

## **Regulations No. (37) of 2005**

Environmental Impact Assessment Regulations  
Issued by Virtue of Sub-paragraphs 9 and 11 of Paragraph A of Article 23 of the  
Environmental Protection Law No. (1) of 2003

### **Article 1**

These Regulations shall be cited as the Environment Impact Assessment Regulations of 2005, and shall be effective as of the date of their publication in the Official Gazette.

### **Article 2**

A. The following terms and expressions wherever appearing herein, shall have the meanings assigned to them hereunder unless the context provides otherwise:

The Ministry: The Ministry of the Environment.

The Minister: The Minister of the Environment.

Secretary General: The Secretary General of the Ministry.

Technical Committee: The committee formed by virtue of the provisions hereof and specialized in studying projects from the environmental aspect.

Environmental Approval: The approval given to the owner of a project to commence implementation of his project pursuant to the provisions hereof.

Significant Impact: An adverse change that affects the Environment whether this change is dangerous or potentially dangerous.

Terms of Reference: The bases submitted by the project owner prior to conducting the environmental impact assessment study for his project, provided that it is within the broad framework of environmental requirements adopted by the Ministry.

Environmental Impact Assessment Document: The report submitted by the project owner, prepared in accordance with the Terms of Reference.

B. The definitions of the terms appearing in the Environmental Protection Law in force shall apply herein.

### **Article 3**

The environmental impact assessment means any procedure that aims to identify the impact of all the phases of the establishment of a certain project, and describe and

study this impact on the project and its impact from the social and economic aspects, and identify the methods for limiting any adverse impact on the Environment. The assessment shall be conducted during the preparation of the economic feasibility study, and planning, design, implementation, operation and removal of the project.

#### **Article 4**

- A. No industrial, agricultural, commercial, housing or tourism project or any construction development project or any of the projects specified in Annexes 2 and 3 of these Regulations may commence operations with the services relevant thereto, until it obtains the Environmental Approval required for this purpose from the Ministry.
- B. The Ministry, upon the recommendation of the Secretary General, may require the owner of the project not from among those specified in Annexes 2 and 3 of these Regulations to conduct an environmental impact assessment study based on the nature or location of the project, or the nature of the impact that may result therefrom.

#### **Article 5**

- A. A Technical Committee shall be formed at the Ministry, chaired by the Secretary General, and the membership 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.
- B. The members representing the ministries referred to in Sub-paragraphs 1-10 of Paragraph A hereof shall be nominated by decision of the concerned minister. The member representing any other entity shall be nominated by that entity.
- C. The Minister shall nominate from among the Committee members a vice-chairman to chair the Committee when the chairman is absent.
- D. The Minister shall nominate from among the Ministry's officers a rapporteur who shall prepare the invitation to Committee meetings, keep its records and

books and record the minutes of its meetings, and follow up on the implementation of its decisions.

#### **Article 6**

The Committee shall review the Terms of Reference submitted by the project owner, and review the Environmental Impact Assessment Document, and submit its recommendations to the Minister to make the required decision with regard thereto.

#### **Article 7**

- A. The Committee shall meet whenever deemed necessary, upon the invitation of its chairman, or of the vice-chairman during his absence. Quorum for the meeting is met in the attendance of a simple majority of its members, provided that the chairman or the vice-chairman is in attendance. Its decisions are passed by a simple majority of the vote. In the event of a tie, the side with whom the meeting chairman voted shall prevail.
- B. The Committee may invite any person to a meeting for consultation purposes, but that person shall not be entitled to vote on its recommendations.

#### **Article 8**

- A. The project owner shall submit an application to the Ministry to obtain the Environmental Approval needed to establish his project, in accordance with the special form prepared for this purpose, and shall present with it all the necessary information and data, and attaching thereto the preliminary maps, designs and specifications referred to in Annex 1 of these Regulations.
- B. The project shall be classified in any of the following categories by decision of the Secretary General on the basis of the recommendations of the competent party at the Ministry:
  - 1. Category 1: includes the projects referred to in Annex 2 of these Regulations and which require a comprehensive environmental impact assessment.
  - 2. Category 2: includes the projects referred to in Annex 3 of these Regulations and which require a preliminary environmental impact assessment, based on which the need to conduct a comprehensive environmental impact assessment will be determined.
  - 3. Category 3: includes the projects that require neither a preliminary nor a comprehensive environmental impact assessment.

#### **Article 9**

- A. If a project is classified as Category 1, the Ministry shall advise the project owner in writing, requesting him to conduct a comprehensive environmental impact assessment for the project.
- B. The project owner shall submit a preliminary draft of the Terms of Reference for the environmental impact assessment study he intends to conduct after agreeing with the competent party in the Ministry on the content of the draft, the general framework of the study, the scope of the study, the nature of anticipated Significant Impacts of the project, and the entities concerned with and affected by the project.
- C. The Ministry shall call the project owner and any concerned individual or representative of a public or private party that may be potentially affected by the project to participate in investigating the preliminary draft to identify the Significant Impacts of the project on the Environment. The Ministry and the project owner shall provide all the available information on the project and its surrounding Environment to all concerned entities within an appropriate time prior to the date of the meeting, in order to facilitate the identification thereof.
- D. The project owner shall submit a report to the Ministry including a summary of the meeting's discussions, the parties attending, and the Significant Impacts identified, and demonstrating the Terms of Reference for the environmental impact assessment study, the names of the experts responsible for preparation of the Environmental Impact Assessment Document, the required technical expertise, and the expected level of effort needed to prepare this document. The competent party at the Ministry shall submit this report to the Technical Committee.
- E. The Technical Committee shall review the Terms of Reference within one week from the date of receiving the report, and this period may be extended by agreement with the project owner. It shall submit its recommendations in this regard to the Minister to issue the appropriate decision in that regard, provided that the project owner shall be informed of this decision.

#### **Article 10**

If the Minister approves the Terms of Reference of the project, the project owner shall prepare the draft of the Environmental Impact Assessment Document, and he shall be responsible for the accuracy and authenticity of the contents thereof. This draft must include the significant environmental impact relevant to the project under review in the manner referred to in Annex 5 of these Regulations.

#### **Article 11**

- A. Upon the Ministry's receipt of the draft Environmental Impact Assessment Document, the Technical Committee shall review and analyze the draft to ascertain its compliance with the provisions of these Regulations. If it finds that

the application fulfills the conditions and requirements thereof, the party making the submission is advised thereof. But if it finds that the application does not fulfill the conditions and requirements thereof, the Technical Committee shall require the project owner to provide any additional information needed to complete its analysis of the draft.

- B. If the draft Environmental Impact Assessment Document fulfills all of the requirements of the provisions of these Regulations, the Minister, upon the recommendation of the Secretary General that is based on the recommendation of the Technical Committee, shall issue his decision in this regard within 45 days after the date of receipt of the draft that is in fulfillment of the conditions and requirements thereof, in accordance with the following:
  - 1. Approving the draft and considering it the final Environmental Impact Assessment Document if it is shown that the project's environmental impacts are appropriately dealt with throughout the study including the plan for reducing adverse impacts. The approval shall be valid for three years from the date it is issued, and it shall be renewable.
  - 2. 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 for the purpose.
- C. If the Minister does not issue his decision with regard to the draft Environmental Impact Assessment Document within the period set in Paragraph B hereof, the project is considered as having been approved *de jure*.
- D. The decision related to the environmental impact assessment study shall be announced to the public in the manner that the Ministry deems appropriate.

### **Article 12**

When launching his project and during all the implementation and operation phases, the project owner shall abide by the contents of the Environmental Impact Assessment Document and any other conditions issued by the Ministry when granting its approval.

### **Article 13**

- A. If the project is classified as Category 2, the Ministry shall request the Project Owner to conduct a preliminary environmental impact assessment of the project, taking into account the criteria referred to in Annex 4 of these Regulations.
- B. If the preliminary environmental impact assessment reveals that the project has a potential Significant Impact on the Environment, the Minister shall request the

project owner to conduct a comprehensive environmental impact assessment study in accordance with the provisions of these Regulations.

- C. If the preliminary environmental impact assessment 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 in accordance with the provisions of these Regulations and instructions issued by virtue hereof, and the Ministry shall inform the project owner of this approval.

#### **Article 14**

If the project is classified as Category 3, the Ministry shall inform the project owner that his project does not require an environmental impact assessment study, and in this case, the project is considered approved in accordance with the provisions of these Regulations and instructions issued by virtue hereof.

#### **Article 15**

Any amendment to or expansion of a current project the establishment of which requires an environmental impact assessment and may impact the Environment in a significant way is considered a separate project, and shall be treated as a new project. In this case, the project owner must undertake all the measures referred to in these Regulations regarding environmental impact assessment.

#### **Article 16**

- A. The project owner may object before the Minister to the Minister's decision denying the Environmental Approval of his project within 15 days from the date the project owner is informed of such decision, and the Minister may appoint an independent panel of experts consisting of not less than three members with the appropriate technical experience, at the expense of the project owner, to review the objection submitted by the project owner, and submit its recommendations to the Minister in this regard.
- B. The Minister's decision regarding the objection is considered final and it is capable of being contested before the High Court of Justice.

#### **Article 17**

The Ministry shall regularly monitor the extent of the compliance of the project owner with all the conditions and requirements stipulated in the Environmental Approval during any of the activities of the project including its implementation, operation, and decommissioning.

#### **Article 18**

The Ministry shall make available to the concerned entities and upon their request, the information and data related to the Environment provided by project owner during the phases of the environmental impact assessment study. In specific cases

dictated by the public interest or the provider's own interest, the Ministry may consider some of the data or information provided as confidential.

**Article 19**

Annexes 1, 2, 3, 4 and 5 attached to these Regulations shall be considered part and parcel of hereof.

**Article 20**

A. Upon the submission of the application, the Ministry shall charge the following:

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.

B. Costs of experts and consultants who are assigned to review the environmental impact assessment study shall be borne by the project owner, provided that such costs shall be determined by decision of the Minister, upon the recommendation of the Secretary General.

**Article 20**

The Minister shall issue the instructions necessary for the implementation of the provisions of these Regulations.

15/3/2005

Faisal Bin Al-Hussein

## **Annex (1)**

### **General information on the project, which needs a comprehensive or an initial EIA study:**

#### 1- Project Description includes:

- The nature of project and cases of using the land through project preparation, construction, operation, decommissioning and site rehabilitation phases.
- The nature of production processes (the quality and quantity of the used materials and the productions' inputs and outputs).
- Estimating the expected quality and quantity of wastes (water, air, and soil pollution noise, vibrations light, heat and radiation) resulted from operating the project.
- Estimating the number of people, vehicles and equipments and their movements through different phases of the project.

#### 2- List of the main proposed projects' alternatives (including site, design and the used technology) in addition to discuss the main reasons for choosing and preferring the proposed alternative than other alternatives, taking into consideration the environmental impacts. In case the project owner does not choose the alternative of least environmental impacts in terms of site, design, and the used technology, he/she has to discuss and view the reasons.

#### 3- Determine the most important environmental aspects affected by the proposed project, such as the public health, infrastructure, flora, fauna, soil, water, air, climate conditions, land escapes, important archeological and architectural sites the interrelationships between these aspects.



## Annex (2)

### Projects, which need a comprehensive EIA study:

1. Raw oil refineries.
2. Electrical generation plants.
3. Installations designed as permanent stores or as disposal sites for the radioactive nuclear wastes.
4. Iron and steel factories.
5. Installations for extracting, treatment, conversion of the asbestos and the substances that their structure contains asbestos.
6. Integrated chemical industries such as:
  - Petrochemicals complexes.
  - Fertilizers, pesticides and peroxides industries.
  - Chemical products, petrochemicals and petroleum storage facilities.
7. Roads, airports and rails constructing projects.
8. Hazardous wastes treatment plants and disposal sites.
9. Establishing the industrial estates.
10. Extraction industries:
  - The deep excavating processes, water and the geo- thermal digging except the digging for investigating of soil stability.
  - Mining processes and relevant industries.
  - Natural resources extraction.
11. Energy generation industries.
  - The industrial installations producing electricity, steam and hot water.
  - The industrial installations transporting gas, steam, hot water and electrical energy.
  - Surface storage of natural gas.
  - Under ground storage of flammable gases.
  - Surface storage of fossil fuels.
12. Tanning (leathers) factories.
13. Sugar factories.
14. Yeast factories.
15. Construction of marine ports.
16. Construction of ships, boats and decks for industrial and recreational purposes.
17. Sea dumping for using the land in industrial and recreational uses.
18. Glass factories.
19. Construction of slaughterhouses.

## **Annex (3)**

### **Projects need initial EIA study:**

1. Agriculture Projects:
  - Poultry Farms if the capacity exceeds 30.000 birds,
  - Cows Farms if the capacity exceeds 50.000 cows.
  - Sheep Farms if the capacity exceeds 1.000 sheep.
2. Metal treatment projects:
  - Iron and steel works including foundries, casting, galvanizing and varnish factories.
  - Producing of non-iron metals including production, melting, and purification, pulling and galvanizing processes.
  - Compressing Bullions.
  - Treatment and coating of metals surfaces.
  - Manufacturing of boilers, cisterns, tanks, made of metal plates.
  - Installations of felting and scorching (roasting) raw metals.
  - Car manufacturing and assembly.
3. Food Industries:
  - Manufacturing of animal fats and vegetarian oils.
  - Packaging and canning of animal and vegetarian products.
  - Milk products industry.
4. Textile, leather, wood, and papers industries.
5. Rubber industry.
6. Infrastructure projects including housing projects.
7. Other projects:
  - Municipal landfills
  - Landfill for disposal from junk.
  - Sports activities centers.
  - Junk storage facilities.
8. Any expansion of the projects mentioned in this annex.

#### **Annex (4)**

##### **Criteria used in Preliminary Environmental Impact Assessment Study** **The project has important environmental impacts in the following cases:**

- Overlapping with other projects and plans of the residents at certain area.
- The negative impact on the aesthetic aspects of the area.
- The negative impacts on the rare or endangered species of the flora and fauna or their habitats.
- Overlapping with the movements of fish and indigenous or immigrant wild animals.
- Breaking declared national standards related to solid and liquid waste treatment.
- Negative impacts on water quality.
- Ground water depletion or clearly reducing its quality.
- Overlapping with ground water recharging.
- Destroying or negatively affecting an archeological site or any other historically important site, or negatively affecting the culture of specific community or social group.
- Widely encouraging the population growth and collecting a large number of people at the area.
- Causing a significant traffic movement in comparison with the current traffic size and the roads capacity.
- Transferring a large number of people from their origin homes.
- Encouraging activities requiring large quantities of the fuel, water or different types of energy.
- Significantly increasing noise and vibration levels in the area.
- Causing floods, erosion and large clay sedimentation.
- Exposing people and buildings to large geological risks.
- Enlarging sewer system to serve new developments projects.
- Decreasing fish, wild animals or plants habitats.
- Dividing or disturbing the natural organization of the species.
- Cause danger on public health, or use or produce or dispose of harmful substances which cause risk on the human, animals or plants in the area.
- Overlapping with recreational, educational, scientific or religious uses.
- Breaking any of ambient air quality standards or contributing to deterioration of air quality.
- To use the agriculture land in other uses, or reduce the land productivity.
- Obstructing emergency plans.

## **Annex (5)**

### **The EIA study should include the following:**

The EIA document should be briefed and includes the key environmental aspects. The details of this document should be appropriate to the impacts of the project. The document is directed to the project designers, implementing companies, the owner of the project, the public affected by the project, and the concerned environmental NGOs. This document should be written in English or Arabic.

### **The EIA document should include the following:**

#### **- Non Technical Executive Summary:**

includes two versions (Arabic and English) of a brief analysis of the outcomes (conclusions) and recommendations.

#### **- Legal and administrative policy framework:**

Views the legal and administrative framework, which the document based on when being prepared.

#### **- Project description:**

Includes a briefed description of the temporal, biological, social, spatial framework of the project, including any works required out side the project site (e.g.: laying pipes, open roads, constructing energy generation plants, water supply, employee housing and constructing facilities to store the raw materials and products.

#### **- Baseline data**

Includes assessment of the studied site dimensions and describing the natural, social, and economical conditions including any expected changes before the beginning of the project, taking into account the current suggested development activities inside the project area (indirectly related to the project).

#### **- Environmental Impacts includes:**

- Determining and assessing the expected negative and positive impacts resulted from the project.
- Determining the mitigation measures to the unavoidable impacts and studying the opportunities to improve the environment.
- Determining the quality of available data, the gaps and the uncertainties associated with the environmental impacts or those which are expected to appear.
- Determining the subjects which do not need any more research.

#### **- Analysis of Alternatives:**

Includes an organized comparison of the proposed alternatives of the project in terms of design alternatives, site alternatives, the used technology alternatives and its

environmental impacts, capital cost, running costs for each alternative, the stability under local conditions, the institutional, training and monitoring requirements and determining, as much as possible, the costs and the environmental benefits for each alternative, setting, when possible, the economic cost for each alternative and view the basis of proposed alternatives selection process.

**Mitigation Plan:**

Includes determining suitable measures with low cost in order to mitigate the negative impacts to be in the acceptable limits.

Estimating the possible environmental impacts and the capital and running cost.

Determining institutional, training and monitoring requirements for these measures.

Introduce a plan includes the details of proposed work programs and also the compensation procedures from the negative environment impacts if the mitigation measures are not useful or so expensive, and to work on the environmental aspects at the same time with the project engineering or other works during the implementation stage.

**- Monitoring and Environmental Post Auditing Plan:**

Includes determining monitoring type, the cost, the responsible persons and other inputs such as: training.

**- Appendices:**

- List of contributors in preparing the EIA document (institutions, individuals).

- List of references (the written materials that used in document preparing process).

This list is very important due to rely on unpublished document.

- Record of consultancy meetings between the project stakeholders (includes a list of participants) and document all these meetings which held between the effected parties and the local NGOs.