

Environmental Protection Law

We, Abdullah the Second, Son of Al-Hussein, King of the Hashemite Kingdom of Jordan, by Virtue of para (1) of article (94) of the Constitution, and pursuant of what the Cabinet has decided on 17/12/2002, to hereby approve, in accordance with article (31) of the Constitution, the following interim law, and order its issuance, temporary enforcement and annexation to the Laws of the State, on the basis of referring it to the Parliament in its first meeting.

Interim Law no. (1) for the year 2003 **Environment Protection Law**

Article(1)

This Law shall be called (Environment Protection Law for the year 2003) and shall be applicable as of the date of its issuance in the official gazette.

Article (2)

The following words and phrases wherever stated in this law, shall have the meanings specified for them below, unless otherwise indicated in the context:-

The Ministry

The Ministry of Environment.

The Secretary General

The Secretary General of the Ministry of the Environment.

The Environment

The surroundings which include the living and nonliving beings, the materials contained, and what surrounds it, such as air, water, soil, and interactions of any of them, as well as the establishments built by the human being.

The Environment's Elements

Water, air, earth all that included.

Pollution

Any change in the Elements of the environment which may directly or otherwise, harm it, or negatively affects its elements, affects the human being to live his normal life, or to disrupt the normal balance .

Deterioration

The impact on the environment so that it reduces its worth, deforms its nature, exhaust its resources or harms the living beings or antiquities.

Environment Protection

The preservation of the environment's components & elements, its promotion and the prevention of its deterioration or pollution, or reducing them within the safe limits. These elements include air, water, soil, the human beings and their resources.

The Sustainable Development

The development which uses natural resources in a way that sustains them for the coming generations, keeps the environmental integration, does not result in the deterioration of the elements and components of the environmental systems and does not disturb the balance among them.

The Technical Rule

The competent Courts of First instance.

Article (3) (A)

The Ministry shall be regarded as the Authority concerns with the environment Protection in the Kingdom, and the official and national bodies shall implement the instruction and decisions issued in this respect by virtue of this law, and the A regulations issued accordingly, subject to legal responsibility, as provided in the said law and in any other legislation.

(B)

The Ministry shall be the competent reference at the national, regional, and international level, with regard all the environmental issues, and the donors, in cooperation and coordination with the bodies of competence.

Article (4)

To realize the objectives of environment's protection, and improvement of its various elements, the Ministry shall with cooperation and coordination of the related bodies assume the following:-

- Set the public policy for the protection of the environment, and prepare, the plans, programs, and projects, necessary for the realization of sustainable development.
- Prepare the specification and the standard criteria for the environment elements.
- Monitor and measure the environment elements & components, and follow them up through the scientific centers as approved by the Ministry as per specific criteria or standards.
- Issue the necessary environmental instructions for the protection of the environment, its elements, and the requirements for carrying out the agricultural, developmental, commercial, industrial, housing mining projects and others, as well as all the services related to such, in order to be observed and adhered to, within the prerequisites for authorizing or renewal of the above in accordance with the legal established principles.
- Monitor and supervise the institutions and the public & private bodies, including the companies and projects to insure their compliance with environmental standardized specification, criteria and the technical rules adopted.
- Carry out researches & studies related to environment & its protection.
- Set principles (rules) for circulating the substances which are harmful and hazardous to the environment, their collection, classifications, storage, transportation, destruction and disposal according a regulation issued for the purpose.
- Coordinate all the national efforts, aimed at preserving the environment, including a national strategy for awareness, education, environmental connection, transport, use and provision of information related to environment, as well as taking the necessary measures for this end.
- To approve establishing and managing the natural reserves and national parks as well as monitoring and supervising them.
- Prepare environmental emergency plans.
- Issue publications related to environment, and grant or in advance approval to issue any publications relevant to same, by any other body.

- To promote the relations between the Kingdom and the Arab, regional and international states, societies and organizations with regard the matters related to the recommend to associate with and become a member as well as follow up its implementation.

Article (5)

The Ministry, in cooperation and coordination with the institutions (bodies) concerned with the environment issues, at the local, Arab, and international level, shall undertake preserving and safeguarding the environment elements and its components from pollution and to water towards the implementation of the agreements related to these issues.

Article (6)(A)

The substances, which are prohibited from entering the Kingdom, shall be specified, by virtue of the instructions issued by the Ministry Cabinet, based on the recommendation of the Minister.

(B)

It is prohibited to carry out any of the works stated below in accordance with the instruction issued by the Ministry Cabinet, based on the recommendation of the Minister, who is entitled to take the necessary measures for this purpose:-

- Entering any hazardous wastes to the Kingdom.
- Embedding any hazard latent substances in the kingdom's territories, in cooperation with the related bodies.

(C)

In the event of discovering any hazardous wastes admitted to the Kingdom, or letting in any environment pollutants illegally, the Ministry with the coordination of the bodies concerned, shall strive to send these hazardous wastes & pollutants back to their original source, or treat them at the expense of the body which admitted them to the Kingdom and charge it the fines, expenses and losses incurred.

Article (7)(A)

For the purposes of this law, the competent employee, nominated in writing by the Minister as per the recommendation of the Secretary General, shall be given the capacity of judicial police and shall be entitled to enter any industrial, commercial, handicraft, agricultural place or any establishment, institution or any other body, the impact of its activities may involve in any way the environment elements & components, to make sure of its conformity and the conformity of its works with the established environmental requirements.

(B)(1)

The Minister, pursuant to the recommendation of the Secretary General, shall warn the firm, the institution or the business place in violation, shall set a period for the removal of the violation if the place in question fails to do so, its shall be referred to the Court.

(2)

The Minister, in emergency or hazardous cases, and according to the report of the technical Committee, formed for the purpose, shall issue a decision for the removal of the violation at the expense of the body in question, or order precautionary closure against any of the bodies provided for the item (1) of this para prior to issuing a decision by the Court.

(C)

Any who committed any of the violations stipulated in this Article, after the expiry of the warning period, and non removal of the said violation within the specified time, shall be punished by

imprisonment for a period not less than (30) days and not exceeding three months, or by paying a fine not less than (300) dinars and not exceeding (5000) Dinars. In case of recurrence for a second time, the fine shall be doubled and in the third time, the institution shall be closed until the violation is removed.

Article (8)

Taking into consideration the provisions of any other legislation, it is prohibited, and subjects to the legal responsibility, to cast away any polluting or harmful substance to the sea environment in the regional waters of the Kingdom or on the shore area, within the limits and distances specified by the Minister by virtue of the instructions issued for this purpose.

Article (9)(A)

The captain of the steamer, ship, sea carrier or boat, who casts away or spills any polluting substances, emptying or dumping them, in the regional waters of the Kingdom or on the shore area, shall be punished by imprisonment for a period not less than one year and not exceeding three years or payment of a fine not less than (10.000) dinars, or by both penalties.

(B)

Any who commits, any of the violations provided for in para (A) of this Article, shall be obliged to remove the violation within the time specified by the Court. In case of failure on his part, the Minister or any body authorized by same, shall carry out its removal at the expense of the person in violation, plus (25%) of the removal expenses, as administrative expenses. The steamer, ship or boat shall be seized with all its contents, until the amounts incurred are paid.

Article (10)

Any who plucks out the corals and shells, gets them out of the sea, trade in them or causes their damage in any way, shall be punished by imprisonment for a period not exceeding one year, or by paying a fine not less than (10.000) Dinars and not exceeding (250.000) Dinars, or by both penalties.

Article (11)(A)(1)

It is prohibited to dump any substances, which harm the safety of the environment, discharging or collecting them, whether these substances are solid, liquid, gaseous, radio-active or thermal, in the water sources.

(2)

It shall be prohibited the storage of any substances, mentioned in item (1) of this para, near the water resources, within the safe limits specified by the Minister, by virtue of instructions issued for this end, so that they include the protection of water beds in the Kingdom, in coordination with the relevant bodies.

(B)

Any person who commits any of the acts stated in para (A) of this Article, shall be punished by imprisonment for a period not less than (3) months and not exceeding two years, or by paying a fine not less than (10.000) dinars and not exceeding (50.000) dinars or both penalties. He shall be obliged to remove the causes of the violation within a period specified by the Court, according to a technical report if he fails to do so, the Ministry, or any authorized party shall undertake the removal at the expenses of the person in violation plus (25%) of the removal expenses as administrative expenses. He shall pay a fine not less than (50) dinars and shall not exceed (200) dinars for each day of delay after the expiry of the period specified by the Court for the removal.

Article (12)(A)

The sources of noise shall be specified as well as the specification of the maximum level to these sources and the compliance requirements to avoid or minimize them to the minimum level environmentally allowed, as per instructions issued by the Minister for this end.

(B)

Any who violates the instructions issued by virtue of Para (A) of this Article, shall be punished by imprisonment for a period not less than one week and not exceeding a month or by a fine not less than (100) dinars and not exceeding (500) dinars, or by both penalties together.

(C)

The persons or owner of the vehicle or machinery which causes noise shall pay a fine not less than (10) dinars and not exceed (20) dinars.

Article (13)(A)

Every institutions, company, plant or any party, after the enforcement of the provisions of this law, exercises an activity which has a negative impact on the environment, shall be obliged to prepare a study of the environmental impact assessment for its projects, and refer same to the Ministry in order to make the necessary resolution in this effect.

(B)

The Minister shall request any institution, company, from or party, prior to the enforcement of the provisions of this law, which exercises an activity that has an impact on the environment, to prepare a study of environmental impact assessment of its projects if the protection of the environments requires this.

Article (14)(A)

The Minister, at the recommendation of the Secretary General, shall approve the projects the environmental studies, submitted by the official and National institutions as well as the Private sector and NGOs, to the donors, which in their turn, shall submit regular reports to the Ministry on the progress of these projects from the financial & technical aspects.

(B)

The Ministry shall have the right to supervise, from the environmental aspects these projects and shall follow up their work progress, to insure the validity of their execution.

Article (15)

The Ministry Council, as per the recommendation of the Minister, shall form an advisory committee, in which all the parties concerned with the environment shall be represented, provided that the committee's members shall be experienced and competent, shall specify their number, appoint the head of this Committee, its powers and all the matters related to it by virtue of instruction issued for this purpose.

Article (16)

Anyone who infringes the provisions of the Regulation, and the instructions related to the protection of the environment, in the natural reserves and public parks, shall be punished by imprisonment for a period not less than one week and not exceeding one month, or by a fine not less than (100) dinars and not exceeding (1000) dinars, or by both penalties together.

Article (17)(A)

The owners of factories, vehicles, work shops or any party exercising an activity which has a negative impact on the environment, and emits environmental pollutants, shall install devices to prevent or minimize the dissemination of these pollutants, as well as to control the solid molecules before their emission from the factory or the vehicle in the air, to the level permitted pursuant to instructions issued by the Minister for this purpose.

(B)

Any person, of the factory owners who committed any violation of these provided for in Para (A) of this Article, and has not removed this violation within the period specified by the Minister or any

person authorized by him, shall be referred to the court, which is entitled to issue a resolution for closing the factory, and pass a rule on the person in violation, by imprisonment for a period of not less than one week and not exceeding (30) days, or by a fine not less than (100) dinar and not exceeding (1000) dinar or by both penalties together, and force him to remove the violation within the period specified for the purpose, as well as to fine him an amount not less than (50) dinars and not exceeding (100) dinars or both penalties for each day of delay after the expiry late of the period specified for the removal.

(C)

Any parson of the vehicle owners or drivers, who committed any of the violation provided for in Para (A) of this Article, and has not removed this violation or minimized it to the levels permitted by virtue of the instructions for this purpose, and during the specified period, shall he subject to the penalty of paying a fine not less that (10) dinars and not exceeding (20) dinars, and the vehicle shall be seized if the act of violation is repeated.

(D)

Any person shall be punished for committing any of the violations provided for this Article, by twice as much as the maximum level for the imprisonment or fining penalty, provided for in Para (B) of same, in case of repeating such violation for the second time and by two times as much as the maximum level of the imprisonment penalty in the event of recurrence for any time later.

Article (18)

There is nothing in this law that prevents the application of any harsher penalty, provided for in any other law in force.

Article (19) (A)

All the movables and non movables, rights and projects belonging to the Corporation, shall be rested in the Ministry, which shall bear all the obligations incurred on the corporation.

(B)

The employees & Staff of the general corporation for Environment Protection shall be transferred to Ministry accordance with the provisions of the civil service regulation in force.

Article (20)

The Minister shall have the right to authorize the Secretary General the governor or the Environment manager in the governorate any of his powers, provided for in this law.

Article (21)

The Cabinet council according to the recommendation of the Minister shall entrust to any of the Ministries institutions voluntary organization related to the field of environment protection, any of the ministry's duties, or authorizes it its powers according to the competence of each and what it believes to be suitable.

Article (22)

Licensing & renewal of same, of the NGOs, working in the domain of environment protection from the bodies concerned, shall be made after obtaining the initial approval from the Ministry as per the instructions of the Minister.

Article (23)(A)

The Cabinet Council shall issue the necessary Regulations for the implementation of the provisions of this law including the following:-

- Regulation of Nature Protection.
- Regulation of environment protection from population in emergency cases.

- Regulation of water protection.
- Regulation of air protection.
- Regulation of sea environment & shores protection.
- Regulation of natural reserves and national parts.
- Regulations of Management of harmful & hazardous Substances, transport and handling.
- Regulation of Management of solid wastes.
- Regulation or Environmental impact assessment.
- Regulation of soil protection.
- Regulation of charges & wags.

(B)

The instructions issued by virtue of the provisions of this law shall be published in the official gazette.

Article (24)

The Law of environment protection No. (12) for the year 1995 shall be repealed, provided that the Regulation issued by its virtue shall remain effective & in force until they are amended, annulled or replaces by others.

Article (25)

The Prime Minister and the Ministries shall be unchanged of implementing the provisions of this law.

17/12/2002

The Reasons Calling for
The Interim Law No. (1) for the year 2003
Environment Protection Law

In view of the issuance of the Royal decree with regard establishing the Ministry of environment, this interim law was established to repeal the Environment Protection Law No. (12) fro the year 1995, and consequently, the canceling of the Environment Protection Corporation, to be replaced by the Ministry in order to realize the following proposes:-

- To consider the Ministry of Environment, the Competent Authority with all that related to the environment Protection and the issued related to same at the national, regional and international level.
- to protect the environment and promote all its elements such as water, air and land in a sustainable manner, as well as to monitor the measuring of these elements and their components.
- to authorize (license) to non government bodies, working in the environment protection domain.
- to coordinate the national efforts aimed at the environment protection, through setting a national strategy for the awareness, education and the environmental connection.

- to prohibit the admission of harmful & hazardous substances, costing a way or embedding them in the Kingdom's lands.
- to promote the relations between the Kingdom, and the countries, and the Arab, regional and International societies and organizations in the environmental matters, and to strive to implement the agreements related to the environment affairs.
- to establish an advisory body of persons with experience & competence and from the bodies concerned with the environment in order to submit their suggestions to the Minister.

to set the deterrent penalties with regard any who causes harm to the environment