umeå University and ACM Expanding Regions Committee

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Introduction

Decisions about how Iraq licenses, classifies, and supervises AI will shape which services the public and institutions can use, who can build them, and what happens when something goes wrong. The draft regulation released for public consultation by the Communications and Media Commission in the Republic of Iraq on 23 September 2026 is an important first step in making those decisions.[1] This submission focuses on regulatory design: how obligations match risk, how responsibility is allocated, how institutions coordinate, and how the regulation can remain enforceable and up to date. Our recommendations seek to make the Regulation **risk-proportionate, rights-protective, institutionally coherent, and enforceable**.

Match Licensing Requirements to Risk

Article 5 requires a license before any entity develops, distributes, or provides access to AI software, APIs, or cloud services, and before any entity manufactures, imports, sells, or maintains AI-enabled devices, including accelerator chips and smart-home devices. Every applicant, regardless of risk, must then submit the full set of documents required by Article 6, ranging from company records, such as board minutes and tax clearance certificates, to technical material, such as a description of the system's architecture and the sources of its training data. In this manner, a startup offering a translation app faces the same threshold as a bank deploying credit scoring. This undermines the draft's stated aim of supporting startups and investment (Article 3, Third) and diverts the Commission's limited capacity from critical systems to low-risk ones.

We recommend a tiered entry system:

- Online notification for **low-risk services** (C1)
- Registration with documented compliance for **moderate-risk services** (C2)
- Full licensing with impact assessment and prior approval only for **high-risk and critical systems** (C3-C4)

This mirrors the risk-based approach of comparable frameworks, which scale the type and content of rules to the intensity and scope of the risk AI systems can generate.[2] General-purpose hardware should not automatically trigger the same licensing requirements as a rights-impacting AI service, although the CMC should coordinate with relevant customs, cybersecurity, export-control, and sectoral authorities where hardware presents material security or dual-use risks.

[1] Communications and Media Commission, 'Announcement: The Communications and Media Commission Issues the Draft Regulation on Artificial Intelligence Services in Iraq for Public Consultation' https://cmc.iq/2026/09/13/ accessed 2 October 2026; Communications and Media Commission, *Annex (4): Regulation on Artificial Intelligence Services in the Republic of Iraq* (draft for public consultation, 2026) https://cmc.iq/wp-content/uploads/2026/09/ Quotations from the draft are the author's unofficial translations from Arabic to English.

[2] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L, recital 26 https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng accessed 2 October 2026.

Make Risk Classification Consistent and Open to Consultation

Article 12 sets out reasonable criteria, including purpose, data sensitivity, the number of people affected and reversibility of harm, and states that a system's sector "is not, on its own, decisive". Yet the matrix in Article 5 classifies largely by sector rather than by use. As a result, educational applications are treated as low risk even where AI grades examinations or decides admissions, while employment, social benefits, policing, migration decisions and electoral administration are not named at all, all of which carry significant risks to individuals' rights and life opportunities. The method itself is left to a future technical guide (Article 12, Fourth), and the Commission's classification decisions are final (Article 5, Fifth).

We recommend that Article 12 should govern the matrix, which should be illustrative only. The contexts above should be high risk by default, as in comparable frameworks,[3] and classification decisions should be open to appeal. Since risk in these contexts depends on how systems affect people's opportunities and rights, not on technical design alone, the technical guide should be developed by an interdisciplinary group of technical and legal experts, sector regulators and practitioners, social scientists and ethicists, and civil society organizations representing affected groups, and published for consultation before it takes effect.

Allocate Responsibility Along the AI Supply Chain

It is rarely the case that AI systems are controlled by a single actor. A foreign developer may train a model, a cloud provider may host it, an Iraqi company may integrate it, and a hospital may decide how it uses its outputs. The draft nonetheless places most obligations on the "licensee", makes the provider liable even for deployment decisions it does not control (Article 11, First, 8) and, for general-purpose models, divides duties only "according to its role" (Article 13, Second), without saying who does what. Each actor can then point to another, and when something goes wrong, it is unclear who should be held responsible.

We recommend that obligations follow phased control gates.[4] The Regulation should identify duties for providers, developers, deployers, importers, distributors, cloud providers, and subcontractors. While clear liability is necessary, it is not sufficient on its own. Every affected person should be able, through a single point of contact, normally the deployer, to obtain an explanation, contest a decision and have it reviewed by a person with authority to change it.

Make Obligations Enforceable Against Foreign Providers

Article 4(2) lacks the list of indicators that determine when a foreign provider is covered, and the legal role of the Platform Liaison Officer (Article 6(2), 10) is undefined. We recommend completing the indicators and defining the Platform Liaison Officer as a legal representative able to receive notices and orders on the provider's behalf.

Define Institutional Roles and Coordination

[3] See, for example, EU Artificial Intelligence Act (n 2) art 6(2) and Annex III. https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng
[4] OECD, Recommendation of the Council on Artificial Intelligence (OECD/LEGAL/0449, adopted 22 May 2019, revised 3 May 2024) principle 1.5 https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449 accessed 3 October 2026; see also EU Artificial Intelligence Act (n 2) arts 13, 16 and 26. https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng

The Commission's mandate under Legislative Order No. 65 of 2004 covers telecommunications, broadcasting, information services and other media.[5] The draft, however, reaches into medical devices, autonomous vehicles and drones (Article 5, Second) and banking, healthcare and judicial AI (Article 10), and prohibits autonomous weapons systems (Article 4, Fourth, 5), all areas with their own competent authorities. Article 17 mentions cooperation with the Central Bank of Iraq and the Ministry of Health but not who leads or how conflicting requirements are resolved.

We recommend a formal coordination mechanism that defines the lead authority in each sector and provides for information-sharing, joint investigation, and conflict resolution; refers military applications to the competent authorities; and clarifies how the regulation applies in the Kurdistan Region.[6]

Make Enforcement Credible and Proportionate

Most violations, including non-compliance with final decisions, pass through two warnings before a fine (Article 18, Second), and the fixed maximum of IQD 200 million is low for global providers yet heavy for small local firms. Algorithmic audits of high-risk systems are submitted to the Commission only (Article 14, Third, 3). We recommend fines scaled to the undertaking's global annual turnover, with lower but proportionate thresholds for smaller entities, and the possibility of bypassing warnings for serious or urgent violations. The Regulation should also authorize publication of summaries of algorithmic audits, subject to safeguards for personal data and legitimate trade secrets.[7]

Build in Technical Consultation and Review

Much of the actual detail will only be decided later: the risk methodology (Article 12, Fourth), requirements for AI agents (Article 13, Third), sector-specific ethical guidelines (Article 11, Third, 4), and technical instructions (Article 19, 3). The draft requires no consultation on them and contains no review clause. We recommend that:

- the interdisciplinary group proposed above serve as a standing advisory committee;
- public consultation on these instruments be mandatory;
- the regulation be reviewed within three years of entry into force, drawing on the Commission's annual market reports (Article 17, Third).

Annex: Drafting Corrections

1. Article 4(Second) announces a list of indicators determining when a foreign provider is covered, but the list is missing.
2. Article 2 defines "artificial intelligence" (2(7)) as technologies that simulate human capabilities, and "AI system" (2(10)) in terms of autonomy and outputs. The two rest

[5] Coalition Provisional Authority Order No 65, 'Iraqi Communications and Media Commission' (20 March 2004) s 3(2) https://govinfo.library.unt.edu/cpa-iraq/regulations/20040320_CPAORD65.pdf accessed 5 October 2026.
[6] Constitution of the Republic of Iraq (2005) arts 117(1) and 121(1)-(2), under which the Kurdistan Region exercises executive, legislative and judicial powers and may amend the application of national legislation within the region on matters outside the federal government's exclusive authorities https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en accessed 3 October 2026.
[7] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, General Data Protection Regulation, art. 83(4)-(6); Regulation (EU) 2024/1689, https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng; Artificial Intelligence Act, art. 99, on penalties for infringements of the Act, https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng; Regulation (EU) 2022/1925, Digital Markets Act, art. 15(3) & see also recital 89, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R1925

on different concepts, and the draft does not state which determines its scope; we recommend a single definition aligned with the OECD's.[8]

3. Article 4 (Fourth, 2) prohibits social scoring outright, while Article 11 (Second, 5) prohibits it only where it restricts access to public services, and the two provisions use different terms. We recommend retaining the broader prohibition and a single term.
4. Article 5 (Fourth, 1) is an incomplete sentence: it does not state what holders of licenses in both tracks, or of three or more subcategory licenses, obtain.
5. Articles 9(2), 16 (Second, 6), and 19(2) refer to Article 16 for penalties, which are set out in Article 18. Article 18 (First) refers to inspection or verification under Article 15; it should also refer to Article 17, which governs inspection.

We thank you for considering our recommendations, and welcome the opportunity to engage further.

Yours sincerely,
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[8] OECD (n 4) section I (definition of "AI system", as revised on 8 November 2023). https://legalinstruments.oecd.org/en/instruments/oecd-legal-0449 accessed 20 October 2026