

Jordan

EIA profile

Updated to: 06 November 2019

Please note:

This country profile is currently under development, and has not yet been verified with the Jordanian Ministry for Environment.

Overview ESIA procedure

- Through screening, the Ministry decides if a project needs a comprehensive EIA, an initial EIA or no EIA. The decision is publicly available.
- If an initial EIA reveals that the project has potentially significant impact on the environment, a comprehensive EIA must be conducted.
- A comprehensive EIA starts with a scoping phase. The Proponent prepares a draft ToR for the EIA study and submits this to the Ministry.
- The Ministry organises stakeholder engagement on the basis of this draft.
- The Proponent then submits an updated ToR to the Ministry for approval. The Technical Committee reviews this ToR.
- Following the scoping phase, the assessment is carried out. The assessment must be undertaken by an recognised Advisory Body (consultancy). The assessment results come together in the EIA document.
- The EIA document is submitted to the Ministry, to be reviewed by the Technical Committee.
- The Technical Committee submits its findings to the Minister of the Environment to take a decision.
- The Proponent is notified of the decision within 45 days. If the project is approved, the license is issued. This decision must be publicly announced.
- The follow-up takes place on basis of the Environmental Mitigation and Monitoring Plans, and the approval conditions.

See a [flowchart](#) of the procedure here.

Screening

Screening process

- The project proponent submits the required information on the project to the Ministry.
- The Licensing Committee of the Ministry screens the project against the categories set out in Annex 2

and Annex 3.

- This Committee determines if the project is classified as:
 - A Category 1 project; for which a comprehensive EIA needs to be carried out. [Annex 2 provides a list.](#)
 - A Category 2 project, for which an initial EIA is required. [See Annex 3.](#) If the preliminary environmental impact assessment reveals that the project has a potential significant impact on the environment, the Minister shall request the proponent to conduct a comprehensive EIA. If the preliminary EIA reveals that it is not likely for the project to have a significant impact on the environment, the project shall obtain the Ministry's approval.
- Category 3 for which no environment analysis is required.

If this is the case, the Ministry shall inform the proponent that the project does not require an EIA, and that the project is considered approved.

source

Article 8 - [Annex 1](#) & [Annex 2](#) & [Annex 3](#)- EIA regulations no 37, 2005 and on Article Effectiveness of Environmental assessment framework and procedures: the case of Jordan, Nedal M. Al Ouran, 2011

Contents of the starting document

Annex 1 of the regulation specifies the information on the project that needs to be submitted for a screening decision. This includes:

- Project description
- Overview of the project alternatives, and the main reasons for choosing the proposed alternatives
- Most important environmental aspects affected by the project

source

Annex 1 of the EIA regulations no 37, 2005

Timeline Screening

No timeline is given for the screening decision in the regulation.

Scoping

Scoping process

- The Proponent submits a preliminary Terms of Reference (ToR), after consultations with the Ministry.
- The Ministry shall call the Proponent and any concerned individual or representative of a public or private party that may be potentially affected by the project. They are invited to participate in investigating the preliminary draft to identify the significant impacts on the environment.

- The Proponent prepares a final ToR for the EIA and EMP, including a summary of the discussion of the meeting with the affected parties discussions, the parties which attended, and the significant Impacts identified. He/she also submits the names of the experts that will be responsible for preparation of the EIA document, the required technical expertise, and the expected level of effort needed to prepare this document.
- The Ministry's Technical Committee then reviews and approves the ToR.

For information on what is required for a preliminary EIA, see [Annex 4](#) of the regulation.

source

Article 9 & 10 - EIA Regulations No 37, 2005

Contents of the scoping document

No requirements are given in the regulation on the contents of the ToR for the EIA.

source

Possibly look at: Presentation procedures and methodologies environmental and landscape assessment Eneplan - Sevilla 2016

Timeline scoping

- There is no timeline for the project proponent to submit the ToR.
- The Technical Committee will review the ToR within one week after receipt and submit its recommendations to the Minister.

Assessment

Assessment process

If the ToR is approved, the proponent and his/her advisors shall undertake the assessment, and prepare the draft of the EIA document. This draft must include the content as set out in [Annex 5](#).

source

Annex 5 - EIA regulations 37

Contents of the EIA report

The EIA Document must contain the following:

- Non-technical Executive Summary
- Legal and administrative policy framework
- Project description
- Baseline data, taking into account planned development activities
- Environmental impacts, including the assessment of the impacts, mitigation measures needed, and

gaps and uncertainty in information

- Analysis of alternatives
- Mitigation Plan
- Monitoring and Environmental Post Auditing Plan
- Appendices, including the list of contributors, references and records of stakeholder consultation

source

Annex 5, EIA Regulations No 37, 2005

Accreditation of consultants

The Environmental Protection Law of 2017 specifies that an EIA must be undertaken by an Advisory Body that is approved by the Ministry of Public Works and Housing.

source

Environmental Protection Law of 2017

Review

Review process

- The review of the EIA document is carried out by the Technical Committee, which is also involved in the review of the ToR. It will submit its recommendations to the Minister to make the required decision.
- The Committee may ask the proponent for additional information if it finds that the EIA document does not fulfil the requirements.
- The Committee may invite any person to a meeting for consultation, but that person shall not be entitled to vote on its recommendations.
- There is no obligatory stakeholder engagement during this review process.

source

Article 5 , 6, 7 and 11 - EIA regulations no. 37 2005

Review expertise

The Technical Committee consist of representatives of various ministries:

1. The Ministry of the Environment
2. The Ministry of Planning and International Cooperation
3. The Ministry of Municipal Affairs
4. The Ministry of Health
5. The Ministry of Agriculture

6. The Ministry of Industry and Trade
7. The Ministry of Energy and Mineral Resources
8. The Ministry of Water and Irrigation
9. The Ministry of Tourism and Antiquities
10. The Ministry of Public Works and Housing
11. Any other concerned entity specified by the Minister

source

Art. 5 of the EIA regulations no 37, 2005

Timeline Review

There is no specific timeline given for the EIA document review itself, but the regulation states that the Minister shall issue the decision on project approval within 45 days after receiving the EIA document.

source

Art. 11 of the EIA regulations no 37, 2005

Decision making

Integration of ESIA into decision-making

The EIA provides the basis of the Minister's decision on environmental approval of the project.

If the draft EIA document fulfils all of the requirements, the Technical Committee submits its recommendations to the Secretary General who will forward the decision recommendation to the Minister.

The decision may be:

- Approving the draft and considering it the final EIA Document. This constitutes the environmental approval of the project, and it is valid for one year from the date it is issued.
- Denial of environmental approval of the project if it is shown that its implementation would cause significant impact on the environment and that the plan for reducing adverse impacts is inadequate.

If the Minister does not issue the decision within the regulatory timeline, the project is approved automatically.

The decision must be announced to the public in the manner that the Ministry deems appropriate.

source

Art. 11 of the EIA regulations no 37, 2005

Decision justification

There are no specification in the regulation as to the justification of the environmental approval decision.

Timeline decision-making

The Ministry has 45 days from submission of the EIA report to make a decision on the environmental approval of the project.

Possibilities for appeal

- The proponent may object to the Minister's decision denying the Environmental Approval. The proponent has 15 days from the date he/she is informed of such a decision.
- The Minister may appoint an independent panel of experts consisting of not less than three members with the appropriate technical experience to review the objection. This is at the expense of the proponent. The independent panel submits its recommendations to the Minister.
- The Minister's decision regarding the objection is considered final. The decision may be contested before the High Court of Justice.

source

Article 16, EIA regulations No 37, 2005,

Follow-up

Compliance monitoring

Both the EIA regulation and the Environmental Protection Law state that the Ministry shall monitor the compliance with the conditions and requirements stipulated in the Environmental Approval. The Ministry has inspection powers to this effect.

source

Article 17 - EIA regulations no 37, 2005, Article 15, Environmental Protection Law 2017

Non-compliance penalties

The Environmental Protection Law 2017 sets out a range of penalties for infringement of environmental regulation. These include the possibility to apply fines to anyone violating the conditions of an environmental approval, or operating an establishment without the required environmental approval. The operation of an establishment can also be suspended if it does not have the necessary approvals. For causing serious environmental damage, the penalties are higher and include the possibility of prison terms.

source

Environmental Protection Law 2017

Stakeholder engagement

Public participation requirements for ESIA process stages

The regulation includes requirements for public participation in the scoping phase. In this phase, the Ministry invites affected parties to comment on the draft ToR for the EIA.

No other requirement for consultation are given.

source

Article 9 - EIA regulations no 37, 2005,

Access to information

- Overall, the EIA regulations states that the Ministry "shall make available to the concerned entities and upon their request" the information provided by proponent during the phases of the EIA. In specific cases the Ministry may consider some of the data or information provided as confidential.
- For the purpose of scoping, the Ministry and the Proponent have to make information on the project and its surrounding environment available to the affected parties consulted.
- The decision on environmental approval of the project "shall be announced to the public in the manner that the Ministry deems appropriate".
- The Environmental Protection Law further states that the Ministry shall publish summaries of EIA documents on their website.

source

Articles 9, 11 and 18 - EIA regulations No 37, 2005, Article 4(O) of the Environmental Protection Law.

ESIA practice

Annual no. of ESIA's

In October of 2019, the Ministry reported that a total of 25 EIAs had been carried out so far in that year.

source

Article in the Jordan Times online, "Environment Ministry approved 1,760 projects since beginning of 2019"

Oct 23,2019

Central ESIA database

The Ministry maintains a digital archive of EIAs, and database of current EIAs.

Background information

History of ESIA

In the 1980's, the Government recognised the fact that various sector laws could not provide an adequate legal framework to protect the environment. Therefore, the Government adopted a new policy to address environmental issues which included the amendment of some laws, and the creation of the Department of Environment (DOE) under the Ministry of Municipalities and Rural Affairs.

The DOE drafted a National Environment Strategy to address international environmental obligations and overcome national administrative and legal challenges. The first *Jordanian Environment Strategy* was adopted in 1992. It tackled multiple sectors and called for an Environmental Protection Law.

The first *Environmental Protection Law No.12* of became effective in 1995. This Law also introduced the concept of environmental assessment. Specifically art. 15 covered the implementation of an EIA system.

This law was later amended and issued by the Government as the *Temporary Environmental Protection Law No.1 of 2003*. As stated in the law, the DOE was abolished and the Ministry of Environment was created. Two years later, EIA was implemented through regulation no 37/2005 and its five annexes.

In 2006, the *Environmental Protection Law No. 52 of 2006* was approved by both Houses of Parliament and ratified by the King of Jordan. This law has been repealed by the latest update: Environment Protection Law No. (6) of 2017.

Currently the EIA regulation is under revision.

source

- Effectiveness of Environmental Assessment frameworks and procedure the case of Jordan, Nedal M. Al Ouran. In: *Journal of South Valley University for Environmental Researches*, Vol. 1, No. 1, July 2011.
- The Legal Framework for Environmental Protection in the Hashemite Kingdom of Jordan, Saleh Al-Sharari. In: *Journal of Politics and Law; Vol. 7, No. 3, 2014*.
- Evaluation of the Jordanian Environmental Legislations, by Ali Al-Zu'bi. In: *World Applied Sciences Journal 14(10), 2011*.

Legal framework

Enabling law

Environmental Protection Law No. 6 of 2017

National detailed regulation

Environmental Impact Assessment Regulation No. 37 of 2005

source

- Issued pursuant to Temporary Environmental Law No. 1 of 2003
- [Link FAOLEX with information and word doc in Arabic](#)

Guidelines

There are currently no officially issued ESIA guidelines for Jordan. The Ministry of Environment is working on ESIA guidance for Solid Waste Management and ESIA guidance for Energy projects.

Sector specific procedures or regulations

There are no sector specific procedures on ESIA.

The sector ministries are represented in the technical review committee for ESIA.

source

Art. 5 - EIA regulation No. 37, 2005

Scope of application

ESIA is applicable to all public, private, national and international projects which may affect the environment.

Institutional setting**Central ESIA authority**

Ministry of the Environment

Other key (governmental) parties

The Ministry of Environment forms a Technical Committee with specific tasks in the EIA procedure. The Committee is chaired by the Secretary General. Membership consists of experienced and specialized persons from the following Ministries and entities:

1. The Ministry of the Environment
2. The Ministry of Planning and International Cooperation
3. The Ministry of Municipal Affairs
4. The Ministry of Health
5. The Ministry of Agriculture
6. The Ministry of Industry and Trade
7. The Ministry of Energy and Mineral Resources
8. The Ministry of Water and Irrigation
9. The Ministry of Tourism and Antiquities
10. The Ministry of Public Works and Housing
11. Any other concerned entity specified by the Minister

source

art. 5 - EIA regulations no 37, 2005

(De)centralisation of mandates

In general, the ESIA mandate is centralised. However, the Aqaba Special Economic Zone (ASEZ) Authority has been mandated to implement EIA in this zone, and has established specific EIA requirements in its own environmental regulation.

source

Regulation No. 21, 2001 for the Protection of the Environment in the Aqaba Special Economic Zone.

- Article 8 onwards: EIA.

Payment system

The Ministry charges fees for processing an environmental approval application. Upon the submission of an application, the Ministry charges:

1. Twenty-five Jordanian Dinars for projects that do not require an environmental impact assessment study.
2. Fifty Jordanian Dinars for projects that require a preliminary environmental impact assessment study.
3. Seven hundred and fifty Jordanian Dinars for projects that require a comprehensive environmental impact assessment study.

The Ministry can also charge costs for engaging additional experts and consultants to review the EIA, Such costs shall be determined by decision of the Minister, upon the recommendation of the Secretary General.

source

EIA regulations nr 37, of 2005 article 20.

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