

Amman, Jordan

October 11, 1999

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DRAFT LAW ON STANDARDS AND METROLOGY

Law No. () of the Year 1999

(as finalized the the Jordan Institue on Stnadards and Metrology-October 11, 1999)

SECTION ONE

General Provisions

Article 1: Name of Law and Entry into Force

This law shall be referred to as the “Standards and Metrology Law” No. () of the year 1999 and shall come into effect thirty days after its publication in the Official Gazette.

Article 2: Definitions

The following terms, whenever mentioned in this Law, shall have the meanings indicated hereunder unless otherwise indicated by context:

The Minister: Minister of Industry and Trade.

The Institution: The Institution of Standards and Metrology.

The Board: The Board of Directors of the Institution.

The Chairman: The Chairman of the Board.

The Director General: The Director General of the Institution.

Standard: Document issued by the Institution that provides for common and repeated use, rules, guidelines or characteristic, for a service or for a product or its related processes and production methods, including the applicable administrative provisions, with which compliance is not mandatory. These may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method and service.

Technical Regulation: Document issued by any official body, which lays down the characteristics for a service or a product, or its related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method and service.

Conformity Assessment Procedures: Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled. These may include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combination.

Metrology: The science of measurement.

Legal Measuring Unit: The unit of the International System (modern metric system) used for purposes of measurement.

Measuring Instrument: Technical device, instrument or apparatus intended to be used to make

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measurements, alone or in conjunction with supplementary device(s).

Calibration: Set of operations that establish relationship between values of quantities indicated by a measuring instrument and the corresponding values realized by reference measurement standards.

Measurement Standard (etalon): A measuring instrument or reference material intended to define a unit or value(s) of a quantity and to serve as a comparison with other measuring units.

Reference Measurement Standard: A standard having the highest metrological characteristics available at a given location, from which measurements made there are derived.

Quality Mark: The mark, which is granted to a product that indicates that the product meets the approved standards or technical regulations as a minimum requirement, and other requirements stipulated by the Institution.

Certificate of Conformity: Document providing assurance that the duly identified product, process or production method or service or the administrative provisions are in conformity with a specific standard or technical regulation.

Accreditation: The formal recognition that a body or person is competent to carry out specific tasks.

Accredited Laboratory: Testing or calibration laboratory to which accreditation has been granted.

SECTION TWO CHAPTER ONE

The Institution of Standards and Metrology

Article 3: Establishment of the Institution

a- An Institution shall be established in the Kingdom with the name of Institution of Standards and Metrology. It shall have a corporate identity and shall be financially and administratively independent. It shall be entitled to perform in this capacity all legal transactions and acts, including acquiring transferable and non-transferable assets and concluding contracts, and may authorize an agent or the attorney general in legal and court procedures.

b- The headquarters of the Institution shall be in Amman, and it may establish branches throughout the Kingdom.

Article 4: Objectives of the Institution

The Institution aims to fulfill the following objectives:

One) Adoption of a national system for standardization and metrology based upon international practices.

Two) Keeping pace with scientific developments in the fields of standards, metrology, conformity assessment and laboratory accreditation activities.

Three) Protection of the health, safety and environment for all citizens through ensuring that products are in compliance with the technical regulations adopted by the Institution.

Four) Support of the national economy and economic development plans by ensuring the quality

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of national industry and local production of commodities through the application of suitable Jordanian standards, which enable such products to compete on local and international markets.

Article 5: Functions of the Institution

a- To achieve the objectives set out in this Law, the Institution shall have the authority to undertake the following functions:

1. Prepare, approve, revise, amend and monitor the implementation of standards and technical regulations with regards to all services and products, with the exception of pharmaceutical products and medicines, veterinary medicines, serums and vaccines.
2. Establish a national system of measurement and supervise its implementation;
3. Calibrate, control and supervise the implementation of measuring instruments;
4. Approve the national measurement standards (etalons) and reference measurement standards necessary for calibrating measuring instruments;
5. Control the quality of precious metals, stones and jewelry according to the legal fineness, and test the precious metals and jewelry and hallmark them;
6. Grant conformity certificates, including the Jordanian quality mark;
7. Accredite testing, examination or calibration laboratories and certification bodies, based upon international practices;
8. Utilize local facilities of government bodies and scientific institutions in order to enable the Institution to achieve its objectives and carry out its functions and authorities;
9. Support and promote studies and research in the fields relevant to standards, metrology, quality management and conformity assessment, and organize training courses relevant to areas of concern to the Institution;
10. Conclude agreements with Arab, foreign, regional and international institutions and bodies regarding the mutual recognition of certificates of conformity including quality marks, certificates of laboratory accreditation and competence of the bodies granting such certificates;
11. Cooperate and coordinate with, and become a member, where appropriate, of the Arab, foreign, regional and international institutions active in the fields of standardization and metrology, quality, conformity assessment and accreditation;
12. Accept and approve, as appropriate, the standards, technical regulations, guides, recommendations or any other documents of other countries and of Arab, regional and international organizations, provided that they are issued in Arabic or English;
13. Disseminate and sell the publications and other printed materials related to the approved standards and technical regulations issued by the Institution as well as by other Arab, regional, and international organizations or other countries.

b- The Institution is the sole authority in the Kingdom for all matters relating to national standards, national measurement, Jordanian quality marks and accreditation but may seek the advice and recommendations of other ministries and governmental departments in such fields.

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Article 6: Status of the Institution

The Institution of Standards and Metrology shall entertain all exemptions and facilities provided for all other ministries and public departments.

Article 7: Budget of the Institution

a- The Institution shall have an independent budget, to be administered in accordance with the regulations in force. The budget shall be audited annually by the Auditing Bureau, and the Institution may appoint an auditor for this purpose.

b- The funds of the Institution shall be considered as public property, and due payments prior to or after the enforcement of this Law shall be collected pursuant to the collection of Public Property Law in force.

c- The Institution shall follow in regulating its accounts and books the rules and principles of commercial accounting.

d- The Institution shall be responsible for preparing a report of its activities at the end of each fiscal year to be submitted to the Cabinet, along with its general budget. These should be submitted before the end of March of the following year.

CHAPTER TWO

The Institution's Board of Directors and the Director General

Article 8: Composition of the Board of Directors of the Institution

a- The Board of Directors of the Institution shall constitute of the following :

The Minister (Chairman)

The Director General (Vice-Chairman)

Representative from the Ministry of Industry and Trade

Representative from the Ministry of Health

Representative from the Ministry of Public Works and Housing

Representative from the Ministry of Energy and Mineral Resources

Representative from the Public Institution for Environmental Protection

Representative from the Ministry of Water and Irrigation

Representative from the Ministry of Agriculture

Representative from the Royal Scientific Society

Representative of one of the Union of the Chambers of Industry

Representative of one of the Union of the Chambers of Trade

Representative of the Jordanian Society of Consumer Protection

b- The members of the Board who are representatives of the authorities mentioned in paragraph (a) of this Article shall have the required expertise and competence in their respective fields and shall be assigned by a decision from the Cabinet, upon the recommendation of the Minister and their respective ministers, boards, or authorities.

c- The assignment of the members of the Board of Directors shall be for two years, renewable once. The Cabinet upon the Minister's recommendation shall decide upon the

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resignation or discharge of any member from the Board's membership.

- d- Remuneration for the members of the Board shall be determined by the Cabinet upon the recommendation of the Minister.
- e- The Board shall convene its meetings upon an invitation from the Chairman at least once every month, or whenever necessary. The meeting shall be considered legally valid if attended by at least nine members, provided that the Chairman or the Vice-Chairman shall be one of them.
- f- The Board shall issue its decisions unanimously or by majority vote of its present members. If the votes on any decision are tied, then the vote of the meeting's Chairman shall be determinant.
- g- The Board shall be entitled to invite qualified experts for consultation on any issue raised for discussion, without such experts being entitled to vote.
- h- The Director General shall appoint one of the members of the Institution to perform the duties of the Secretary of the Board.

Article 9: Tasks and Responsibilities of the Board

The Board shall perform the following tasks and responsibilities:

- a- Formulation of the general policy of the Institution
- Two- Approval, cancellation, or replacement of technical regulations and standards and any amendments, and the suspension thereof.
- Three- Approval of the organizational structure of the Institution.
- Four- Approval of the Institution's draft budget.
- Five- Recommendation of legislative and regulatory drafts for the Institution.
- Six- Determination of the remuneration for the experts in the specialized technical committees.
- Seven- Determination of the prices of the publications that include standards and any other publications.
- Eight- Issuance of the instructions relating to the Institution's activities.

Article 10: Duties of the Director General

a- The Director General shall carry out the following duties and have the following authorities:

- Application of the general policy set out by the Board.
- Execution of the instructions and decisions of the Board.
- Management of the Institution and supervision of its staff in terms of their technical, administrative, and financial affairs as stipulated in this Law or any regulations or instructions issued pursuant to it.
- Development of programs to serve the objectives and functions of the Institution, and submission of recommendations for such programs to the Board.
- Submission of proposals for new or revised standards or technical regulations as referred by the technical committees to the Board for their consideration.

- Concluding contracts with specialized corporations, consultants, experts and others

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specialized in the field of activities related to the Institution.

- Any other task decided by the Board or designated pursuant to the articles of this law.

b- The Director General shall be entitled to delegate any of his responsibilities upon written notice to any officer of the Institution.

SECTION THREE

CHAPTER ONE

Preparation, Adoption and Application of Technical Regulations and Standards

Article 11: Preparation and Amendment of Technical Regulations and Standards:

1. The Director General shall appoint permanent and specialized technical committees for the preparation of new draft standards and the revision of existing standards.
2. Upon studying the proposed drafts submitted by the relevant committees, the Director General shall submit the proposed draft with his recommendations to the Board for their adoption as standards or technical regulations.
3. Should the Board reject any of the submitted proposed draft standards, they shall be referred back to the technical committee for further consideration.
4. The standards approved by the Board shall be considered as Jordanian standards and issued either as standards or technical regulations.
5. Wherever possible and appropriate, the standards and technical regulations shall be based on product requirements in terms of performance rather than design or descriptive characteristics.
6. A standard is adopted as a technical regulation when it is necessary to fulfil a legitimate objective, such as national security requirements; the prevention of deceptive practices; the protection of human health or safety, animal or plant life or health, or the environment, taking into account the risks non-existence of such regulations would create. The adopted standards or technical shall not be more trade-restrictive than necessary to fulfil the legitimate objectives or the required level of protection.
7. Where relevant international standards exist, they shall be used as a basis for the preparation of standards or technical regulations, except when such international standards would be ineffective or inappropriate for the fulfillment of the legitimate objectives or the required level of protection, or because of fundamental climatic or geographical factors or fundamental technological problems, or if otherwise dictated by Jordan's development, financial or trade needs.
8. Standards and technical regulations shall be reviewed periodically or upon the request of any interested party. Technical regulations shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a less trade-restrictive manner.
9. The Institution shall give positive consideration to accepting the technical regulations of other countries as equivalent, if they are based on international standards, and it is evident that such regulations adequately fulfill the objectives of Jordan's own technical regulations.

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10. In addition to what is stated in this Law, the Institution shall apply the “Code of Good Practice for the Preparation, Adoption and Application of Standards”, in accordance with instructions issued by the Board for this purpose.

CHAPTER TWO

Conformity with Technical Regulations and Standards

Article 12: Conformity Assessment Procedures to Jordanian Standards or Technical Regulations

- One- Where relevant international guides or recommendations exist, they shall be used as a basis for the preparation of conformity assessment procedures, except when such international guides or recommendations are deemed to be ineffective or inappropriate to fulfil certain purposes such as national security requirements; the prevention of deceptive practices; the protection of human health or safety, animal or plant life or health, or the environment, or because of fundamental climatic or geographical factors or fundamental technological problems or if otherwise dictated by Jordan’s development, financial or trade needs, taking into account the risks non-existence of such procedures would create. The adopted conformity assessment procedures shall not be more trade-restrictive than necessary to fulfil the required purposes.
- Two- Any conformity assessment procedure is applied on local products and like imported products.
- Three- The Institution shall accept the results of conformity assessment procedures carried out in other countries, provided it is satisfied that such procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to that offered by their own procedures
- Four- Conformity assessment procedures shall be issued in accordance with instructions issued by the Board in which it determines the information required for performing conformity assessment procedures- which shall be limited to what is necessary to assess conformity- the fees imposed, and the method of reviewing any complaint submitted to the Institution that might arise with respect to the operation of conformity assessment procedures.
- Five- Whenever the product or process specifications are changed subsequent to the determination of its conformity to the applicable technical regulation or standard, the conformity assessment procedure for the modified product or process shall be limited to what is necessary to determine whether adequate confidence exists that the product or process still meets the requirements of the technical regulation or standard concerned, whenever practical.
- Six- All documents, information and statements relating to this Law or execution of its

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provisions are secret and confidential and anyone performing official duties in the execution of this Law shall consider and handle them accordingly.

Article 13: Inspection to Verify Compliance with the Technical Regulations

- One- Any Jordanian technical regulation shall be applied to local products and like imported products without unjustified discrimination. No product or material shall be imported into the Kingdom or produced therein, unless it complies with the technical regulation for that product or material.
- Two- Upon a written authorization by the Director General, any employee of the Institution may inspect and search any shop, factory, warehouse, facility or market, and take samples of the products, material, measuring units or industrial waste therein or of products produced manufactured therein, or of by products thereof, in order to test, examine, analyze and calibrate them for purpose of verifying their compliance with the technical regulations.
- Three- In certain cases and subject to valid reasons, the Board shall be entitled to exempt any product from the provisions of this Article.
- Four- The Ministries, public departments, public institutions, municipal and rural boards shall comply with the technical regulations in carrying out their activities, projects, tender terms, and purchases of products and materials.
- Five- The owners of factories shall be responsible for compliance with the technical regulations for the products produced and the materials used in their factories.
- Six- All industrial and commercial institutions, public and private, shall comply fully with the adopted technical regulations related to the protection of the environment and worker's health and safety.
- Seven- The Institution's employees ex-officio shall be considered as officers of the judicial police within the limits of their specialties.
- Eight- The civil and military authorities and the public security forces shall upon request assist the Institution's authorized employees in performing their duties. The Institution shall also provide its support to other official departments.

Article 14: Accreditation

- One- The Board shall issue instructions specifying the basis for accrediting, evaluating and monitoring certification bodies and laboratories carrying out testing and calibration in accordance with international practices, and the remuneration of evaluators of such laboratories and the experts in the technical committees.
- Two- The Institution shall recognize the competence of bodies in other countries that grant accreditation, pursuant to mutual recognition agreements.

Article 15: Certificates of conformity

- One- The Institution shall grant the Jordanian quality mark and certificates of conformity with Jordanian standards and technical regulations pursuant to the results of conformity assessment procedures, and in accordance with instructions issued by the Board which determine the principles of granting the quality mark and certificates of conformity and the fees applicable thereto.

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Two- The Institution may delegate the task of granting certificates of conformity to any body within or outside the Kingdom, recognized by the Institution according to international practices.

Three- The Institution shall seek to conclude agreements for the recognition of the competence of bodies that issue certificates of conformity in other countries.

Four- The Institution shall accept certificates of conformity issued by certification bodies, which are accredited by an accreditation body recognized by the Institution, according to international practices.

Article 16: Control of the Legal Fineness of Precious Metals and Jewelry

Procedures shall be set to control the quality of precious metals, stones and jewelry according to the legal fineness, and to test the precious metals and jewelry and hallmark them in accordance with instructions issued by the Board for this purpose.

Article 17: Metrology

No measurement units shall be used except those units approved by the Kingdom.

CHAPTER THREE

Notifying Technical Regulations, Standards and Conformity Assessment Procedures

Article 18

a- When an international standard does not exist or the technical content of a proposed technical regulation or conformity procedure is not in accordance with the technical content of relevant international standards, and if the technical regulation or the conformity assessment procedure may have a significant effect on trade, the Institution shall provide the following:

1. Publish a notice in the Institution's newsletter at an early stage of the proposed new technical regulation or conformity assessment procedure.
2. Notify the authority in the Kingdom responsible for notifying the World Trade Organization at an early stage of the products to be covered by the proposed new or amended technical regulation or conformity assessment procedure, together with a brief summary of its objectives and rationale. The Institution shall allow reasonable time for written comments thereupon, shall take such comments into account without discrimination and shall incorporate them, where appropriate, into the finalized version of the technical regulation or conformity assessment procedure.
3. Upon request thereof, any interested parties shall be allowed to become acquainted with the proposed technical regulation or conformity assessment procedure.

b- The Institution shall publish in the Official Gazette conformity assessment procedures instruction, and the numbers and titles of Jordanian standards and technical regulations adopted by the institution , the prices for obtaining such, and the effective date thereof , provided that the said instructions, standards and technical regulations enter into force in not less than three months, in order to allow time for producers in exporting countries to adapt their products or

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methods of production to such requirements.

c- Notwithstanding what is stated in the above paragraphs, where urgent problems of safety, health, environmental protection or national security arise, the Institution may adopt a technical regulation or conformity assessment procedure immediately upon their issuance, provided they are promptly published thereafter in the Official Gazette. The Institution shall notify the authority in the Kingdom responsible for notifying the World Trade Organization with the decision to adopt the technical regulation or conformity assessment procedure and shall take the written comments it receives into account

Article 19:

One- Notwithstanding what was stated in any other legislation, all official bodies entitled to issue technical regulation pursuant to their respective law shall comply with the provisions of Sections Three and Five of this Law, however subject to the following :

1. Paragraph (b) of article (5) of this Law.
2. The application of paragraphs (1, 2, 3, 4, and 6) of article (11) and article (16) shall be within the exclusive authority of the Institution.
3. A draft technical regulation is adopted as a technical regulation when it is necessary to fulfil a legitimate objective, such as national security requirements; the prevention of deceptive practices; the protection of human health or safety, animal or plant life or health, or the environment, taking into account the risks non-existence of such regulations would create. The adopted standards or technical shall not be more trade-restrictive than necessary to fulfil the legitimate objectives or the required level of protection.
4. The technical regulations shall become effective from the date determined by the official bodies.

Two- The Institution and all official bodies shall coordinate to ensure that no new technical regulations or conformity assessment procedures are issued that is inconsistent with any existing technical regulations or conformity assessment procedures.

Article 20: Information Services

One- The Institution shall establish an inquiry point that assumes the following tasks:

1. To answer all inquiries from any relevant body within and outside the Kingdom within 45 days concerning the following:
 - All proposed or adopted standards, metrology, technical regulations and conformity assessment procedures in the Kingdom;
 - The membership and participation of the Institution or any other ministry or official department or institution in Arab, regional and international and metrology bodies and conformity assessment and accreditation systems, and any mutual recognition agreements signed with these bodies and organizations.
2. Where copies of available documents concerning any of the matters mentioned in paragraph (1) above are requested, these shall be supplied, where possible, at a price which reflects the cost of supplying the documents as determined in accordance with the

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instructions issued by the Board for that purpose.

Two- The Director General may accept the membership of any natural or corporate identity to benefit from privileges of the services provided by the Information Center, in accordance with instructions issued by the Board which determine the membership terms and fees.

Article 21:

For the purposes of Article (20/a) of this Law, all official bodies shall within five days of being so requested provide the Institution with all the necessary information concerning the technical regulations, conformity assessment procedures and copies of such to enable the Institution to respond to inquiries promptly.

SECTION FOUR
Revenues of the Institution

Article 22: Revenues of the Institution

The revenues of the Institution comprise of:

- One- Fees paid for the services provided by the Institution;
- b- Loans, grants, donations, and assistance provided to the Institution and approved by the Board;
- c- Allocations in the general budget;
- d- Any other revenues approved by the Board.

Article 23: Fees charged for the Activities of the Institution

- a- The fees for services, testing, examination, analysis, calibration, hallmarking carried out on products, materials, and measuring instruments produced and manufactured in the Kingdom, imported to or exported from the Kingdom, shall be determined in accordance with instructions issued by the Board, and shall be paid by the parties requesting such testing, analysis and calibration services.
- Two- The fees for granting the quality mark, certificates of conformity and accreditation for laboratories shall be determined in accordance with instructions issued by the Board, and shall be paid by the parties to which such conformity assessment activities are carried out in order to grant them the quality mark, the certificate of conformity, or accreditation.
- Three- The fees and prices charged for the services provided by the Institution shall reflect solely the cost of such services.
- Four- Notwithstanding what is stated in any other legislation, no Ministry, government department, public corporation, natural person, or corporate entity shall be exempt from paying the fees and financial charges and duties imposed for the activities and services that the Institution performs, pursuant to this Law or any of the related regulations, or directives of the Board.

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SECTION FIVE

Procedures and Sanctions for Non-Compliance and Illegal Activities

Article 24:

- a- The Institution shall be authorized to send a written notice to the producer of any product found not to be in conformity with a technical regulation, requiring compliance of the product within a specified period.
- Two- If the producer of the product or material referred to in paragraph (a) of this Article does not comply with the technical regulation within the specified period, the Chairman, upon the recommendation of the Director General, shall order the closure of the shop, factory, warehouse, or facility containing the product or material for a period he deems necessary.
- Three- If the product or material is found not to be in compliance with the applicable technical regulation, the Director General shall issue a written order to seize, dispose of, or re-export the product, or alter its manufacture in such a way as to bring it into compliance with the technical regulation.
- d- The Chairman shall be authorized, upon the Director General's recommendation, to order the closure for the period deemed necessary of any factory not in compliance with the environmental technical regulation .
- e- Any illegal measuring instrument found in any shop, factory, warehouse or facility shall be seized.

Article 25:

Any person or firm who commits any of the following shall be liable for a fine of not less than five hundred Dinar and not more than five thousand or imprisonment for at least four months but not more than six months, or for both punishments. For recurrent violations the punishment shall be the maximum of both punishments:

1. The illegal manufacturing or sale of measuring instruments, or manipulation of legal measuring instruments;
2. The use of any measuring instruments which are not sealed or stamped by the Institution or which are otherwise illegal;
3. Not allowing any officer authorized pursuant to this Law to seize illegal measuring instruments whether they belong to him or to others;
4. Not allowing any officer authorized pursuant to this Law to enter into any factory, shop, stone quarry, warehouse, or any other facility for the inspection, testing, examination, or analysis of any product, material, or measuring instrument produced, used, displayed for sale, stored, or maintained in that factory, warehouse, or facility;
5. Manipulation of the stamps, seals, reports, or certificates used by the Institution, or published by it;
6. Forging the measurements and sizes of products or materials;
7. Offering or displaying products not in compliance with the technical regulations in the markets or shopping areas;
8. Manipulating data on the product label and forging or fabricating labels and cans;

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9. Writing any information indicating the compliance with Jordanian technical regulations or standards on the product label without a written approval from the Institution;
 10. Deceiving or cheating the consumer through misleading advertisement of the products or materials produced, imported, or sold, and mixing fuel and any such activities.
- b- Any person forging or using a stamp, seal, or fabricating a seal used by the Institution for the purpose of carrying out its duties under the Law, shall be subject to the punishment for forgery pursuant to the Penal Code.
- c- Any violation of the provisions of this Law or any regulations or instructions issued pursuant thereto for which no sanction is stipulated in this Law shall be subject to a fine not less than a hundred Dinar and not more than a thousand.
- d- The Institution shall be entitled to publish the names of the convicted persons in the media.

SECTION SIX

Concluding Provisions

Article 26:

All instructions issued by the Board upon this Law shall be published in the Official Gazette and shall come into force 30 days after their publication.

Article 27:

The Cabinet shall issue the regulations required for implementing the provisions of this Law, including the regulations related to the Institution's financial, supplies and personnel's affairs.

Article 28:

The Standards and Metrology Law No. 15 for the Year 1994 is cancelled. All regulations, instructions and decisions issued pursuant to that Law will remain in effect as long as they

do not contradict the provisions of this Law, and shall be considered issued pursuant to this Law until they are either cancelled or replaced by other regulations, instructions or decisions issued to the provisions of this Law.

Article 29:

The Prime Minister and the other Ministers in the Kingdom shall be responsible for the implementation of the provisions set out in this Law.

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