

Regulation No. (11) for the Year 2001
Regulation for the Development and Improvement of the Investment
Climate for the Aqaba Special Economic Zone

Issued in accordance with Article (56) of the Aqaba Special Economic Zone Law
No. (32) for the Year 2000

Article (1)

This Regulation shall be known as the (Regulation for the Development and Improvement of the Investment Climate for the Aqaba Special Economic Zone for the Year 2001) and shall come into effect as of the date of its publication in the Official Gazette.

Article (2)

The following words and phrases wherever used in this Regulation shall have the meanings ascribed thereto hereunder unless the context indicates otherwise:

Law	:	The Aqaba Special Economic Zone Law.
Zone	:	The Aqaba Special Economic Zone.
Customs Territory	:	The lands and territorial waters of the Kingdom excluding the Zone.
Authority	:	The Authority of the Zone.
Board	:	The Board of Commissioners.
Chief Commissioner	:	The Chairman of the Board.
Economic Activity	:	Any commercial, industrial, agricultural or service activity carried out by the Enterprise in the Zone.
Enterprise Registration and Licensing Regulation	:	Enterprise Registration and Licensing in the Aqaba Special Economic Zone Regulation.
Enterprise	:	The Registered Enterprise and the non-Registered Enterprise.
Registered Enterprise	:	The person registered with the Authority and licensed to conduct any Economic Activity in the Zone according to the provisions of the Law and the Enterprise Registration and Licensing Regulation.
Prohibited Activity	:	The activity stipulated in the Enterprise Registration and Licensing Regulation.
Restricted Activity	:	The activity stipulated in the Enterprise Registration and Licensing Regulation.
Regulating Instructions	:	The Instructions for Regulating and Monitoring the Registered Enterprise's Activities issued in accordance with Subparagraph (1) of Paragraph (m) of Article (15) of the Law.
Facility	:	Any installation in which the Enterprise carries out its Economic Activity.
Operation Permit	:	The approval granted by the Authority to the Enterprise for performing a certain Economic

- Activity in the Zone according to the provisions of this Regulation.
- Permitting Requirements** : The conditions stipulated in the Regulating Instructions, which should be fulfilled by the Enterprise in order to obtain the Operation Permit.
- Technical Requirements** : The Permitting Requirements related to the Facility's conditions of a technical nature, method of operation or management of the Economic Activity, as well as the environmental requirements. These do not include the conditions related to the Enterprise's nationality nor the restrictions stated in the Enterprise Registration and Licensing Regulation.
- Health Certificate** : The document granted by the Authority to the Facility as evidence of its fulfillment of public health requirements and conditions prescribed in the Regulating Instructions.
- Public Safety Certificate** : The document granted by the Authority to the Facility as evidence of its fulfillment of public safety requirements and conditions prescribed in the Regulating Instructions.

General Provisions

Article (3)

This Regulation shall aim at providing for an investment climate in the Zone based on economic liberalization through removing investment obstacles, promoting competition in conducting different Economic Activities, streamlining the procedures and strengthening transparency in order to achieve the optimum exploitation of resources and to increase the efficiency in the Zone.

Article (4)

- A- Commencing a certain Economic Activity in the Zone should not be conditional upon the Enterprise's obtaining a Permit, unless it is necessary for the protection of the public health, environment, public safety, public economic interest, investment promotion in public utilities or the protection of the security and Public Order.
- B- The activities, the performance of which is subject to obtaining a Permit, shall be determined according to Annexes (1) and (2) to this Regulation. No Enterprise may commence operation in any of the activities stated therein prior to obtaining the required Permit.
- C- The Authority shall be entitled to stipulate an Operation Permit for carrying out any Economic Activity that has not been previously carried out in the Kingdom in the events whereby the Permit is necessary for achieving public interest.

Article (5)

No Enterprise may commence operation in the Zone until after obtaining the Permit from the Authority according to the provisions of this Regulation, including banks, financial companies performing banking activities and insurance companies licensed by the line authorities in accordance with the pertaining legislation in force.

Permitting Requirements

Article (6)

The following matters shall be determined in accordance with the Regulating Instructions and after coordinating with the relevant bodies at the Customs Territory with regards to the activities stated in Annex (2) to this Regulation:

- A- Requirements for obtaining the Operation Permit.
- B- Statements to be included in the Permit application submitted on the form prescribed for this purpose at the Authority and the documents to be attached therewith.
- C- Bases for approving or rejecting the application.
- D- The procedures and periods related to the Permit application and the approval or rejection of such.

Article (7)

The Board shall take the following into consideration when issuing the instructions stated in Article (6) of this Regulation:

- A- The Permitting Requirements and conditions must be specific and clear and must relate directly to the activity to be conducted by the Enterprise.
- B- Permitting Requirements shall not include any of the restrictions stated in the Enterprise Registration and Licensing Regulation except the restrictions stipulated in Annex (2) to that Regulation.
- C- Determine the level of protection required to be available through the Technical Requirements and considering such level to be achieved if it becomes evident to the Authority that the Technical Requirements presented by the Enterprise meet the purposes of the Permit.
- D- Adopting international standards when preparing the Permit's Technical Requirements, except when the Authority is certain and for reasons relating to the Zone's distinct characteristics that such standards do not fulfill the required level of protection.
- E- The Permit's Technical Requirements shall apply to Jordanian and non-Jordanian Enterprises without discrimination.

Article (8)

- A- Environmental requirements in accordance with the Environmental Protection Regulation issued pursuant to the Law shall be considered part of the Permitting Requirements. In cases where the activity is subject to an Environmental Impact

Assessment study pursuant to the Law, the result of the study shall be considered a fundamental factor in determining the environmental Technical Requirements of the Facility which is granted the Permit.

- B- In all cases whereby the Enterprise is performing an Economic Activity not subject to an Operation Permit, the Enterprise shall abide by environmental requirements and conditions required by the applicable environmental protection in the Zone.

Article (9)

The Enterprise, which has obtained an Operation Permit in the Zone according to the provisions of this Regulation, shall not be subject to any other prior approvals, except for the Public Health and Safety Certificates according to the Regulating Instructions, provided that it abides by the provisions of the pertinent regulations effective in the Zone.

Article (10)

- A- The Permit applicant must attach to the Permit application the Facility's plans in which the Economic Activity shall be conducted if the Regulating Instructions stipulate the Authority's prior approval of the plans.
- B- Prior to evaluating the attached plans, the Authority shall verify that the application meets the Permit's requirements and conditions within a period not exceeding (14) working days from the date of receiving the application.
- C- If the period referred to in Paragraph (B) of this Article has lapsed without requesting the modification of the application or the documents attached therewith, the application shall be considered to have met the Permit's conditions and requirements.
- D- The Permit applicant shall be exempt from submitting any document which he has previously submitted to the Authority and which has not been modified.

Article (11)

- A- During the periods specified in the Regulating Instructions, the Authority shall verify the following:
 - 1- That the plans attached to the Permit application conform with the Permit's Technical Requirements.
 - 2- The extent of the need for an Environmental Impact Assessment study according to the provisions of the Environmental Protection Regulations issued according to the provisions of the Law.
- B- The plans that are requested to be modified in order to make them compliant with the Technical Requirements shall be re-evaluated according to the procedures stated in the Regulating Instructions.
- C- The period determined for evaluating the plans shall commence from the day following the expiration of the period referred to in Paragraph (B) of Article (10) of this Regulation or from the day following the applicant's notification of commencement of evaluating the plans, whichever comes first.

- D- If the period specified for evaluating the plans has lapsed without the Authority's requesting their modification or requesting conducting an Environmental Impact Assessment study, such shall be considered as approving the plans.
- E- In the event when the Facility's Technical Requirements in accordance with the Regulating Instructions are available, the Facility may be erected in order to conduct its activities without obtaining the Authority's pre-approval on the construction plans, excluding any activities stipulated in such Instructions.

Inspection of the Facility

Article (12)

- A- The Board shall issue instructions illustrating the procedures for inspecting Facilities and the periods required for such, except the cases stipulated in this Regulation.
- B- Prior to requesting the Facility's inspection, the Enterprise shall outfit the Facility according to the specified Technical Requirements or those that are approved by the Authority, as the case may be, provided that the application for inspecting the Facility is not be submitted prior to submitting the Permit application.

Article (13)

- A- The Authority shall determine, within a period not exceeding (3) working days from the date of receiving the inspection application, a date for conducting the Facility's inspection, provided that the date does not exceed (10) working days from the date of receiving the application and that such procedure shall be limited to the objectives and scope of the inspection.
- B- An inspection report shall be drafted on the form prepared for this purpose, accompanied by the appropriate recommendations within (5) working days from the date of ending the inspection.
- C- If the Authority finds through the inspection report that the Facility did not meet the Technical Requirements, the Authority shall notify the applicant within (3) working days from the date of preparing the report and specifying the Technical Requirements required to be completed for purposes of re-inspection.

Article (14)

- A- The Authority must conduct the Facility's re-inspection within (5) working days from the date of receiving the application for such from the Enterprise. The re-inspection process may be limited to verifying that the Facility has fulfilled the incomplete Technical Requirements.
- B- A re-inspection report shall be drafted according to the provisions of Paragraph (B) of Article (13) of this Regulation.

Article (15)

- A- If the Authority finds through the inspection or re-inspection report that the Facility meets the Technical Requirements, the Authority shall notify the applicant within (7) working days from the date of ending the inspection.
- B- If the Authority does not notify the applicant of the results of the inspection process within a period of (7) working days from the date of ending the inspection process, such shall be considered as evidence of the Facility's fulfillment of all Technical Requirements and hence approval of the Permit application.

Article (16)

The provisions of Articles (12), (13), (14) and (15) of this Regulation shall apply on the health and public safety inspections. In the event of approval, the certificate for health or public safety inspection shall be issued, as the case may be.

Article (17)

Whenever possible, the Authority must complete the inspection processes required of the Facility pursuant to the provisions of this Regulation and within a close timeframe.

Granting or Rejection of the Permit Application

Article (18)

- A- Subject to what is stated in Paragraph (B) of this Article, the competent body at the Authority shall issue its decision relating to the Permit application within a period not exceeding (14) working days from the date of submitting such application, fulfilling all the required information and documents.
- B- In the events where the Authority's pre-approval on the plans is stipulated or in which the Enterprise requests such, the approval of the application shall be issued within (3) working days from the date accepting the plans. Granting the Permit in this case shall be conditional on the verification of the Facility's fulfillment of all the Technical Requirements through conducting the inspection process and reviewing the Environmental Impact Assessment study (if required).

Article (19)

- A- If the Operation Permit application has fulfilled all the requirements and conditions, the application must be approved and the Enterprise granted the required Permit.
- B- If the Operation Permit application did not fulfill all the requirements and conditions and the applicant has not completed such within the period prescribed in the Regulating Instructions, the Authority must reject his application and notify him of such within the period prescribed pursuant to such Instructions.

Article (20)

- The approval or rejection of granting the Operation Permit shall be as follows:
- A- By a decision of the competent body at the Authority in accordance with the Regulating Instructions with regards to the activities listed in Annex (1) to this Regulation.

B- By a decision of the competent body at the Authority after coordinating with the relevant bodies in the Customs Territory with regards to the activities listed in Annex (2) to this Regulation.

Article (21)

A- The decision to reject the Permit application must be in writing, dated and reasoned, provided that it includes the considerations that the Enterprise should take into account when re-applying.

B- The rejection decision may be subject to objection before the Board within (15) working days from the date of its notification to the applicant. The Board must resolve the submitted objection within (5) working days from the date of its receipt. The Board's resolution shall be in writing, dated and reasoned.

Article (22)

If any of the periods referred to in Article (18) of this Regulation has lapsed and the Authority did not decide to reject the Permit application nor ask the applicant to conduct the specific modifications to the statements included in the application or the documents attached therewith, such shall be considered an approval of the application.

Permit Revocation

Article (23)

The Board may revoke the Permit granted to the Enterprise if it does not proceed to perform its authorized Economic Activity within the period specified in the Permit, unless such period is extended prior to the termination of such upon the Enterprise's request.

Article (24)

A- Without prejudice to any more severe penalty for any violation stated in the Law and the regulations issued pursuant thereto, the Board may decide in the following cases to suspend the Permit granted to the Enterprise:

- 1- When the Enterprise performs a Prohibited Activity in the Zone.
- 2- When the Enterprise performs a Restricted Activity in violation of the provisions of the Enterprise Registration and Licensing Regulation.
- 3- When the Enterprise violates any of the Permit's conditions or the provisions of Article (25) of this Regulation after the passing of (15) days from it being notified of the necessity to remove such.

B- The Enterprise shall not conduct its Economic Activity during the Permit suspension period. If the Enterprise continues such violation after the passing of (15) days from the date of being notified of such, the Board shall decide to revoke the Permit granted to the Enterprise.

Article (25)

A- The Enterprise, which obtained the Operation Permit, shall have the following obligations:

- 1- Complying with the Permit's conditions and amending its status in compliance with any subsequent instructions issued by the Authority after granting its Permit.
- 2- Providing the Authority during the month of January of every year with the information specified by the Authority pursuant to the Regulating Instructions.
- 3- Paying the Permit's annual prescribed fees.

B- The Permit shall be annually renewed after payment of the prescribed annual fees.

Electronic Means

Article (26)

The Authority may use, whenever possible, electronic means to conclude its transactions. In achieving such, the Authority shall perform the following:

- A- Creating its own website on the internet to indicate all the application forms to be submitted thereto and any statements and instructions that the Authority deems necessary to display on the internet.
- B- Submitting the different applications to the Authority by electronic means.
- C- Adopting the electronic means in its transactions with governmental bodies to limit the repetitive request of documents and information, and taking any measures that allow maximum exploitation of the facilitations that the information technology provides to governmental bodies, including access to a joint database.

Final Provisions

Article (27)

- A- Licenses and Permits obtained by Enterprises existing in the Zone shall remain effective on the date this Regulation becomes in force until their expiration. Such Enterprises shall undertake to comply with the provisions of the Law, this Regulation and any instructions issued by the Authority in this regard.
- B- Notwithstanding what is stated in Paragraph (A) of this Article, the Authority may compel Enterprises existing on the date this Regulation becomes effective to obtain Permits or approvals required by the Technical and environmental Requirements according to its provisions.

Article (28)

Objecting to or appealing any of the decisions issued by the Authority shall not lead to suspending their implementation unless the Board decides otherwise.

Article (29)

All information and documents presented by the Enterprise to the Authority pursuant to the Law and the provisions of this Regulation shall be considered confidential and shall not be disclosed except to competent judicial bodies.

Article (30)

Within six months from the date this Regulation becomes effective, the Authority shall issue, according to what it deems appropriate, a guide for the investor that

contains a simplified explanation of the requirements of this Regulation and the instructions issued pursuant thereto and any pertinent regulations.

Article (31)

The Authority shall collect the following fees:

A- JD 200 for granting the Permit.

B- JD 100 for annual renewal of the Permit.

Article (32)

If any Enterprise has performed an activity subject to a Permit without obtaining such, the penalties stipulated in Article (54) of the Law shall apply thereto.

Article (33)

Within a period not exceeding three months from the enforcement of this Regulation, the Board may extend the periods prescribed pursuant thereto as it deems appropriate.

Article (34)

Until the issuance of the Instructions for Regulating and Monitoring the Registered Enterprise's Activities, the Authority shall apply the requirements, procedures, periods and fees prevailing in the Customs Territory, relating to the Permits stipulated in Annexes (1) and (2) to this Regulation.

Article (35)

The Annexes to this Regulation shall be amended by a Board resolution, upon the recommendation of the Chief Commissioner and shall be published in the Official Gazette.

Article (36)

A- The Board shall issue the instructions necessary for implementing the provisions of this Regulation, particularly the instructions pertaining to the following matters:

- 1- Forms for Permit applications and certificates.
- 2- Mechanism for objecting on the decisions issued by the Authority.
- 3- Permits which are alienable from one Enterprise to another.
- 4- Mechanism of completing the Authority's transactions through electronic means.
- 5- Determining the services fees relating to the issuance of the Permit.

B- The instructions issued pursuant to the provisions of this Regulation shall be published in the Official Gazette.

Annex (1)

Activities subject to the Operation Permit required by the Authority

- Distributing medicine and medical, veterinary and pharmaceutical products.
- Distributing fertilizers, growth stimulators and pesticides.
- Distributing hazardous chemical material.

Medical and therapeutic services and institutions, including:

- Hospitals and medical centers.
 - Nursing and rehabilitation centers.
 - Infirmaries, disabled and natural therapy homes.
 - Mineral springs spas.
 - Medical and physiotherapy centers.
 - Physicians and dentists clinics.
 - Optics stores.
 - Medical and dental laboratories.
 - Manufacturing and distributing fireworks.
 - Hotels and motels.
 - All types of recreation cities.
 - Scuba diving and water sports clubs.
 - Marine and land zoos.
 - Tourism and travel offices.
 - Nurseries and private childcare centers.
 - Driving learning schools.
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- Tourist transportation in the Zone.
 - Taxi and transportation offices.
 - Washing and greasing stations.
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- Animal (livestock) and poultry production facilities.
 - Aquatic cultivation and fish farms.
 - Stables and pet farms.
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- Quarries.
 - Water extraction from wells.
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- Industrial activities.
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- Public utilities activities, the performance of which the Authority grants the private sector.

Annex (2)

Activities that are granted an Operation Permit by the Authority in coordination with the relevant bodies in the Customs Territory

- Marine transportation services.
 - Air transportation services.
 - Communication services.
 - Elementary, secondary and higher education.
 - All aero-recreational sports and aviation instruction.
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- Mining and other extraction industries, except quarries.
 - Issuing newspapers and periodicals.
 - Programming and radio and television transmission services.
 - Public utilities activities, the performance of which the Authority grants the private sector.