

**Draft of the
Amending Law of
“The Standards and Metrology Law”
No. ... for the Year 2008**

Article 1

This Law shall be called “The Amending Law of the Standards and Metrology Law for the Year 2008”, and it shall be read inseparably and conjointly with “The Standards and Metrology Law No. 22 for the Year 2000”, which shall henceforth be referred to as “The Original Law”, as one Law, and it shall enter into force and come into effect from the date of its publication in the Jordanian Official Gazette.

Article 2

Article 2 of the Original Law shall be amended as follows:

First: By adding the following definition immediately after the definition of “Technical Regulation” stated in the article:

Normative Document: A document (other than a standard) that provides rules, guidelines or characteristics for activities or their results, and with which compliance is not mandatory, such as a technical report and a guideline.

Second: By cancelling the definition of “Conformity Assessment Procedure” and “Legal Measuring Instrument” stated thereby and replacing it with the following definitions:

Conformity Assessment Procedure: Any procedure used, directly or indirectly, to determine that the requirements of relevant standards or normative documents or technical regulations are fulfilled, including sampling, testing, inspection, evaluation, verification, or assurance of conformity.

Legal Measuring Unit: A unit that is referenced to the International System of Units (Système International d’Unités; SI), or that is recognized and adopted by the Institution.

Third: By cancelling the definition of “Certificate of Conformity” and the denotation thereof stated thereby and replacing them with the following:

Conformity Mark: A mark conferred on a particular product indicating its conformity with the requirements of the relevant technical regulation or standard or normative document.

Fourth: By cancelling the definition of “Quality Mark” stated thereby and replacing it with the following definition:

Quality Mark: Conformity mark which indicates that the characteristics of the product fulfil higher technical requirements than are required by the relevant standards, or fulfil other requirements stipulated by the Institution.

Fifth: By cancelling the definitions of “Accreditation” and “Accredited Laboratory” and the denotations thereof stated thereby.

Article 3

The Original Law shall be amended as follows:

First: By adding Article 3 and Article 4 to the Original Law with the following texts:

Article 3:

The provisions of this Law shall apply to all natural persons and bodies corporate that undertake businesses in trade, including distribution, or manufacture, or performs any modification on the product that affects its safety.

Article 4:

A. All persons and bodies corporate specified and identified in Article 3 of this Law shall be obliged to abide by the following:

1. Assurance of the conformity of their products with the applicable technical regulations, or to guarantee the safety of use of the products in the case of absence of relevant technical regulations.
2. To inform the consumers or users of their products of all the necessary information and warnings that would enable the consumers or users to assess the risks attendant upon the use of the products, in case that these risks are not obvious in the absence of these warnings, and to take the necessary measures and precautions to avoid these risks.

3. To perform the conformity assessment procedures in accordance with the stipulations of the Law to ensure the safety of their products and to keep the relevant documents, and to apply the conformity mark that is recognized and approved by the Institution on their products, if such a procedure is stipulated by the relevant technical regulations, in accordance with instructions issued by the Board for this purpose.
4. Not to display any product in the market or import it or sell it or distribute it, unless it shall bear a conformity mark recognized and approved by the Institution, if such a procedure is stipulated by the relevant technical regulation. In case the product is subject to more than one technical regulation, a conformity mark shall be applied on the product, if any of these technical regulations stipulates such a procedure.
5. Not to apply a conformity mark recognized and approved by the Institution on a product, if such a procedure is not stipulated by the relevant and applicable technical regulations.
6. Not to apply more than one conformity mark on a product, unless the conformity marks are clearly configured, and conditional upon their non-confusion with the conformity mark that is recognized and approved by the Institution.
7. To keep the required documents, information and data on the product to enable the Institution to perform its duties in accordance with the provisions of this Law, including the product chain back to its source, and to present the said documents, information and data to the Institution upon request.

B. The manufacturer of any product or any party that performs any modification on the product that affects its safety shall comply with the requirement to affix its name, trade mark, or any other indication on the product that would allow the identification of the manufacturer or the party that performed the modification.

Second: By renumbering Articles 3 to 25 in the Original Law to become Articles 5 to 27, respectively and in the original order.

Article 4

The text of Article 4 of the Original Law shall be cancelled and it shall be replaced by the following:

Article 4

The Institution shall aim to achieve the following:

- A-** To partake in the task of providing health and environmental protection, guaranteeing public safety for the Kingdom's citizenry, safeguarding their rights, and preventing fraud and malpractice.
- B-** To support the national economy through carrying out its duties and activities.

Article 5

Paragraph (A) of Article 5 of the Original Law shall be amended as follows:

First: By adding the term "and the normative documents" after the term "and the technical regulations" stated in Clause (1) of the Paragraph.

Second: By cancelling Clause (3) thereof and replacing it with the following text:

3- "Adopting the technical regulations, standards, and normative documents published by other countries and by Arab, regional and international organisations, provided that they shall be published in Arabic or English."

Third: By adding the term "to the standards" after the term "certificates of conformity" stated in Clause (6) thereof.

Fourth: By cancelling the text of Clause (7) thereof and replacing it with the following text:

7- To conduct market surveillance operations and procedures to ensure compliance of the product with technical regulations and that it is safe to use.

Fifth: By cancelling the text "and certificates of laboratory accreditation and competence of the bodies granting such certificates" stated at the end of Clause (10) thereof.

Sixth: By cancelling the term "and accreditation" stated in Clause (11) thereof.

Seventh: By adding Clause (13) to Paragraph (A) of the Article with the following text:

Article 6

Article 6 of the Original Law shall be amended as follows:

First: By cancelling the texts of Clause (3) and Clause (9) of Paragraph (A) of the Article and replacing them with the following:

- 3-** The Director General of the Jordan Food and Drug Administration.
- 9-** Representative from Jordan Customs.

Second: By cancelling the text “Clauses (2-10)” stated in Clause (1) of Paragraph (B) of the Article and replacing it with the text: “Clause (2) and Clauses (4-10)”.

Article 7

The text of Paragraph (B) of Article 8 of the Original Law shall be cancelled and replaced by following text:

- B-** Approval of standards, technical regulations and normative documents, and the amendment, annulment, or suspension of any thereof, or of any of the provisions thereof.

Article 8

Article 10 of the Original Law shall be amended as follows:

First: By adding the term “and normative documents” after the term “and technical regulations” stated at the beginning of Paragraph (A) of the Article.

Second: By adding the term “and normative documents” after the term “and technical regulations” stated in Clause (1) of Paragraph (A) of the Article.

Third: By adding the term “or normative documents” after the term “or technical regulations” stated in Clause (2) of Paragraph (A) of the Article.

Fourth: By adding the term “or technical regulations” after the term “standards” stated in Clause (3) of Paragraph (A) of the Article.

Fifth: By cancelling the text of Paragraph (B) of the Article and replacing it with the following text:

B- Technical regulations, standards and normative documents shall be approved and adopted by force of decisions made by the Board upon the recommendations of the Director General, which are based in turn on the recommendations of the Technical Committee. Notwithstanding what is stated in Article 9 of this Law, the representatives of the private sector shall not have the right to vote if the proposals are concerned with technical regulations, and resolutions on technical regulations shall be passed by majority vote of the present Board members from the public sector.

Sixth: By adding Paragraph (C) to the Article with the following text:

C- Approved technical regulations, standards and normative documents shall be considered to have come into effect from the date set by the Board.

Article 9

Article 16 of the Original Law shall be modified by cancelling Paragraph (C) stated therein.

Article 10

The Original Law shall be amended by cancelling the text of Article 19 therefrom and replacing it with the following text:

Article 19:

The Prime Minister, or a person authorized by him, shall at his own discretion issue a decree to establish a national committee for market surveillance with the aim of co-ordinating between the official bodies concerned with market surveillance.

Article 11

Article 20 of the Original Law shall be modified by cancelling the term “and technical regulations” stated in Paragraph (A) of the Article.

Article 12

Article 24 of the Original Law shall be modified by cancelling the term “taking into account that the provisions of Articles (10) and (21) of this Law shall apply exclusively to the Institution” stated at the end of Paragraph (A) of the Article.

Article 13

The Original Law shall be amended as follows:

First: By adding Article 28 thereto with the following text:

Article 28:

- A. Upon the recommendation of the Director General, the Chairman shall at his own discretion issue resolutions to approve the requests of accredited conformity assessment bodies to notify the countries that are bound with the Kingdom with mutual recognition agreements of their competence.
- B. The Institution shall be the only reference body in the Kingdom in all matters and for all the purposes pertaining to such notification.
- C. The bases and procedures pertaining to the notification of other countries of the competence of conformity assessment bodies shall be determined and specified in accordance with instructions issued by the Board, and in such a manner shall the withdrawal of such notification be effected, and the monitoring of the performance of the concerned conformity assessment bodies and the obligations thereof.

Second: By renumbering Articles 26 to 32 to become Articles 29 to 35, respectively and in the original order.

Article 14

Article 27 of the Original Law shall be modified by cancelling the terms “and accreditation for laboratories” and “or accreditation” stated in Paragraph (B) of the Article.

Article 15

The text of Article 30 of the Original Law shall be cancelled and replaced by the following:

Article 30:

- A. Institution personnel duly empowered by the Chairman shall be considered officers of the law, and shall have the right to inspect any location in which any product is manufactured, displayed, sold, circulated, stored, distributed, or modified, including means of transport, and to take the necessary specimens for testing.
- B. The Director General shall be empowered to issue decrees to impound the products that are suspected not to be in compliance with the relevant technical regulations or suspected to be unsafe for use, or those that bear counterfeit or forged trade marks, and all the materials used in

committing the violation, including the means of transport, for a period of 15 days. This may be extended for a further 15 days by decree from the Chairman and upon recommendation from the Director General. The person whose products or materials have been impounded has the right to choose the conformity assessment body that would carry out the testing of the specimen specified by the Institution, provided that the Director General shall approve of this said conformity assessment body.

- C.** Institution personnel duly empowered by the Chairman shall have the right of either keeping the products mentioned in Paragraph (B) of this Article and all the materials used in committing the violation in the places where they were found, or removing them to any place that they deem appropriate, and the parties whose products or materials have been impounded shall not have the right to dispose of them in any way whatsoever, or remove them from their place, unless prior permission is obtained from the Institution, and they shall be obliged to provide a financial bond or surety that is acceptable by the Institution, and the Director General shall be authorized to order the closure of the shop or the place where the products or materials are impounded as a precaution, in case of non-presentation of an acceptable financial bond or surety, and until the completion of the testing procedures to verify compliance.
- D.** If the product is found to be in non-compliance with the applicable technical regulations, or unsafe for use, or to bear counterfeit or forged trade marks, or to pose a risk to public health or safety or to the environment, the Institution shall be authorized to do the following:

 - 1.** To prevent the violating party from displaying, vending, renting out, or distributing the product, including gratis distribution thereof.
 - 2.** To give the violating party the opportunity to undertake corrective procedures to bring the product into compliance with the applicable technical regulations and render it safe for use.
 - 3.** To issue a notice to the violating party in writing of the exigency of adherence to the requirement of product safety, or to desist from the sale or circulation of the product, or not to place it on the market, or to withdraw it from the market, and the violating party

shall be obliged to rectify and emend the violation within the period specified in the notice.

- E.** If a notice has been served to a violating party and the said party should fail to emend the violation within the period specified in the notice, then the Director General shall be authorized, upon the recommendation of the concerned competent director at the Institution, to order the closure of the shop or the place housing the product in violation for the period that he deems appropriate, and to turn over any violating party to the competent court of jurisdiction.
- F.** The Director General shall have the authority to order the confiscation and destruction of a product if it is found not to be in compliance with the technical regulations, or if it is deemed to be unsafe for use, or if it bears a counterfeit or forged trade mark.
- G.** The Director General shall have the authority to order the confiscation and destruction of any measuring instrument found not to be in compliance with the technical regulations or with the instructions issued by the Institution.
- H.** The Institution shall have the right to affix any mark to the instrument or product that is found to be in violation, or to the place that houses the violating product, until the violation is rectified and emended.
- I.** The violating party shall bear all the expenses and costs that are incurred by the execution of any of the procedures stated in this Article, including testing and verification fees, and the reiteration of the said procedures.
- J.** The party thus subjected to such decrees and procedures shall have the right to initiate litigation procedures to request the non-execution of any decree or resolution issued by the Institution in accordance with this Article, or to contest it according to the appropriate statutes in force.

Article 16

Article 31 of the Original Law shall be modified as follows:

First: By cancelling the term “five hundred Dinars and not more than five thousand” stated in Paragraph (A) of the Article and replacing it with the term: “one thousand Jordanian Dinars (1,000 JDs) and no more than ten thousand JDS (10,000 JDs)”.

Second: By cancelling the texts of Clause (1), Clause (2), Clause (3), Clause (4), and Clause (7) of Paragraph (A) of the Article and replacing them with the following texts:

- Clause (1).** The manufacture, vending, or use of measuring instruments in a manner that contravenes the requirements of the relevant technical regulations, or the instructions issued by the Institution.
- Clause (2).** The manipulation of a measuring instrument, or misusing it in such a way as to alter its reading, or the utilization of unauthorized measuring instruments.
- Clause (3).** The display, vending, or storing of any pre-packaged container that is found to be in contravention of the instructions issued by the Institution, or of the technical regulations.
- Clause (4).** Preventing an officer authorized pursuant to this Law from performing the duties, or hindering the work, thereof.
- Clause (7).** Placing on the market, displaying, storing, or distributing products that do not comply with the technical regulations or that are unsafe for use, in the markets or commercial shops, or any other place.

Third: By adding the Clauses (11), (12), (13), and (14) to Paragraph (A) of the Article with the following texts:

- Clause (11).** Copying, reprinting, or publishing any standard or normative document published by the Institution in any form or means without permission from the Institution.
- Clause (12).** Obliteration or removal of any mark or seal on measuring instruments, or to uninstall safeguards therefrom.
- Clause (13).** Desisting from submission of documents, data, or information requested by the Institution for the purposes of applying the provisions of this Law or the regulations or instructions issued pursuant thereto, or submission of the said documents, data, or information in a misleading manner or in a way that is at variance with the facts.
- Clause (14).** To dispose of imported products that are in contravention of the provisions of this Law in any way or manner without warrant from the Institution in accordance with the provisions thereof.

Fourth: By cancelling the text of Paragraph (C) of the Article and replacing it with the following text:

Paragraph (C). Any person or body that commits a violation of the provisions of this Law not stated in Paragraph (A) of this Article shall be liable to a fine no less than the minimum

amount stated therein at the very least, and under no circumstances shall discretionary mitigating circumstances be taken into consideration.

Article 17

The Original Law shall be modified as follows:

First: By adding Article 36 thereto with the following text:

Article 36:

The Board shall issue the requisite instructions for the following:

- A. The designation of the legal measurement units.
- B. The regulation of issues and matters related to metrology in the Kingdom, provided that this shall include the establishment of a national committee for metrology and the specification of the principles of its work.
- C. The bases for recognition of the bodies that work in the field of metrology and maintenance of the national measurement standards, the mandatory requirements for the personnel working in the field of metrology, and the monitoring and inspection of these bodies and personnel.
- D. The monitoring and inspection of legal measurement units and legal measuring instruments, and all matters that are connected with any thereof.
- E. The monitoring and inspection of pre-packaged containers.
- F. The marks, documents, certificates, and seals that are used to monitor and inspect legal measurement units and the promotions thereof.
- G. Any other matters that are similar to what has been stated in this Article.

Second: By renumbering Articles 33 to 35 thereof to become Articles 37 to 39, respectively and in the original order.