

**Access to Microfinance & Improved Implementation of Policy
Reform
(AMIR Program)**

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Amendments to the Law on Agriculture

Final Report

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This report was prepared by Mrs. Kim Hjort, in collaboration with Chemonics International Inc., prime contractor to the U.S. Agency for International Development for the AMIR Program in Jordan.

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Special Safeguards for Agriculture

Conditions for Use for a Single Agricultural Product

1. During the base period, trade was restricted by a **non-tariff measure**.
2. Upon WTO membership, the non-tariff measure is **converted to a tariff** (including a tariff rate quota).

Situation in Jordan in the 1994-1996 Base Period

1. Imports of **sheep above 1-1/2 years old** were banned.
2. Imports of **olive oil** were subject to random quotas.
3. Imports of **chicken meat** were subject to quotas in 1995 and 1996.
4. Imports of sheepmeat from animals above a certain age may also have been restricted (I need to verify with MOA).
5. Imports of some fruits and vegetables were banned or subject to quotas during peak production season but only from countries with bilateral trade agreements (protocol or agenda trade). All of these countries except Israel are non-WTO members and MOA does not intend to give up seasonal quotas and bans.

Special safeguards will be requested for sheep above 1-1/2 years old, olive oil, and chicken meat.

Note: A new tariff line has to be added for sheep above 1-1/2 years old and for sheepmeat from animals above 1-1/2 years old.

Means of Applying Special Safeguards

1. Quantity based.
2. Price based.

In both cases, the WTO must be notified of the imposition of special safeguards using a specific form (see attached) within 10 days of implementation or first use of special safeguards.

When special safeguards are imposed, Members may not use the provisions of paragraphs 1(a) and 3 of Article XIX of GATT 1994 or paragraph 2 of Article 8 of the Agreement on Safeguards.

Provisions of the special safeguards article shall remain in force for the duration of the reform process as determined under Article 20 of the Agreement on Agriculture (i.e., the implementation period, which ends in 1999 for developed countries, and 2004 for developing countries).

Quantity Based Special Safeguards

1. Applicable for a single period only, usually a calendar or marketing year but may apply to a shorter time frame for perishable or seasonal products.

2. 0A **trigger quantity** is computed as the average of imports in the preceding three years.
3. The **base trigger quantity** is computed as 125, 110, or 105 percent of average imports in the base period. The multiplier or **base trigger level** depends on the level of market access in the preceding three years. Market access is defined as imports as a percentage of domestic consumption. Specifically, if market access is:
 - 10 percent or less, the multiplier is 125 percent;
 - Greater than 10 percent but less than 30 percent, the multiplier is 110 percent;
 - Greater than 30 percent, the multiplier is 105 percent.
4. The trigger quantity is equal to either:
 - the **base trigger quantity**; or
 - the base trigger quantity adjusted for the change in consumption in the preceding two years. The **consumption adjusted trigger quantity** is the base trigger quantity plus the absolute change in consumption in the two preceding years. The consumption adjusted base trigger quantity cannot be less than 105 percent of the average imports in the three preceding years. Note that if consumption is declining, this formula will result in a lower trigger quantity than the base trigger quantity.
5. During any period in the year (season), if imports exceed the base trigger quantity the importer may **impose an additional duty** on the product. Imports in the current year include any tariff rate quota amounts. Additional duties may not be applied to any imports within the tariff rate quota.
6. The additional duty **may not exceed one-third of the current duty**.
7. If a quantity based special safeguard is imposed, the importer may not use the price based special safeguard for that product for the remainder of the period.

Price Based Special Safeguards

1. Applicable for a single period only, usually a calendar or marketing year but may apply to a shorter time frame for perishable or seasonal products.
2. A **trigger price** is computed as domestic currency equivalent of the average of the reference price in 1986-88 (I assume that for Jordan, this will be the 1994-96 base period). The reference price is the c.i.f. unit price or other appropriate price in terms of the quality of the product and its stage of processing.
3. If the difference between the c.i.f. import price of *any* shipment and the trigger price is:
 - (a) Less than or equal to 10 percent, the additional duty is 0 (zero).
 - (b) Greater than 10 percent but less than or equal to 40 percent, the additional duty is 30 percent of the amount by which the price difference exceeds 10 percent.

- (c) Greater than 40 percent but less than or equal to 60 percent, the additional duty is 50 percent of the amount by which the price difference exceeds 40 percent plus the amount from (b).
 - (d) Greater than 60 percent but less than or equal to 75 percent, the additional duty is 70 percent of the amount by which the price difference exceeds 60 percent plus the amount from (b) and (c).
 - (e) Greater than 75 percent, the additional duty is 90 percent of the amount by which the price difference exceeds 75 percent plus the amount from (b), (c), and (d).
4. Restraint in applying price based special safeguards when imports are declining is suggested.
 5. At first use of the price based special safeguard, the WTO must be notified of the trigger price.

Issues

1. Monitoring of cumulative import quantities and shipment prices for special safeguard commodities is necessary. Who shall be responsible? AMO may be a good candidate since they have officials at the ports (although they have never monitored products other than fruits and vegetables).
2. Price based special safeguards are applied on any shipment for which the import price is less than the trigger price so Customs needs authority to impose additional duty immediately.
3. Additional duties under quantity based special safeguards may never exceed one-third of the current duty and there is no justification for imposing an additional duty of less than one-third of the current duty. Therefore, neither the Tariff Council nor the Cabinet may increase the recommended additional duty.

Proposed Language for Addition to Agriculture Law to Accommodate Special Safeguards

The Minister shall be responsible for monitoring import quantities, import prices, domestic market prices, area and production, sales of agricultural products and other indicators of the economic wellbeing of producers. Such information shall be released to the public and other Ministries in a timely manner to provide small producers and other interested parties with current market information to further economic opportunities and wellbeing of producers.

Cross Cutting Agriculture Issues

Date: 11 July 1999

To: Rand Hannun, IBLA
Lana Habash, IBLA
Nissreen, IBLA
Farhat Farhat, AMIR, Policy Component Leader
Ben Irvin, AMIR Consultant

From: Kim Hjort, AMIR Consultant

Subject: Cross Cutting Agriculture Issues

Lana asked me to write down the agriculture-related issues that may affect other laws currently being assessed for WTO conformity. I have done so and have identified questions with regard to dumping, customs, safeguards, licensing, and subsidies and countervailing measures. In addition, I have some procedural/legal questions related to the agriculture law that I would like Rand and Nissreen to consider.

If you have any questions, please do not hesitate to contact me. I am on extension 14 at 566-1831/32 and can be reached by email at khjort@amir-jordan.org or khjort@easivision.com.

Implications of the GATT 1994 Agreement on Agriculture for Jordan's Laws

Agriculture Law

Basic provisions:

1. Export subsidies that are harmful to other exporters are prohibited.
2. Export bans are not permitted except in special cases (e.g., national security).
3. Limitations on expenditures for trade-distorting agricultural domestic support programs (limitation subject to negotiate with WTO).
4. Non-tariff barriers associated with trade with WTO members must be converted to tariffs (may include tariff rate quotas)—i.e., the Ministry of Agriculture (MOA) may not impose quotas or other non-tariff restrictions on trade with any WTO member country.
5. Sanitary and phytosanitary (SPS) regulations and requirements associated with imports of plants, plant products, animals, animal products and their remnants will be implemented by requiring a health (sanitary or phytosanitary) certificate in order to import. Certificate may not be required for some products from some countries, either through bilateral recognition or Jordan's acceptance of equivalence of international standards in some countries.

Issues:

1. MOA would like to use non-tariff barriers to restrict seasonal trade in key horticultural products with non-WTO neighbors (especially Lebanon and Syria). Is this a MOA decision? A joint decision of Ministry of Industry and Trade (MIT) and MOA? Does MOA need legal authority to set such restrictions?

RESOLUTION: Article 64 implicitly permits non-tariff barrier use against non-WTO members when taking action to “ensure a competitive environment” for producers.

2. Conversion of non-tariff measures to tariffs is frequently accomplished with a tariff rate quota (TRQ) where the quota amount is equal to at least 3 percent of domestic consumption and within quota imports enter at a lower duty rate than above quota imports. We do not know at this time whether there will be tariff rate quotas. If TRQs are put in place for agricultural products, does MOA need legal authority to decide the quota amount and, if applicable, allocate the quota to suppliers? If quotas are allocated to suppliers, does MOA need legal authority to determine the mechanism or means of allocating the quota?

RESOLUTION: No explicit provision or authority in the Law of Agriculture. TRQs are not currently used. The closest thing to TRQs are the quota associated with agenda trade. The Ministry of Agriculture currently has and will maintain authority to set quotas for non-WTO countries.

3. If TRQs are used for agricultural products previously subject to non-tariff barriers to trade, the cumulative level of imports must be monitored to ensure that once the

quota is filled, the above quota duty is applied to subsequent shipments. This task may be further complicated if the TRQ is allocated on a supplier basis. In that case, cumulative imports by supplier must be monitored. Once a supplier's quota allocation is filled, subsequent shipments from that supplier will be subject to the above quota duty. Note that other suppliers allocated a portion of the quota may or may not have exceeded their quota. And, if the quota is fully allocated to specific countries, shipments from any country not given an allocation will have to be charged the over quota rate. The Agricultural Marketing Organization (AMO) is already empowered to monitor trade in all agricultural products and has officials at ports to monitor fruit and vegetable imports and exports. This makes AMO/MOA the best situated to monitor TRQ fulfillment. So, should monitoring of TRQs and the setting of duties for specific shipments or after certain dates be the responsibility of MOA and if so, does this need to be legislated? If not, does this affect the **Customs Law**?

RESOLUTION:

4. Special safeguard provisions require computation of trigger levels that activate an additional duty on all imports after a certain date during the year or on a per-shipment basis. In order to implement special safeguards, cumulative imports of safeguard products must be monitored to determine if and when imports exceed the trigger. In addition, the unit value of each shipment of a safeguard product must be compared to the trigger price to determine whether an additional duty must be charged. Customs officials at the border and the Customs Tariff Council do not have the resources necessary to make these computations. Does this monitoring activity need to be legislated in the Law? Does MOA need specific authority to compute additional duties (even if MOA does not apply them)?

RESOLUTION: In Article 64, clause (b) MOA is required to monitor import quantities and import prices. An additional sentence directing the MOA to inform the "concerned authorities" (i.e., the Tariff Council) of tariff adjustments will be added to Article 64.

5. Procedurally, licenses (permits, approvals) will probably have to be required for any commodity with special safeguard status and/or those with TRQs. The license request must state the quantity, point of origin, total value of the shipment, and expected date of arrival. This will enable computation of the c.i.f. unit value that is compared to the trigger price and, if necessary, the additional duty can then be computed. This will also enable an estimate of the fulfillment of TRQs and when imports are near or exceed a quantity trigger level. The Customs Tariff Council and the importer need to be notified of the additional duty, the Cabinet must approve the additional duty, and then the order to assess additional duty can be transmitted to customs officers at entry ports. Does this mean that MOA will have to approve import licenses for special safeguard or TRQ agricultural products? Does this have to be legislated?

RESOLUTION: Probably not resolved. This depends on the content of licenses issued by MIT. If the license is automatic and a general authority to import without specification of the import commodity, quantity, and price, then another mechanism needs to be in place to provide the necessary data to

MOA. There does not need to be approval of such a permit since its purpose is to monitor fulfillment of quotas or special safeguard imports. Is this an issue for the licensing law? Customs law? The legislation that will contain the WTO terms of accession?

6. Should MOA be legally responsible for monitoring of foreign country export subsidies in third countries that Jordan also supplies with like products? If monitoring is legislated, does the domestic complaint mechanism need to be stated (i.e., MOA notifies MIT and then MIT notifies the Cabinet and transmits the complaint to the WTO)?

RESOLUTION: Monitoring has been mandated in Article 64 of the Law on Agriculture and a new sentence instructing MOA to recommend remedies to the “concerned authorities” will be added.

7. Does MOA need legal authority to monitor subsidization of imported agricultural products in order to petition for an investigation of subsidies or dumping?

RESOLUTION: Monitoring has been mandated in Article 64 of the Law on Agriculture and a new sentence instructing MOA to recommend remedies to the “concerned authorities” will be added.

8. Does MOA need legal authority to recommend changes in applied tariff rates such as may occur under special circumstances? For example, if there is a drought or crop failure in Jordan for an essential food product, does MOA need legal authority to request temporary reductions in applied tariff rates?

RESOLUTION: Implied in Article 69.

Dumping Law

1. Through 2000, domestic support measures associated with agriculture that fall in the “green box” are non-actionable subsidies for the purposes of countervailing duties (CVD). Green box policies are those that are not trade distorting (i.e., do not have the effect of providing price support to producers), including:
 - general service expenditures that benefit or service agriculture or the rural community like roads, irrigation projects, extension services, etc.;
 - expenditures for food security stockholding;
 - domestic food aid;
 - direct payments to producers that do not provide price support to producers; includes income support that does not depend on current production or area, income insurance and income safety-net programs, payments to ameliorate negative impacts of natural disasters, structural adjustment programs for producer or resource retirement purposes, investment aids, and payments under environmental and regional assistance programs

All other agricultural subsidies, including domestic support and export subsidies may be subject to CVDs if determination of injury or threat of injury is made according to the standard rules in the antidumping legislation. However, during

- the agriculture implementation period, “due restraint” should be shown in initiating any CVD investigations related to domestic support subsidies or export subsidies for agricultural products subject to reduction commitments.
2. Discriminatory pricing in a dumping sense may involve an export subsidy since subsidies are often used to discount trade prices relative to domestic prices in the exporting country. While in most cases an export subsidy would be investigated under the SCM agreement, under some circumstances, could it be advantageous to treat it as a case of dumping? If so, does determination of discriminatory pricing allow for an export subsidy as one of the factors of or the sole source for discounting trade prices relative to market prices in the exporting country?
 3. According to provisions in the antidumping agreement, an investigation must be initiated upon written application by or on behalf of the domestic industry. In the case of agriculture, the domestic industry consists of many individual farmers who generally are not well organized and currently have no common representation other than the Ministry of Agriculture. Therefore, for agricultural products, the provisions in paragraph 6 of Article 5 of the antidumping agreement may come into play. That paragraph states that under special circumstances, “the authorities concerned” may initiate a complaint. That seems to imply that the MOA can request an investigation of dumping (verify with Ben Irvin?). Therefore, language in the dumping law should not exclude a government or quasi-government organization from filing a complaint or acting on behalf of numerous small producers.

Customs Law

1. We must ensure that Customs will vary duties according to shipment-specific instructions or after a specific date such as may occur with special safeguards or TRQs. Any special duty instructions for special safeguard commodities, including automatic levying of an additional duty from a specific date until the end of the year, must take precedence over duties published in the tariff schedule.
2. Do any special provisions need to be added to the Customs Law to account for seasonal tariffs?
3. The Customs Tariff Council may not increase the additional duty derived or computed from the special safeguard provisions of the Agreement on Agriculture. The Council could lower the rate but that defeats the purpose and intent of the special safeguard. Should this be mentioned in the Law?
4. If TRQs are used, it is advisable to provide public notice of the current year’s quota, the tariff rate for within and over quota imports, notice of near fulfillment of the quota, and notice of fulfillment of the quota. Should this be the responsibility of Customs (the Customs Tariff Council) or MOA? Does this need to be legislated?
5. If special safeguards are in place for key agricultural products, the public should be notified of the trigger price for each product. In addition, the public should be notified when the quantity trigger is almost reached, when the quantity trigger is reached, and what the additional duty that will be on subsequent shipments of the product. Is this the responsibility of Customs or MOA and does it need to be legislated?

Safeguards Law

1. Agricultural products may have within-season and out of season tariff rates. Sudden surges in imports may occur in either the within season or the out of season period or in both periods. The special safeguards provisions permit assessment of seasonal trade for perishable or seasonal products. Does the Safeguards Agreement have a similar provision? If so, is it necessary to note in the safeguards legislation that separation of trade periods into within season and out of season is permissible when assessing existence of a surge of imports and serious injury for a perishable or seasonal product? If seasonal assessment is not GATT-legal, are both the within season and out of season tariffs increased upon finding of serious injury or threat of serious injury?

Subsidies/Countervailing Measures (SCM) Law

1. Through 2000, domestic support measures associated with agriculture that fall in the “green box” are non-actionable subsidies for the purposes of countervailing duties (CVD). Green box policies are those that are not trade distorting (i.e., do not have the effect of providing price support to producers), including:
 - general service expenditures that benefit or service agriculture or the rural community like roads, irrigation projects, extension services, etc.;
 - expenditures for food security stockholding;
 - domestic food aid; and
 - direct payments to producers that do not provide price support to producers; includes income support that does not depend on current production or area, income insurance and income safety-net programs, payments to counter negative effects of natural disasters, structural adjustment programs for producer or resource retirement purposes, investment aids, and payments under environmental and regional assistance programs.

Other agricultural subsidies, including domestic support and export subsidies on shipments of goods to Jordan may be subject to CVDs if determination of injury or threat of injury is made according to the standard rules in the antidumping legislation. However, during the agriculture implementation period, “due restraint” should be shown in initiating any CVD investigations related to domestic support subsidies or export subsidies for agricultural products subject to reduction commitments.
2. Through 2000, export subsidies by a foreign country into a third country that Jordan may also export to are exempt from actions under the counter measure articles (5 and 6) if the subsidies are subject to reduction commitments.
3. Through 2000, domestic support subsidies that are:
 - subject to reduction commitments; or
 - fall within *de minimis* levels; or
 - are for development programs in developing countries; or
 - are input subsidies for resource-poor or low-income farmers

are exempt from counter measure actions (articles 5 and 6 in SCM) *IF such support (expenditure) does not exceed that of 1992.*
4. Similar to the situation noted above for dumping, the provisions in paragraph 6 of Article 11 of the SCM Agreement may come into play for agricultural products.

That paragraph states that under special circumstances, “the authorities concerned” may initiate a complaint. Therefore, language in the SCM law should not exclude a government or quasi-government organization from filing a complaint or acting on behalf of numerous small producers.

Import Licensing Law

1. Procedurally, licenses will probably have to be required for any agricultural commodity with special safeguard status. The license request must state the quantity, point of origin, total value of the shipment, and expected date of arrival. This will enable computation of the c.i.f. unit value that can then be compared to the trigger price and any additional duty notified to the Customs Tariff Council and the importer. In addition, the import quantity on the license can be added to cumulative actual imports and the need for a quantity trigger additional duty can be determined. Are these requirements and procedures compatible with the import licensing law as drafted?

Conflicts between Law of Food and Agriculture Law

Date: 15 July 1999

To: Farhat Farhat, AMIR Project, Policy Component Leader

From: Kim Hjort, AMIR Consultant, Plant and Animal SPS Issues

Subject: Conflicts between Law of Food and Agriculture Law

To complete the proposed legislation to create an SPS Enquiry Point, I reviewed the Law of Food. During that review I noticed several conflicts or potential conflicts between the proposed Law of Food and the proposed Agriculture Law. These problems are noted below for your information.

General Comments

In the Law of Food, food is defined as “Each stuff or part thereof that man uses in eating or drinking whether as raw, semi-product, or finished product and any stuff used in food manufacturing, mixture, or preparation...” This definition clearly includes raw and semi-processed (semi-product?) goods such as fruits, vegetables, meat, milk, eggs, lentils, chickpeas, and so on. And, in a couple of articles, there are specific references to unmanufactured food such as meat and milk. However, most subsequent definitions and specific articles within the Law of Food seem to exclude raw and unmanufactured foods from specific regulations and requirements.

Many articles are directed at food factories, food enterprises, and manufacturing, preparing or mixing of food. These terms suggest that food, as used in those articles and clauses, must be processed or manufactured. For example, “standard” is defined as:

The reference that sets the total ingredients to be used in a food preparation, the properties, and properties defining its quality, and safety requirements. It shall include terms, symbols, test administration methods, sample taking, sample sizing, label of data, manufacturing methods, transportation, storage, maintenance and display.

The use of “food preparation” suggests that: 1) standards exist only for processed or manufactured food or 2) standards for raw or unmanufactured food are not within the domain of the Public Institution of Food (the Institution). Therefore, it appears that even within the Law of Food, there is some inconsistency in the definition of food and the intent of the law.

Depending on the definition of food (i.e., whether it includes raw and unmanufactured food), there are various direct and indirect conflicts between the food law and the agriculture law. The overlapping provisions in the Law of Food and the Agriculture Law are noted in the attached table. Note that if these conflicts are not resolved, the

Law on Food will negate many of the articles in the Agriculture Law. This occurs because Article 5, Part Two in the food law states that “Regardless of what has been set in any other legislation, the Institution shall be considered as the only reference with regard to the affairs of food control, safety assurance, nutritional value maintenance, revealing validity for human consumption, and permission of its circulation.”

Comments on some specific issues follow.

Food Quality

In the Agriculture Law, the Ministry of Agriculture (MOA) has authority over wholesale central markets, including organizing classification centers, regulating packaging and storage and cooling of fruit and vegetables and setting “technical requirements.” The organizing, regulations and requirements will very likely include measures that affect (ensure) food quality. For example, classification centers perform the function of determining which products brought to the market may be offered for sale. Products that are rotten, decaying or have visible pests or diseases are typically not permitted to be sold in the market. Therefore, MOA has authority over food quality characteristics in farm to wholesale and wholesale marketing.

MOA’s authority in this regard seems to conflict with that of the Institution. The Institution is responsible for “the control and supervision of food to ensure its validity for human consumption along all phases of its circulation...” (Article 4, Law of Food). Circulation is defined as the preparation, manufacturing, treatment, filling, packaging, transportation, possession, distribution, display, selling, granting or donation of food. And, “all phases” implies inclusion of farm, wholesale and retail circulation channels.

Standards

In the Agriculture Law, imports of animal products such as meat, milk and eggs, and of plant products such as grain, fruits, and vegetables may be denied if sanitary and phytosanitary (SPS) standards of the imported product are not comparable to those for domestic products. Therefore, in order to establish the benchmark from which imported goods will be permitted or denied entry to Jordan, it is necessary to establish domestic standards that include factors such as SPS regulations. These standards should include common quality/safety concerns such as pesticide residue, tolerance levels for contaminants, certification of animal and plant products for human consumption, and such.

In the original draft of the Agriculture Law, there was no provision for setting of standards related to plant and animal product quality nor any provision for inspection and/or certification of domestic products. Therefore, it has been proposed that MOA have authority to establish technical regulations (standards) with regard to domestic plant products and animal products (unmanufactured or dried products of plants and animals). If the definition of standards in the Law of Food remains as is, there should not be a problem with this proposed revision to the Agriculture Law (although the problem with the definition of food would remain). However, if the Institution will

set standards for plant and animal products, all references to standards in the Agriculture Law will have to be changed to link them to the Institution and the Law on Food.

Even if MOA retains authority to establish standards for raw or semi-processed foods (e.g., edible agricultural products), the regulations and standards must be linked to those standards developed by the Institution (perhaps in collaboration). Otherwise, MOA could conceivably develop regulations and technical specifications that are incompatible with (i.e., not sufficient to protect) retail/consumer food quality. For example, MOA could set higher tolerance levels for pesticide residue than the Institution, thereby rendering some goods that meet wholesale marketing regulations ineligible for retail marketing. Therefore, it is critical that the Ministry of Agriculture is listed as a cooperator in issuing and amending food standards (Article 5, Part One, Paragraph 1) and a like clause be added to Agriculture Law. Examples follow.

In the Law of Food

Article (28):

The Institution shall ensure compatibility between quality and health regulations for processed, prepared, manufactured or mixed food with those quality and health regulations issued by the Ministry of Agriculture for raw, fresh or dried agricultural products.

In the Agriculture Law, a universal statement or new Article would be needed:

The Minister shall ensure compatibility between quality and health regulations and standards for plants and animals and for the products derived from plants and animals. In addition, the Minister shall ensure compatibility between quality and health regulations for raw, fresh or dried agricultural products with quality and health regulations for processed, prepared, manufactured or mixed food as issued by the Public Institution of Food. Such quality and health regulations shall include conditions of licensing of facilities handling raw, fresh or dried agricultural products, sanitary and phytosanitary measures, inspection requirements, and any other regulations that ensure agricultural products are valid for human consumption.

Food Enterprises

The Law on Food makes reference to food factories and enterprises in terms of licensing, regulating, inspecting, and so on. The term is not defined but could be construed to include slaughterhouses, butcher shops and olive press houses, all of which fall under the authority of MOA. Perhaps a definition for “food enterprises” and for “food factories” needs to be added that excludes the facilities regulated by MOA.

Cheated Foods

In Article 56 of the Agriculture Law, it is prohibited to sell or otherwise market the meat of animals suffering from or suspected to be suffering from disease. In the Law of Food, “cheated” foods are prohibited from handling and one case of a “cheated” food is that from a diseased animal or an animal that has perished before being

slaughtered. Where should this prohibition on trade/handling of products from diseased animals be stated—the Agriculture Law or the Law on Food? This may be a complicated issue since Agriculture has authority over slaughterhouses and butcher shops which is likely to be the first point of “trade” or “handling.”

Perishable Food Imports

In the Agriculture Law, specific points of entry for imported plants, plant products, animals and animal products may be designated to ensure that there are facilities available to maintain, quarantine and inspect the products. Does a similar provision need to be added to the Law of Food to ensure that perishable food products—like frozen goods—enter the country at ports with capacity (e.g., freezers) to maintain the quality of food while necessary inspection and testing occurs?

Waiver of Inspection Requirements

Among the proposed changes to the Agriculture Law is inclusion of the right to waive quarantine and/or inspection requirements. The countries for which waiver may be made fall into two classes. The first includes those countries with which Jordan has SPS equivalence agreements (i.e., formal recognition that the standards of Jordan and the exporting country are essentially the same). In the second case, if an exporting country is known to be free of a disease or pest, waiver may be granted for plant or animal products derived from plants or animals from the disease or pest free areas. Both of these conditions protect human health. In the Law of Food, the Institution claims the right to prohibit entry of any imported food until it is inspected. Obviously, it is not good policy for MOA to grant waiver of inspection and the Institution to then require it.

Animal Feed

As Tony Whitehead points out in his report on the Law of Food, a very common source of contaminants in food is plant or animal products fed to livestock (recall the recent crisis in Belgium with poultry feed). Animal feed circulation, manufacture, sale, testing, sanitary certification, and such is regulated in proposed Articles 13 and 14 of the Agriculture Law. Therefore there should not be any mention of animal feed in the Law of Food. The only potential exception is that in Article 14, Part Five, one form of cheated food is “When it is a production of a diseased animal or an animal that has perished before being slaughtered.” This could be changed to:

“When it is a production of a diseased animal or an animal that has perished before being slaughtered or an animal that has been fed or is suspected of being fed animal feed of any form or content that is harmful to the health of humans.”

If this change is made, it is probably necessary to define animal feed. The following definition is derived from the definitions used in the Agriculture Law.

Animal Feed:

The raw feed items used to feed animals whether of a plant or animal source and/or feed additives (all or some mineral salts, vitamins, amino acids, and antibiotics permitted to be used locally and items used in manufacturing fodder and any other item permitted to be used locally and proves to be useful in feeding animals and increasing the proficiency of fodder) and/or manufactured feed (any mixture of raw feed items and feed additives).

Composition of Functional Committee (Article 9 of the Law of Food)

To take into account plant product sanitary issues, the following may need to be added to the functional committee composition (Article 9):

“A person specialized in Plant Health from the Ministry of Agriculture nominated by the Minister of Agriculture.”

In addition, modification of Part Two of Article 6 may be necessary (change in bold):

The Board’s members who are representatives of the parties stipulated in Clauses 2-9 of the Paragraph (a) of this Article must enjoy experience and specialization in food **or agricultural products which make up food**. Each of them must hold the first university degree at least. They must be assigned upon a resolution by the Cabinet upon advice by the Minister and recommendations by their ministers.

SPS Enquiry Point

The primary function that will have to be performed by the Institution to fully support the SPS Enquiry Unit is answering of inquires from domestic and international sources about sanitary and phytosanitary measures associated with human health. Inquires will fall into three categories: provision of documentation (all regulations, instructions and decisions regarding protection of human health), prompt response to specific written inquires, and prompt notification to the SPS Enquiry Point of changes in SPS regulations or instructions.

Documentation that the Institution may need to provide to the SPS Enquiry Unit includes:

- (a) current guidelines for food risk analysis, including factors taken into consideration in such analysis and the means of determining appropriate sanitary and phytosanitary risk;
- (b) current prohibitions on importation of specific foods and the scientific basis for the prohibition;
- (c) current inspection and testing requirements, regulations and procedures for (domestic or imported) food;
- (d) relevant texts and international agreements on and standards for food related to human health and safety from international and regional sanitary and phytosanitary organizations and systems as well as any SPS-associated clauses in bilateral and multilateral trade agreements signed by Jordan.

Upon reading of the Law of Food, it is not clear where this responsibility would lie. The Functional Committee does not meet frequently enough to handle inquiries in a timely manner. The Director General and the Board do not seem like good candidates for this responsibility. There is authority to establish committees as needed and that may suffice for the purposes of supporting the SPS Enquiry Unit. Or, does a specific unit (committee) need to be formed in the law to take care of SPS inquiries? Does the support activity itself need to be added to the functions of the Institution?

DRAFT of the Review of the AMO Law

DATE: 3 August 1999

TO: Mr. Ibrahim Al Etieleh, Director, Planning and Development
Department, Ministry of Agriculture

FROM: Kim C. Hjort, AMIR Consultant

SUBJECT: DRAFT of the Review of the AMO Law

Pursuant to a request by the Ministry of Agriculture on 27 July 1999, the current law governing the functions and operation of the Agricultural Marketing Organization was reviewed for compliance with general principles and specific requirements of GATT 1994 and its supplemental agreements. In addition, the Law was reviewed in relation to the concepts included in current drafts of new laws for agriculture, food, and standards that are designed to ensure compliance with GATT principles. During that review, several inconsistencies and conflicts with GATT principles or the new laws were discovered. These conflicts are noted below in more detail and then a means of resolving the conflicts is recommended.

cc: Farhat Farhat, Leader, Policy Component, AMIR Program
Rand Hannun, Legal Researcher, International Business Law Associates

Review of the Law of the Agricultural Marketing Organization

In Law No. 15 for 1987 as amended by Law No. 40 for 1988, known as the Law of the Agricultural Marketing Organization (AMO Law), there is only one article that addresses the functions, goals and responsibilities of AMO. The other articles deal with management and operation of the Organization. Therefore, Article 4 is the only article relevant to this review.

Article 4

The AMO Law establishes the primary function and role of AMO as:

“...design(ing) marketing policies related to agricultural products inside the Kingdom and abroad and following up on the application, organization and development of marketing.”

This broad declaration giving AMO authority over policies, mechanisms and development of marketing does not conflict with the general principles of GATT 1994 or the Agreement on Agriculture. However, there are many policies, mechanisms and development activities that AMO pursues under this general authority that are not GATT compliant or border on being non-GATT compliant. In addition, there are numerous conflicts with existing and proposed laws. Each of these problems is discussed in more detail below.

Clauses (a) and (f)

Clauses (a) and (f) of Article 4 grant AMO authority in the areas of:

- (a) Carrying out studies and research related to marketing agricultural products inside the Kingdom and abroad, for purposes of organizing and developing the marketing process and providing available information and the results of such studies and research to the private and public sectors for their benefit therefrom.
- (f) Participation in carrying out economic and technical studies for agricultural production and foodstuff industries.

These functions of AMO are fully compliant with GATT 1994 principles. They are also compliant with the draft Law of Agriculture unless these clauses can be interpreted to give AMO authority to collect statistics and data about the agriculture sector. AMO currently collects some trade-related data but only for fruits and vegetables (in spite of its mandate to cover all agricultural products). If AMO's authority to collect such statistics is based on these clauses of Article 4, they will be turned null and void when the Agriculture Law is enacted because the Ministry will be the sole authority empowered to collect, document and validate statistics related to the agriculture sector.

AMO's role in identifying market access and other opportunities in foreign countries is an important and necessary function of governmental bodies. Note that participation of MOA in such studies is essential since foreign market opportunities are often constrained by sanitary and phytosanitary (SPS) or technical restrictions now days. This means that the SPS requirements of trading partners are a major part of any research into or assessment of market

opportunities abroad. Those persons most qualified to interpret those SPS standards and assess their impact on Jordan's export opportunities are in the Plant Protection and Veterinary Services of the Ministry of Agriculture.

Clauses (b) and (c)

In these clauses, AMO has authority in the areas of:

- (a) Drawing up plans relating to export and import of agricultural products and control of their execution.
- (b) Determination of the kinds and quantities of agricultural products allowed to be exported or imported and the dates of importing and exporting.

These functions are designed to control "agenda" trade in agricultural products through planned (timed) entry or exit of sensitive agricultural products. In practice, this has become a licensing (prior approval) issue that is reviewed in detail below. For the record, however, it is important to point out that in the GATT Agreement on Agriculture, non-tariff barriers to trade such as import quotas, seasonal import bans and voluntary export restraints are not allowed. Therefore, all such non-tariff barriers must be converted to tariffs.

The Agreement on Agriculture also includes a clause requiring restraint when limiting exports of an agricultural product. A country imposing export restrictions must consider the impact of the restriction on importing countries' food security. And, a country that is a net-exporter of a product for which it desires to restrict exports may need to consult with those countries importing the commodity before the action can be taken. Once Jordan joins the WTO such principles must be reflected in any decisions regarding agricultural product exports.

The principles noted above need not apply to non-WTO member countries, including, for example, Syria and Lebanon. However, the new draft law for agriculture includes provision for protecting agricultural producers from dumping or sudden surges in imports of goods from non-WTO member countries. Therefore, MOA will have authority to investigate and correct any trade related problems. Such corrections could take the form of seasonal trade bans or other "agenda" rules.

Note however that the concessions granted to bilateral trade partners under agenda trade will have to be renegotiated either prior to or very soon after accession to the WTO. This is necessary because WTO membership means that any concessions made to trading partners, including customs duty suspension, must be extended to all most favored nation (MFN) countries. More favorable concessions than MFN terms can be given to those countries with which a WTO member has a bona vide regional trade agreement. Bilateral trade agreements do not fall in that class and therefore, in order to avoid extending zero tariff trade terms to MFN countries, the terms of the bilateral trade agreements will have to be changed. It is not clear whether quantitative restrictions on agricultural product trade would remain in renegotiated agreements.

Also note that in the new agricultural policy environment reinforced by the recent unilateral reforms, the concepts of planning or restricting trade are incompatible. If the original intent

of the clauses was to control trade in an effort to limit or prevent dumping of products in Jordan, especially in the peak production season, there are WTO compliant alternatives. For example, Jordan is requesting high within-season tariffs for key goods that should limit the potential for high imports in peak production seasons.

In general, it can be concluded that these clauses are not GATT compliant, not compatible with current policy in the sector, and there are adequate GATT-legal alternatives to protect domestic producers, including response to dumping. Therefore, these clauses and any regulations issued in conjunction with them will either have to be revised or will be turned null and void by new legislation.

Clause (d)

Clause (d) empowers AMO with responsibility for:

- (c) Drawing up the specifications required in exported or imported agricultural products or those offered for sale in local markets and ensuring compliance with those specifications.

This clause gives AMO the authority to determine those grades or classes of agricultural products that may be traded either domestically or internationally. Under WTO disciplines, any good that is permitted to be traded domestically (i.e., meets domestic standards within an existing class or grade) must be permitted to be imported or exported. Therefore, standards for internationally traded and domestically traded goods cannot differ and by definition, domestic standards must apply to imported goods. If current AMO regulations permit differentiation between domestic and international goods, those regulations may have to be changed before accession to the WTO can proceed.

This clause could be interpreted to imply that AMO is responsible for setting sanitary and phytosanitary (SPS) standards for agricultural products. In the new Law of Agriculture, MOA has the authority to establish SPS standards for all agricultural products since the scientific expertise necessary to identify threats to plant and animal (and therefore human) health resides in the Plant Protection and Veterinary Services of the Ministry. Therefore, the new agriculture law will void any SPS related standards set by AMO in the past and eliminate its authority to set such standards in the future.

In addition, any standards imposed for domestic marketing of agricultural products may conflict with the current authority of the Standards and Metrology Corporation (SMC) and most certainly will under the proposed law for SMC. Therefore, AMO's role should be limited to that of supporting the work of the SMC, not detailing specifications.

Clause (e)

Drawing up specifications for agricultural product packages, including weights, technical information and ensuring compliance with those specifications.

Superseded by Law on Standards and Metrology: The specifications referenced above are either standards or technical regulations. Existing standards and technical regulations are implemented and compliance assured by JISM.

To be superseded by the Agriculture Law: The Minister of Agriculture technical regulations (mandatory specifications) can only be These are the domain

This clause seems to conflict with the authority of the Standards and Metrology Corporation (SMC) which is tasked with protecting the health, safety and environmental quality for all citizens by ensuring commodities are in compliance with mandatory standards (technical regulations). In addition, SMC approves and adopts technical standards for all agricultural goods except veterinary medicines (but MOA regulates the latter). Technical Committees determine the technical standards applicable to goods. Further, these standards must be linked to international standards under the WTO Agreement on Technical Barriers to Trade. If specifications drawn up by AMO do not comply with international standards, the regulations governing such may have to be revised before accession to the WTO. And, if such specifications deal with processed agricultural products, they are likely to be replaced by specifications and regulations issued under the new Law of Food.

Clause (g)

Clause (g) of Article 4 gives AMO authority for:

(g) Participation in procedures of determining agricultural product prices.

Since Jordan has a free market system for virtually all agricultural products and many agricultural inputs, it is not clear what procedures might be used to determine agricultural product prices. If the clause was designed to ensure AMO's input when government support prices for wheat, barley, lentils and chickpeas were in place, then it is no longer relevant since these programs were eliminated in 1997 and 1998.

Clause (h)

Clause (h) contains two concepts:

(h) Issuance of the requirements necessary for obtaining licenses for export, import and re-export of agricultural products from competent official bodies and issuance of necessary marketing certificates and collection of the fees established under the regulations issued under the present law.

The first concept is that of licensing for international trade. A new licensing law is being drafted that will supersede any licensing regulations in existence. Within that new licensing law, trade licenses will generally be granted automatically and only in limited cases will a permit be required to import specific goods. For agricultural products, SPS permits (certificates) will be required when the product arrives at entry points. The MOA will determine the specific content and requirements that must be noted on those permits. However, no prior approval will be associated with the SPS certification process.

The other possible case where a permit may be required for an agricultural product is when the use of special safeguards is permitted under WTO accession terms or tariff rate quotas are in effect. Such permits are necessary for monitoring purposes only and cannot be used to restrict trade. While no single body has yet been authorized to issue these certificates, it has been recommended that MOA have that authority. Therefore, based on these proposed changes to licensing law, AMO will not retain its authority to issue licenses.

Prior approval is still required for imports of agricultural products under protocol or agenda trade with Lebanon and may be required for Israel when the agenda trade provisions of that agreement are enacted. The agreement with Lebanon places limits on exports of Jordanian goods but that should be controlled by Lebanon, not Jordan. The same applies to the Israeli agreement. Therefore, in both of these cases, the rationale for licensing for exports or imports does not exist.

The second concept in this clause is that of issuing of marketing certificates. These certificates prove that goods offered for sale meet technical standards. Under the new SMC law, all certification will be handled by the SMC. Therefore, AMO's role in this area will be turned null and void.

Clause (i)

AMO's cooperation and coordination with other bodies concerned is mandated for:

- (i) Encouraging foundation of councils specialized in marketing agricultural products and contributing to advertising and promotion thereof.

This Article could conflict with GATT principles if the contribution to promotion of such councils has any impact on prices received by producers or exporters of Jordanian agricultural products. For example, in some countries, governments make payments to a firm, industry or producers when their products are exported or marketing organizations provide subsidized marketing services such as discounted handling or processing costs or reductions in international transportation and freight costs. Under the Agreement on Agriculture, no such subsidies, direct or indirect, may be given to promote agricultural product exports. Initial review of the types of activities currently undertaken by AMO in this respect suggests that they do not violate this principle. However, the absence of specific regulations prohibiting such means of promoting agricultural product exports requires the raising of a cautionary flag.

Clause (j)

In clause (j), AMO is given:

- (j) Supervision over, control and organization of marketing activities in places of collection, storage and sale of agricultural products.

The authority given AMO in this clause appears to conflict with that of the MOA in licensing central and other wholesale markets. In the new agriculture law, MOA will

determine conditions that must be fulfilled for classification, storage and cooling centers in such markets. In addition, as noted above, technical specifications for sale of agricultural products will be regulated by SMC and health related conditions associated with food sales will be governed by the new Law of Food. Therefore, AMO's authority in this area will be turned null and void by those laws.

Summary of Review Findings

The majority of functions and much of the regulatory authority bestowed on AMO conflicts with WTO principles or with current or proposed laws such as the Law of Agriculture, the Law of Food, and the law relating to the Standards and Metrology Corporation. The three clauses of Article 4 that do not directly conflict with the above are those dealing with promotion of exports, participation in studies and market research. However, portions of the functions noted in each of those clauses potentially have WTO compliance issues or are at least in part going to be legislated elsewhere. Therefore, overall, it appears that AMO's functions are not unique and so the heart of the AMO Law will be gutted and most of the regulations issued under this law will be turned null and void upon enactment of several new laws.

Resolving Conflicts

Based on this review of AMO's legislated functions, it is not clear that AMO should continue to exist as a separate government body. In fact, it is recommended that those elements of AMO's tasks that do not conflict with WTO principles or new laws be transferred to a single unit within the Ministry of Agriculture. Such a unit could be called the "Agricultural Marketing Service."

The functions of the new unit should be limited to those activities that address the original goals and aims of AMO but are applicable to the current free market policy environment. Producers of agricultural products need market and market related information that can help them make production decisions in response to consumer demand. Exporters of agricultural products need similar information to help them maximize earnings from exports, ultimately improving farm income. These important needs should define the functions of an Agricultural Marketing Service unit in the MOA. Specifically, the Service should:

- 1) Provide agricultural producers and other interested parties with information that facilitates their decision making with regard to agricultural marketing including:
 - a) conducting foreign market access and market opportunity studies to identify agricultural products that can be exported from Jordan;
 - b) collecting statistics relating to wholesale market arrivals and sales and market prices, analyzing commodity price trends, and publishing such promptly to enable producers to make efficient production decisions;
 - c) conducting studies assessing domestic marketing efficiency and making recommendations for capital improvements to aid movement of agricultural products to domestic and international markets; and

- d) assessing changes in consumer demand for agricultural products using statistics from wholesale markets and other information such as household consumption surveys and publishing the results of such analysis.
- 2) Promote the sale of Jordanian agricultural products abroad by:
- a) participating in international trade fairs;
 - b) advising exporters on export opportunities, procedures, and certification needs in major importing countries; and
 - c) providing potential importers with information on Jordanian agricultural products, including quality indicators and seasonal availability.

Supplementary SPS Legislation

The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) requires each member country to designate an enquiry point within its government to which all interested WTO members may submit questions regarding sanitary and phytosanitary (SPS) issues. The designated enquiry point will also be responsible for fulfilling the transparency and notification requirements as specified in the SPS Agreement. In the case of Jordan, special legislation should be enacted to create an SPS enquiry point, as required by the SPS Agreement, and to establish its functions and its relationships with line ministries.

Most countries have separate agencies or departments that are responsible for animal, plant, and human health. In such a situation, a practicable mechanism should be established to ensure that these agencies coordinate with a central enquiry point, as required by the SPS Agreement. In the United States, for example, the enquiry point is housed in the Trade Policy Unit of the Foreign Agriculture Service. The enquiry point maintains an inventory of all relevant documentation regarding SPS measures in the United States and works with the Animal and Plant Health Inspection Service and the Food Safety and Inspection Service as well as the Food and Drug Administration when trade-related SPS issues arise. While certain other WTO member countries have provided more than one enquiry point—one for animal and plant health and one for food safety issues—this is contrary to the requirements of the SPS Agreement and is not recommended for Jordan.

In the Jordanian case, the legal and compliance authorities for plant, animal, and human health issues are housed in different Ministries—similar to the situation in the United States. It will therefore be necessary to establish a reliable mechanism enabling a single enquiry point to coordinate with the Plant Protection Service and the Veterinary Services departments in the Ministry of Agriculture and the Ministry of Health.

As stated above, it is necessary to establish a single SPS enquiry point capable of handling food safety and human, plant and animal health questions and coordinating as necessary with the line ministries. The responsibilities and duties of the enquiry point and the coordination roles of the relevant line ministries should be specified in special legislation. This legislation should be independent of the Law on Agriculture and the Law on Health, and may take the form of a law issued by Parliament or a regulation issued by the Cabinet. The necessary components of any such legislation are as follows:

Legislation Creating the Sanitary and Phytosanitary (SPS) Enquiry Unit

Article (1) Establishment of SPS Enquiry Unit

An SPS Enquiry Unit shall be established in the *<insert name of the Ministry, unit, or commission>* in accord with the requirements of the GATT 1994 Agreement on the Application of Sanitary and Phytosanitary Measures. The SPS Enquiry Unit shall be the sole contact point for inquiries from foreign countries and international organizations for all matters associated with SPS measures applied to protect human, plant and animal life and

health. This shall not be interpreted to supercede or otherwise alter the responsibilities of the Plant Protection Service and Veterinary Service of the Ministry of Agriculture or the Ministry of Health or the Public Institution of Food in representing and defending the Kingdom's interests in maintaining or protecting human, plant and animal health.

Article (2) Definitions

The following definitions for terms used in this legislation shall apply unless the text implies otherwise:

Animal	Sheep, goats, cattle, buffalo, camels, poultry, rabbits, aquatic creatures, circus animals, animals of the equine species, wild animals, wild birds, dogs, cats and pigs.
Animal products	Those products of animal origin that can be used for food or any other purpose, including remnants from slaughter and waste.
Plants	All kinds of plants, implants and herbs, seeds, flowers, leaves, roots, stems and other parts.
Plant products	Any unprocessed material of vegetable origin, including fruits and grains, and that material processed in such a way that does not convert it from its vegetative nature.
Food	Each stuff or part thereof that man uses in eating or drinking that is a finished or processed product and any stuff used in food manufacturing, mixtures, or preparations. It includes spices, pickles, chewing gum, dressings, and sweets. It shall not include medical drugs, water, tobacco and those products included in the definition of plant products and animal products. *****NEED TO ENSURE CONSISTENCY WITH FOOD LAW*****
Sanitary and phytosanitary measures	Any legislation or measures having the purpose to prevent the introduction and/or spread of pests of disease in humans, plants, plant products, animals and animal products

Article (3) Functions of the SPS Enquiry Unit

The functions of the SPS Enquiry Unit shall be as follows –

The SPS Enquiry Unit shall be a depository for documents, including all measures (regulations, procedures, and guidelines) associated with domestic and border SPS measures and their scientific basis.

The SPS Enquiry Unit shall ensure prompt response to written requests from the general public or other interested parties for information on SPS measures, including:

clarification of SPS regulations and measures;
country and/or commodity exemptions from SPS measures (if any);
documentation on testing and inspection procedures and programs required in the Kingdom or at its entry points;
documentation on control and eradication programs in place in the Kingdom;
declarations of all or part of the Kingdom as being pest- or disease-free or having low pest or disease prevalence;
trade restrictions, certification requirements, inspection and/or quarantine procedures for imported plants, plant products, animals, animal products and food;
risk assessment studies that form the basis for SPS measures applied to goods; and
any other reasonable request associated with the protection of plant, animal or human health that may facilitate trade between the Kingdom and other countries.

The SPS Enquiry Unit shall maintain current texts of bilateral and multilateral agreements that contain provisions related to SPS measures, including, for example, international SPS standards and especially special conditions for quarantine or other mandatory SPS measures through bilateral agreements.

The SPS Enquiry Unit shall immediately notify the WTO of any proposed changes in SPS measures applicable to imported foods, plant products, plants, animals, animal products, or agricultural inputs. Such notifications shall be in the form specified by the WTO.

In the event that the Ministry of Health, Ministry of Agriculture or other competent national authority implements emergency SPS measures or emergency control or eradication procedures for diseases or pests that pose a risk to human, plant or animal life and health, the SPS Enquiry Unit shall immediately notify the WTO of such action and procedures. Notification shall be provided in the form required by the WTO and include specification of the need for the measures, the scientific and economic basis, when available, for the emergency measures, and identify the specific products to which the measures will be applied.

The SPS Enquiry Unit shall be responsible for receiving comments from exporting countries or international organizations on changes in SPS measures or application of emergency SPS measures and ensure that the comments are provided to the appropriate services of the Ministry of Agriculture, Ministry of Health or the Standards and Metrology Corporation for review and response.

Article (4) Duties of Ministry of Agriculture, Ministry of Health and the Public Institution of Food

The SPS Enquiry Unit shall be fully supported in its mission by the Ministry of Agriculture, the Ministry of Health, and the Public Institution of Food in accord with the following provisions—

- (a) The Ministry of Agriculture and the Ministry of Health and the Public Institution of Food shall provide complete documentation and support activities to, and fully support the mission of, the SPS Enquiry Unit for the purpose of answering inquires from domestic and international sources about sanitary and phytosanitary measures associated with human, plant and animal health. Documentation, as used in this Article, shall include all regulations, instructions and decisions regarding protection of human, plant and animal health, including, but not limited to:
 - 1) the means of combating and/or controlling contagious pests and diseases found in the Kingdom;

current guidelines for pest and disease risk analysis, including factors taken into consideration in such analysis and the means of determining appropriate sanitary and phytosanitary risk from such analysis;

declarations of pest- and disease-free or low pest and disease prevalence areas within part or all of the Kingdom;
the means of maintaining pest- and disease-free or low prevalence pest or disease areas within the Kingdom;
current prohibitions on importation of specific plants, plant products, animals, animal products, and food from countries with specific pests, diseases or contaminants;
current tolerance levels for diseases and pests for plants, plant products, animals, animal products as well as contaminant tolerance levels for food sold or otherwise marketed in the Kingdom;
current plant and animal quarantine requirements, regulations and procedures;
current regulations governing the transit of plants, plant products and animals and animal products through the Kingdom; and
relevant texts and international agreements on and standards for plants, plant products, animals, animal products and food health and safety from international and regional sanitary and phytosanitary organizations and systems as well as any SPS-associated clauses in bilateral and multilateral trade agreements.

Support activities included in Paragraph (a) shall include prompt response to written requests for information that are received through the SPS Enquiry Point, including requests for documentation, clarification of regulations, justification for human, plant and animal health standards, basis for trade restrictions or any other matter associated with human, plant and animal health.

The Ministry of Agriculture, the Ministry of Health and the Public Institution of Food shall immediately notify the SPS Enquiry Point of proposed changes in sanitary and phytosanitary regulations or instructions or any emergency sanitary and phytosanitary measures that may be applied to plants, plant products, animals, animal products, and animal remnants to protect human, plant or animal life or health.

The duties imposed on the Ministries of Agriculture and Health and the Public Institution of Food in terms of this Article shall be similarly imposed on any other Agency or Authority with specific technical knowledge, regulatory authority, or compliance authority related to SPS measures.

Summary of SPS Compliance

To ensure that all provisions of the SPS Agreement have been accounted for in the Proposed Legislation above, the legal text of the Agreement is summarized and the conforming article in the revised Law is noted in the following table.

August 16, 1999 English Version

Article in SPS Agreement	Paragraph/s in SPS Agreement	Conforming Article in Revised Law	Summary of Legal Provision in SPS Agreement
Basic Rights and Obligations	1	15(a)	WTO members have the right to take SPS measures necessary for the protection of human, animal or plant life and health.
Basic Rights and Obligations	2	15(b) 15(d)	Members must ensure that SPS measures are: <ol style="list-style-type: none"> Applied only to the extent necessary to protect human, animal or plant life or health; based on scientific principles and not maintained without sufficient scientific evidence.
Basic Rights and Obligations	3	15(a)4	Members must ensure that their SPS measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their territory and that of other Members.
Harmonization Risk Assessment and Determination of SPS Levels	1,3 1	15(a)1 15(b)	Members must base their SPS measures on international standards , guidelines, or recommendations (where they exist) unless there is scientific justification for a higher standard or if a scientifically assessed risk , based on international risk assessment techniques, suggests need for a higher standard .
Harmonization	2	Implied in 15	SPS measures which conform to international standards are deemed necessary to protect human, animal or plant life or health and consistent with GATT 1994.
Harmonization	4	3(a)8	Members will participate fully in the relevant international organizations and their subsidiary bodies (including the Codex Alimentarius Commission, International Office of Epizootics, and the International Plant Protection Commission) to promote development and review of international SPS standards.
Equivalence	1	Implied in 26(c)1 56(b)1	Members accept the SPS measures of other Members as equivalent to their own . If such measures differ from those of the importing country or from those used by other Members trading in the same product, they must be accepted as equivalent if the exporting Member objectively demonstrates that its measures achieve the importing Member's appropriate level of SPS protection.

Article in SPS Agreement	Paragraph/s in SPS Agreement	Conforming Article in Revised Law	Summary of Legal Provision in SPS Agreement
Equivalence	2	3(a)8	Upon request, Members must enter into consultations aimed at achieving bilateral and multilateral agreements on recognition of equivalence of specified SPS measures.
Risk Assessment; Determination of SPS Protection Levels	7	15(b) 15(c)	When relevant scientific evidence is insufficient to establish SPS measures, Members may provisionally adopt SPS measures on the basis of available information , including SPS measures applied by other Members. However, Members should make every effort to obtain additional information necessary for an objective assessment of risk and review the provisional measure within a reasonable time period.
Risk Assessment; Determination of SPS Protection Levels	1	15(b)	Members must base their SPS measures on an internationally accepted means of assessment of the risks to human, animal or plant life or health.
Risk Assessment; Determination of SPS Protection Levels	2,3	15(b)	Risk assessment must conform to international standards and be based on available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest- or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment. In addition, risk assessment should include relevant economic factors such as losses to producers, costs of control or eradication, and relative cost effectiveness of alternative approaches to limiting risks.
Risk Assessment; Determination of SPS Protection Levels	4	15(a)2	When applying SPS measures, Members should minimize negative trade effects .
Risk Assessment; Determination of SPS Protection Levels	5	15(a)4	SPS measures must be applied consistently , avoiding arbitrary or unjustifiable distinctions in the protection levels considered to be appropriate in different situations if such distinctions result in discrimination or a disguised restriction on international trade.
Risk Assessment; Determination of SPS Protection Levels	6	15(d)	Members should make sure that SPS measures are not more trade-restrictive than required to achieve their appropriate level of SPS protection, taking into account technical and economic feasibility.
Adaptation to Regional Conditions	1	15(a)3 26(c)1 56(b)1	Members must ensure that their SPS measures are adapted to the SPS characteristics of an area (all or part of a country or all or parts of several countries) from which the product originated and to which the product is destined.

Article in SPS Agreement	Paragraph/s in SPS Agreement	Conforming Article in Revised Law	Summary of Legal Provision in SPS Agreement
Adaptation to Regional Conditions	2	15(a)3 26(c)1 56(b)1	Members agree to recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence .
Adaptation to Regional Conditions	3	22(a)6 50(a)7	Exporting Members claiming pest- or disease-free areas or areas of low pest or disease prevalence must provide the necessary evidence of such to objectively demonstrate to importing Members that the areas currently are and are likely to remain pest- or disease-free or areas of low pest or disease prevalence.
Transparency Annex B – Transparency	N/A 1, 2	15(e)	Members must notify the WTO of changes in their SPS measures, promptly publish SPS regulations , and allow sufficient time for exporting Members to adapt their products and methods of production to the requirements of the importing Member.
Annex B – Transparency	3	Enquiry Point Legislation (supported by Article 16)	Each Member must have one enquiry point that provides answers to all reasonable questions from interested Members and provides relevant documents . Relevant documents include those dealing with adopted or proposed SPS measures; control and inspection procedures, treatments, quarantines, tolerance levels, and approval procedures; risk assessment procedures and factors when determining appropriate SPS protection; and documents regarding participation in international and regional SPS organizations and systems as well as in bilateral and multilateral agreements and arrangements.
Annex B – Transparency	5	15(b)	When an international standard does not exist or a proposed SPS regulation is not substantially the same as international standards and the regulation may have a significant impact on trade, Members must publish a notice sufficiently early to allow interested Members to become acquainted with the proposed regulation and comment on the regulation ; notify other Members of the products to be covered by the regulation, including the objective and rationale for the regulation and identify parts of the regulation that deviate substantially from international standards.
Annex B – Transparency	6	15(c)	When an urgent problem of health protection arises or threatens to arise, a Member may take immediate action without comment from other Members provided notification is made to the WTO immediately, the products covered are indicated, an indication of the objective and rationale for the regulation is made, and other Members' written comments are taken into account (at a later date).

Article in SPS Agreement	Paragraph/s in SPS Agreement	Conforming Article in Revised Law	Summary of Legal Provision in SPS Agreement
Annex C - Control, Inspection and Approval Procedures	1(a), 1(g)	15(a)5	When checking and ensuring SPS compliance, Members must complete required procedures without delay and in no less favorable manner for imported products than for like domestic products (national treatment).
Annex C - Control, Inspection and Approval Procedures	1(c), 1(e)	15(g) 26 56(c)4	SPS information, control, inspection and approval requirements and are limited to what is reasonable and necessary .
Annex C - Control, Inspection and Approval Procedures	1(f)	Fees article	Fees imposed for SPS procedures on imported products are equitable in relation to fees charged on like domestic products and are no higher than actual cost of the service.

Articles to Add to Food and TBT Laws

1 September 1999

TO: Farhat Farhat, Leader, Policy Component, AMIR
Tony Whitehead, Food Safety Consultant to AMIR
Salah Al-Basheer, IBLaw
Raghida Helou, Attorney, IBLaw
Nissreen Haram, Economist, IBLaw

FROM: Kim Hjort, Agriculture Consultant to AMIR
Rand Hannun, Legal Researcher, IBLaw

SUBJECT: Articles to Add to Food and TBT Laws

In response to the e-mail correspondence from Farhat on August 31, 1999 regarding food inspection issues identified in the May 1999 IPC Workshop, we have proposed and obtained agreement with the Ministry of Agriculture to make the following revisions to the Law of Agriculture.

Compliance with SPS Measures

Article (15) Authority for Applying SPS Measures

The Ministry shall be the sole authority for developing and applying sanitary and phytosanitary measures for plants and animals and for those measures that protect the health of plants and animals from pests and diseases that may be transmitted to plants and animals by plant and animal products and agricultural inputs. In addition, the Ministry shall participate with other competent authorities in developing and applying sanitary and phytosanitary measures for plant and animal products and agricultural inputs when such may transmit disease to or harm humans. The measures included are:

domestic and border inspection and quarantine;

denying entry of imported agricultural products and inputs when not complying with health requirements;

inspection of places (farms, ranches, slaughter houses, mills and such) where plant and animal products are produced and the products produced therein;

control and eradication for plant and animal pests and diseases;

transportation and transit conditions for agricultural products and inputs within and through the Kingdom;

health related aspects of input registration and granting of permission for use in the Kingdom;

health conditions required for circulation of plants and animals and their products and agricultural inputs; and

any other measure associated with the protection of plant and animal health.

Nothing in this Article shall be interpreted to supercede the authority of other governmental entities with regard to inspection and control of food.

Note that the Ministry of Agriculture (MOA) is the only entity authorized to protect animal and plant health. That means MOA has full autonomy over border, domestic and marketing SPS measures associated with animal and plant health. Also note that MOA will share authority with others (i.e., cooperate with) on matters related to human health SPS measures.

To further clarify the lines of inspection and control and also to address Tony's observation about the chances of Jordan being granted equivalency with regard to SPS measures, we have specified that MOA will inspect places and the output of such places where plant and animal products are produced. This means that MOA has authority over animals and plants that enter the food chain prior to their wholesale and retail marketing. All wholesale food items, including plant and animal products, are then subject to inspection and control by the Ministry of Health (MOH) and the municipalities.

Specifically, in the case of animals, MOA will be responsible for inspecting animals at slaughter houses before they are slaughtered and will also inspect and test animal products (carcasses, cuts of meat, skins, etc.) for disease that may be transmitted to animals (e.g., BSE) or humans (e.g., tuberculosis). Once the meat leaves the grounds of the slaughter house, it falls under the authority of the MOH and the municipalities. A similar condition applies for plants or plant products that are prepared (e.g., wheat milled into flour). MOA will inspect the wheat at the flour mill (including that stored at mills) for pests that may infest plants (through airborne transmission, for example) and will cooperate with MOH in testing wheat for those contaminants that are harmful to human health such as pesticide residue or contaminants introduced through fumigation or other means of pest control at the mills.

We can add a similar article to the Food Law that gives authority for food-related SPS matters to MOH and JISM.

Article (xx) Authority for Applying SPS Measures

The *Institute of Food* shall participate with the *Institute for Standards and Metrology* in developing and applying sanitary and phytosanitary measures for food that protect the health of humans. In addition, the Institute shall participate with other competent authorities in developing and applying sanitary and phytosanitary measures for plant and animal products when such may transmit disease to or harm humans. The measures included are:

domestic and border inspection of food;

denying entry of imported food when not complying with health requirements;

inspection of places where food is produced and sold;

any other measure associated with the protection of human health.

Nothing in this Article shall be interpreted to supercede the authority of other governmental entities with regard to inspection and control of animals and plants.

Inspection with Regard to Technical Regulations

The following article is based on an article added to the Law of Agriculture that gives MOA the authority to participate in establishing national standards, establish new technical regulations, and inspect and verify compliance with technical regulations that have been issued by them. This article should be considered for inclusion in both the Food Law and TBT Law.

Article (xx) Issuance of Technical Regulations

The Institute shall participate with competent authorities in establishing or revising national standards for food.

The Minister shall issue technical regulations for any food item as he deems necessary to fulfill the requirements of consumers and prevent deceptive practices subject to the provisions of relevant national laws and international agreements. However, all such technical regulations shall be no more restrictive of domestic and international trade than necessary to fulfill the legitimate objective of the regulation.

The Institute shall be responsible for ensuring that food complies with technical regulations issued by the Institute. In addition, the Institute shall participate with other competent authorities to ensure compliance with all other technical regulations for food. This shall include sole or joint inspection of food prior to importation and circulation.

Letter to the Ministry of Industry and Trade

September 30, 1999

Mrs. Tamam El- Ghul
Head, WTO Unit
Ministry of Industry and Trade
Government of Jordan
Amman, Jordan

Dear Tamam:

Following a request in late July 1999 by the Ministry of Agriculture, we have reviewed Law No. 15 for 1987 as amended by Law No. 40 for 1988, known as the Law of the Agricultural Marketing Organization (AMO Law). We find that a majority of AMO's legislated responsibilities and functions do not comply with the principles of the 1994 GATT Agreement and therefore are not compatible with membership in the World Trade Organization (WTO). In addition, some functions are no longer relevant in the current agricultural policy environment or will directly conflict with the new agriculture law. The conflicts and outdated functions include:

- Drawing up export and import plans and controlling their execution;
- Determining kinds, quantities and dates for importing and exporting agricultural products;
- Determining specifications for agricultural products and ensuring compliance with such;
- Drawing up specifications for agricultural product packages and ensuring compliance;
- Participation in procedures of determining agricultural product prices;
- Determining requirements for obtaining licenses for export, import and re-export of agricultural products and issuance of marketing certificates and collection of fees;
- Supervision over, control and organization of marketing activities in places of collection, storage and sale of agricultural products.

Those functions that do not conflict with WTO principles or new laws are related to promotion of exports, conducting studies related to agricultural marketing in both domestic and foreign markets, and participating in economic and technical studies for agricultural production and foodstuffs industries. These functions are directly related to the goals and objectives of the Ministry of Agriculture and can easily be pursued by that Ministry under its current or new law. Therefore, we recommend that AMO be abolished and the Ministry of Agriculture absorb the remaining GATT-compliant functions.

Sincerely yours,

Farhat Farhat
Leader, Policy Component, AMIR Program

cc: Mr. Ibrahim El Etieleh, Director, Planning and Development Department, Ministry of
Agriculture
Dr. Kim Hjort, Technical Consultant, AMIR Program
Mr. Steve Wade, Chief of Party, AMIR Program

The Law of Agriculture for the Year 1999

English Translation

September 30, 1999

Arabic Text of the Law Prepared by

Mohammed Mubiedeen, Consultant to the Advisory Assistance to the Ministry of Agriculture Project, Ministry of Agriculture/Deutsche Gesellschaft fuer Technische Zusammenarbeit (GTZ)

Ibrahim Abu Atileh, Director, Planning and Development Administration, Ministry of Agriculture

Majed Zakari, Head, Studies and International Trade Division, Planning and Development Administration, Ministry of Agriculture

with

Rand Hannun, Legal Researcher, International Business Legal Associates

English Text Prepared by

Kim C. Hjort, Ph.D., Consultant to AMIR Program, USAID/Jordan
Rand Hannun, Legal Researcher, International Business Legal Associates

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Talat Zandaki, Director, Agricultural Economics and Policy Department, Planning and Development Administration, Ministry of Agriculture

Malek Mahadeen, Head, Agriculture Policy Division, Planning and Development Administration, Ministry of Agriculture

Dr. Mokhles Ammarin, Director, Animal Wealth and Pasture Management Administration, Ministry of Agriculture

Dr. Sami Sanna'a, Director, Middle East for Resource Economics and Management

Dr. Salah Al-Bashir, Managing Partner, International Business Legal Associates

Raghida Helou, Attorney, International Business Legal Associates

Nissreen Haram, Economist, International Business Legal Associates

The Law of Agriculture for the Year 1999

Article (1) Name of the Law

This Law shall be called the (Law of Agriculture for the year 1999) and shall be enforced thirty days from the date of being published in the Official Gazette.

Article (2) Definitions

The following words and expressions wherever stated in this Law shall have the meanings designated hereunder unless otherwise is connoted by the context.

- Kingdom** : The Hashemite Kingdom of Jordan.
- Ministry** : The Ministry of Agriculture.
- Minister** : The Minister of Agriculture.
- Administrative Governor** : Provincial governor or district director.
- Agricultural Tenure** : Technical economic unit for agricultural production (vegetable and animal) subject to one administration and including the land exploited wholly or partially for purposes of production, the animals raised thereon and the structures erected for agricultural purposes, regardless of size or area of possession and proprietor.
- Possessor** : Any natural or legal person practicing an administrative authority for operation of an agricultural possession and taking main decisions for utilizing available resources and bearing technical and economic responsibilities relating to this possession.
- Plants** : All types of plants, seedlings, herbs, seeds, flowers, leaves, roots, stalks and all the other parts of the plant.
- Plant Products** : Any product of plant origin that retains its vegetal nature at the point of consumption.
- Transplants** : Any part of the plant that is used to reproduce plant crops of all kinds.
- Fertilizers** : Chemical, organic and vital materials of all types added to the plants and agents of soil improvement as well as materials used as a means for reproduction and transplantation.
- Pest** : Any biological (influence) agent that may cause disease or harm to the health of plants and animals and has a negative effect on the quality of products and quantity of production and results in economic losses.
- Pesticides** : Materials or products used in preventing, treating, and combating plant pests, insects, rodents, weeds, and other beings that cause harm to plants as well as those materials and products used to fight insects and external parasites causing harm to an animal.
- Agricultural Lands** : Lands capable of cultivating field crops, vegetables and horticulture trees when these lands are rainfed and those lands capable of cultivating if a constant source of irrigation is available.
- Governmental Forests** : The State's land registered as forest and those lands that are allocated for forestry proposes.

<i>Forest Lands</i>	: Trees, bushes, shrubs and plants growing on forest lands and trees, bushes, shrubs and plants growing on the lands registered in name of the Treasury of the Hashemite Kingdom of Jordan including those growing beside roads, streets, valleys and rivers.
<i>Private Forests</i>	: Trees, bushes and shrubs growing on possessed lands.
<i>Forest Items</i>	: Any item found in the forest lands or in the State's lands on which trees, bushes and shrubs grow, these also include items resulting from the governmental forests or from the private forests, excluding fruit of private forest trees.
<i>Pasture Lands</i>	: The State's lands registered as pastures, the lands allocated for this purpose and the lands provided for in Article (40) of this Law.
<i>Livestock</i>	: Sheep, goats, cattle, camels and buffalo.
<i>Poultry</i>	: Domesticated birds raised for commercial purposes.
<i>Aquatic creatures</i>	: Every water animal including fish, sponges, clams, water mammals, coral reef, crustaceans, mussels and sea turtles.
<i>Animal</i>	: Livestock, poultry, rabbits, aquatic creatures, amphibians, circus animals, animals of the equine species, wild animals, wild birds, dogs, cats, pigs and test animals.
<i>Animal Products</i>	: Any product of animal origin.
<i>Raw feed</i>	: Any material to which no mixture is introduced to be used for animal feeding either of vegetable or animal source.
<i>Feed Additives</i>	: All or some mineral salts, vitamins, acids and the materials introduced in feed processing and any other material allowed to be locally used and its benefit is proven for feeding the animal and improvement of feed efficiency.
<i>Manufactured Feed</i>	: Any mixture of raw feed and feed additives.
<i>Veterinary Drugs</i>	: Any material or group of materials used to treat or prevent any disease of animals and known to have these properties as well as feed additives with preventive and remedial properties.
<i>Veterinary Bio-Products</i>	: Includes vaccines, serums, antigens and antiserums.
<i>Slaughter House</i>	: The place designed and licensed for slaughtering livestock or poultry.
<i>Veterinary Quarantine</i>	: The place accredited by the Ministry for the purposes of quarantine or sequestering of animals along with their products and remainings to assure their health.
<i>Places</i>	: Any store, shop, lab, residence, factory, slaughterhouse, animal farm, hatchery, plant nursery, warehouse or veterinary clinic.
<i>Agricultural Products</i>	: Plants, plant products, animals and animal products.
<i>Agricultural Inputs</i>	: Any item used in the agricultural production process for plants or animals such as transplants, fertilizers, pesticides, raw feed materials, feed additives, manufactured feed, veterinary drugs, veterinary bio-products, eggs for hatching, chicks and frozen semen.
<i>Technical Regulation</i>	: Document which lays down product characteristics or their related processes or production methods including the

- applicable administrative provisions with which compliance is mandatory. This document may include or is limited to terminology, symbols, packaging or any other requirements.
- Risk Assessment*** : The evaluation of the likelihood of entry, establishment or spread of a pest or disease in the Kingdom and the potential economic and biological consequences of such. Or it is evaluation of the potential adverse effects on human, animal or plant health arising from the presence of additives, contaminants, toxins or disease-causing organisms in agricultural products.
- International Sanitary and Phytosanitary Standards*** : Internationally accredited standards, guidelines and recommendations that protect human, animal or plant health and are established by multilateral participation and agreement through relevant international organizations and bodies.
- Sanitary and Phytosanitary Measures*** : Any legislation, requirements, procedures and resolutions undertaken to fulfill the purposes provided for in Article (15) of this Law. These include, among other things, end product criteria, health conditions for agricultural products and inputs, production methods and processes, control, inspection, testing and approval procedures, inspection of places processing agricultural products, quarantine treatments, control and eradication methods, conditions of transporting animals and plants, methods of statistics, methods of sampling and risk assessment, and packaging and labeling requirements that are directly related to the health of agricultural products.

Article (3) Developing and Improving the Agricultural Sector

The Ministry shall be responsible for organizing work in the agricultural sector and for developing and improving it according to the provisions of this Law in order to achieve the following goals:

- 1) Increasing self-reliance in providing food;
- 2) Insuring production and resource sustainability without harming the environment;
- 3) Increasing farmer's income and improving their living standards;
- 4) Enhancing economic opportunities for agricultural producers by monitoring international and domestic trade opportunities and monitoring market developments;
- 5) Preparing the appropriate investment climate in this sector;
- 6) Developing rural areas and increasing the productivity of individuals and resources within those areas;
- 7) Achieving economic balance between this sector and other sectors within the activities of this sector;
- 8) Encouraging the youth and other members of society to work in the agricultural sector; and

- 9) Providing health protection for animal and plant wealth as well as the environment through effective participation in specialized international and regional organizations and by concluding international agreements.

Article (4) Provision of Services not Provided by Private Sector

The Ministry shall deliver basic agricultural services in the fields and areas where such services are not provided by the private sector or when the private sector does not efficiently and effectively provide them.

Article (5) Optimal Exploitation of Agricultural Resources

- (i) The Ministry may establish and manage agricultural projects aimed at developing, maintaining and ensuring the optimal exploitation of agricultural resources including the combat of desert (barren land) and maintaining bio-diversification.
- (ii) The Minister may conclude, upon the approval of the Cabinet, any contracts with persons or companies to manage those projects, sites, productive or service stations operated by the Ministry provided they are managed in accordance with these contracts. The provisions and conditions of such contracts are regulated through a regulation issued by the Cabinet for this purpose.
- (iii) The Minister may lease agricultural machinery and equipment to farmers according to instructions defining the types of machinery and equipment that may be leased, the lease conditions and lease payment.

Article (6) Agricultural Statistics

- (i) The Ministry shall be responsible for collecting and analyzing all information, data and statistics related to agricultural production and for providing the Department of Statistics with such in order to publish them. Other relevant institutions shall provide the Ministry with any information or data related to the agricultural sector.
- (ii) The Minister shall issue instructions to survey agricultural tenures in each village including determining the content of the records forms, tenure cards, documents and information that must be produced by the possessor, the dates upon which such information is to be submitted, the methods of registration, rules of data verification, and the type and size of tenure included in the survey.

Article (7) Preserve Agricultural Resources and Environment

- (iii) The Minister shall issue instructions to organize plant production to ensure its productivity and preserve agricultural resources and the environment including:
 - 1) Defining methods of uses of agricultural land to protect the soil and prevent erosion.
 - 2) Defining time periods and methods of planting crops, harvesting them, and collecting and removing their remnants.
 - 3) Determining the share of each crop allowed to be planted on the total land area or greenhouses of a possessor.
 - 4) Excluding certain bodies from these instructions for technical, economic, supply or scientific reasons.

- (i) Anyone violating the instructions issued pursuant to Paragraph (i) in this Article shall be punished with a minimum fine of JD 50 and a maximum fine of JD 100 for each dunum or fraction thereof.

Article (8) Antecedent Origins

- (ii) It shall not be permitted to take or export the antecedent origins of plants and animals out of the Kingdom except with a prior permit by the Ministry. The Minister shall define the antecedent origins included in the provision of this Article in a resolution issued for this purpose.
- (iii) Anyone seized when attempting to export or take plant or animal antecedent origins out of the country without a prior permit shall be punished with a minimum fine of JD 100 and a maximum fine of JD 1000 and seized quantities shall be confiscated.

Article (9) Use of Agricultural Land

Regardless of the provisions of any other legislation, agricultural land may not be transferred to another use unless a special regulation has been issued therefor by the Cabinet to determine transfer conditions and terms.

Article (10) Dimensions for Planting Trees

- (iv) The Minister will determine, pursuant to the instructions he issues for this purpose, suitable dimensions for planting any horticultural or forest tree on the borders of the land of the possessor.
- (v) The possessor, and regardless of the land area, location, or nature of use shall not plant horticultural or forest trees on the borders of the land possessed by him in case such trees cause harm to the neighboring lands.
- (vi) Anyone violating the instructions issued under Paragraph (i) and the terms of Paragraph (ii) of this Article and is the subject of a complaint by a neighbor must eliminate the violation and pay compensation for the harm done to others' properties. A committee formed by the Administrative Governor will assess this harm and one of its members will be an agronomist from the agricultural directorate concerned.

Article (11) Water for Irrigation

- (vii) The Minister shall issue instructions that define the conditions of using waste, treated, saline and non-saline water for crop irrigation as well as defining the types of crops that may be irrigated therewith and the type of water used in such irrigation.
- (viii) Anyone using waste or treated water to irrigate crops in contradiction with the instructions issued under Paragraph (i) of this Article shall be punished with a fine of JD 50 for each dunum or fraction thereof which is irrigated with such water. The violator shall be obliged to remove and destroy the crops that have been irrigated with such water under the supervision of the Ministry's cadres. In case the possessor does not remove and destroy the crops or is slow to implement the same, the Administrative Governor will order their destruction under the supervision of the Ministry's cadres and at the expense of the possessor.
- (ix) It shall be prohibited to use waste or treated water to wash plants or their products. Anyone doing so shall be punished with a fine of JD 100 for each ton

or its fraction that have been washed with such water. The violator shall be obliged to destroy the plants or products as stated in Paragraph (ii) above.

Article (12) Input Containers and Packages

- (x) It is prohibited to throw in open spaces plastic items, pesticide containers, and empty seed packages that were used for agricultural purposes. The possessor or user must collect and dispose of such according to instructions issued by the Ministry.
- (xi) Anyone violating the provisions of Paragraph (i) of this Article shall be punished with a fine of JD 30 and will be obliged to collect and dispose of these materials according to the instructions issued by the Ministry. In case the possessor or user abstains from doing so, the Administrative Governor must command their gathering and disposal at the expense of the violating person.

Article (13) Registration of Agricultural Crops

- (xii) The Minister shall issue instructions that organize the procedures and conditions and requirements for registering types of plant crops. The Minister shall, for this purpose, form a committee named the "Plant Crops Registration Committee." In the resolution forming the Committee, the Minister shall specify the functions and mechanism of operation of the Committee and those crops that are subject to the provisions of this article.
- (xiii) It shall be prohibited to cultivate any type of agricultural crops that are subject to the conditions of registration unless registered according to the instructions issued pursuant to Paragraph (i) of this Article.
- (xiv) Anyone violating the instructions issued under Paragraph (i) or the provisions of Paragraph (ii) of this Article shall be punished with a fine equal to twice the price of seeds used in planting the crop. A committee formed by the Minister for this purpose shall define their quantity and price. The possessor shall be obliged to destroy the crop under the supervision of the Ministry's cadres with no compensation therefor.

Article (14) Authority for Applying Sanitary and Phytosanitary Measures

- (xv) The Ministry shall be the sole authority for the preparation, approval, application and review of sanitary and phytosanitary measures for plants and animals for the protection of the health of plants and animals from pests and diseases and from pests and diseases that may be transmitted from or any harm that may be caused to plants and animals by agricultural products and inputs.
- (xvi) The Ministry shall participate with other competent authorities in the preparation and application of sanitary and phytosanitary measures that ensure the prevention of the transmission of diseases or harm to humans from agricultural products and inputs.
- (xvii) Nothing in the provisions of paragraphs (i) and (ii) of this Article shall affect the authority granted to any other governmental entity in accordance with enacted legislation in the Kingdom with regard to the inspection and control of food.

Article (15) Objectives of Sanitary and Phytosanitary Measures

Subject to the provisions of Articles (14 and 16) of this Law, the Minister shall undertake appropriate and necessary sanitary and phytosanitary measures to fulfill the following objectives:

- 1) Protecting animal and plant health from the risks resulting from the introduction or spread of pests and diseases or disease-causing organisms in the Kingdom, or minimizing those risks;
- 2) Protecting human and animal health from the risks resulting from the existence of additives, contaminants, toxins or disease-causing organisms in agricultural products or inputs;
- 3) Protecting human health from the risks resulting from diseases carried by agricultural products or resulting from the introduction of pests or their spread; and
- 4) Preventing or limiting any other damages caused as a result of the introduction or the spread of pests.

Article (16) Establishment and Application of Sanitary and Phytosanitary Measures

Sanitary and phytosanitary measures shall be prepared, reviewed, applied, adopted, notified to other parties and published according to the following basic principals:

- (i) Subject to the provision of subparagraph (3) of paragraph (ii) of this Article, all sanitary and phytosanitary measures shall be based on scientific principals and available scientific evidence.
- (ii) 1) Subject to the provision of subparagraph (3) of this paragraph, if international sanitary and phytosanitary standards exist they shall be used as the basis for the preparation of sanitary and phytosanitary measures.
 - 1) In case international sanitary and phytosanitary standards do not exist or are insufficient to fulfill the required level of health protection, sanitary and phytosanitary measures shall be prepared on the basis of an internationally accredited risk assessment.
 - 2) When scientific evidence needed for a risk assessment is insufficient, or in urgent circumstances that may cause or threaten to cause health problems, sanitary and phytosanitary measures are prepared on the basis of available relevant information including that from international organizations or other countries.
- (i) Relevant economic factors shall be taken into consideration when preparing sanitary and phytosanitary measures that are adopted in order to fulfill the required level of health protection.
- (ii) Sanitary and phytosanitary measures shall take into account animal and plant health status in the Kingdom and countries of origin or parts thereof—including regional characteristics, the existence of eradication or control programs, and pest and disease-free areas.
- (iii) Sanitary and phytosanitary measures in another country shall be considered equivalent to those of the Kingdom and are adopted if the other country shows in an objective manner that its measures achieve the Kingdom's required level of health protection for humans, animals and plants.
- (iv) Sanitary and phytosanitary measures are applied only to the extent necessary to protect human, animal and plant health and shall be applied without discrimination between exporting countries or between an exporting country and the Kingdom except under circumstances specified elsewhere in this Law.

- (v) Sanitary and phytosanitary measures shall not be more trade-restrictive than necessary to achieve the appropriate level of protection of animal, plant and human health taking into consideration economic and technical feasibility of such measures.
- (vi) All sanitary and phytosanitary measures referred to in this Article—including measures adopted in urgent circumstances—shall be reviewed and updated as new scientific information becomes available, or on the basis of significant (substantive) comments from countries concerned with such measures with which the Kingdom has signed a relevant international agreement and from national concerned entities in order to make sure that such measures are within the limits of what is necessary to protect human, animal and plant health.
- (vii) Whenever international standards do not exist or the proposed measures do not conform to international standards, and such measures are expected to significantly affect the exporting opportunities of other countries of agricultural products, a notice of the proposed measures shall be published in two local newspapers at an early stage, and other countries concerned with such measures—with which the Kingdom has signed a relevant international agreement—shall be notified through the competent national authority at an early stage of the products to be covered by the proposed new measure together with a brief summary of its objectives in order to give them an adequate chance to submit their comments thereon. Such comments will be taken into consideration in a non-discriminatory manner before they are adopted. However, in urgent circumstances, sanitary and phytosanitary measures are adopted before notification provided that such notification will be done later.
- (viii) All new and changed sanitary and phytosanitary measures shall be published promptly in the Official Gazette after they are adopted and they will not come into force unless at least (no sooner than) 45 days after their publication except for emergency sanitary and phytosanitary measures which are enforced as of the date of issuance provided they are subsequently published in the Official Gazette.
- (ix) The Minister shall issue the necessary instructions and resolutions for the execution of this Article.

Article (17) Compliance With Technical and Health Conditions

- (x) Subject to the provisions of Article (16) of this Law, the Ministry—in accordance with the instructions issued by the Minister—shall undertake the necessary procedures to ensure that agricultural products and inputs fulfill technical and health conditions, including inspection, testing and control procedures, provided that the following shall be taken into account:
 - 1) Such procedures shall conform with international guidelines and with the requirements of relevant agreements to which the Kingdom is a party.
 - 2) Such procedures are executed expeditiously without unjustifiable delay. The expected time for completing these procedures shall be communicated to interested parties upon their request as well as any deficiencies in the application that should be completed so as to avoid any delay. In addition, the results of the procedures shall be communicated in a precise and complete manner to the applicant.

- 3) Such procedures shall be applied without unjustifiable discrimination to agricultural products and inputs whether locally produced or imported. All adopted procedures as well as the required information shall be within the limit of what is necessary to insure the fulfillment of sanitary and phytosanitary measures.
 - 4) Confidentiality of provided information should be respected in order to protect the commercial interests of the applicants.
 - 5) The collected fees shall not exceed the actual cost of the service rendered.
- (i) The Minister shall issue instructions that regulate the review of complaints and objections submitted to the Ministry in relation with the execution of the procedures referred to in paragraph (i) of this Article and determine the necessary periods of time for resolving them.

Article (18) Sanitary and Phytosanitary Certificates

It shall be prohibited to import or export any agricultural products or agricultural inputs unless accompanied by an accredited health certificate to certify that such products or inputs comply with relevant sanitary and phytosanitary requirements. Such certificates shall be prepared according to internationally known recommendations. In case any additional information about the health status of an agricultural product or input is needed, the Minister may define additional information required in the certificate that accompanies all shipments of it provided that such additional information shall be limited to that necessary to protect human, plant or animal health.

Article (19) Provision of Documentation on Sanitary and Phytosanitary Measures

- (ii) The Ministry shall provide any country or person with any information concerning sanitary and phytosanitary measures and technical regulations applied to agricultural products and agricultural inputs. The Minister shall define the fees to be collected by the Ministry for providing such information. Such information includes the following:
- 1) Basis for sanitary and phytosanitary measures including procedures and means of risk assessment and any reports related to the assessment of such risk;
 - 2) Procedures and means of controlling and combating pests and diseases found in the Kingdom;
 - 3) Resolutions concerning the prohibition of domestic trade and imports or exports of certain kinds of agricultural products or agricultural inputs for health or environmental reasons;
 - 4) Procedures and means of declaring areas free of pests or diseases or with low prevalence of such pests or diseases as well as the procedures for maintaining those areas as such;
 - 5) Current instructions, requirements and procedures of plant and veterinary quarantine;
 - 6) Current regulations for organizing transit of agricultural products and agricultural inputs through the Kingdom;

- 7) Documents regarding the membership or the participation of the Ministry in relevant international and regional organizations dealing with sanitary and phytosanitary measures as well as documents related to bilateral and multilateral agreements related to these measures; and
 - 8) Any other available information related to this subject.
- (i) Other Ministries and governmental corporations shall be exempted from fees provided for in this Article.

Article (20) Issuance of Technical Regulations

- (ii) The Ministry shall participate with competent authorities in establishing or revising national standards for agricultural products and agricultural inputs.
- (iii) The Minister shall issue technical regulations for any of the items referred to in Paragraph (i) of this Article as he deems necessary to fulfill the requirements of the agricultural sector subject to the provisions of relevant national laws and international agreements to which the Kingdom is a party. However, all such technical regulations shall be no more restrictive of domestic and international trade than necessary to fulfill the legitimate objective of the regulation.
- (iv) The Ministry shall be in charge of verifying compliance of agricultural products and inputs with the technical regulations it issues. The Ministry shall also participate with other competent authorities in verifying compliance of agricultural products and inputs with technical regulations issued by other entities. This shall include the Ministry conducting—whether solely or with participation by other entities—conformity assessment procedures for agricultural products and inputs before admitting them to circulation or importation. When conducting conformity assessment procedures, the Ministry shall take into consideration all enforced legislation and international agreements to which the Kingdom is a party.

Article (21) Registering Transplants

- (v) Subject to the provisions of Articles (16, 17 and 18) of this Law, the Minister shall issue instructions that define the following:
 - 1) Conditions and procedures for registering transplants;
 - 2) Conditions of licensing for producing, reproducing, preparing, storing, circulating, trading with and announcing (advertising) transplants; and
 - 3) Methods of testing and analyzing them.
- (i) The Minister shall define transplants included in the instructions referred to in Paragraph (i) in a resolution he issues for this purpose.
- (ii) For purposes of registration of these items, the Minister shall form a committee called “The Transplants Committee.” In the resolution forming this committee, the Minister shall define its tasks and mechanism of work.
- (iii) It shall be prohibited to enter transplants into the Kingdom for commercial purposes or for personal use and such shall not be cleared but shall be re-exported or destroyed at the borders in any of these cases:
 - 1) If not registered or not permitted to be used in the Kingdom according to the instructions issued pursuant to Paragraph (i) of this Article;

- 2) If registered in the Kingdom, but it is discovered that they are not permitted to be used in the country of origin or a health or environmental reason arises that prevents their use or entry;
- 3) If registered and found to not be in compliance with technical regulations related to it unless the specifications are higher than the technical regulations; and
- 4) If the information on the packages or on the labels of these packages contradicts with the information that was accredited upon registration.

This prohibition shall not include sample quantities permitted into the Kingdom for the purpose of testing and scientific research in order to register them.

- (i) It shall be prohibited to produce, reproduce, prepare, circulate or trade with transplants that should be registered unless registered or permitted to be used in the Kingdom.
- (ii) Violations of this Article are subject to the following:
 - 1) Anyone entering transplants that are unregistered and should be registered or those not permitted to be used will be punished with a fine of JD 10 for each kilogram or fraction thereof and the seized quantity shall be confiscated.
 - 2) Anyone producing, reproducing or preparing unregistered transplants that should be registered will be punished with a fine of JD 500 and the quantities produced, reproduced or prepared will be confiscated.
 - 3) Anyone trading transplants without a license will be punished with a fine of JD 100 and with closing of the place of trading until correction of the violation.
 - 4) Anyone trading with unregistered transplants that should be registered will be punished with a fine of JD 100 and the seized transplants will be destroyed.
 - 5) Anyone trading, selling or offering transplants for sale that violate the accredited technical regulations approved in the registration resolution or those where the information inserted on their packages are in violation of the approved information shall be punished with a fine of JD 100 and the seized quantities violating such will be confiscated unless the violation is a decrease in weight.

Article (22) Organizing Trade in Seedlings

- (i) 1) The Minister shall issue instructions that organize the production of seedlings and saplings of horticulture, pasture and forest trees, and those of medicinal and aromatic plants, vegetables, pick-up flowers and decorative plants. Instructions shall include the conditions of licensing nurseries and the places of trading and circulating such.
- 6) It shall not be permitted to enter any seedlings or saplings into the Kingdom if sanitary and phytosanitary measures and the accredited technical regulations for such are not met. These shall be re-exported or

destroyed at the borders on the expense of the importer and without indemnification.

(i) **Violations of this Article are subject to the following:**

- 1) Anyone who produces seedlings and saplings for commercial purposes without a license shall be punished with a fine of JD 500 and the produced seedlings and saplings will be confiscated and the place of production will be closed down.
- 2) Anyone who produces, trades, or displays seedlings and saplings for sale that do not meet the technical regulations or the sanitary and phytosanitary measures will be punished with a fine of JD 2 for each violating seedling or sapling and 200 Fils for each medicinal, aromatic herb, vegetable, or pick-up flower transplant and such will be seized and destroyed without compensation to the violator.
- 3) Anyone who sells or displays seedlings, transplants or decorative plants in unlicensed places shall be punished with a fine of JD 100 and closed down until correction of the violation.
- 4) Anyone who abstains from or hesitates to use the registers and records defined by the Ministry for recording basic information on assets of the seedling or sapling nursery or uses them in violation of the instructions shall be punished with a fine of JD 100. In case the violation is repeated, the penalty will be doubled and the license granted thereto shall be cancelled. The license will not be renewed thereafter unless after paying twice the amount of the licensing fee.

Article (23) Operation of Olive Press Houses

- (i) The Minister shall issue instructions to organize the establishment of olive press houses, define the technical and health conditions for their licensing and operating, and determine records and registers to be used by the owner and the data that he must provide.
- (ii) Anyone who breaches the instructions issued pursuant to Paragraph (i) of this Article will be punished with a fine of not less than JD 500 and not exceeding JD 1000. In case the violation is repeated, the penalty will be doubled and the press house will be closed for one month in addition to the fine referred to above if the penalty is repeated thereafter.

Article (24) Registering Fertilizers

- (i) Subject to the provisions of Articles (16 and 17) of this Law, the Minister shall issue instructions that define the following:
 - 1) Conditions and procedures for registering fertilizers;
 - 2) Conditions of licensing for producing, preparing, storing, circulating, trading with and announcing (advertising) fertilizers; and
 - 3) Methods of testing and analyzing them.
- (i) For purposes of registration of these items, the Minister shall form a committee called "The Fertilizers Committee." In the resolution forming this committee, the Minister shall define its tasks and mechanism of work.

- (ii) It shall be prohibited to enter fertilizers into the Kingdom for commercial purposes or for personal use and such shall not be cleared but shall be re-exported or destroyed at the borders in any of these cases:
- 1) If not registered or not permitted to be used in the Kingdom according to the instructions issued pursuant to Paragraph (i) of this Article;
 - 2) If registered in the Kingdom, but it is discovered that they are not permitted to be used in the country of origin or a health or environmental reason arises that prevents their use or entry;
 - 3) If registered and found to not be in compliance with technical regulations related to it unless the specifications are higher than the technical regulations; and
 - 4) If the information on the packages or on the labels of these packages contradicts with the information that was accredited upon registration.

This prohibition shall not include sample quantities permitted into the Kingdom for the purpose of testing and scientific research in order to register them.

- (i) It shall be prohibited to produce, prepare, circulate or trade with fertilizers unless registered or permitted to be used in the Kingdom. Natural manure shall be excluded from registration (from this provision).
- (ii) Violations of this Article are subject to the following:
- 1) Anyone entering fertilizers that are unregistered or those not permitted to be used will be punished with a fine of JD 5 for each kilogram or fraction thereof and the seized quantity shall be confiscated.
 - 2) Anyone producing or preparing unregistered fertilizers or producing or preparing fertilizers without licensing will be punished with a fine of JD 500 and the quantities produced or prepared will be confiscated and the place of producing or preparing such will be closed until correction of the violation.
 - 3) Anyone trading fertilizers without a license will be punished with a fine of JD 100 and closing of the place of trading until correction of the violation.
 - 4) Anyone trading with unregistered fertilizers will be punished with a fine of JD 100 and the seized fertilizers will be destroyed.
 - 5) Anyone producing, preparing, trading, selling or offering fertilizers for sale that violate the accredited technical regulations approved in the registration resolution or those where the information inserted on their packages are in violation of the approved information shall be punished with a fine of JD 100 and the seized quantities violating such will be confiscated unless the violation is a decrease in weight.

Article (25) Registering Pesticides

- (i) Subject to the provisions of Articles (16 and 17) of this Law, the Minister shall issue instructions that define the following:
- 1) Conditions and procedures for registering pesticides;
 - 2) Conditions of licensing for producing, reproducing, preparing, storing, circulating, trading with and announcing (advertising) pesticides; and

- 3) Methods of testing and analyzing them.
- (i) For purposes of registration of these items, the Minister shall form a committee called "The Pesticides Committee." In the resolution forming this committee, the Minister shall define its tasks and mechanism of work.
- (ii) It shall be prohibited to enter pesticides into the Kingdom for commercial purposes or for personal use and such shall not be cleared but shall be re-exported or destroyed at the borders in any of these cases:
 - 1) If not registered or not permitted to be used in the Kingdom according to the instructions issued pursuant to Paragraph (i) of this Article;
 - 2) If registered in the Kingdom, but it is discovered that they are not permitted to be used in the country of origin or a health or environmental reason arises that prevents their use or entry;
 - 3) If registered and found to not be in compliance with technical regulations related to it unless the specifications are higher than the technical regulations; and
 - 4) If the information on the packages or on the labels of these packages contradicts with the information that was accredited upon registration.

This prohibition shall not include samples quantities permitted into the Kingdom for the purposes of testing and scientific research in order to register them.

- (i) It shall be prohibited to produce, prepare, circulate or trade with pesticides unless registered or permitted to be used in the Kingdom.
- (ii) Violations of this Article are subject to the following:
 - 1) Anyone entering pesticides that are unregistered or those without licensing will be punished with a fine of JD 5 for each kilogram or fraction thereof and the seized quantity shall be confiscated.
 - 2) Anyone producing or preparing unregistered pesticides or producing or preparing pesticides without licensing will be punished with a fine of JD 500 and the quantities produced or prepared will be confiscated and the place of producing or preparing such will be closed until correction of the violation.
 - 3) Anyone trading pesticides without a license will be punished with a fine of JD 100 and with closing of the place of trading until correction of the violation.
 - 4) Anyone trading with unregistered pesticides will be punished with a fine of JD 500 and the seized pesticides will be destroyed.
 - 5) Anyone producing, preparing, trading, selling or offering pesticides for sale that violate the accredited technical regulations approved in the registration resolution or those where the information inserted on their packages are in violation of the approved information shall be punished with a fine of JD 100 and the seized quantities violating such will be confiscated unless the violation is a decrease in weight.

Article (26) Combating and Preventing the Spread of Plant Pests

Subject to the provisions of Articles (16 and 17) of this Law:

- (i) The Minister shall issue an instruction to determine procedures and measures undertaken to combat and prevent the spread of pests and diseases in plants including the following:
 - 1) The health conditions for plants and plant products that are allowed to be traded with or circulated within the Kingdom;
 - 2) The procedures and means of combating and resisting pests and infectious diseases including the comprehensive control, tools, chemicals and bio-agents used in this process as well as the safe conditions of using those items;
 - 3) The procedures and methods for treating plants and plant products infested with pests or diseases;
 - 4) The cases in which to destroy infested plants and the cases in which indemnification for destroying such to the possessor is due;
 - 5) The conditions of transportation and passage of plants and other items that are carriers of an infectious disease or pest from one area to another;
 - 6) The procedures and methods of locust control and organizing the contribution of other official and private entities in the control process as well as acquiring all needed machines, tools, chemicals and transportation means of the private sector if such is needed against a fee; and
 - 7) The declaration of the Kingdom or any parts thereof as free of pests or diseases or plant epidemics, or declaring any area with low prevalence of diseases or pests as well as undertaking the procedures that insure maintaining them as so.
- (i) In case a pest or disease exists in the Kingdom that causes a threat to plants, the Minister shall declare the existence of the pest or disease and shall declare the infested or polluted area to the public and other concerned entities and shall issue resolutions to undertake any appropriate measures according to the instructions issued pursuant to Paragraph (i) of this Article.

Article (27) Import Prohibitions for Plants and Plant Products

- (ii) Subject to the provisions of Articles (16, 17 and 18) of this Law, it shall be prohibited to enter the following plants and plant products to the Kingdom and they shall be re-exported or destroyed at the borders under the supervision of the Ministry's cadres and on the expense of the importer:
 - 1) If infested or polluted with pests or diseases not found in the Kingdom or infested with pests or diseases found in the Kingdom but the introduction of such infested plants or plant products might increase the threat to domestic plants; and
 - 2) If they contain soil or are planted in packages that contain soil.
- (i) Anyone entering or trying to enter plants or plant products not permitted to be entered pursuant to the provisions of Paragraph (i) of this Article shall be imprisoned for four months and with a fine of JD 200 for each ton or fraction thereof. The violating quantity shall be destroyed at the expense of the importer.

Article (28) Circulation of Plants and Plant Products

- (ii) It is prohibited to trade with or circulate plants and plant products in the following cases:
- 1) If they are carriers of a pest or disease the transference of which to plants constitutes a threat to such plants;
 - 2) If they are carriers of a pest or disease found in the Kingdom, but the circulation of which may increase the chances of transference of these pests or diseases to other plants or areas;
 - 3) If they are infested with pests or diseases not previously found in the Kingdom; or
 - 4) If their specifications contradict with the accredited technical regulations.
- (i) **Violations of this Article are subject to the following:**
- 1) Anyone violating the provisions of Subparagraphs (1,2,3) of Paragraph (i) of this Article shall be punished with a fine of JD 100 for each ton or fraction thereof and the violating items shall be seized and destroyed at the expense of the importer.
 - 2) Anyone violating the provisions of Subparagraph (4) of Paragraph (i) of this Article shall be punished with a fine the amount of which equals twice the price of the seized items, and the plants and plant products that violate the technical regulations will be destroyed.

Article (29) Essential Supply Products

In cases of emergency and to insure the Kingdom's supply, the Minister may, upon a request from the competent Minister, allow the introduction of plant products imported for purposes of supply that are infested with pests found in the Kingdom if a means of treating them and eradicating their pests is undertaken without causing injury to public health or lands or plants and provided that such products are entered and treated under the supervision of the Ministry and against the liability of the importer. The Minister shall define treatment expenses to be paid by the importer.

Article (30) Operation of Plant Quarantines

- (i) Subject to the provisions of Articles (16, 17 and 18) of this Law, the Minister shall issue instructions that organize quarantine procedures for plants and plant products including the following:
- 1) Defining procedures of work in the plant quarantines and determining procedures and means of testing imported and exported plants and plant products;
 - 2) Defining the countries from which it shall be prohibited to import plants and plant products for health or environmental reasons until such reasons are gone;
 - 3) Defining the conditions and procedures that regulate the transit of consignments of plants or plant products through the Kingdom; and
 - 4) Defining procedures, means and expenses of treating imported plants and plant products infested with pests or diseases found in the Kingdom.

- (i) It is prohibited to enter imported plants and plant products into the Kingdom unless all plant quarantine procedures have been completed. The Minister shall exempt consignments of plants and plant products from quarantine procedures if they are from a country or areas thereof proven to be free of pests and diseases not found in the Kingdom and if any countries that they are shipped through are also proven to be free of such pests and diseases and he may also exclude certain plants and plant products imported from countries with which Jordan has concluded bilateral agreements that recognize the equivalence of sanitary and phytosanitary measures.

Article (31) Managing and Protecting Government Forests

- (ii) The Minister shall issue instructions determining methods of managing governmental forests and forest lands, means of developing, promoting, preserving and protecting them as well as the requirements for grazing in such lands.
- (iii) Owners of private forests are permitted, in accordance with technical criteria and conditions set by the Minister, to invest in their forests through thinning or replacing their forest trees with horticulture trees on the condition that they obtain authorization in advance from the Ministry and they pay the fees determined by the Minister.
- (iv) Anyone violating the conditions and requirements of investing in private forests shall have his investment license cancelled and such will promptly be null and void. The violator shall be punished with a fine of JD 100 for each forest tree or shrub invested in a manner violating the license requirements. The forest items and the tools used thereof shall be confiscated.
- (v) Anyone violating the instructions and licensing requirements by having animals graze in the forest lands shall be punished with a fine of JD 1 for each head of livestock seized in violation in addition to a fine of JD 50 for each forest or pasture tree or shrub that has been harmed.

Article (32) Forest Land May Not be Leased or Sold

Regardless of the provisions of any other legislation:

- (vi) Forest land may not be delegated, allocated, sold or exchanged to any other body or person for any reason.
- (vii) Forest land may not be included inside the municipalities' borders unless the Minister's approval is secured, nor may forest land be parted in cities and villages' organizational borders but shall stay as green fields.

Article (33) Forest Station Operations

The Minister will determine the conditions and technical specifications of the lands owned for execution of forest station operations on account of the Ministry through its bodies, provided that the proprietor's approval is secured.

Article (34) Forest and Pasture Seedlings

The Minister may distribute free of charge any quantity of forest or pasture seedlings to any body for cultivation purposes if deemed in the public interest.

Article (35) Licensing to Collect Forest Material

Anyone who has acquired a license for manufacturing or investing forestry items or acquired a transporting ticket shall present it—upon request—to the Officials of the Ministry and individuals in public security or the armed forces. If he refrains from or fails to do so, the forestry items in his possession shall be confiscated. If such confiscation is impossible, the value of the items will be estimated by current prices and they shall stay in the possession of the accused person and he shall be punished with a fine of JD 200 and will be imprisoned for four months.

Article (36) Aggression Against Forest Lands

- (viii) It is prohibited to commit an aggression against forest land whether through living thereon or erecting permanent or temporary houses, buildings or construction thereon or digging wells or caves therein, constructing water pipelines, electricity or telephone lines or sewerage canals or plowing, planting or grazing therein without a license or removing or destroying benchmarks and border fences or throwing debris, garbage, and solid, liquid, radiant or any other environmental polluting agents in those lands or through any other aggression.
- (ix) Violations of this Article are subject to the following:
- 1) Anyone committing an aggression against forest land by erecting a house or building or any other construction or drilling a well or cave therein shall be punished with a fine of JD 200 for each dunum or fraction thereof that has been subject to the aggression and will be imprisoned for six months. The contractor that has executed the aggression will be punished with the same punishment. The Administrative Governor will eliminate the aggression at the expense of the aggressor and the tools and machines seized at the sight of the aggression will be confiscated.
 - 2) Anyone who transgresses against forest land by plowing or planting shall be punished with a fine of JD 100 for each dunum or fraction thereof that has been transgressed against and will be imprisoned for four months. The Administrative Governor will eliminate the aggression at the expense of the aggressor.
 - 3) Anyone who removes or destroys the benchmarks or border fences shall be punished with a fine of JD 10 for each angle pole and JD 20 for each benchmark or bridge that has been removed or damaged and will reinstate the same.
 - 4) Anyone allowing his livestock onto forest land or governmental forests without a license shall be punished with a fine of JD2 for each head of livestock seized. This punishment will also be applied to the owner of the livestock in addition to compensation for the damage caused by his livestock which is provided for in the minutes.
 - 5) Anyone throwing debris, waste, solid, liquid or radiant wastes or any material polluting the environment in forest land shall be punished with a fine of JD 200 for each dunum or fraction thereof that has been transgressed against and will be imprisoned for four months and be obliged to remove the same.
 - 6) Anyone constructing water pipelines, electricity or telephone lines or sewerage canals, or opening streets or roads in forest land without a prior

approval from the Minister shall be punished with a fine of JD 200 for each aggression and will be imprisoned for four months. He shall also eliminate the aggression in addition to compensation for the damage caused by him.

- 7) In case any one of the aggressions provided for in items (1, 2, 3, 4, or 5) of this Article is repeated, the fine will be doubled.

Article (37) Fires in Government Forests

- (i) It is prohibited to start fires in government forests and in the neighboring regions at a distance of not less than 300 meters. If a fire is started in a government forest, the Administrative Governor may procure necessary machines, materials and private transport means to be used in extinguishing the fire, provided that compensation is paid to the proprietors of such.
- (ii) Anyone who causes a fire in government or private forests will be punished with a penalty of JD 50 for every forest tree or shrub destroyed by fire, will be imprisoned for four months to one year, and will be obligated to pay the costs of extinguishing the fire.

Article (38) Licensing to Use Products of Forests

(iii) **The following are prohibited:**

- 1) It shall be prohibited to cut, collect, manufacture, lift, transport, possess or store any forest item without a license to this effect. The Minister shall issue a resolution defining the prices of these items.
- 2) It shall be prohibited to conduct any act that may lead to destroying any forest tree, bush or shrub. It shall also be prohibited to cut, burn, trim, cut any branches thereof or strip off the bark or leaves of any forest tree, bush or shrub without a license from the Ministry.
- 3) It is prohibited to cut carob, terebinth, and wild almond, pear and olive trees in a private forest. However, they may be trimmed for purposes of grafting under a permit obtained in advance from the Minister. The possessor shall be allowed to take benefit therefrom.
- 4) It shall be prohibited to manufacture coal from the governmental forests or from the private forests without a license from the Minister.

(i) **Violations of this Article are subject to the following:**

- 1) Anyone who violates the terms of Subparagraph (1) of Paragraph (i) of this article will be imprisoned for four months and will be punished with a fine of JD 100 for every ton or fraction thereof from the forest trees or products thereof and JD 10 for each cubic meter from stones or soils or sands. The seized quantities will be confiscated.
- 2) Anyone who violates the terms of Subparagraphs (2 or 3) of Paragraph (i) of this article will be imprisoned for four months and will be punished with a fine of JD 100 for every tree that has been cut from the governmental forests and JD 50 for every tree of the private forests. In both cases, seized forest items and cutting tools shall be confiscated.

- 3) Anyone who violates the terms of Subparagraph (4) of Paragraph (i) of this article will be punished with a fine of JD 1 for each kilogram or fraction thereof and the seized quantities will be confiscated.
- 4) The driver of the transportation means with which the seized items were found shall be punished with the same punishment provided for in Subparagraphs (1 and 3) of Paragraph (ii) of this article if such driver did not possess a transportation ticket. The transportation means will be impounded at the nearest police station for one month.
- 5) In case any of the above mentioned violations reoccurs, fines referred to in this Article shall be doubled.

Article (39) Cutting or Damaging Rare Trees

- (i) The Minister will issue a decision determining the kinds of forest and horticulture trees and wild plants included in terms of Paragraphs (ii) and (iii) of this Article.
- (ii) It is prohibited to cut or damage any of the long-lived and/or rare forest trees or wild plants threatened with extinction or to commit an aggression against thereof in any form.
- (iii) It is prohibited to cut or damage rare horticulture trees threatened with extinction unless a license from the Ministry is secured.
- (iv) Anyone who violates the terms of Paragraphs (ii) and (iii) of this Article will be punished with imprisonment for four months and a fine of JD 500 for every long-lived and/or rare forest tree and JD 50 for every long-lived and/or rare horticulture tree and JD 1 for every wild plant cut or damaged.

Article (40) Definition of Pasture Land

In addition to the definition set forth in Article (2) of this Law, all registered state land and the lands and any other state lands the annual rainfall average of which is less than 200 millimeters will be considered as pastures, excluding:

- 1) Lands exploited through permanent irrigation and agricultural project and residential land existing before this Law comes into force.
- 2) Lands exploited for public benefit or allocated to the state and the interests of its establishments before this Law comes into force.

Article (41) Improving and Preserving Pasture Land

The Minister will issue instructions organizing procedures and means for improving, developing and preserving pasture land and its natural elements, including soil and wild plants, organization of their environment and administration of grazing therein and determination of grazing periods and fees.

Article (42) Pasture Land May Not be Leased or Sold

Regardless of provisions in any other legislation:

- 3) Pasture land may not be delegated, allocated, hired or exchanged to any person. However, the land may be leased to cooperative livestock breeders' societies and qualified farmers unions for purposes of exploiting their pasture plant coverage for livestock breeding.

- 4) Pasture land may not be included or be parted in municipalities' and villages' borders or organizational regions that existed before this Law comes into force unless the Minister's approval is secured.

Article (43) Aggression Against Pasture Land

- (i) It is prohibited to commit an aggression against pasture land whether through opening, plowing, planting, erection of buildings or construction thereon, opening stone quarries, extracting building materials, cutting, dislocating or burning the plants growing thereon or collecting their seeds, or aggression against their wells, landmarks and fences or any other aggression such as throwing debris, ruffraff, solid, liquid or radiant residuals or any other materials polluting the environment.
- (ii) Violations of this Article are subject to the following:
 - 1) Anyone who transgresses against pasture land through opening or planting will be punished with imprisonment for four months and with a fine of JD 50 for every dunum or fraction thereof transgressed against and the plants will be confiscated.
 - 2) Anyone who commits an aggression against pasture land through erection of buildings or construction thereon will be punished with imprisonment for four months and with a fine of JD 200 for every dunum or fraction thereof transgressed against and he will be obligated to eliminate thereof. The contractor that executed the aggression will be punished with the same punishment.
 - 3) Anyone who commits an aggression against pasture land through opening of stone quarries or extracting building material will be punished with imprisonment for six months and with a fine of JD 500 for every dunum or fraction thereof transgressed against and the aggressor will be obligated to reinstate the land to its previous nature. Materials and tools used in the aggression will be confiscated.
 - 4) Anyone who eliminates, cuts, extracts or burns pasture plants whether wild or planted will be punished with a fine of JD 20 for every planted plant damaged and JD 1 for every wild plant damaged.
 - 5) Anyone who commits an aggression against the border landmarks of the pasture land, their fences or wells, will be punished with imprisonment for three months and with a fine of JD 10 for every angle pole and JD 20 for every bridge or landmark transgressed against and JD 500 for every well transgressed against. The aggressor will be obligated to reinstate such.
 - 6) Anyone who throws ruffraff, solid, liquid or radiant residuals or any materials polluting the environment in pasture land will be punished with imprisonment for four months and with a fine of JD 100 for every dunum or fraction thereof transgressed against. The aggressor shall be obliged to remove the aggression at his expense.
 - 7) If the violation is repeated, the punishment will be doubled.

Article (44) Compilation of Minutes Against Violators

Officials of the Ministry and persons approved by the Minister are officially charged to compile minutes against violators of terms of articles (31), (35), (36), (37), (38), (39), and (43) of this Law, and to submit such minutes to the judge or the Administrative Governor concerned stating therein the type of aggression that has occurred and the resulting damages, inventorying the confiscated materials and determining their prices.

Article (45) Hearing of Pasture Cases

- (i) Conciliation courts or the Administrative Governor will hear the pasture cases. The judge of the conciliation court or the Administrative Governor should detain the accused violator until he presents a guarantor warranting the presence of the accused violator upon request. The case will be judged according to the content of the forest minutes in addition to the penalties provided for in this Law and they will follow the prompt procedures of the trial.
- (ii) Regardless of the provisions of any other legislation, the estimated **mitigating** reasons shall not be applied to the doer.

Article (46) Governmental Authority When Offenders are Unknown

The Administrative Governor shall have authority in aggressions against forest lands, governmental forests and pasture lands in cases where offenders are unknown, and shall issue a resolution charging the nearest neighbor, if found, within a distance not exceeding 500 meters from the lands subject of the aggression. Alternatively, the Administrative Governor shall charge the inhabitants of the nearest village or frequent visitors to the site of whom have repeatedly offended these lands or forests. The Administrative Governor's decision in this instance shall be absolute.

Article (47) Registering Animal Ranches and Farms

- (iii) The Minister shall issue instructions that regulate the erection of farms for raising or possessing livestock, poultry, hatch houses and amphibian and fish farms. These instructions shall define conditions and procedures for licensing, the technical and health conditions that should be fulfilled by such places, the means and methods of supervising these farms as well as the mechanism of registering animals raised thereon and means of assuring their health.
- (iv) Anyone violating the instructions or resolutions issued in compliance with Paragraph (i) herein or conditions of licensing his farm or hatch house shall be punished with a fine of at least JD 100 but not exceeding JD 500. The violation must be corrected within the period set by the Minister.
- (v) Anyone establishing a farm or a hatchery without a license shall be punished with a fine of JD 500 and shall be obliged to license the same if permitted by the instructions or such will be closed by the Administrative Governor under his supervision.

Article (48) Registering Animal Feeds

- (vi) Subject to the provisions of Articles (16, 17 and 18) of this Law, the Minister shall issue instructions that define the following:
 - 1) Conditions and procedures for registering raw feed items of animal source, manufactured feed and feed additives;

- 2) Conditions of licensing for producing, preparing, storing, circulating, trading with and announcing (advertising) raw feed items of animal source, manufactured feed and feed additives;
 - 3) Health and environmental conditions that should be fulfilled in any item that may be produced, exported and imported thereof; and
 - 4) Methods of testing and analyzing them.
- (i) For purposes of registration of these items, the Minister shall form a committee called "The Feed Committee." In the resolution forming this committee, the Minister shall define its tasks and mechanism of work.
- (ii) It shall be prohibited to enter raw feed items of animal source, manufactured feed and feed additives into the Kingdom for commercial purposes or for personal use and such shall not be cleared but shall be re-exported or destroyed at the borders in any of these cases:
- 1) If not registered or not permitted to be used in the Kingdom according to the instructions issued pursuant to Paragraph (i) of this Article;
 - 2) If registered in the Kingdom, but it is discovered that they are not permitted to be used in the country of origin or a health or environmental reason arises that prevents their use or entry;
 - 3) If registered and found to not be in compliance with technical regulations related to it unless the specifications are higher than the technical regulations; and
 - 4) If the information on the packages or on the labels of these packages contradicts with the information that was accredited upon registration.

This prohibition shall not include sample quantities permitted into the Kingdom for the purpose of testing and scientific research in order to register them.

- (i) It shall be prohibited to produce, prepare, circulate or trade with raw feed items of animal source, manufactured feed and feed additives unless registered or permitted to be used in the Kingdom.
- (ii) Violations of this Article are subject to the following:
- 1) Anyone entering raw feed items of animal source, manufactured feed and feed additives that are unregistered or those not permitted to be used will be punished with a fine of JD 1 for each kilogram or fraction thereof and the seized quantity shall be confiscated.
 - 2) Anyone producing or preparing unregistered raw feed items of animal source, manufactured feed and feed additives or producing or preparing raw feed items of animal source, manufactured feed and feed additives without licensing will be punished with a fine of JD 500 and the quantities produced or prepared will be confiscated and the place of producing or preparing such will be closed until correction of the violation.
 - 3) Anyone trading raw feed items of animal source, manufactured feed and feed additives without a license will be punished with a fine of JD 100 and with closing of the place of trading until correction of the violation.
 - 4) Anyone trading with unregistered raw feed items of animal source, manufactured feed and feed additives will be punished with a fine of JD 500

and the seized raw feed items of animal source, manufactured feed and feed additives will be destroyed.

- 5) Anyone producing, preparing, trading, selling or offering raw feed items of animal source, manufactured feed and feed additives for sale that violate the accredited technical regulations approved in the registration resolution or those where the information inserted on their packages are in violation of the approved information shall be punished with a fine of JD 100 and the seized quantities violating such will be confiscated unless the violation is a decrease in weight.
- (i) If the Ministry discovers or acquires any information from reliable sources that there are health or environmental reasons that prevent the use of registered raw feed items of animal source, manufactured feed and feed additives which were entered into the Kingdom, the Ministry shall identify the suspected quantities, impound them and conduct needed laboratory tests. In case such reasons are affirmed, the importer shall be obliged to re-export the products or they will be destroyed under the supervision of the Ministry without indemnification.

Article (49) Registering Veterinary Medicines

- (ii) Subject to the provisions of Articles (16, 17 and 18) of this Law, the Minister shall issue instructions that define the following:
 - 1) Conditions and procedures for registering veterinary drugs and veterinary bio-products;
 - 2) Conditions of licensing for producing, preparing, storing, circulating, trading with and announcing (advertising) veterinary drugs and veterinary bio-products;
 - 3) Health and environmental conditions that should be fulfilled in any item that may be produced, exported and imported thereof; and
 - 4) Methods of testing and analyzing them.
- (i) For purposes of registration of these items, the Minister shall form a committee called "The Veterinary Medicines Committee." In the resolution forming this committee, the Minister shall define its tasks and mechanism of work.
- (ii) It shall be prohibited to enter veterinary drugs and veterinary bio-products into the Kingdom for commercial purposes or for personal use and such shall not be cleared but shall be re-exported or destroyed at the borders in any of these cases:
 - 1) If not registered or not permitted to be used in the Kingdom according to the instructions issued pursuant to Paragraph (i) of this Article;
 - 2) If registered in the Kingdom, but it is discovered that they are not permitted to be used in the country of origin or a health or environmental reason arises that prevents their use or entry;
 - 3) If registered and found to not be in compliance with technical regulations related to it unless the specifications are higher than the technical regulations;
 - 4) If the information on the packages or on the labels of these packages contradicts with the information that was accredited upon registration.

- This prohibition shall not include sample quantities permitted into the Kingdom for the purpose of testing and scientific research in order to register them.
- (i) It shall be prohibited to produce, prepare, circulate or trade with veterinary drugs and veterinary bio-products unless registered or permitted to be used in the Kingdom.
 - (ii) Violations of this Article are subject to the following:
 - 1) Anyone entering veterinary drugs and veterinary bio-products that are unregistered or those not permitted to be used will be punished with a fine of 20% of its value in current price and the seized quantity shall be confiscated.
 - 2) Anyone producing or preparing unregistered veterinary drugs and veterinary bio-products or producing or preparing veterinary drugs and veterinary bio-products without licensing will be punished with a fine of JD 500 and the quantities produced or prepared will be confiscated and the place of producing or preparing such will be closed until correction of the violation.
 - 3) Anyone trading veterinary drugs and veterinary bio-products without a license will be punished with a fine of JD 100 and with closing of the place of trading until correction of the violation.
 - 4) Anyone trading with unregistered veterinary drugs and veterinary bio-products will be punished with a fine of JD 500 and the seized veterinary drugs and veterinary bio-products will be destroyed.
 - 5) Anyone producing, preparing, trading, selling or offering veterinary drugs and veterinary bio-products for sale that violate the accredited technical regulations approved in the registration resolution or those where the information inserted on their packages are in violation of the approved information shall be punished with a fine of JD 100 and the seized quantities violating such will be confiscated unless the violation is a decrease in weight.
 - (i) If the Ministry discovers or acquires any information from reliable sources that there are health or environmental reasons that prevent the use of registered veterinary drugs and veterinary bio-products which were entered into the Kingdom, the Ministry shall identify the suspected quantities, impound them and conduct needed laboratory tests. In case such reasons are affirmed, the importer shall be obliged to re-export the products or they will be destroyed under the supervision of the Ministry without indemnification.

Article (50) Combating and Preventing the Spread of Animal Diseases

Subject to the provisions of Articles (16, 17 and 18) of this Law:

- (ii) The Minister shall issue instructions to determine the procedures and measures undertaken to combat and prevent the spread of pests and diseases in animals including the following:
 - 1) The health conditions for animals and animal products that are allowed to be traded with or circulated within the Kingdom;
 - 2) The methods and means of treating infectious and contagious animal diseases, preventing these diseases, precautions to be taken in order to prevent the spread of diseases and procedures to be followed to deal with

sick animals or animals suspected to be sick or those mixing with the sick as well as conditions of indemnification of their possessor in case these were destroyed;

- 3) The technical examinations and tests, the procedures for conducting such and the expenses (charges) thereof to determine the health status of animals and animal products;
 - 4) The procedures for isolating some or all animals in areas defined by the Minister in which it is suspected that a disease or an infection exists as well as testing those animals to diagnose diseases found in them and immunizing them on the expense of the Ministry;
 - 5) The procedures of isolating animals suspected to be infected with infectious or contagious diseases, procedures of testing them and determining obligations of the possessor during the isolation period and afterwards as well as defining the duration of the isolation and the procedures to be taken during that period;
 - 6) The procedures that should be followed to observe and oversee the places in markets and other places where animals are gathered and the precautions that should be taken to insure their health and to prevent the spread of infections;
 - 7) The conditions of transportation and passage of animals and their products from one area to another; and
 - 8) The declaration of the Kingdom or parts thereof as free of animal diseases or infection and declaring areas of low prevalence of diseases as well as taking procedures that insure keeping them free of diseases or infections.
- (i) In case an animal infectious or contagious disease that constitutes a threat to animals or humans exist in the Kingdom, the Minister shall declare the existence of the disease and shall declare the infested or polluted area to the public and other concerned entities and shall issue resolutions to undertake any appropriate measures according to the instructions issued pursuant to Paragraph (i) of this Article.

Article (51) Preventing Diseases Transmitted from Animals to Humans

The Minister shall determine, in cooperation with the concerned bodies, and through instructions he shall issue for this purpose, the procedures and means of preventing dissemination of diseases that may be contracted by both animals and humans, including rabies. These procedures shall cover the monitoring of fierce and voracious animals as well as defining the cases in which such animals may be killed without compensation as well as determining the costs of isolating the animals that are to be paid by the possessor.

Article (52) Disposal of Animal Corpses

- (ii) It is prohibited to throw corpses of dead animals in rivers, irrigation canals, drainage ditches, pools, on roads, forests or pasture land or leave corpses in open areas. They must be incinerated or buried sufficiently deep from the land

surface away from water sources. The possessor shall be responsible for executing thereof.

- (iii) Anyone violating the provisions of Paragraph (i) of this Article shall be punished with a fine of JD 1 for each poultry corpse and JD 10 for any other corpse.

Article (53) Quarantine of Farms for Disease Control

- (i) The Minister may decide, for health reasons, to isolate any animal farm or animal for a period he deems necessary in order to verify the health of the isolated animals according to the following conditions and procedures:
- 1) The possessor of these animals shall be responsible for feeding the animals during the quarantine period. In case the possessor fails to do so, the Minister may order the feeding of those animals on the expense of the possessor. The Minister will determine feeding expenses that are to be collected from the possessor in accordance with the State funds collection law. The possessor will not have to pay feeding expenses if the animal perishes during the isolation period.
 - 2) If the quarantined animals do not show disease symptoms after the end of the set period, the possessor must retrieve them within one week from the date of being served written notice to this effect. In case he abstains from retrieving the animals, the Minister shall have the right to order their sale by auction and to keep the proceeds as a trust for the account of the possessor after deducting feed and auction expenses in addition to any other expenses incurred by the Ministry.
 - 3) The Minister shall issue a resolution to define infectious diseases about which the possessor should report and the cases where their possessor is entitled to fair compensation if it is determined that the isolated animals will be slaughtered.
- (i) Anyone abstaining from having his farm or animals quarantined as directed by the Minister or violating the conditions of isolation shall be punished with a fine of JD 500 and be imprisoned for four months.

Article (54) Conditions for Importing and Exporting Animals and Animal Products

Subject to the provisions of Articles (16, 17 and 18) of this Law:

- (ii) It shall be prohibited to enter animals or their products to the Kingdom until completion of veterinary quarantine procedures to verify their freedom from infectious and contagious diseases. Consignments coming from countries or areas of countries that are proven to be free of animal diseases not found in the Kingdom and any countries that such consignments are shipped through that are also proven free of such diseases shall be excluded from quarantine procedures. The Minister may also exclude specific animals and animal products imported from countries with which the Kingdom has concluded bilateral agreements on the recognition of the equivalence of sanitary (health) measures.
- (iii) The Minister shall issue instructions that define and regulate the conditions of veterinary quarantine for imported and exported animals and animal **products including the following:**
- 1) The types of animals, animal products and infectious or contagious diseases that are included in the veterinary quarantine provisions;

- 2) The countries or areas from which it shall be prohibited to import animals or their products to the Kingdom for health reasons and countries or areas through which it shall be prohibited to pass animals or their products to the Kingdom;
 - 3) The procedures and mechanism of work in the veterinary quarantine facilities, duration of quarantine, conditions of quarantine in the private quarantine facilities, procedures of observing quarantined animals and how to dispose of their remnants as well as the obligations of their possessor;
 - 4) The methods for notifying importers about the procedures to be taken with respect to animals and animal products that do not meet the required health conditions;
 - 5) The tests and exams that will be undertaken to assess the health status of animals and animal products and defining the procedures and means of conducting such tests and exams and the expenses (charges) thereof;
 - 6) The measures and precautions to be undertaken at the admittance or transit centers or at the quarantines;
 - 7) The entry points to admit the animals and animal products therefrom; and
 - 8) The conditions of transit of animals and their products through the Kingdom.
- (i) **The following shall apply:**
- 1) If it is proved that any imported animal or animal product is infected with infectious or contagious diseases, the importer shall be liable for re-exporting them or they shall be destroyed by the Ministry at the admittance centers or at the quarantine facilities on the expense of the importer without indemnification.
 - 2) Anyone entering or trying to enter animals or animal products to the Kingdom in violation of the provisions of Paragraph (i) of this Article shall be punished with a fine not less than JD 200 but not exceeding JD 500, and the seized animals or animal products shall be confiscated.
 - 3) Anyone violating the conditions of veterinary quarantine in private quarantines shall be punished with a fine not less than JD 200 but not exceeding JD 500 and shall be imprisoned for one month. In case the violation is repeated, the fine is doubled and the violator shall not be permitted to put his animals or animal products in private quarantines in the future.

Article (55) Circulation of Animals and Animal Products

- (i) It shall be prohibited to trade with or circulate animals and animal products infected or suspected to be infected with infectious or contagious diseases that may have a negative effect on the health of humans and animals. Animals directly or indirectly mixing with diseased animals shall be suspected of being infected.
- (ii) It shall be prohibited to trade with or circulate animals and animal products whose specifications are found to contradict the accredited technical regulations.

- (iii) Violations of this Article are subject to the following:
- 1) Anyone violating the provisions of Paragraph (i) of this Article shall be imprisoned for a period of not less than four months and not more than one year. The animals and animal products seized shall be destroyed at the expense of the possessor without compensation.
 - 2) Anyone violating the provisions of Paragraph (ii) of this Article shall be punished with a fine the amount of which constitutes 50% of the value of the violating animals and animal products.

Article (56) Organization of Slaughter and Skinning Facilities

- (i) The Minister shall issue instructions that define the conditions of licensing the erection of livestock and poultry slaughter houses and the places for processing and preparing animal remnants and define conditions of slaughtering livestock and poultry.
- (ii) It is not permitted to slaughter livestock or poultry if the meat of such is designated for public consumption or to process the remnants of livestock or poultry in places other than licensed places.
- (iii) Violations are subject to the following:
 - 1) Anyone slaughtering livestock or poultry for commercial purposes outside licensed places or slaughter houses shall be punished with a fine of JD 100. The seized slaughtered animals shall be confiscated and the Minister may distribute their meat to entities and associations he appoints if such meat is suitable for human consumption, or it will be destroyed if otherwise. In case the violation is repeated, the fine shall be doubled and the violator imprisoned for thirty days.
 - 2) Anyone manufacturing (processing) the meat or the remnants of slaughtered animals without a license or in violation of the licensing conditions shall be punished with a fine of JD 500 and the place of processing will be closed until the violation is corrected.
 - 3) Anyone violating the instructions issued pursuant to Paragraph (i) of this Article shall be punished with a fine of JD 200. In case the violation is repeated, the fine shall be doubled and the license shall be cancelled and will not be renewed until the violation is corrected and the licensing fees are paid in double.

Article (57) Slaughter Prohibitions

- (i) It shall be prohibited to slaughter pregnant livestock and female livestock before all of their incisors are replaced. However, imported animals for slaughtering purposes and those animals identified by a competent veterinarian for slaughter in an emergency as defined by the Minister shall be excluded from this Article.
- (ii) Anyone violating the provisions of Paragraph (i) of this Article shall be punished with a fine of JD 15 for each sheep or goat and JD 50 for each cow, buffalo, or camel that has been slaughtered for trading purposes. The slaughtered livestock that are the subject of the violation shall be confiscated. If the violation is repeated in the same year, the fine is doubled and the Administrative Governor will close the place where the violation occurred for a period of not less than thirty days and not exceeding sixty days.

Article (58) Organization of Fishing

- (i) **The Minister shall issue instructions to organize fishing including:**
- 1) Determining procedures and conditions for granting fishing licenses.
 - 2) Determining fishing areas in the sea and fresh water as well as the approved methods and techniques of fishing.
 - 3) Determining the periods of fishing, limiting fishing to a certain type, defining the quantity allowed to be caught and defining the size of the fishing nets and the size of their holes.
- (i) It shall be prohibited to use explosives or any other harmful or toxic materials to fish. It shall also be prohibited to destroy the coral reefs in the regional water.
- (ii) Violations of this Article are subject to the following:
- 1) Anyone fishing without a license shall be punished with a fine of JD 20.
 - 2) Anyone violating the instructions related to Subparagraphs (2 and 3) of Paragraph (i) of this Article shall be punished with a fine of JD 50.
 - 3) Anyone using explosives or any other harmful or toxic materials to fish will be punished with a fine of JD 100. In case the violation is repeated, the violator will be imprisoned for four months and the fine will be doubled.
 - 4) Anyone who uproots coral reefs from regional waters or damages such will be punished with a fine of JD 200 and will be imprisoned for four months.

Article (59) Organizing Bee Keeping

Subject to the provisions of Articles (16, 17 and 18) of this Law:

- (i) The Minister shall issue instructions to organize bee keeping and define the health and technical conditions for imported and exported bees.
- (ii) It shall be prohibited to enter imported bees into the Kingdom unless health quarantine procedures are completed. The importer shall be obliged to re-export bees that are not accompanied by an accredited health certificate or that do not meet required health conditions or these shall be destroyed at his expense.
- (iii) Anyone violating the instructions issued under Paragraph (i) of this Article shall be punished with a fine of JD 10 for each cell of bees violating the conditions and these cells will be confiscated.

Article (60) Protection, Hunting and Trading Wild Creatures

- (iv) The Minister will issue instructions organizing the protection, hunting and trading of wild birds and wild animals and decorative fish subject to international agreements regarding the protection of wild animals and wild birds, including:
- 1) Determining the conditions for granting hunting licenses along with licensing fees and the bodies entrusted with granting licenses and fees collection.
 - 2) Determining regions where hunting is allowed and the seasons for hunting.

- 3) Identifying the kinds of wild birds that are forbidden to be hunted, caught, possessed, transferred, sold or offered for sale.
 - 4) Determining the conditions of licenses for shops selling birds and fish for decoration along with the types allowed to be offered for sale or traded in these shops.
 - 5) Determining the technical and health standards applicable to zoo gardens.
 - 6) Determining conditions for possessing, protecting, feeding, transporting, dealing with and using such in scientific experiments.
- (i) **The following actions are prohibited:**
- 1) Hunting wild birds or wild animals without license, or hunting in regions or seasons in which hunting is prohibited.
 - 2) Importing or exporting live or dead wild birds or wild animals unless the Ministry's approval is secured.
 - 3) Killing predatory birds or wild animals or catching, possessing, transporting, selling or offering thereof for sale.
 - 4) Hunting predatory birds or fierce animals or catching them in any way unless a special permit is secured from the Minister, particularly for scientific purposes.
 - 5) Destroying dens of wild animals or birds' nests, picking up or damaging their eggs or harming their youngsters.
 - 6) Using vehicles, detecting lights or automatic weapons when hunting wild birds or wild animals.
 - 7) Using a war gun when hunting wild animals, excluding those animals determined by the Minister.
 - 8) Using birdlime and adhesives for catching or hunting birds or selling.
 - 9) Using any poisonous materials or narcotic drugs for killing or hunting wild birds or wild animals for any reason.
 - 10) Setting up any type of traps, or using any camouflage materials such as flags, animal skins and sound instruments or erecting camouflage places such as booths and cages to hunt wild birds and wild animals.
 - 11) Hunting over telephone or electricity lines or within borders of municipalities or local councils or within borders of pasture or natural reserve or near armed forces camps.
 - 12) Cruelty against animals.
- (i) **Violations of paragraph (i) of this Article are subject to the following:**
- 1) Anyone violating the provisions of Subparagraphs (1), (5), (6), (7), (8), (9), (10), (11) and (12) of Paragraph (ii) of this Article shall be punished with a fine of JD 50.
 - 2) Anyone violating the provisions of Subparagraph (2) of Paragraph (ii) of this Article shall be punished with a fine not less than JD 100 and not more than JD 1000.

- 3) Anyone violating the provisions of Subparagraphs (3) and (4) of Paragraph (ii) of this Article shall be punished with a fine not less than JD 25 and not more than JD 1000.
- (i) Wild animals and wild birds that may not be hunted are classified into 3 categories in accordance with the level of protection granted thereof. The Cabinet shall issue a regulation that determines the wild birds and wild animals included in each category. Anyone hunting wild birds or wild animals shall be punished as follows:
 - 1) Anyone hunting wild animals or wild birds which fall under the first category will be imprisoned for six months and punished with a fine of JD 2000 for each wild bird or wild animal hunted.
 - 2) Anyone hunting wild animals or wild birds which fall under the second category will be imprisoned for four months and punished with a fine of JD 1000 for each wild bird or wild animal hunted.
 - 3) Anyone hunting wild animals or wild birds which fall under the third category will be imprisoned for one month and punished with a fine of JD 100 for each wild bird or wild animal hunted.
 - 4) Anyone hunting any wild bird or wild animal not mentioned in any category—except for wild pigs—without a license will be imprisoned for one week and punished with a fine of JD 25 for each wild bird or wild animal hunted.
- (i) **Violations of this Article are also subject to the following:**
 - 1) Where violation of this Article has occurred, all seized wild animals, wild birds and the guns, tools and materials to hunt them will be confiscated.
 - 2) In case the violation of the provisions of this Article has reoccurred within one year, the violator shall be punished with a doubled fine in addition to the punishments provided for in this Article.
- (i) The Minister shall form a committee named the “Protection of Wild Creatures Committee.” In the resolution forming the Committee, the Minister shall specify the functions and mechanism of operation of the Committee.

Article (61) Licensing Wholesale Markets and Organization of Facilities

- (ii) The Minister shall issue instructions to define procedures and conditions of licensing the erection of wholesale central or branch market facilities and classification, packaging, storage, and refrigeration centers for fruits and vegetables outside the municipal borders along with their technical regulations and operating mechanism.
- (iii) Anyone violating the provisions of the instructions issued pursuant to Paragraph (i) of this Article shall be punished with a fine of JD 500. If the violation is repeated, the fine shall be doubled.

Article (62) Countering Harmful Trade Practices

- (iv) The Minister shall undertake appropriate measures—pursuant to enacted legislation and conforming with the Kingdom’s obligations in international trade agreements to which the Kingdom is a party—in order to help domestic farmers

protect their production from the introduction of subsidized or dumped agricultural products to the domestic market or to an international market to which the Kingdom exports the same product or from a sudden surge in agricultural imports. In order to fulfil these objectives, the Ministry shall undertake the following:

- 1) Monitoring the subsidization by the country of origin of its exported agricultural products that compete with Jordanian products.
 - 2) Monitoring imported quantities of agricultural products, the prices at which they are imported, the prices of the products in the country of origin and the prices of the product in the domestic market.
 - 3) Monitoring and analyzing indicators of the agricultural sector's performance to determine the economic status (wellbeing) of domestic producers and the effects on the agricultural sector as a result of the practices referred to in this Article.
 - 4) Supporting agricultural producers in coordinating their efforts and representing them in front of competent authorities to protect their production in accordance with the provisions of enacted legislation.
- (i) **No measure adopted by the Minister pursuant to Paragraph (i) of this Article shall hinder procedures of customs clearance.**

Article (63) Fees

Fees collected according to the provisions of this Law shall be defined in a special regulation issued by the Cabinet for this purpose provided that such fees do not exceed the actual cost of the service rendered.

Article (64) Disposal of Confiscated Items

The Minister may order in a resolution he issues destruction of any item that has been confiscated under the provisions of this Law.

Article (65) State Funds and Collection of Penalties

All penalties, damage compensation, payments and prices of confiscated items will be considered state funds. The Ministry's collectors will collect such. In case this is impracticable, then such funds will be collected in accordance with the Emirs collection law.

Article (66) Inspection of Places and Transportation Means

Officials of the Ministry and those delegated by the Minister are considered officials of justice during the execution of the provisions of this Law. They will have access to any place where a violation of the provisions of this Law is suspected to have occurred, except residential houses that may be entered at daylight and only after obtaining a permit from the Attorney General concerned. Such officials will also have the right to stop and inspect means of transportation that are suspected to have transported any item in violation of the provisions of this Law.

Article (67) Establishment of the Agricultural Development Fund

A fund shall be established in the Ministry under the name of "The Agricultural Development Fund." The revenues of this fund shall be comprised of government

budget allocations, fees, fines, confiscated items' prices and compensation collected under this Law. All of these amounts shall be transferred to the Fund. Its objectives, the mechanism of disbursement and all procedures related to its management shall be defined in a special regulation issued for this purpose provided that revenues of this fund be used in programs and policies that do not contradict with the obligations of the Kingdom pursuant to the provisions of international agreements to which the Kingdom is a party.

Article (68) Response to Natural Disasters

In case the Kingdom or a part thereof is a target of a drought or in case the agricultural sector is subject to a natural disaster, the Minister shall officially declare this and he shall undertake appropriate procedures that mitigate the negative effects resulting therefrom on the agricultural sector in cooperation and coordination with the concerned entities and in accordance with the resolutions issued by the Cabinet for this purpose. The Minister shall also undertake procedures that protect consumers in such cases that may include limiting the exportation of affected agricultural products provided that relevant international entities are notified of such procedures.

Article (69) Delegation of Authority

The Minister may delegate any of his authorities stipulated herein to any official of the Ministry.

Article (70) Magnitude of Crime

When imposing a penalty according to the provisions of this Law, the estimated mitigating reasons shall not be applied to the doer. The attempt of a crime shall be considered as a full whole crime.

Article (71) Penalty When Not Otherwise Specified

Each violation of the provisions of this Law or the instructions issued in compliance therewith where a specific penalty is not written shall be levied a fine of not less than JD 100 and not exceeding JD 500.

Article (72) Cooperation with the Ministry to Enforce the Law

All the ministries, institutions, bodies and councils, each within their competence and faculty, shall cooperate with the Ministry to enforce the provisions of this Law and the instructions and resolutions issued in compliance therewith.

Article (73) Publication of Instructions in the Official Gazette

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

Article (74) Regulations Issued by Cabinet

The Cabinet shall issue the regulations required for enforcement of the provisions of this Law.

Article (75) Nullification of the Law of Agriculture No. 20 for 1973

- (ii) The Law of Agriculture No. (20) for 1973 shall be turned null and void. However, regulations, instructions and resolutions as well as the fee schedules attached to the Law and their amending regulations now in operation shall

remain valid until replaced within a maximum period of one year from the date at which this Law comes into force and then they will be turned null and void as well.

- (iii) Any other legislation that conflicts with the provisions of this Law shall be turned null and void only to the extent of the contradiction.

Article (76) Execution of the Law

The Prime Minister and Ministers are entrusted with execution of this Law.

WTO Compliance of the September 30, 1999 Version of the Law of Agriculture for the Year 1999

Article in Law of Agriculture for the Year 1999	Content of Article in Law of Agriculture for the Year 1999	Relevant WTO Agreement and Applicable Content
Article 2	Definitions	Sanitary and Phytosanitary (SPS) Agreement SPS definitions for plants, plant products, pests, animals, animal products, agricultural products, agricultural inputs, risk assessment, international sanitary and phytosanitary standards, and sanitary and phytosanitary measures.
Article 3 Subparagraph 4	Developing and Improving the Agriculture Sector	Subsidies, Antidumping and Safeguards Agreements The Ministry is mandated with enhancing economic opportunities for producers by monitoring international and domestic trade and market developments. This is necessary to provide the justification for actions under subsidies, antidumping and safeguard agreements. (Also ensures that the market intelligence functions of AMO continue to be undertaken if AMO is abolished.)
Article 3 Subparagraph 8	Developing and Improving the Agriculture Sector	SPS Agreement Protection of plant and animal health, participation in international organizations dealing with plant and animal health, and authority to enter into international agreements on plant and animal health issues.
Article 14	Sole Authority for Plant and Animal Sanitary and Phytosanitary Measures	SPS Agreement The Ministry has the right to prepare, approve, apply and review SPS measures designed to protect plant and animal health in the Kingdom and will cooperate with other governmental entities to protect human health from plant and animal diseases and pests.
Article 15	Objectives of Sanitary and Phytosanitary Measures	SPS Agreement The objectives of sanitary and phytosanitary measures for the Kingdom are to protect plant, animal and human health from health risks associated with pests and diseases from plants, plant products, animals, animal products and agricultural inputs.

Article in Law of Agriculture for the Year 1999	Content of Article in Law of Agriculture for the Year 1999	Relevant WTO Agreement and Applicable Content
Article 16	Establishment and Application of Sanitary and Phytosanitary Measures	<p>SPS Agreement</p> <p>All SPS measures established to protect the health of plants and animals will conform to the principles, procedures and rules within the SPS Agreement. In particular, Jordan will base SPS measures on international standards, scientific evidence, and economic factors and, when necessary, will conducted an accredited risk assessment. Adopted measures will be applied in a non-discriminatory manner and only to the extent necessary, will take into account health conditions in the Kingdom and abroad, and be least trade restricting. When such measures are likely to have a trade effect, they will be subject to comment by concerned parties (i.e., WTO members), with the exception of emergency measures. All SPS measures will be published and enforced after a reasonable time period except for emergency measures that are enforced immediately. Lastly, all SPS measures will be reviewed and updated as new information becomes available.</p>
Article 17	Procedures to Ensure Compliance With Technical and Health Conditions	<p>SPS Agreement</p> <p>All control, inspection and approval procedures to check and ensure the fulfillment of sanitary and phytosanitary measures shall conform to international guidelines and be executed expeditiously without unjustifiable delay. The expected time for completing procedures, any deficiencies in the application and the results of the procedures shall be communicated to the applicant precisely and completely. Procedures shall be applied without unjustifiable discrimination to agricultural products and inputs whether locally produced or imported. Required information shall be limited to that necessary, confidentiality of provided information will be respected and a complaint procedure will be established.</p>
Article 18	Sanitary and Phytosanitary Certificates	<p>SPS Agreement</p> <p>SPS certificates are required for all imported and exported agricultural products and inputs. Import certificates will reflect international standards and plant and animal health conditions in Jordan. Export certificates will be based on international standards.</p>
Article 19	Documentation for SPS Measures and Technical Regulations	<p>SPS Agreement and Technical Barriers to Trade (TBT) Agreement</p> <p>Fulfills the requirements for the functions of an enquiry point by requiring provision of documents to WTO members and others with questions regarding technical regulations and SPS measures applied to protect plant and animal health in the Kingdom.</p>

Article in Law of Agriculture for the Year 1999	Content of Article in Law of Agriculture for the Year 1999	Relevant WTO Agreement and Applicable Content
Article 20	Issuance of Technical Regulations	<p>TBT Agreement</p> <p>The Ministry will contribute to determining national (voluntary) standards for agricultural products and the Ministry will issue least trade distorting technical regulations (mandatory standards) subject to the requirements of the TBT Agreement as specified in the upcoming TBT Law. In addition, the Ministry shall be responsible for enforcing technical regulations that it issues and will work with other Ministries to enforce all other technical regulations regarding agricultural products and inputs. The Ministry shall also conduct conformity assessment procedures according to national legislation and the TBT agreement for agricultural products and inputs before admitting them to circulation or importation.</p>
Article 21 Paragraph iv	Registering Transplants	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of transplants and seedlings in the event of a ban on use in the exporting country or if a health or environmental reason arises (e.g., dioxin case) or if technical regulations are not complied with.</p>
Article 22 Paragraph i(2)	Organizing Trade in Seedlings	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of seedlings not meeting technical specifications and health conditions.</p>
Article 24 Paragraph iii	Registering Fertilizers	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of fertilizers in the event of a ban on use in the exporting country or if a health or environmental reason arises (e.g., dioxin case) or if technical regulations are not complied with.</p>
Article 25 Paragraph iii	Registering Pesticides	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of pesticides in the event of a ban on use in the exporting country or if a health or environmental reason arises (e.g., dioxin case) or if technical regulations are not complied with.</p>
Article 26	Combating and Preventing Spread of Plant Pests	<p>SPS Agreement</p> <p>Procedures and methods of combating plant pests are subject to the provisions of Articles 16 and 17 (i.e., are based on internationally accredited procedures and means). In addition, the Minister shall determine the health conditions required for plants and plant products that are circulated in the Kingdom (thereby enabling denial of entry when such are not met by imported plants or plant products). Also, pest free and low pest prevalence areas will be declared and maintained (to increase export opportunities).</p>

Article in Law of Agriculture for the Year 1999	Content of Article in Law of Agriculture for the Year 1999	Relevant WTO Agreement and Applicable Content
Article 27	Import Prohibitions for Plants and Plant Products	<p>SPS Agreement</p> <p>Entry of plants and plant products will be denied if they harbor pests not found in the Kingdom or their entry increases the risk of spread of pests or if they contain soil.</p>
Article 28	Circulation of Plants and Plant Products	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition on circulation of plants and plant products that are carriers of disease or infested with pests or disease not previously found in the Kingdom and for those plants and plant products not meeting technical regulations. This establishes national treatment basis for banning imports of such products.</p>
Article 30	Operation of Plant Quarantines	<p>SPS Agreement</p> <p>Control, inspection and treatment procedures as well as conditions for transit of plants and plant products through the Kingdom are subject to the provisions of Articles 16, 17 and 18 (i.e., based on internationally accredited guidelines). The Ministry will identify countries from which imports of plants and plants products are prohibited for health or environmental reasons. All imported plants and plant products must complete quarantine unless proven to come from a pest and disease free area or if a bilateral SPS equivalence agreement exists.</p>
Article 48 Paragraphs iii, vi	Registering Animal Feeds	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of raw feed of animal origin, manufactured feed, or feed additives in the event of a ban on use in the exporting country or if a health or environmental reason arises (e.g., dioxin case) or if technical regulations are not complied with. Authority to confiscate imported animal feeds suspected of being an environmental or health risk based on information from a reliable source. Confiscated quantities will be tested and if infected, re-exported or destroyed at the expense of the importer.</p>
Article 49 Paragraphs iii, vi	Registering Veterinary Medicines	<p>SPS Agreement and TBT Agreement</p> <p>Prohibition of imports of veterinary drugs or veterinary bio-products in the event of a ban on use in the exporting country or if a health or environmental reason arises (e.g., dioxin case) or if technical regulations are not complied with. Authority to confiscate imported veterinary medicines suspected of being an environmental or health risk based on information from a reliable source. Confiscated quantities will be tested and if infected, re-exported or destroyed at the expense of the importer.</p>

Article in Law of Agriculture for the Year 1999	Content of Article in Law of Agriculture for the Year 1999	Relevant WTO Agreement and Applicable Content
Article 50	Combating and Preventing the Spread of Animal Diseases	<p>SPS Agreement</p> <p>Procedures and methods of combating animal diseases are subject to the provisions of Articles 16, 17 and 18 (i.e., based on internationally accredited procedures and means). Health conditions for circulation of animals and animal products will be established. Disease free and low disease prevalence areas will be declared and maintained.</p>
Article 54 Paragraphs i, ii, iii	Conditions for Importing and Exporting Animals and Animal Products	<p>SPS Agreement</p> <p>Procedures in veterinary quarantines as well as conditions for transit of animals and animal products through the Kingdom are subject to the provisions of Articles 16, 17 and 18 (i.e., are based on international guidelines). All animals and animal products must undergo quarantine unless proven to be from a disease free area or if a bilateral SPS equivalence agreement exists. The Minister shall determine countries from which imports of animals or animal products are not permitted for health reasons. If an animal or animal product is found to have a disease, it may not be imported and will be either re-exported or destroyed at the quarantine.</p>
Article 55 Paragraphs i, ii	Circulation of Animals and Animal Products	<p>SPS Agreement and TBT Agreement</p> <p>It is prohibited to circulate animals or their products if diseased or suspected of being diseased or if technical regulations are not complied with. Establishes national treatment basis for denying imports of diseased animals or products or those not meeting technical requirements.</p>
Article 56	Organization of Slaughter and Skinning Facilities	<p>SPS Agreement</p> <p>The Minister has authority over the health and technical conditions in slaughter places.</p>
Article 59	Organizing Bee Keeping	<p>SPS Agreement</p> <p>Requires SPS certification and veterinary quarantine for imported consignments.</p>
Article 62	Countering Harmful Trade Practices	<p>Agriculture, Antidumping, Subsidies, Safeguards Agreements</p> <p>In accord with national legislation and international agreements, the Minister shall undertake measures to help agricultural producers protect their production from unfair trade practices and sudden surges in imports. To provide the necessary assistance, the Ministry is mandated with analysis of information to show injury to domestic producers from dumping or subsidization or need for safeguard actions. In addition, monitoring of data necessary to implement special safeguards under the Agriculture Agreement is mandated.</p>

Article in <i>Law of Agriculture for the Year 1999</i>	Content of Article in <i>Law of Agriculture for the Year 1999</i>	Relevant WTO Agreement and Applicable Content
Article 63	Fees	<p>SPS Agreement</p> <p>All fees charged by the Ministry shall reflect the actual cost of providing services such as quarantine, inspection, testing, control, eradication, and so on.</p>
Article 67	Establishment of the Agricultural Development Fund	<p>Agriculture Agreement</p> <p>The monies of the Fund shall be used on programs and policies that do not contradict with the obligations of the Kingdom pursuant to the provisions of international agreements to which the Kingdom is a party. Depending on the terms of accession to the WTO, this may exclude the possibility of subsidizing exports and limit trade-distorting program expenditures to some proportion of the value of production but should permit unlimited “green box” and “development” program expenditures.</p>
Article 68	Response to Natural Disasters	<p>Agriculture Agreement</p> <p>When responding to natural disasters, including drought, procedures to protect consumers from negative effects may be undertaken (e.g., an export ban on an essential foodstuff) but with notification of such procedures to relevant international entities.</p>

Letter to the Minister of Agriculture re September version of the Law on Agriculture

September , 1999

His Excellency Hashem El Shuboul, Minister of Agriculture
Ministry of Agriculture
Amman, Jordan

Your Excellency,

We are pleased to report that the September version of the Law of Agriculture for 1999 is, to the best of our knowledge, fully compliant with the World Trade Organization (WTO) agreements on Agriculture, Sanitary and Phytosanitary (SPS) Measures, and Technical Barriers to Trade (TBT). In addition, our review included relevant principles from the agreements on Antidumping, Subsidies and Countervailing Measures, Safeguards, and Licensing and so the Law complies with all WTO principles. However, we are not able to guarantee that WTO Working Party member countries will not raise questions about the Agriculture Law nor can we promise that WTO member countries, including the United States, will concur with our assessment of compliance.

The approach that was taken throughout the review and drafting process was to ensure compliance with WTO principles and ensure that the regulatory framework protects Jordan's agricultural producers and consumers. The resulting Law provides protection from international transmission of diseases and pests, ensures imported goods meet the same technical and health conditions as domestic goods, and preserves the right of the Ministry to regulate trade with non-WTO member countries. Therefore, the Law is a strong statement in favor of producers while ensuring compliance to the principle of free and unhindered trade opportunities for both Jordan and its trading partners.

Please note that during the drafting process, the specific wording of articles to ensure compliance was difficult. However, the expertise supplied by Mr. Mohammed Mubiedin and Mr. Majed Zakaria on agriculture issues and the legal advice from Miss Rand Hannun and other staff at the International Business Law Associates enabled us to develop language in both English and Arabic that ensures compliance and should also be acceptable to the Legislative Bureau. The subsequent careful wording of the WTO-related articles will require another review if any changes are made to those articles. For your information, the articles that deal explicitly or implicitly with WTO principles are summarized in the attached table.

Also note that a strict translation of the Law from Arabic to English may not clearly convey WTO principles and so it is important that the official English version of the Law that will be submitted to the WTO be reviewed and revised as necessary by our technical consultant.

Sincerely yours,

Farhat Farhat

Kim C. Hjort, Ph.D.

cc: H.E. Mohammed Asfour, Minister of Industry and Trade
Steve Wade, Chief of Party, AMIR

29 October 1999

TO: Majed Zakaria
Talat Zandaki
FROM: Kim Hjort
SUBJECT: AMS Negotiation Analysis

Per your request, I have prepared a numerical analysis of Jordan's AMS to assess alternative negotiation concessions. A base AMS has been computed for each year from 1994 through 1996, the average of 1994-96, a preliminary AMS for 1997, and then projected to 2005 (see attached table and the Excel file AMSScenarios.xls for computation details and assumptions underlying the projections). The value of production has also been projected to 2005, allowing computation of the base AMS as a percent of the total value of agricultural production. These percentages are then compared to several negotiating concessions (inclusion of development programs in the AMS, 10 percent *de minimis*, 5 percent *de minimis*, and a cap on total AMS at 10% and 5% of production value).

As discussed over the phone, the AMS for 1994-96 may have to be revised to include an electricity subsidy. The value of the electricity subsidy has been estimated and is included in the projected AMS figures in Scenario 1 (see the attached table). Another negotiating position is Jordan's eligibility for the exclusion of development programs from the AMS. The value of development programs has therefore been added to the base AMS, both with and without the electricity subsidy, in Scenario 2. In Scenario 3—a worst case scenario—it is assumed that all green box expenditures except those for domestic food and stockpiling for food security are converted to the amber box. Therefore, Scenario 3 includes the base AMS, electricity subsidy, development programs, and those items excluded from the green box.

Findings

The projected base AMS *before de minimis exclusions* does not exceed 0.2 percent of the total value of production through 2005. This reflects the fact that the livestock feed program at a cost of JD3 to JD 30 million in 1994 to 1996 is no longer in place. Therefore, the base AMS is expected to be JD1.4 million in 1997 and fall in 1998. To account for real increases in expenditures in some important programs such as credit subsidies, expenditures on programs are assumed to exceed inflation by 2-6 percentage points, resulting in a gradual increase in the AMS to JD1.3 million in 2005. The projected AMS *after de minimis exclusions at 10%* is estimated at JD799 thousand for 1997. It is expected to fall to zero in 1998 and remain there through 2005. If the *de minimis exclusion is 5%*, the AMS for 1997 is unchanged and will fall to zero in 1998 through 2005.

Even if an electricity subsidy and development program expenditures are added to the base AMS, the value of the AMS before *de minimis* exclusions ranges from 1.2 to 1.6 percent of the total value of production. After 10% *de minimis*, the AMS is zero from 1998 to 2005. The same result is obtained with a 5% *de minimis*. When the green box exclusions are added to the base AMS plus the electricity subsidy plus the

development programs, the total AMS ranges from 3.5 to 4.4 percent of the value of production. After both a 5% and a 10% de minimis, the AMS falls to zero.

Even if the base assumptions are changed to reflect a “worst case” scenario where program expenditures rise by 20 percent per year and the value of production remains constant at the 1997 level the total AMS falls to zero from 1998 through 2005 after a 10% de minimis exclusion. If de minimis is 5%, only when non-food aid green box expenditures are included in the total AMS does the AMS exceed zero. In that very extreme case, after the de minimis exclusion, the AMS reaches JD32 million or 5.5% of the production value in 2002 and rises to JD44 million or 7.6% of production value in 2005. However, this case is very unlikely.

→ **THERE IS NO SIGNIFICANT COST TO AGREEING TO A 5% DE MINIMIS (VERSUS 10% DE MINIMIS).**

As noted above, the total AMS before de minimis exclusions never exceeds 5% of the value of production. The highest level is 4.4% in 2005 with the base AMS, electricity subsidy, development programs and green box exclusions. This result depends on the base assumptions underlying the projected expenditure levels. If, for example, the value of production is held constant at the 1997 level, the total AMS including green box exclusions could exceed 5 percent of the value of production. However, in the more likely case of the total AMS including the base AMS, electricity subsidy and development programs, the AMS reaches 2 percent of the total value of production. (Note that the impacts of alternative assumptions can be simulated in the spreadsheet file by changing the assumed growth rates.)

→ **ALTHOUGH UNLIKELY, THE TOTAL AMS COULD EXCEED 5% OF THE VALUE OF PRODUCTION.**

The inclusion of development programs in the total AMS raises the total AMS before any de minimis exclusions by 0.5 percentage points in 1997 and 0.7 percentage points in 2005. However, the total AMS share of the production value does not exceed 1.6 percent. After de minimis exclusions, the total AMS is the same as estimated with just the base AMS.

→ **INCLUSION OF DEVELOPMENT PROGRAMS IN THE TOTAL AMS HAS NO SIGNIFICANT EFFECT.**

AMS Scenario Summary

				1994	1995	1996	1997	1998	1999	2000	2005	
No de minimis exclusion												
AMS with no de minimis												
Base Scenario	October 1999 (base) AMS	(1,000 JD)		31,321	5,274	30,796	1,372	735	789	849	1,266	
Scenario 1	Base AMS+elec sub	(1,000 JD)		33,664	7,617	33,455	4,387	3,931	4,176	4,439	6,071	
Scenario 2a	Base AMS+dvlpmt exp	(1,000 JD)		33,732	8,381	34,142	3,910	3,624	3,966	4,343	6,894	
Scenario 2b	Base AMS+dvlpmt exp+elec sub	(1,000 JD)		36,075	10,724	36,801	6,925	6,819	7,353	7,934	11,699	
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(1,000 JD)		48,540	25,546	48,519	20,343	21,319	22,578	23,921	32,102	
Share of production value												
Base Scenario	October 1999 (base) AMS	(percent)		5.7%	0.9%	5.6%	0.2%	0.1%	0.1%	0.1%	0.2%	
Scenario 1	Base AMS+elec sub	(percent)		6.1%	1.3%	6.0%	0.8%	0.7%	0.7%	0.7%	0.8%	
Scenario 2a	Base AMS+dvlpmt exp	(percent)		6.1%	1.5%	6.2%	0.7%	0.6%	0.7%	0.7%	0.9%	
Scenario 2b	Base AMS+dvlpmt exp+elec sub	(percent)		6.6%	1.9%	6.6%	1.2%	1.1%	1.3%	1.3%	1.6%	
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(percent)		8.8%	4.5%	8.7%	3.5%	3.5%	3.9%	4.0%	4.4%	
Maximum program expenditures at 5% of production value				(1,000 JD)	27,529	28,580	27,740	29,084	30,102	28,898	30,111	36,811
Surplus available for additional programs												
Base Scenario	October 1999 (base) AMS	(1,000 JD)		-3,792	23,305	-3,055	27,712	29,367	28,109	29,263	35,546	
Scenario 1	Base AMS+elec sub	(1,000 JD)		-6,135	20,962	-5,714	24,697	26,171	24,721	25,672	30,740	
Scenario 2a	Base AMS+dvlpmt exp	(1,000 JD)		-6,203	20,198	-6,401	25,174	26,478	24,932	25,768	29,917	
Scenario 2b	Base AMS+dvlpmt exp+elec sub	(1,000 JD)		-8,546	17,855	-9,060	22,159	23,282	21,544	22,177	25,112	
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(1,000 JD)		-21,010	3,034	-20,779	8,741	8,782	6,319	6,191	4,709	

AMS Scenario Summary

			1994	1995	1996	1997	1998	1999	2000	2005
Maximum program expenditures at 10% of production value		(1,000 JD)	55,059	57,159	55,481	58,168	60,204	57,795	60,223	73,623
Surplus available for additional programs										
Base Scenario	October 1999 (base) AMS	(1,000 JD)	23,738	51,885	24,685	56,796	59,468	57,007	59,374	72,357
Scenario 1	Base AMS+elec sub	(1,000 JD)	21,395	49,542	22,026	53,781	56,272	53,619	55,783	67,552
Scenario 2a	Base AMS+dvlpmt exp	(1,000 JD)	21,326	48,778	21,339	54,258	56,580	53,830	55,880	66,729
Scenario 2b	Base AMS+dvlpmt exp+elec sub	(1,000 JD)	18,983	46,435	18,680	51,243	53,384	50,442	52,289	61,923
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(1,000 JD)	6,519	31,613	6,962	37,825	38,884	35,217	36,302	41,520
With 10% de minimis exclusion										
AMS with de minimis										
Base Scenario	October 1999 (base) AMS	(1,000 JD)	1,759	2,692	166	799	0	0	0	0
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(1,000 JD)	1,759	2,692	166	799	0	0	0	0
Share of production value										
Base Scenario	October 1999 (base) AMS	(percent)	0.3%	0.5%	0.0%	0.1%	0.1%	0.0%	0.0%	0.0%
Scenario 3	Base AMS+dvlpmt exp+elec sub+ green box excl	(percent)	0.3%	0.5%	0.0%	0.1%	0.1%	0.0%	0.0%	0.0%
With 5% de minimis exclusion										
AMS with de minimis										
Base Scenario	October 1999 (base) AMS	(1,000 JD)	30,934	2,692	30,009	799	0	0	0	0
Scenario 5	Base AMS+dvlpmt exp+elec sub+ green box excl	(1,000 JD)	30,934	2,692	30,009	799	0	0	0	0
Share of production value										
Base Scenario	October 1999 (base) AMS	(percent)	5.6%	0.5%	5.4%	0.1%	0.0%	0.0%	0.0%	0.0%
Scenario 5	Base AMS+dvlpmt exp+elec sub+ green box excl	(percent)	5.6%	0.5%	5.4%	0.1%	0.0%	0.0%	0.0%	0.0%

Q1. The external reference price for barley in Table DS :5 differs from the unit cost for barley used to compute the feed subsidy to livestock producers in Documentation for Supporting Table DS:7. Why are these prices different?

Answer:

The appropriate external reference price for measuring the value of market price support operations is the CIF import unit value. That is the price used in Table DS :5.

In Annex 2 of the Agreement on Agriculture, the guidelines for estimating other non-exempt measures such as input subsidies require use of either budgetary outlays or the gap between the price of the subsidized good and a representative market price for the good multiplied by the subsidized quantity of the good. All consumers of barley, including individual livestock producers and feed mills, are eligible to purchase barley at the subsidized sale price. There is a small amount of wholesale market trade but the transaction price in the wholesale market is distorted by the market support (procurement) price. Therefore, there is no obvious representative market price for barley. For this reason, we computed the weighted average cost to the Ministry of Supply (MOS) of procuring barley to sell to livestock producers and feed mills. The total costs of MOS include the cost of the barley and also domestic transportation, handling, and storage costs. The total cost for domestic procurement was weighted by the quantity procured while total costs of imports were weighted by the quantity imported. The end result is the price in the feed subsidy calculation table in the Documentation for Supporting Table DS :7.

Note that even without the inclusion of domestic transportation and handling costs, the two prices in Tables DS :5 and DS:7 are not directly comparable. The CIF import unit value in Table DS :5 is derived from official trade statistics of the Department of Statistics (DOS). As has been noted elsewhere, DOS records trade on the basis of customs declarations. The price in Table DS :7 is based on MOS trade data which are on a procurement (contract) basis.

Q2. Why are female sheep limited to 10 percent of any import consignment?

Analysis:

As you know, this appears to be a technical barrier to trade with no WTO-legal justification. The official reason for this restriction is that it is believed that female sheep exported to Jordan for slaughter will tend to be old breeding stock. If they are old breeding stock, the meat will not be of as high quality as male sheep that will tend to be young. In addition, it is believed that the risk of disease is higher with old breeding stock.

There is nothing in the Agreement on Agriculture that can be used to justify this restriction. The only possibilities are SPS and TBT. The following arguments are fairly weak and probably at best can only buy some time before the restriction is phased out. However, this could be a negotiating chip to use to strengthen your argument for special safeguards on sheep.

Possible SPS basis for the regulation is a combination of science and economic factors:

1. If scientific studies find that female sheep tend to have a higher incidence of disease that threatens *human* health there may be an SPS basis for the restriction. Note that there can be no threat to animal health because the animals are imported for slaughter only and therefore will not mingle with domestic herds. It may be sufficient to find this is true in Jordan for domestic herds because that could transfer the burden of proof to Australia and New Zealand that such is not the case with their animals.
2. If there is higher incidence of disease, that could impose an economic burden on the inspection system for imported animals. That is, all female sheep would have to be subjected to blood sampling or other tests to verify freedom from disease. For example, if an import consignment normally is 100 head, assuming a normal distribution of male-female sheep, testing of 50

females plus random sampling among the males will increase the costs of quarantine. If more than 10 percent of an import consignment is female, this could also increase the length of quarantine for an imported consignment. If quarantine time is increased, this will slow down receipt and processing of imported animals because quarantine facilities have limited capacity. If a slow down in quarantine processing means that 5 consignments that would be imported under a 10% female maximum are delayed or denied entry, that could reduce trade in sheep by 500 head if a typical consignment is 100 head. Therefore, a 10% female maximum could in fact increase trade potential by eliminating or easing any quarantine capacity constraint.

3. This argument only holds together if there is scientific evidence of greater incidence of disease. If this argument is used, some concession will probably have to be made to phase out this limitation. This is especially true since all consignments will have to be accompanied by sanitary certificates under the new agriculture law. In those certificates, the Minister can require pre-testing (before loading on a sheep for Jordan) of females in a consignment for specific female-related diseases or conditions. That will significantly reduce the power of the quarantine capacity argument since only random testing would then be necessary in Jordan's quarantines.

Possible TBT argument for restriction: prevention of deceptive practices

1. In Jordan, female sheep are held for breeding purposes only and female sheep may not be slaughtered until they have changed all of their incisors. This guarantees the regeneration of herds.
2. Since all female sheep are used for breeding in Jordan, once a female is slaughtered, the meat is of lower quality because the animal is older than male sheep.
3. Most domestic sheep meat is sold off the carcass in butcher shops. Consumers can tell by visual inspection of a carcass whether it is from a male or female sheep (is this true?!?). Those consumers that choose to purchase meat from a female carcass expect to and do pay less for the meat because they know they will get lower quality meat.
4. Most imported sheep meat is sold in cuts (is this true?) and therefore consumers are not able to inspect the carcass to establish quality expectations or judge the appropriateness of the asking price. All imported sheep meat is subject to price controls (is this still true?) and so meat from both female and male animals is priced the same. Therefore, consumers can easily be deceived with regard to the quality of the imported sheep meat. By limiting live animal imports to a 10% female maximum, consumers are protected from deceptive practices.
5. This argument is very weak because there is no similar restriction on imports of carcasses. If carcasses are also restricted by sex or if carcasses are marked by sex in addition to the point of origin and class of meat there may be more justification for the argument. This is the case if there is a two-tier price structure for imported sheep meat (e.g., female meat is priced x percent lower than male meat) and it is understood by consumers that lower priced imported meat is from female animals. However, if domestic cuts are not similarly priced or identified, you violate the national treatment concept.

Second TBT argument:

Statistically, can it be shown that domestic female sheep tend to produce class 3 meat? For example, if 90 percent of domestic female sheep produce class 3 meat, then a limit of 10% of live sheep being female is consistent with the ban on importing class 3 meat (i.e., meat that would generally come from animals of a higher age or weight). If this is the case, then meat from imported female sheep should be marked class 3 and priced lower. If the price controls on imported sheep meat do not take classes into account, then you are limiting the potential for deceptive practices by limiting the quantity of female sheep that can be imported. Of course, I

would then argue that the pricing system should be revised as well as the grading (marking) system to clearly indicate on carcasses and cuts the class and other quality characteristics that are needed to prevent consumer fraud. Therefore, at best, this argument could buy you a couple years to revise the pricing system and educate consumers.

Question 30:

We welcome the detailed information provided by Jordan on Agricultural domestic support in WT/ACC/SPEC/JOR/2/REV.1, and wish to raise the following issues:

- In DS:3, Jordan has calculated the average AMS for each product over the three year period rather than calculating the total AMS for each year, as is required under Article 6 of the Agriculture Agreement. We note, however, that this method does not affect the final outcome on AMS.

This must actually be a question about table DS :4 since Jordan does not have any direct payments under production-limiting programs (i.e., those expenditures reported in table DS:3). The AMS calculation has been revised and a total AMS is now reported for each of calendar years 1994, 1995, and 1996 as well as the average.

- In calculating average support for wheat and barley in column 8 of the table DS :5, Jordan has deducted negative assistance for these products in 1996 and 1995 respectively, instead of setting the level of support at zero as required. This approach results in a lower average AMS than would otherwise be the case.

The tax on agricultural producers for wheat procurement in 1996 and lentils procurement in 1995 (table DS :5) has been eliminated from the support calculation. In addition, the tax on corn for livestock feed in 1995 and for wheat bran in 1994-1996 has been eliminated (table DS :7).

- The relevant tables, including DS :4, should be reworked to accurately reflect the positive average level of support provided to the commodities listed in the table (either over the three year period according to the calculation method adopted by Jordan, or in the total levels of support for 1995 and 1996).

The AMS calculation has been revised to take these and the following comment into account. After these adjustments, the total AMS in 1994-96 ranged from JD2.692 million in 1995 to JD0.166 million in 1996, averaging JD1.539 million or 0.3 percent of the total value of agricultural production. In the March 1999 computations, the total AMS in 1994-96 averaged JD0.588 million or 0.1 percent of the total value of production.

- Also in table DS :5, footnote 4 of the supporting documentation indicated that the computation of a reference price for wheat and barley is based on c.i.f. plus other costs, i.e., domestic transportation to procurement warehouses and other storage at or near Amman. This is not consistent with required external reference prices to be either the f.o.b. or c.i.f. unit value, and only permits adjustment for quality differences.

See response above.

- The figures in columns 7 and 10 in table DS :7 appear to be shifted one column to the left. We would appreciate clarification of this.

The column headings in table DS :7 are incorrect and there is an extra column. Please delete column 11 and correct the headings as follows:

Column	Correct Heading	Current Heading
4	Other product-specific budgetary outlays (JD)	Product acquisition cost (JD/ton)
5	Other product specific support (calculation details below) (JD)	Product sale price (JD/ton)
6	Associated fees/levies (JD)	Eligible quantity (metric tons)
7	Total other product specific support (JD)	Associated fees/levies (JD)
8	Market price support (Supporting Table DS:5) (JD)	Total other product specific support (JD)
9	Non-exempt direct payments (Supporting Table	Market price support (Supporting Table DS:5) (JD)

	DS:6) (JD)	
10	Total AMS (JD)	Non-exempt direct payments (Supporting Table DS:6) (JD)

- We seek confirmation that the expenditure on rural electricity (under infrastructure in table DS:1) relates to the provision of infrastructure and not to the supply of electricity (which would not be an eligible exemption from

29 October 1999

TO: Farhat Farhat, Leader, Policy Component, AMIR
FROM: Kim Hjort
SUBJECT: U.S. canned goods shelf life regulations

Summary of Findings and Recommendation

- The U.S. federal government does require shelf-life indicators (expiration dates) on so called low-acid canned foods. In addition, all manufacturers of low-acid canned foods, whether domestic or international, must be registered with FDA. That means that importers can only import low-acid canned goods from registered manufacturers.
- No federal shelf-life requirements are in place for other canned goods (except infant formula).
- I was told by the FDA source that all states require shelf-life (use by, best by, expires) labels on canned goods. However, when I called the State of Virginia Food Safety Department, they told me they do not require shelf-life labels on canned goods except for baby food and infant formula. I do not know whether other states really do require shelf-life labeling.
- Other than low-acid canned foods, canned goods may be imported into the United States without a shelf-life indicator. Such goods may only be sold in those states where a shelf-life mark is not required.
- The Codex Alimentarius mandates that date marking “shall appear on the label of prepackaged foods ... except to the extent otherwise expressly provided in an individual Codex standard.” The individual standards are not available on the internet for other than milk products. For cheese, it appears that date marking is not mandatory for processed cheese unless it is mold or soft-ripened.

These findings lead to the conclusion that there are no universal mandatory requirements for shelf-life dating on canned goods. However, in specific cases shelf-life dating is required. Since the Codex Alimentarius is the SPS standard for food, I suspect the safest strategy is to agree to abide by Codex recommendations regarding shelf-life labeling. I assume that JISM has the specific food standards (or should have them if they don't). Therefore, JISM should be able to identify those products for which Codex requires shelf-life labeling. Perhaps that is what they have already done when they developed their current list?

BACKGROUND INFORMATION

Canned Goods Shelf-Life Marking in the U.S.

With the exception of low-acid canned foods (see the section below), canned goods are considered to be shelf stable assuming that they are canned under FDA required conditions using FDA approved additives, containers, equipment, and utensils. When prepared under such conditions, the canned good is not likely to cause human illness or death. The federal government requires an expiration date only if the product is likely to cause significant human illness or death when consumed past the expiration date.

If canned goods are not consumed for several years, the quality may be diminished but the safety of the product should not be affected assuming that the product was healthful when canned. The exception to this is a product in a damaged can but that usually is obvious to the consumer and they tend to avoid those products. Therefore, since there is no proven health risk for delayed consumption of canned goods, the federal government has not established shelf-life labeling requirements.

The State of Virginia considers sell by dates, use by dates and best by dates as indicators of flavor and quality but not safety. Therefore, in Virginia, all those cans of soup are voluntarily labeled. Of course, if only one state requires a shelf-life label, it may be cheaper to label all cans. And,

consumers are now accustomed to shelf-life labels and look for them so products without such labels may not be purchased. Therefore, there may be an economic incentive to mark canned goods with a shelf-life but there is no specific requirement to do so in Virginia.

When canned goods (other than low-acid) are imported, they are not required to have shelf-life labels. Each consignment of canned goods is subject to inspection that usually includes random sampling. The product is tested to make sure it complies with health requirements (in particular for additives). If it does, it is released from customs and enters the wholesale or retail marketing chain. If it does not meet health requirements, the importer is given the opportunity to correct the deficiency if possible. Otherwise the product is re-exported or destroyed. If a product is found to repeatedly violate health standards, it is put on the “importers alert” list on the internet. That list identifies products and manufacturers that have trouble meeting US health requirements for foods and other goods. In some cases presence of a specific product on the importer alert list means that the good will be denied entry without inspection.

Low-Acid Canned Foods

Low-acid canned foods are those where the pH value of the finished product (e.g., the green beans and the water) has a pH of less than 4.6. Foods with a low acid content must undergo thermal processing using a specific heat process to eliminate the chance of botulism developing in the canned product. The types of products that are frequently low-acid include sauces like tomato sauce, salad dressings, some soups, and so on. The pH value varies because of additives to the product such as salt and water. For example, I was told that some tomato sauce is low-acid while others are not. Therefore, FDA does not publish a definitive list of low-acid canned foods (although their food scientists must know where to look for them). Manufacturers of canned foods test for acidity, not the FDA.

Because of the risk of botulism with low-acid canned foods, all manufacturers of such products must be registered with the FDA. Foreign firms must also register using specific forms provided by FDA. Foreign plants are approved only after on-site inspection of the facilities to verify capacity to perform the heat treatment and meet other FDA processor regulations. Until a foreign firm is registered with FDA, imports of low-acid canned foods will not be permitted from that manufacturer under any circumstances.

In addition to the registration requirement, all low-acid canned foods must be marked with an expiration date. This is a mandatory requirement for both domestic and foreign goods.

Imported low-acid canned foods are subject to the same inspection process as other canned goods.

Codex Requirements

The Codex Alimentarius has guidelines for food labeling including shelf life dating. Specifically, in the Codex Alimentarius, the food labeling guidelines are as follows:

The following information shall appear on the label of prepackaged foods as applicable to the food being labelled, except to the extent otherwise expressly provided in an individual Codex standard:

4.7 DATE MARKING AND STORAGE INSTRUCTIONS

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply:

(i) The “date of minimum durability” shall be declared.

(ii) This shall consist at least of:

- the day and the month for products with a minimum durability of not more than three months;
- the month and the year for products with a minimum durability of more than three months. If the month is December, it is sufficient to indicate the year.

(iii) The date shall be declared by the words:

- “Best before ...” where the day is indicated;
- “Best before end ...” in other cases.

(iv) The words referred to in paragraph (iii) shall be accompanied by:

- either the date itself; or
 - a reference to where the date is given.
- (v) The day, month and year shall be declared in uncoded numerical sequence except that the month may be indicated by letters in those countries where such use will not confuse the consumer.
- (vi) Notwithstanding 4.7.1 (i) an indication of the date of minimum durability shall not be required for:
- fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;
 - wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
 - beverages containing 10% or more by volume of alcohol;
 - bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
 - vinegar;
 - food grade salt;
 - solid sugars;
 - confectionery products consisting of flavoured and/or coloured sugars;
 - chewing gum.

Jordan's Olive Oil Sector

Executive Summary

Olive oil is an extremely sensitive product in Jordan. Olive oil is a major consumption good, consumed at an annual rate exceeded by only five other countries in the world. The growing of olive trees is both a tradition and means of generating income for Jordan's poor farmers. The olive tree is also environmentally friendly and essential to maintenance of fragile soils in Jordan.

Olive oil has been subject to import restrictions that will not be permitted under WTO disciplines. Therefore, Jordan is designating olive oil as subject to special safeguard provisions as specified in Article 5 of the Agreement on Agriculture.

Current Status of the Status

Olives and olive oil are integral parts of Jordan's national identity, a characteristic common to Mediterranean countries. Olive trees are native to the region, surviving and thriving in the rocky, sandy soil found throughout Jordan. The olive tree is even praised in the Quran.

Olive trees are extremely environmentally friendly. They survive year after year with very little water and therefore are almost never irrigated, unlike citrus and other tree crops grown in Jordan. That is a major advantage in one of the most water scarce countries on the planet. And, the trees reduce soil erosion during the rainy season by providing cover for parched soils, lessening the impact of raindrops on fragile soils. Therefore, olive trees are one of the leading defenders against desertification.

Olive trees are planted throughout Jordan, on city streets, in home gardens, and commercially. Olives are farmed on about 55,000 hectares or 14 percent of the cultivable land in Jordan. Most of the olive groves are in hilly, less productive regions. In these areas, there are no other crops that can be grown nor are there other agricultural activities that can be pursued. For example, olives usually are not produced in the Jordan Valley because the soil and availability of irrigation water favor production of higher valued vegetables and vine fruits.

Establishing an olive grove is very low-cost as trees are relatively inexpensive and little land preparation is necessary. Because of the low start-up costs, the ease of growing the trees on poor land, and use of manual labor for maintenance and harvesting activities, many of Jordan's poorest farmers produce olives. Therefore, there is a significant employment contribution made by olive farming.

Incomes from olive farming tend to be low, a reflection of the poor quality of land from which olives are produced. On average, for example, tomato producers earn 13 times more per hectare than olive producers. Incomes of olive producers also fluctuate from year to year due to the natural tendency of olive trees to produce a large crop every other year. The drop in production occurs because of the lack of irrigation that leads to a "resting" year for the tree to replenish its productive capacity.

The importance of olives and olive oil in terms of producer wellbeing is matched on the demand side. Jordanians consume olives and olive oil at least once per day and often three times a day. According to the Food and Agriculture Organization, there are only five countries--Greece, Italy, Spain, Libya, and Portugal--where per capita olive oil consumption is higher than in Jordan.

Within Jordan, few food products are consumed at higher rates than olive oil. In the 1992 household expenditure survey, olive oil consumption was found to average around 4 kilograms per person. That is more than all other oils and fats, and also more than beef, fish, milk, cheese, most fruits, lentils, nuts, and beverages. Only vegetables, lamb, chicken, yogurt, rice, bread, and sugar are consumed in greater quantities.

The environmental and social aspects of olive production coupled with consumer preference for olive oil and its role as a staple in the Jordanian diet make olive oil trade a sensitive topic. In an effort to maintain olive farmers' incomes yet provide sufficient olive oil to consumers, the government has regularly intervened in olive oil trade. Imports are banned when domestic supplies of olive oil are plentiful and when imports are deemed likely to reduce market prices significantly since very low market prices reduce returns to already poor olive oil producers.

Much of the trade in olive oil over the past decade has been undertaken by either individuals or by the Ministry of Supply. The Ministry of Supply used to import olive oil for resale at Government employee association stores. Individuals trade olive oil, primarily as gifts given to or received from relatives in the West Bank. The latter is limited to 3-4 tins containing about 16 kilograms each of olive oil.

Private traders can import olive oil in any quantity if allowed by the Government. The need for imports of olive oil is determined by assessment of local supply and demand conditions. If local supplies are deemed sufficient, imports other than that by individuals may be banned. This practice has the effect of imposing quantitative restrictions on olive oil trade.

Under WTO disciplines, intermittent banning of trade in olive oil will not be permitted. This means that Jordan will have to rely on tariffs to provide sufficient protection to resource poor olive producers. In order to ease the adjustment of domestic producers to this new environment, Jordan therefore proposes to designate olive oil as a special safeguard good according to the regulations outlined in Article 5 of the Agreement on Agriculture. Thus, Jordanian olive oil will be afforded the same protection granted to those products in WTO member countries where quantitative restrictions have been converted to tariffs.

Jordan further proposes that the special safeguard provisions expire at the end of five years from the date of membership in the WTO. During that five-year period, Jordan will work to diversify the income sources of the poorest olive oil producers and otherwise promote, through research, extension and other "green box" activities, greater efficiency in the production of olives and olive oil.

Table 1. Olive oil production and trade, 1990-1997

Year	Production (tons)	Imports (tons)	Exports (tons)	Net imports (tons)
1990	n/a	4,990	361	4,629
1991	n/a	31	359	-328
1992	n/a	8,285	349	7,936
1993	n/a	999	572	427
1994	15,600	8,800	300	8,500
1995	11,400	0	300	-300
1996	26,300	400	200	200
1997	14,100	2,300	20	2,280

Note: 'n/a' denotes not available.

Source: Ministry of Agriculture.

Jordan's Poultry Meat Sector

Executive Summary

Jordan's poultry meat sector is in the process of restructuring due to the gradual elimination of feed subsidies initiated under a multi-year structural adjustment loan for the agriculture sector. The subsequent near doubling of feed costs since 1995 has squeezed poultry meat producer margins, especially since market prices for poultry meat are also declining. As a result of these market conditions, inefficient producers are being forced out of the sector while those remaining are lowering production costs. While Jordan's remaining poultry meat producers adjust to the new production environment, it is important that the domestic market not be disrupted by a sudden influx of low-priced imported poultry meat.

Poultry meat imports have been subject to quantitative restrictions that will no longer be permitted under WTO disciplines. Therefore, Jordan is designating poultry meat as subject to special safeguard provisions as specified in Article 5 of the Agreement on Agriculture.

Current Status of the Sector

Poultry meat, consumed at an average rate of about 23 kilograms per person annually, is a primary source of protein for Jordan's consumers. The popularity of poultry meat is both traditional and a reflection of its relatively low cost. Wholesale market prices for poultry meat in Amman averaged JD 0.853 per kilogram in 1996 (see Table 1). During the same period, egg prices were JD 0.972 per kilogram, while imported lamb and imported veal cost JD 2.684 and JD 1.975 per kilogram, respectively.

Poultry meat prices have been declining since 1993, a reflection of strong growth in domestic production (see Table 2). Between 1990 and 1995, poultry meat production increased by an average of 17 percent per year. At the same time, imports of poultry meat declined sharply and exports rose. In 1995, Jordan was a net exporter of poultry meat, in part due to a change in import policy for poultry meat.

Prior to 1995, the Ministry of Supply was the sole importer of poultry meat because poultry was classified as an essential food. That classification was revised on 23 May 1995 and since then poultry meat imports by the private sector are permitted, but only if deemed necessary. Necessity is determined by analysis of local supply and demand conditions by the Ministry of Industry and Trade and the Ministry of Agriculture.

At about the same time that the import policy was changed, the poultry sector began a process of restructuring in response to policy reforms within the agriculture sector. The net effect of the restructuring process has been a decline in production. In 1996, production fell by 6.5 percent and in 1997, it dropped another 6.0 percent. With declining supplies, the Government permitted more imports of poultry meat, although still well below the levels of the early 1990s. Thus, imports began to rise while exports dropped off sharply.

This reversal in production and trade trends is due to elimination of a feed subsidy that had been in place since the 1980s. As can be seen in Table 3, the prices at which major feeds were sold to animal producers and feed manufacturers have increased significantly. By 1997, the price of all major feed ingredients were double that of the early 1990s. Most of the upward adjustment in feed

prices has occurred in the last three years. During that period, producers faced annual increases in feed costs of 14-16 percent for a total upward adjustment in costs of 54 percent.

When coupled with the decline in poultry meat prices, poultry meat producers have faced a significant decline in profit margins. In 1993, feed costs represented 19 percent of the wholesale value of poultry meat. By 1996, the last year for which data are available, feed costs had risen to 31 percent of wholesale values, squeezing profit margins. This sharp increase in relative feed costs has forced inefficient producers out of the sector.

Those producers remaining in the sector are lowering their costs. Productivity is rising, in part due to introduction of new breeds that are more efficient at producing meat from feed. In addition, flock sizes are increasing and other factors affecting profitability are being adjusted. In this environment of adjustment to new input-output price relationships, a sudden influx of large poultry meat imports could produce a major disruption in the poultry sector. Therefore, Jordan will designate poultry meat as subject to special safeguards as specified in Article 5 of the Agreement on Agriculture. Jordan further proposes that the special safeguard provisions expire at the end of five years from the date of membership in the WTO.

Table 1. Average wholesale prices of selected animal products, Amman, 1990-1997

	Poultry Meat (JD/kg)	Eggs (JD/box)	Imported lamb (JD/kg)	Local lamb (JD/kg)	Imported veal (JD/kg)	Local veal (JD/kg)
1990	0.998	n/a	n/a	3.200	n/a	2.225
1991	1.008	n/a	n/a	3.300	n/a	2.513
1992	1.062	11.0	2.400	4.438	2.225	2.300
1993	1.170	11.7	2.400	4.250	1.950	2.500
1994	n/a	12.6	2.400	n/a	1.950	n/a
1995	n/a	14.9	2.583	n/a	1.950	n/a
1996	0.853	17.5	2.684	n/a	1.975	n/a
1997	n/a	n/a	n/a	n/a	n/a	n/a

Note: 'n/a' denotes not available.

Source: Department of Statistics.

Table 2. Poultry meat production and trade, 1990-1997

	Production (tons)	Imports (tons)	Exports (tons)	Net imports (tons)
1990	50,044	13,000	0	13,000
1991	65,000	11,000	0	11,000
1992	75,500	9,000	30	8,970
1993	87,200	9,100	3,300	5,800
1994	94,100	4,500	2,500	2,000
1995	107,000	1,000	0	-1,000
1996	100,000	0	0	0
1997	94,000	2,000	0	2,000

Note: 'n/a' denotes not available.

Sources: Ministry of Agriculture.

Table 3. Average cost of feeds for poultry meat producers, 1990-97

Year	Barley (JD/ton)	Corn (JD/ton)	Wheat bran (JD/ton)	Weighted average feed price (JD/ton)
1990	60	75	40	62
1991	60	75	40	62
1992	60	106	40	74
1993	65	106	42	75
1994	70	106	45	78
1995	85	114	53	90
1996	100	134	71	105
1997	120	140	90	120

Source: Ministry of Supply.

20 April 1999

To: WTO Accession Unit and Ministry of Agriculture
From: Kim Hjort, AMIR Consultant
Subject: **Special Safeguard Provisions for Sheep**

Imports of live sheep into Jordan have been restricted by either weight limitations or by age requirements. Such limitations and requirements are not GATT legal. If the current controls on imports of live sheep are restricted to current tariffs (5 percent), it is likely that sheep imports will increase. In particular, there is a fear that imports of old animals, especially wool animals from Australia and New Zealand, will disrupt the local sheep sector.

The best defense against such an occurrence will be designation of live sheep as subject to the special safeguard provisions specified in the Agreement on Agriculture. Under Article 5 of the Agreement on Agriculture, special safeguards may be used in cases where a non-tariff barrier to trade has been converted to a tariff. While sheep have always been subject to a tariff, they have also been subject to a quantitative restriction *when the animals are separated into two classes*. That is, there have effectively been two classes of sheep in Jordan's trade regime.

The first class of sheep includes those animals less than 1-1/2 years old. These animals can enter Jordan after health certification and after paying the appropriate duty. The second class of sheep is for those over 1-1/2 years of age. These animals have been banned from import (i.e., subject to a quantitative restriction).

These animals produce different products. Sheep of less than 1-1/2 years can be slaughtered for *lamb*. Those in excess of 1-1/2 years are slaughtered for *mutton*. Therefore, not all sheep are equal nor are the products derived from such sheep.

Note that sheep above 1-1/2 years of age cannot be banned from import on the grounds of consumer preference or health reasons. If consumers truly prefer domestic lamb, they will not buy imported lamb even if it is priced lower than domestic lamb. And, while there may be a higher incidence of disease in older animals, border inspection for sanitary reasons should be sufficient protection against infected or diseased animals entering the country. Therefore, Jordan must open its borders to the possibility of imports of older sheep.

Jordan will have to convert the current ban on imports of *sheep for mutton* to a tariff. This satisfies the basic requirement in Article 5 of the Agreement on Agriculture for designation of a product as subject to special safeguards. Therefore, the technical requirements for declaring special safeguard status for sheep in excess of 1-1/2 years old are met.

Jordan will have to add a tariff line to its customs duty schedule to accommodate imports of *sheep for mutton*. It is recommended that Jordan set the bound tariff at a very high rate (200-300 percent). While such a tariff rate is not likely to be accepted initially by Working Party members (particularly Australia and New Zealand), it should provide adequate room for negotiation purposes. Going to the Working Party with an proposed high tariff is especially important if Jordan is denied the use of special safeguards since there is precedence for that among other acceding countries.

In addition, Jordan may wish to add a new tariff line for mutton (sheepmeat from animals over 1-1/2 years of age). Since all lamb in Jordan is marked at slaughter with the age of the animal, this is completely consistent with rules and regulations for domestic animals and consumption goods from those animals. If mutton has been imported in the past at the current tariff rate of 5 percent, it may be difficult to successfully negotiate a higher tariff rate for mutton. A little investigation into the composition of lamb and mutton imports may settle this issue. If mutton has not been imported in the past, there will be much more latitude in requesting a bound tariff rate of, say, 50 or 100 percent.

Additional Arguments in Favor of Special Safeguards and/or High Bound Tariffs

The raising of sheep is as common place in Jordan as the raising of pigs in Denmark or Iowa. Sheep provide both lamb and wool, are well suited to the dry climate, and thrive on the scrub grass common to Jordan. Two-thirds of the agricultural land in Jordan is suitable only for the production of sheep and goats. Most sheep are raised by landless farmers and therefore sheep farmers usually are the lowest income producers in Jordan. In 1997 there were about 16,300 landless farmers in Jordan, representing almost 18 percent of all farmers. These farmers graze their sheep and goat herds on public land but also on empty lots in cities and villages. The animals are fed only when lack of rainfall has reduced the availability of grass to critical levels.

Increased imports of live sheep and/or mutton may cause significant injury to these resource poor farmers by lowering their returns to farming. Since these farmers do not own land nor do they have the resources to rent land, they have no other alternatives in terms of producing agricultural products. This means that their employment and the wellbeing of their families is at risk. With an average family size of 6-8 persons, increased imports of sheep or sheep meat may threaten the livelihood of about 100,000 Jordanian citizens.

ACCESSION OF JORDAN

Agriculture - Domestic Support and Export Subsidies

Revision

The Ministry of Industry and Trade of Jordan has submitted the following revised information on domestic support and export subsidies dated October 1999.

Supporting Table DS:1

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Average of Calendar Years 1994-96
Measures exempt from the reduction commitment--"Green Box"

Measures type	Name and description of measure with reference to criteria in Annex 2 of the Agreement on Agriculture	Monetary value of measure in 1994-96 (JD)	Data sources
1	2	3	4
Total value of green box policy expenditures		77,268,154	Budgets of the Ministry of Agriculture and its subsidiary agencies; official requests to Ministry of Supply, Ministry of Water and Irrigation, Ministry of Finance, Ministry of Public Works, Ministry of Industry and Trade, Amman Municipality, Royal Statistical Society, Ministry of Health, Agricultural Marketing and Processing Company of Jordan, and Agricultural Marketing Organization.
Total general services		13,001,488	
Research	Budget allocations for research programs and research activities at public universities, NCARTT, HTSC, AMPCO, and ACC; exempt as a general service under paragraph 2(a) of Annex 2.	2,121,611	
Inspection Services	Budget allocations for inspection of plants and animals by MOA, Amman Municipality, RSS, and Ministry of Health. Exempt under paragraph 2(e) of Annex 2.	1,267,733	
Marketing and Promotion	Expenditures by AMO on trade directories, trade fairs, and trial export shipments to gauge foreign market acceptability of Jordanian products; exempt under paragraph 2(f) of Annex 2.	395,333	
Pest and Disease Control	Operating expenditures of the Plant Protection Services and Veterinary Services, MOA; exempt under paragraph 2(b) of Annex 2.	1,000,970	
Extension and Advisory Services	Capital and operating expenditures of the Extension Service, MOA; exempt under paragraph 2(d) of Annex 2.	208,507	
Infrastructure	Expenditures by the Ministry of Public Works on agricultural (rural) roads and rural electrification programs, and the Ministry of Water and Irrigation on dams and irrigation systems; exempt under paragraph 2(g) of Annex 2.	8,007,333	
Public stockholding for food security purposes	See Note 2 on following documentation page.	0	
Domestic food aid	Budgetary expenditures on bread, sugar, rice, and powdered milk subsidies to consumers; exempt under paragraph 4 of Annex 2.	64,266,667	

Note: Please see the following page for definitions of abbreviations and calculation details.

Documentation for Supporting Table DS1: Computation of value of measures exempt from the reduction commitment- "Green Box"

	1994	1995	1996	Average 1994-96
	(JD)	(JD)	(JD)	(JD)
Total general services	60,264,323	84,821,663	86,718,477	77,268,154
Research	1,071,646	2,549,186	2,744,000	2,121,611
Public universities' research budget 1/	530,000	689,000	201,000	473,333
NCARTT research budget allocation	495,000	1,748,000	2,261,000	1,501,333
HTSC research budget allocation	24,000	90,000	250,000	121,333
AMPCO research budget allocation	10,000	7,000	17,000	11,333
ACC research budget allocation	500	0	0	167
MOA research budget allocation	12,146	15,186	15,000	14,111
Inspection services	1,245,200	1,255,000	1,303,000	1,267,733
Plant Protection and Veterinary Services, MOA budget allocation	50,200	60,000	108,000	72,733
Amman Municipality (central market) budget allocation	1,000,000	1,000,000	1,000,000	1,000,000
RSS budget allocation	105,000	105,000	105,000	105,000
Ministry of Health (food products inspection) budget allocation	90,000	90,000	90,000	90,000
Marketing and Promotion 2/	351,000	386,000	449,000	395,333
Pest and Disease Control	1,000,970	1,000,970	1,000,970	1,000,970
Plant Protection, MOA total operating and capital budget 3/ 4/	253,674	253,674	253,674	253,674
Veterinary Services, MOA, total operating and capital budget 3/ 4/	747,296	747,296	747,296	747,296
Extension and Advisory Services 4/	208,507	208,507	208,507	208,507
Infrastructure	8,587,000	9,422,000	6,013,000	8,007,333
Ministry of Public Works, expenditures on agricultural (rural) roads	173,000	181,000	224,000	192,667
Ministry of Water and Irrigation, expenditures on dams	521,000	1,021,000	1,160,000	900,667
Ministry of Water and Irrigation, expenditures on irrigation systems	793,000	1,120,000	660,000	857,667
Ministry of Public Works, expenditures on rural electricity 5/	7,100,000	7,100,000	3,969,000	6,056,333
Public stockholding for food security purposes 6/	0	0	0	0
Domestic food aid	47,800,000	70,000,000	75,000,000	64,266,667
Bread consumer subsidy expenditure	39,500,000	53,700,000	49,100,000	47,433,333
Sugar consumer subsidy expenditure	500,000	4,100,000	8,800,000	4,466,667
Rice consumer subsidy expenditure	4,800,000	7,000,000	10,000,000	7,266,667
Powdered milk consumer subsidy expenditure	3,000,000	5,200,000	7,100,000	5,100,000

Note: Abbreviations used: ACC=Agricultural Credit Corporation; AMO=Agricultural Marketing Organization; AMPCO=Agricultural Marketing and Processing Company; HTSC=High Technology and Science Committee; MOA=Ministry of Agriculture; NCARTT=National Center for Agriculture Research and Technology Transfer; RSS=Royal Scientific Society.

1/ Includes University of Jordan, University of Technology and Science, and University of Mouta

2/ AMO trade promotion expenditures (importer/exporter directories, participation at international trade fairs, and trial export shipments).

3/ Budget allocations for all operating expenses and capital improvements, less one-half of MOA budget allocation for inspection services.

4/ Prior to 1996, budget allocations were not made to this specific department but to the Ministry of Agriculture as a whole. The values for 1994 and 1995 are estimated at the 1996 budget allocations.

5/ Specific expenditures for each of 1994 and 1995 are not available. Annual expenditures are estimated as the average annual expenditure from cumulative expenditures for 1993-1995.

6/ During 1994-96, public stockholding for food security purposes was a by-product of domestic support and food aid programs. The cost of such programs during the 1994-96 base period are included in the domestic support calculations in supporting table DS.5 and the domestic food aid expenditures reported above. Stockpiling policy in the post-domestic support era is being debated and therefore there may be such expenditures in the future.

Supporting Table DS:2

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Average of Calendar Years 1994-96

Measures exempt from the reduction commitment-Special and Differential Treatment - "Development Programmes"

Measures type	Name and description of measure	Monetary value of measure in 1994-96 (JD)	Data sources
1	2	3	4
Investment subsidies generally available to agriculture	Value of interest rate subsidy on loans for irrigated and rainfed land improvement and development; livestock development; mechanization; and farm and agricultural manufacturing facilities. Exempt under paragraph 2, Article 6, Part IV of the Agreement on Agriculture.	2,954,795	Agricultural Credit Corporation and Industrial Development Bank.
Input subsidies available to low-income or resource-poor producers	Value of interest rate subsidy on operational loans for less than JD1,000, representing "...agricultural input subsidies generally available to low-income or resource-poor producers in developing country Members..." Exempt under paragraph 2, Article 6, Part IV of the Agreement on Agriculture.	51,423	Agricultural Credit Corporation and Central Bank.

Documentation for Supporting Table DS2: Computation of "investment subsidies generally available to agriculture"

	Market interest rate 1/	ACC interest rate 2/	Interest rate subsidy	Value of exempt developmental loans 3/	Value of initial interest subsidy on exempt developmental loans	Average time loan is outstanding 4/	Total value of interest subsidy on exempt developmental loans
	(%)	(%)	(%)	(mil JD)	(JD)	(Years)	(JD)
1994	10.50	6.46	4.04	9,946	401,914	6.0	2,411,483
1995	11.00	6.84	4.16	12,442	517,832	6.0	3,106,991
1996	11.50	7.08	4.42	12,608	557,652	6.0	3,345,911
Average 1994-96							2,954,795

1/ Interest rate on 4-7 year loans by the Industrial Development Bank.

2/ Weighted average interest rate on all developmental loans.

3/ Value of loans for rainfed and irrigated land improvements and development, livestock development, mechanization and farm and agriculture manufacturing, and 70 percent of loans for 'Rural dwellings and farm buildings.'

4/ Estimate based on qualitative judgement by Agricultural Credit Corporation officials.

Sources: Industrial Development Bank; Agricultural Credit Corporation.

Documentation for Supporting Table DS2: Computation of "input subsidies generally available to low-income or resource poor producers"

	Market interest rate 1/	ACC interest rate	Interest rate subsidy	Value of operational loans to low income farmers 2/	Value of interest subsidy on operational loans to low income producers	Average time loan is outstanding	Total value of Interest subsidy on operational loans to low income farmers
	(%)	(%)	(%)	(mil JD)	(JD)	(Years)	(JD)
1994	10.71	7.54	3.17	0.856	27,118	1.35	36,609
1995	11.02	8.12	2.91	1.235	35,877	1.35	48,434
1996	11.83	8.18	3.65	1.403	51,278	1.35	69,226
Average 1994-96							51,423

1/ Average of overdraft and short-term (1-3 year) interest rates offered by commercial banks.

2/ Total value of operational loans of less than JD1,000 (a proxy for credit to the lowest income farmers).

Sources: Central Bank; Agricultural Credit Corporation.

Supporting Table DS:3

DOMESTIC SUPPORT: JORDAN

REPORTING PERIOD: Calendar years 1994-1996

Measures exempt from the reduction commitment – Direct Payments under Production-Limiting Programmes – “Exempt Direct Payments”

NOTE: NO SUCH PROGRAMS IN JORDAN

Supporting Table DS:4

DOMESTIC SUPPORT: JORDAN
 REPORTING PERIOD: Average of Calendar Years 1994-1996
 Calculation of the Total Aggregate Measurement of Support

Description of basic products and non-product specific AMS	Product-specific AMS (from Supporting Tables DS:5 to DS:7 below) (JD)	Product-specific equivalent measurement of support (from Supporting Table DS:8 below) (JD)	Current Total AMS (JD)
1	2	3	4
Wheat	911,578	0	911,578
Barley	572,198	0	572,198
Lentils	0	0	0
Chickpeas	55,424	0	55,424
Livestock feed	0	0	0
Non-product specific support			0
Total AMS			1,539,199
AMS as share of total value of agricultural production			0.3%

Supporting Table DS:4

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar Year 1994
Calculation of the Total Aggregate Measurement of Support

Description of basic products and non-product specific AMS	Product-specific AMS (from Supporting Tables DS:5 to DS:7 below) (JD)	Product-specific equivalent measurement of support (from Supporting Table DS:8 below) (JD)	Current Total AMS (JD)
1	2	3	4
Wheat	1,266,850	0	1,266,850
Barley	492,286	0	492,286
Lentils	0 (de minimis)	0	0
Chickpeas	0 (de minimis)	0	0
Livestock feed	0 (de minimis)	0	0
Non-product specific support			0 (de minimis)
Total AMS			1,759,136
AMS as share of total value of agricultural production			0.3%

Note: De minimis exclusions based on the following:

	AMS before de minimis adjustment (JD)	Value of production (JD)	AMS share of value of production
Wheat	1,266,850	6,810,167	18.6%
Barley	492,286	2,839,471	17.3%
Lentils	1,012	540,323	0.2%
Chickpeas	3,039	393,288	0.8%
Livestock	29,174,668	318,862,700	9.1%
Non-product specific support	384,150	550,586,800	0.1%

Supporting Table DS:4

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar Year 1995
Calculation of the Total Aggregate Measurement of Support

Description of basic products and non-product specific AMS	Product-specific AMS (from Supporting Tables DS:5 to DS:7 below) (JD)	Product-specific equivalent measurement of support (from Supporting Table DS:8 below) (JD)	Current Total AMS (JD)
1	2	3	4
Wheat	1,467,883	0	1,467,883
Barley	1,224,308	0	1,224,308
Lentils	0 (de minimis)	0	0
Chickpeas	0 (de minimis)	0	0
Livestock feed	0 (de minimis)	0	0
Non-product specific support			0 (de minimis)
Total AMS			2,692,192
AMS as share of total value of agricultural production			0.5%

Note: De minimis exclusions based on the following:

	AMS before de minimis adjustment (JD)	Value of production (JD)	AMS share of value of production
Wheat	1,467,883	9,362,393	15.7%
Barley	1,224,308	3,931,038	31.1%
Lentils	719	661,602	0.1%
Chickpeas	833	171,395	0.5%
Livestock	2,190,355	351,445,300	0.6%
Non-product specific support	391,062	571,592,200	0.1%

Supporting Table DS:4

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar Year 1996
Calculation of the Total Aggregate Measurement of Support

Description of basic products and non-product specific AMS	Product-specific AMS (from Supporting Tables DS:5 to DS:7 below)	Product-specific equivalent measurement of support (from Supporting Table DS:8 below)	Current Total AMS
	(JD)	(JD)	(JD)
1	2	3	4
Wheat	0 (de minimis)	0	0
Barley	0 (de minimis)	0	0
Lentils	0 (de minimis)	0	0
Chickpeas	166,271	0	166,271
Livestock feed	0 (de minimis)	0	0
Non-product specific support			0 (de minimis)
Total AMS			166,271
AMS as share of total value of agricultural production			0.0%

Note: De minimis exclusions based on the following:

	AMS before de minimis adjustment (JD)	Value of production (JD)	AMS share of value of production
Wheat	146,839	8,098,917	1.8%
Barley	166,921	4,586,698	3.6%
Lentils	46,347	711,001	6.5%
Chickpeas	166,271	967,367	17.2%
Livestock	29,796,338	364,264,072	8.2%
Non-product specific support	477,982	540,231,255	0.1%

Supporting Table DS:5

DOMESTIC SUPPORT: JORDAN
 REPORTING PERIOD: Calendar years 1994-1996
 Product-Specific Aggregate Measurements of Support: Market Price Support

Product	Year or period	Measure type(s)	Applied administered price (JD/ton)	External reference price (JD/ton)	Eligible production (metric tons)	Associated fees/levies	Total market price support (JD)	Data sources
1	2	3	4	5	6	7	8	9
Wheat	1994	Price support procurement	145.8	114.8	35,926	0	1,112,493	See documentation following this page.
	1995		160.4	133.7	48,219	0	1,287,324	
	1996		190.1	205.6	36,570	0	0	
	Avg. 1994-96						799,939	
Barley	1994	Price support procurement	104.7	64.8	11,384	0	454,743	
	1995		124.2	77.4	26,076	0	1,219,208	
	1996		159.2	148.7	11,979	0	125,857	
	Avg. 1994-96						599,936	
Lentils	1994	Price support procurement	300.0	271.8	0	0	0	
	1995		331.2	344.4	1821	0	0	
	1996		376.9	341.7	1175	0	41,286	
	Avg. 1994-96						13,762	
Chickpeas	1994	Price support procurement	317.1	313.8	795	0	2,594	
	1995		400.0	499.7	0	0	0	
	1996		444.2	376.8	2461	0	165,971	
	Avg. 1994-96						56,188	

Documentation for Supporting Table DS:5: Computation of applied administered price and external reference price

	MOS expenditures on procurement from farmers	Quantity procured	Applied administered price	Value of imports	Total quantity imported	Unit cost of imports	Quality differential	External reference price	Eligible production
	1/ (1,000 JD)	2/ (tons)	3/ (JD/ton)	4/ (1,000 JD)	5/ (tons)	6/ (JD/ton)	7/ (percent)	8/ (JD/ton)	9/ (tons)
Wheat									
1994	5,237	35,926	145.8	51,854	508,126	102.0	12.5	114.8	35,926
1995	7,732	48,219	160.4	39,851	335,435	118.8	12.5	133.7	48,219
1996	6,953	36,570	190.1	106,733	584,054	182.7	12.5	205.6	36,570
Barley									
1994	1,192	11,384	104.7	30,559	471,864	64.8	0	64.8	11,384
1995	3,238	26,076	124.2	37,775	487,930	77.4	0	77.4	26,076
1996	1,907	11,979	159.2	108,975	732,908	148.7	0	148.7	11,979
Lentils									
1994	0	0	300.0	878	3,230	271.8	0	271.8	0
1995	603	1,821	331.2	1,317	3,824	344.4	0	344.4	1,821
1996	443	1,175	376.9	1,943	5,687	341.7	0	341.7	1,175
Chickpeas									
1994	252	795	317.1	4,317	13,755	313.8	0	313.8	795
1995	0	0	400.0	5,238	10,482	499.7	0	499.7	0
1996	1,093	2,461	444.2	9,065	24,060	376.8	0	376.8	2,461

Notes: Abbreviations used: DOS = Department of Statistics; MOS = Ministry of Supply.

1/ Total value of payments to farmers for the specified commodity. Source: MOS.

2/ Purchases from producers. Source: MOS.

3/ Average price paid for procured commodity computed as total expenditures on the commodity divided by the actual procurement of the commodity.

4/ CIF value of imports. Source: DOS.

5/ Total imports as reported by DOS.

6/ Total value of imports divided by quantity of commodity imported.

7/ Estimate of differential in quality between locally produced commodity and imported commodity. In the case of wheat, the estimate is set equal to half the differential observed between U.S. Hard Amber Durum and U.S. Hard Red Spring wheat (ordinary protein) during 1990-1997. Source for U.S. wheat price data: Wheat Outlook and Situation Yearbook, USDA, Feb. 1998.

8/ Computed as unit cost of imports at Amman adjusted for the quality differential.

9/ Amount of commodity actually purchased from producers. Note that this differs from total production for two reasons: 1) all procured goods are subject to minimum quality standards which may not be met by all production; and 2) subsistence producers do not sell their crop but consume it on farm. Source: MOS.

Supporting Table DS:6

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar years 1994-1996
Product-Specific Aggregate Measurements of Support: Non-Exempt Direct Payments

NOTE: NO SUCH PROGRAMS IN JORDAN

Supporting Table DS:7

DOMESTIC SUPPORT: JORDAN
 REPORTING PERIOD: Calendar years 1994-1996
 Product-Specific Aggregate Measurement of Support: Other Product-Specific Support and Total Product-Specific Support

Product	Year or period	Measure type(s)	Other product-specific budgetary outlays (JD)	Other product specific support (calculation details below) (JD)	Associated fees/levies (JD)	Total other product specific support (JD)	Market price support (Supporting Table DS:5) (JD)	Non-exempt direct payments (Support Table DS:6) (JD)	Total AMS (JD)	Data sources for other product specific support
1	2	3	4	5	6	7	8	9	10	11
						(4+5+6)			(7+8+9)	
Wheat	1994	Seed sales		154,357		154,357	1,112,493	n/a	1,266,850	Ministry of Supply and Jordan Cooperative Corporation
	1995			180,560		180,560	1,287,324	n/a	1,467,883	
	1996			146,839		146,839	0	n/a	146,839	
	Avg. 1994-96			160,585		160,585	799,939		960,524	
Barley	1994	Seed sales		37,543		37,543	454,743	n/a	492,286	
	1995			5,100		5,100	1,219,208	n/a	1,224,308	
	1996			41,065		41,065	125,857	n/a	166,921	
	Avg. 1994-96			27,903		27,903	599,936		627,839	
Lentils	1994	Seed sales		1,012		1,012	0	n/a	1,012	
	1995			719		719	0	n/a	719	
	1996			5,062		5,062	41,286	n/a	46,347	
	Avg. 1994-96			2,264		2,264	13,762		16,026	
Chickpeas	1994	Seed sales		445		445	2,594	n/a	3,039	
	1995			833		833	0	n/a	833	
	1996			300		300	165,971	n/a	166,271	
	Avg. 1994-96			526		526	56,188		56,714	
Livestock	1994	Government feed sales		29,174,668		29,174,668	n/a	n/a	29,174,668	Ministry of Supply
	1995			2,190,355		2,190,355	n/a	n/a	2,190,355	
	1996			29,796,338		29,796,338	n/a	n/a	29,796,338	
	Avg. 1994-96			20,387,120		20,387,120			20,387,120	

Documentation for Supporting Table DS:7--Computation details for seed subsidy for wheat, barley, lentils, and chickpeas

	Average price paid farmers for seed 1/	Average sales price of seed to farmers	Total seed sold to farmers	Total seed subsidy to farmers		Average price paid farmers for seed 1/	Average sales price of seed to farmers	Total seed sold to farmers	Total seed subsidy to farmers
	(JD/ton)	(JD/ton)	(tons)	(JD)		(JD/ton)	(JD/ton)	(tons)	(JD)
Wheat					Barley				
1994	201	156	3,400	154,357	1994	151	116	1,065	37,543
1995	230	172	3,100	180,560	1995	175	132	119	5,100
1996	254	195	2,500	146,839	1996	212	132	516	41,065
Average 1994-96				160,585	Average 1994-96				27,903
Lentils					Chickpeas				
1994	345	316	35	1,012	1994	767	322	1	445
1995	387	332	13	719	1995	499	332	5	833
1996	440	332	47	5,062	1996	532	382	2	300
Average 1994-96				2,264	Average 1994-96				526

1/ Average total per unit cost; total amount paid to farmers for seed plus costs of moving, fumigating, and preparing seed for sale, divided by the total quantity of seeds purchased by Ministry of Supply (MOS) and Jordan Cooperative Corporation (JCC) (MOS and JCC data).

Documentation for Supporting Table DS:7--Computation details for livestock feed subsidy

Barley for feed	Average cost of acquiring product for feed sales 1/	Average sale price of product for feed 2/	Amount purchased by farmers and millers	Total value of product feed subsidy to livestock producers	Corn for feed	Average cost of acquiring product for feed sales 3/	Average sale price of product for feed 2/	Amount purchased by farmers and millers	Total value of product feed subsidy to livestock producers
	(JD/ton)	(JD/ton)	(tons)	(JD)		(JD/ton)	(JD/ton)	(tons)	(JD)
1994	80	70	595,267	6,017,063	1994	172	106	350,674	23,157,605
1995	89	85	527,538	2,190,355	1995	104	114	367,459	0
1996	137	100	683,136	25,769,312	1996	147	134	308,132	4,027,025
Average 1994-96				11,325,577	Average 1994-96				9,061,543
Wheat bran for feed	Average cost of acquiring product for feed sales 4/	Average sale price of product for feed 2/	Amount purchased by farmers and millers	Total value of product feed subsidy to livestock producers	All products for feed	Average cost of acquiring product for feed sales	Average sale price of product for feed	Amount purchased by farmers and millers	Total value of product feed subsidy to livestock producers
1994	38	45	166,090	0	1994	--	--	--	29,174,668
1995	36	53	162,009	0	1995	--	--	--	2,190,355
1996	48	71	162,993	0	1996	--	--	--	29,796,338
Average 1994-96				0	Average 1994-96				20,387,120

1/ Barley acquisition cost is the weighted average of the barley procurement cost and barley import cost (weighted by total procurement and total imports, respectively). The barley procurement cost includes amounts paid to farmers for barley for consumption and costs of moving barley domestically to distribution centers. The import cost includes the cost of delivering the grain to Aqaba plus transport costs to silos in Amman. (MOS data)

2/ Announced sale price for barley for fodder. Calendar year average computed as a simple average of monthly prices. (MOS data)

3/ Corn acquisition cost is the per unit cost to MOS of importing corn, including cost to Aqaba plus costs to transport grain to silos in Amman, divided by MOS imports of corn. (MOS data)

4/ Wheat bran acquisition cost is the weighted average of the wheat bran procurement cost and wheat bran import cost (weighted by total procurement and total imports, respectively). The total unit cost to MOS of procuring wheat bran is computed as the full acquisition cost of wheat for consumption (including

the cost of moving wheat domestically) times the percentage yield of wheat bran from milled wheat. The unit import cost includes the cost to Aqaba plus costs to transport grain to silos in Amman. (MOS data)

Supporting Table DS:8

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar years 1994-1996
Product-Specific Equivalent Measurements of Support

NOTE: NO SUCH PROGRAMS IN JORDAN

Supporting Table DS:9

DOMESTIC SUPPORT: JORDAN
REPORTING PERIOD: Calendar years 1994-1996
Non-Product-Specific AMS

Measure type(s)	Year or period	Non-product-specific budgetary outlays	Other non-product-Specific support (JD)	Associated fees/levies	Total non-product-specific- support (JD)	Data sources
1	2	3	4	5	6	7
					(3+4-5)	
Water subsidy	1994		143,977		143,977	See documentation following this page.
	1995		78,093		78,093	
	1996		62,137		62,137	
	Avg. 1994-96		94,736		94,736	
Credit subsidy	1994		240,173		240,173	
	1995		312,969		312,969	
	1996		415,845		415,845	
	Avg. 1994-96		322,996		322,996	

Documentation for Supporting Table DS:9--Computation details for non-product-specific AMS

Computation of water subsidy

	Average price of water to producers in the Jordan Valley 1/	Average operating and maintenance cost of water in the Jordan Valley 2/	Average subsidy to water users in the Jordan Valley	Water sold to agricultural producers in the Jordan Valley	Total value of water subsidy to agricultural producers in the Jordan Valley
	(fils/C.M.)	(fils/C.M.)	(fils/C.M.)	(1,000 C.M.)	(JD)
1994	23.48	24.53	1.06	136,411	143,977
1995	21.91	22.53	0.63	124,662	78,093
1996	24.05	24.55	0.50	125,355	62,137
Average 1994-96					94,736

Note: C.M. = cubic meters; 1 fil = 1/1000th JD.

1/ Computed as the total revenue from sales of water to agricultural producers divided by the total quantity of water sold to agricultural producers.

2/ Estimate of total cost of supplying water to agricultural users in the Jordan Valley divided by the total quantity of water supplied to producers.

Source: Jordan Valley Authority.

Computation of credit subsidy: operational loans

	Market interest rate 1/	ACC interest rate	Interest rate subsidy	Value of operational loans subject to subsidy 2/	Value of initial interest subsidy on operational loans	Average time loan is outstanding 3/	Total value of interest subsidy on operational loans
	(%)	(%)	(%)	(mil JD)	(JD)	(Years)	(JD)
1994	10.71	7.54	3.17	3.168	100,362	1.35	135,489
1995	11.02	8.12	2.91	5.388	156,521	1.35	211,304
1996	11.83	8.18	3.65	6.843	250,106	1.35	337,643

1/ Simple average of commercial bank interest rates for overdrafts (generally for up to 12 months) and for short-term loans (generally up to 3 years).

2/ Excludes operational loans for less than JD1,000 which are a proxy for input subsidies to low-income or resource poor producers.

3/ Estimate based on approximate distribution of operational loans to livestock versus crop producers.

Sources: Central Bank; Agricultural Credit Corporation.

Documentation for Supporting Table DS:9--Computation details for non-product-specific AMS--Continued

Computation of credit subsidy: non-exempt developmental loans

	Market interest rate 1/	ACC interest rate	Interest rate subsidy	Value of non-exempt developmental loans 2/	Value of initial interest subsidy on non-exempt developmental loans	Average time loan is outstanding 4/	Total value of interest subsidy on non-exempt developmental loans
	(%)	(%)	(%)	(mil JD)	(JD)	(Years)	(JD)
1994	10.50	6.46	4.04	0.302	12,208	5.0	61,039
1995	11.00	6.84	4.16	0.350	14,571	5.0	72,856
1996	11.50	7.08	4.42	0.288	12,738	5.0	63,691

1/ Interest rate on 4-7 year loans by the Industrial Development Bank.

2/ Weighted average interest rate on all developmental loans by the Agriculture Credit Corporation (ACC).

3/ Value of loans for farm housing estimated as 30 percent of ACC loans to 'Rural housing and farm buildings.'

4/ Estimate based on qualitative judgement by ACC officials.

Sources: Industrial Development Bank, Agricultural Credit Corporation.

Computation of credit subsidy: total subsidy

	Value of total interest subsidy on operational loans	Value of total interest subsidy on non-exempt developmental loans	Value of loans forgiven by JCC and/or ACC 1/	Total value of interest subsidy
	(JD)	(JD)	(JD)	(JD)
1994	135,489	61,039	43,645	240,173
1995	211,304	72,856	28,809	312,969
1996	337,643	63,691	14,511	415,845
Average 1994-96	228,145	65,862	28,988	322,996

1/ Estimated based on qualitative judgement of JCC and ACC officials.

Sources: Jordan Cooperatives Corporation (JCC); Agricultural Credit Corporation (ACC).

Supporting Table ES:1

EXPORT SUBSIDIES: JORDAN
REPORTING PERIOD: Calendar years 1994-1996
Export Subsidies: Outlay and Quantity

NOTE: NO SUCH PROGRAMS IN JORDAN