



STONE CUTTING INDUSTRY REGULATIONS AND LICENSING

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List of Acronyms

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|--------|-----------------------------------|-------|---|
| B&V | Black & Veatch | PA | Palestinian Authority |
| CA | Civil Administration (Israeli) | PWA | Palestinian Water Authority |
| EQA | Environment Quality Authority | USD | United States Dollar |
| EU | European Union | USG | United States Government |
| INP II | Infrastructure Needs Program II | USM | Union of Stone & Marble |
| JOD | Jordanian Dinar | USAID | United States Agency for International Development |
| MoCA | Ministry of Civil Affairs | VAT | Value Added Tax |
| MEnA | Ministry of Environmental Affairs | WBG | West Bank Gaza |
| MoLG | Ministry of Local Government | WWTP | Wastewater Treatment Plant |
| MoNE | Ministry of National Economy | | |
| NIS | New Israeli Shekel | | |

1.0 Executive Summary

This report summarizes the findings from a review of existing and proposed Palestinian laws, regulations and policies relating to the stone cutting industry with a specific emphasis on those relevant to the disposal of slurry and on the licensing procedures for stone cutting factories. The existence of strong legislation to ensure regulation and enforcement of approved industry practices is imperative to the success of any long-term solutions. This report focuses on which regulatory instruments are currently in place, or in draft form, that impact stone cutting industry practices. Each legal document is assessed within this report for completeness, and includes identified gaps with proposed recommendations.

Out of the four deliverables identified within the Stone Cutting / Slurry Review SOW, this report addresses the following:

- Report summarizing current permitting processes and regulations and recommendations to USAID on gaps.

Relevant Legal Documents

The Palestinian Authority has several relevant and applicable regulatory instruments in place that pertain to the licensing and regulation of the stone cutting industry. This assessment provides a review of the seven most relevant documents:

- 1) EQA Law No. 7 of 1999 pertaining to general environmental protection;
- 2) EQA Law No. 25 of 2010 pertaining to environmental protection with regards to the stone and marble industry;
- 3) Environmental Assessment Policy
- 4) MoNE Law No. () of 2011 pertaining to the law of industry;
- 5) MoLG/EQA Bylaw No. () of 2011 pertaining to solid waste management (proposed);
- 6) PWA/MoLG Bylaw No. () of 2010 pertaining to wastewater connections (proposed); and
- 7) MoNE Regulations for Industrial Permission Procedures pertaining to the licensing procedures of industry (proposed).

Because existing laws primarily provide high level general guidance, the Palestinian Ministries have been working on proposed bylaws to provide greater detail on relevant specific requirements. Unofficial English translations of the seven regulatory instruments listed above are provided in Appendix B.

This review also examines the existing licensing process for the stone cutting industry. Factories must first apply for an establishment license (for construction), and then an operation license application once the facility is ready for use. Following these approvals, the factory must renew its operation license on an annual basis. However, many factories neither renew annually nor have the necessary licenses in place. This is a result of several factors including: lack of clarity around requirements; lack of enforcement; and being in operation prior to the establishment of the Palestinian Authority – therefore having different, and now irrelevant, licenses.

Gap Analysis and Recommendations

From an analysis of the existing and proposed regulations pertaining to the stone cutting industry, fairly strong laws, regulations and policies are already in place; however, minor gaps were identified and are outlined within the context of this report.

The overarching recommendation is that the respective Ministries should work towards strengthening enforcement of these existing (and proposed) regulations. They generally

provide a solid foundation and authority for the Ministries to enforce each provision along with penalties for violations.

The implementation of these laws is dependent on the strength of the law itself. The current work on new bylaws to provide more detailed requirements will make the process of enforcing these laws easier in the future. Continuing to close the gap on unclear or inconsistent statements will ultimately improve the Palestinian Authority's ability to enforce compliance with its national regulations.

2.0 Palestinian Authority Ministry Regulations

2.1 Palestinian Environmental Law No (7) 1999

EQA Law No. 7 is the Palestinian Authority’s key law around environmental issues. It provides general guidelines for environmental protection, reduction and mitigation of pollutants, and the penalties for violating these statutes. Much of the law is written in general terms and does not specifically identify either the stone cutting industry or “slurry” and “sludge” waste, however environmental issues related to the stone cutting industry are addressed by EQA Law No. 25 (Section 2.2 below). This is an acceptable overarching environmental law, but requires detailed bylaws and enforcement of those bylaws, as well as the penalties outlined in this law, to have any power. Currently it appears that minimal or no enforcement is taking place.

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| Official Name: | Law No.(7) for the year 1999 Concerning the Environment |
| Implementing Authority: | Ministry of Environmental Affairs (formerly Environmental Quality Authority) ¹ |
| Status: | Approved and published in July 1999 |
| Overview: | Outlines the policies and procedures generally related to: environmental protection, protection of health and well-being, and incorporation of environmental considerations into developmental policies. |
| Relevant Passages: | <p>A number of articles are relevant to stone cutting, including Articles 7, 8, 9, 10, 29, 30, 47, 48, 57, 61, 68, and 76.</p> <ul style="list-style-type: none"> ▪ Articles 7-10 address the management and disposal of solid waste. ▪ Articles 29 and 30 refer to wastewater collection, disposal, and treatment. ▪ Articles 47 and 48 refer to licensing and that the authority shall identify, in coordination with other authorities, those activities that require an environmental approval; additionally, no authority is to give a license to any of those activities without having the approval of the authority. ▪ Article 57 addresses the Minister’s ability to suspend a project if the continued usage presents an extreme hazard on the environment. ▪ Article 61 refers to the penalty for violating Article 10. ▪ Article 68 refers to the penalty for violating Article 30. ▪ Article 76 refers to the penal liability for violating any provision stated within this regulation. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ The terms “slurry” and “sludge” are not defined, nor are they discussed in any of the articles. ▪ Vague statements and phrases exist within the general framework of the law without any clarification, such as “The minister can decide to suspend the work... if the continuation of such use has extreme hazard on the environment,” under Article 57 whereby extreme hazard is not specified. Articles are not easy to implement or monitor due to these generalities. |
| Recommend: | <ul style="list-style-type: none"> ▪ This law serves its purpose in setting a general framework for environmental protection. Due to the age and purpose of this law, it is recommended that the Ministry’s efforts are focused on enforcement of more specific bylaws relating specifically to the stone industry and its components. |

¹ Note that the Environmental Quality Authority was renamed the Ministry of Environmental Affairs in May 2012; therefore, these two terms refer to the same entity.

2.2 Decision of the Council of Ministers No. (25) of 2010 Concerning the Ecosystem Conditions for Masonry and Marble Saws, and Tile and Ready-Made Concrete Factories

EQA Law No. 25 is a bylaw under EQA Law No. 7, discussed above, and provides specific environmental guidelines and requirements for the stone and marble industry. The portion of the law relating to the disposal of industrial waste is found under Chapter 2, “Requirements for Granting Environmental Approval,” and includes such measures as the establishment of a recycling or treatment system; transfer of waste residue; and additional treatment prior to discharge.

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| Official Name: | Decision of the Council of Ministers No. (25) of 2010 Concerning the Ecosystem Conditions for Masonry and Marble Saws, and Tile and Ready-Made Concrete Factories |
| Implementing Authority: | Ministry of Environmental Affairs (formerly Environmental Quality Authority) |
| Status: | Approved in October 2010 and published in March 2011 |
| Overview: | The bylaw specifies details around the granting of environmental approvals for new and existing masonry, marble, tile and concrete factories as stipulated in the Environmental Assessment Policy. |
| Relevant Passages: | <p>The entire bylaw is relevant to the stone cutting industry; however, of particular interest are Articles 2-4, 6, 11, 12, 13, and 16.</p> <ul style="list-style-type: none"> ▪ Article 2 illustrates that factories, wherever they exist in the Palestinian territories, are subject to the provisions of this bylaw. ▪ Article 3 states these factories shall be considered industrial establishments, and therefore are required to obtain an environmental approval in order to receive a license or renewal. ▪ Article 4 identifies the Authority’s right to revoke an environmental approval and take necessary measures in the event any of the conditions for environmental approval or provisions of this bylaw have been violated. In fact, any competent authority including the governor can propose the closure of a facility for proven environmental hazards. ▪ Article 6 requires environmental approval applicants to submit plans & drawings which identify a number of items, specifically (4) “pipes connected to the sewage network” and (5) “wastewater treatment unit and draining system” in order to receive approval. ▪ Article 11 outlines the specific requirements by which an owner must drain liquid waste. There are three terms outlined, and most notably, No. 3 states “setting up a water catchment, recycling and treatment of industrial waste system including sedimentation and filtering basins that are particularly separate from domestic waste.” ▪ Article 12, states owners shall commit to following, at their own expense (1) additional treatment and (2) laboratory examinations. “Undertaking additional treatment of the industrial wastewater discharged by the industrial establishment within its borders and before drainage in case it does not meet Palestinian specifications.” ▪ Article 13 gives the authority the right to impose additional terms following |

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| | <p>the issuance of an environmental approval if deemed necessary for the industrial waste or treat water drainage process.</p> <ul style="list-style-type: none"> ▪ Article 16 specifies the transfer of waste – wastewater, residue, solid waste, or stone waste – by the factories and the precautions that must be taken to transport this waste to a designate site specially for the purpose of receiving this type of waste. |
| <p>Issues and Gaps:</p> | <ul style="list-style-type: none"> ▪ Article 2 should have included a general clause covering all “stone processing” or “natural stone” industries so that it is literally interpreted as only the four types of stone industries listed. ▪ Article 4 states “and take necessary measures in coordination with competent parties,” but these measures are not clear from the article. ▪ Article 5 should have included a time frame for obtaining the approvals. ▪ Article 12 should have established a minimum level of acceptable treatment to better define what constitutes the “additional treatment” term. ▪ Article 16 focuses on the transport of waste in standard dump trucks, but the article should have expanded on all vehicles used in the transport of both liquid and solid waste. |
| <p>Recommend:</p> | <ul style="list-style-type: none"> ▪ Terms of Reference (ToR) should be drafted for the environmental audit. ▪ Outline of the environmental audit report should be made available. ▪ For existing facilities, expected environmental impacts together with mitigation measures and environmental monitoring plans should be enough as an interim period. Meanwhile, training and education is needed for owners on the meanings and costs of the impacts and remediation. ▪ The building of separate collection and primary treatment system should have considered the quality and quantity of the generated wastewater. ▪ Article 13 in particular could lead to misuse by the authority as it does not specify the persons with the power to impose additional requirements, the consequences if not implemented, or the time frame to be given to a facility to implement such additional requirements. ▪ Article 16 may create additional conditions not on facility owners but on trucks and tankers owners. Tankers and trucks owners are not subject to the provision of this law, but in fact, they are if their work is limited to stone cutting industry waste, which might not be accepted. This condition can be met, if facility owners have their own trucks, but not if they are renting. ▪ Further clarification is needed of mandates between EQA and PWA on implementation of article 12-2 ▪ Other vague statements include: <ul style="list-style-type: none"> - List of laboratory test as in article 12 - Identification of competent authorities - Engineering drawing scale as in article 6, - Natural areas in article 7 are not clear, as there are registered areas and "known" areas, which one are we referring to? - As this decision is already approved, the connection proposed bylaw is to be redrafted to make sure that no contradiction between both exists. |

2.3 Palestinian Environmental Assessment Policy

The Environmental Assessment Policy was approved in 2000 to provide the required framework to support EQA Law No. 7 in the provision of an Environmental Approval (EA). An EA is a required piece of the industrial licensing process. After the Ministry of National Economy receives a licensing application, the application is forwarded to the EQA to provide an EA prior to MoNE's issuing of a license. The policy is strong, although there are gaps in terms of supporting implementation details. However, the implementation of the policy is poor. Although there are established maximum timeframes for each step in the policy, in reality these are not followed and EA has become a bottleneck in the licensing process.

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| Official Name: | The Palestinian Environmental Assessment Policy |
| Implementing Authority: | Ministry of Environmental Affairs (formerly Environmental Quality Authority) |
| Status: | Approved in April 2000 by the Ministerial Council (Resolution No: 27-23/4/2000) |
| Overview: | Outlines an environmental assessment framework, process and procedures for proposed activities and existing projects as required by the Environmental Law (EQA Law No. 7). |
| Relevant Passages: | <ul style="list-style-type: none"> ▪ Article 4 and related annexes 3 and 5 refer to the need for an Initial Environmental Evaluation (IEE) or a full Environmental Impact Assessment (EIA) and the granting of an Environmental Approval (EA) for proposed activities and existing projects. ▪ Article 5 refers to establishing and managing the implementation procedures and monitoring conditions attached to activity environmental approvals. ▪ Article 7 refers to the two types of assessment required, either an IEE or an EIA. ▪ Annex 1 is relevant in that it lists 14 types of projects for which full EIAs are mandatory, and stone cutting is not among these (however, quarries and mines is). ▪ Annex 2 provides screening criteria for determining whether an IEE is sufficient or a full EIA is required to obtain an EA. ▪ Annex 3 provides the administrative procedures for obtaining an Environmental Approval. It provides maximum timeframes of between 14 and 28 days for each step. It also specifies the Environmental Approval can specify mitigation measures and/or monitoring requirements. ▪ Annex 5 refers to the framework for an Environmental Audit of existing projects. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ The policy refers to an Environmental Audit for existing facilities, yet no details, requirements or procedures are provided. ▪ No standard procedure for mitigation plans is provided. ▪ The policy refers to the production of guidelines and best management practices for complying with the policy, but they have not been produced yet. ▪ The monitoring authority is unclear, and procedures are not identified. ▪ In a number of locations within the above systems, instructions are not clear and they include phrases like: "best practices followed," "known standards," and "other required conditions," but these are not defined. ▪ Reference was made to used hazardous waste and material, but and there is no definition or official listing of hazardous wastes or materials. |

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| | <ul style="list-style-type: none"> Although the policy refers to a timeline for submission and approval, in practice delays of several months or even years is taking place to complete the Environmental Approval process. |
| Recommend: | <ul style="list-style-type: none"> The ministry should be encouraged to fulfill and complete the above indicated gaps to ensure effective implementation of the policy. The ministry suffers from a shortage of trained personnel on EA policy, monitoring, audit and supervision; capacity building is critical to remove the EA bottleneck from the industrial licensing process. |

2.4 Ministry of National Economy Decree Law No. () for the Year 2011 Concerning the Industry Law

The MoNE Industry Law (although approved, no law number was assigned) addresses the details of the licensing process of industries, including “stone machining” as identified under Article 2, “Scope of Application.” Of these, the most relevant guidelines are found under Article 6, “Issuing Licenses.” The law also indicates the penalties for specific violations such as setting up an industry without a license; providing false information; repeat violations; and failure to rectify unlicensed establishments.

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| Official Name: | Decree Law Number () for the year 2011 Concerning the Industry Law |
| Implementing Authority: | Ministry of National Economy |
| Status: | Recommended by the cabinet and Approved by the president on February 2011 |
| Overview: | Outlines the role of the Ministry of National Economy in licensing nineteen (19) different industries, including stone processing. The law provides a list of exclusions; timelines for licensing; conditions for stopping or rejecting a license; and regulation of the sector. |
| Relevant Passages: | <ul style="list-style-type: none"> Article 2 lists industries subject to the law and includes “stone cutting.” Article 5 gives authority to monitor and inspect industrial establishments, regulate the industrial activity and issue industrial licenses in coordination with relevant parties. Article 6 specifies that the license for forming the industrial establishment (i.e., the establishment license for new operations) lasts for one year but can be extended by extra year if needed. Article 6 also states that operation of the establishment cannot start until an operation license is obtained, that it must be renewed annually, and that MoNE issues operation licenses for all industrial establishments. Article 9 states that a license can be frozen if recommended by the Ministry of Health, Environmental Quality Authority, Ministry of Agriculture, Ministry of Local Governments and any other related authority, or if the license is not renewed annually. Article 10 illustrates that a license can be voided if it is proven that the licensing of the industrial establishment or its operation licensing were based on incorrect information. Article 23 states that judicial officers can enter industrial establishments and their warehouses for monitoring and inspection purposes to verify |

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| | <p>implementation of the conditions of industrial licensing, and abiding to required environmental conditions.</p> <ul style="list-style-type: none"> ▪ Articles 28 states that any person who sets up an industrial establishment without a license is fined 2000-5000 Jordanian dinars and will be closed until the licensing procedure is complete. ▪ Articles 32, 33, and 34 discuss the penalties and timeframes for not rectifying any situation. |
| <p>Issues and Gaps:</p> | <ul style="list-style-type: none"> ▪ The law refers to one stop shop for licensing, this is not yet made. ▪ The issue of related authorities' approval is not clear; it is mentioned within the one stop shop operations, but not in the licensing process. ▪ It is not clear if related authorities are required to approve the facility (establishment) operation before issuing the operation license, or the time frame for approvals. ▪ If a license was stopped for any reason, there is no provision for the measures to be taken after that or how to declare a closed facility safe. There should also be written procedures to close a facility. ▪ The Minister has the authority to freeze a facility, regardless of being part of a production or exporting system. This could mean punishing other facilities linked or that depend on the production of the closed or frozen facility. ▪ Article 5 gives authority to monitor and inspect industrial establishments and follow up on their production in cooperation and in coordination with relevant parties to guarantee their adherence to the provisions of this law. This does not prevent or limit other competent authorities to do the same. There should have been some illustration of the issue of monitoring, as a number of authorities who can monitor the same facility for different reasons, and this might confuse owners. ▪ Regulating the industrial activity and issuing the industrial licenses in coordination with relevant parties are also given to the Ministry, but again, any other competent authority may stop the license. This should be clarified. ▪ No new industries can start operations without the ministry approvals, and operation licenses are renewed on yearly basis. This covers facility expansions, changes in production, or splitting or merging with other industries. In other words any modification on the industry or change in process, production, or ownership requires the Minister's approval. This might also involve the approval of other authorities, or it might change the expected impacts of this industry. The issue of delegation might lead to some confusion as the expansion may be completely under a different ministry or authority and not directly under the Ministry of Interior (MOI). ▪ If a known site will not be approved for a given facility, an investor can initiate his industry, which he knows will eventually be licensed. There should have been a provision which states that such facilities may or may not be allowed completion and therefore operation if certain conditions were not met including site selection. |
| <p>Recommend:</p> | <ul style="list-style-type: none"> ▪ The role of other related authorities should be clarified in licensing and monitoring. ▪ A monitoring system should be identified so that relevant authorities and industries are clear on the procedures. ▪ Enforcement for non-compliance with licensing and renewal requirements should be strengthened. ▪ Conditions for the renewal of licenses should be clarified. |

2.5 Solid Waste Management Bylaws Law No () of 2011 Concerning Solid Waste Management (*proposed*)

The pending MoLG/EQA Solid Waste Bylaw outlines the requirements for waste producers, service providers, and disposal site owners. This law generally focuses on multiple forms of waste, and does not provide many details on industrial or stone cutting waste. It includes other, non-relevant information for items like waste disposal by incineration.

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| Official Name: | Solid Waste Management Bylaws Law No () of 2011 Concerning Solid Waste Management (<i>proposed</i>) |
| Authority: | Ministry of Local Government and Ministry of Environmental Affairs (formerly Environmental Quality Authority) |
| Status: | Proposed to the national Solid Waste Committee for approval and recommendation to the cabinet |
| Overview: | Outlines and regulates solid waste handling procedures |
| Relevant Passages: | <ul style="list-style-type: none"> ▪ Articles 2-7 refer to bylaw procedures including: coverage, responsibilities of waste producers, waste ownership, waste management, responsibility of commercial and industrial waste producers. ▪ Chapter 3, Articles 7-12 are for Waste Service Providers (transport), safety procedures, and time tables. ▪ Chapter 4, Articles 11-12 covers transportation, while Articles 18-22 are Waste Receivers (owners of dump sites and transfer stations). ▪ The licensing process for waste handling facilities is illustrated in Chapter 9, Articles 28 and 29. This covers transfer stations, recycling facilities or any other waste disposal plants. The process involves an application to be submitted to the MoLG, which in turn is transferred to competent and related authorities for approval if conditions are met. Once completed the MoLG asks the Ministry of Health to issue the license and the MoNE to issue the operation license in case of a waste-to-energy facility. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ Slurry was missing from waste handling procedures. Slurry should have been listed within the special waste list. ▪ The issue of fines was not approved by all related authorities, as it is claimed to be included in other bylaws and is still under discussion. ▪ The law is silent on the tariff regime that is either in place or will be put in place for waste projects. |
| Recommend: | <ul style="list-style-type: none"> ▪ A recommendation should be made to the national committee for inclusion of a new and additional chapter on slurry. ▪ Definition of construction waste should be replaced with the following definition: Construction and demolition waste means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. ▪ The tariff issue should be clarified in the law. |

2.6 Bylaw No. () of 2010 Concerning the Connection of Houses and Establishments to the Public Sewerage System for Water and Sanitation Service Providers (*proposed*)

The pending PWA/MoLG Connection Bylaw outlines the requirements for household and business connections to the public sewerage system. Of particular interest to the stone cutting industry are Articles 10 and 11, which detail very specific guidelines for the “Drainage of Commercial and Industrial Wastewater” and “License to Connect Commercial and Industrial Sewage Pipes,” respectively.

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| Official Name: | Bylaw No. () of 2010 Concerning the Connection of Houses and Establishments to the Public Sewerage System for Water and Sanitation Service Providers |
| Authority: | Palestinian Water Authority (PWA) and Ministry of Local Government (MoLG) |
| Status: | Drafted on July 2010, but not discussed or approved officially |
| Overview | The bylaw intends to regulate residential and commercial connections to the public sewerage system. It is still facing an issue of ownership, as EQA is demanding to be part of it following the issuance of the first draft. |
| Details on Relevant Passages: | <p>A number of points are directly relevant to the stone cutting industry, and some cover all industries including Articles 10, 11, 13, 17, and Annex 1.</p> <ul style="list-style-type: none"> ▪ Article 10, point 1. states that drainage of commercial and industrial polluted or unpolluted waste water into the public sewerage network shall be prohibited except after it has been treated and a written approval from the water and sanitation services provider has been obtained in accordance with the instructions shown in Annex (1). ▪ Article 10, point 7. states that it is prohibited for any person to drain or cause or allow for the drainage of waste water and precipitations produced by masonry saws and construction material factories into the public sewerage network or into any natural sewage pipe or into ravines or any other open place. The water and sanitation services provider shall provide specific locations for desiccating or disposing of precipitates produced by masonry saws. ▪ Article 11 outlines the connection licensing process for service providers. ▪ Article 13 again prohibits discharges to open areas, ravines or water resources before having a written approval from the service providers. ▪ Article 17 states additional charges can be imposed on commercial and industrial facilities if the COD level in their effluents exceeds 1500 mg/l. ▪ Annex 1 covers connections instruction including the prohibition of discharging of stone cutting wastewater to the sewer system. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ The ministry is not defined in the bylaw. ▪ The term “treatment” is vague and should be defined. For the stone cutting industry, simple settling ponds could be considered “treatment” if not defined as otherwise. ▪ The bylaw suggests that the service provider is to designate a drying bed. ▪ The bylaw gives the service provider the ability and the right to conduct laboratory tests for commercial and industrial effluents connected to a sewer system. This article should not be open like this but should be regulated. |

2.7 Ministry of National Economy Regulations for Industrial Permission Procedures (*proposed*)

The procedures outlined within this regulation provide very clear requirements surrounding the licensing and operation of industrial facilities. In addition to covering the different licenses required (establishment, operating, and renewal), it provides an annex of the fees and necessary documentation for each type. This document has been drafted within the MoNE and is currently under review.

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| Official Name: | Regulations for Industrial Permission Procedures |
| Authority: | Ministry of National Economy |
| Status: | Proposed; drafted and being reviewed by MoNE legal team |
| Overview: | Outlines the licensing and operation procedures related to industrial facilities in detail with some overlap with the MoNE Industry Law. |
| Relevant Passages: | <ul style="list-style-type: none"> ▪ Article 5 states that all bodies that have been contacted or consulted regarding permission of industrial facilities shall respond within 21 days. Response that includes refusal shall be justified, and failure to respond within the aforementioned period shall be regarded as an approval. ▪ Article 9 reiterates that an establishment license (facility permission) is for one year and then may be renewed for one year thereafter if needed. ▪ Article 11 states that technical teams at the Ministry shall carry out afield visit to the industrial facility after the application for an operating license has been filed, and that they have the right to demand any health and environment codes or special terms for industrial activity. Owners of facilities shall be given a specified period to fulfill these requirements. ▪ Article 12 states that operating licenses shall be approved or rejected within 10 days and are valid for one renewable year from date of issue. ▪ Articles 13, 14 and 15 state that operating license renewal applications must be filed within two weeks from expiry date, that a site visit shall be done within two days from filing date, and that the renewal shall be for one year after fulfillment of all necessary conditions and documents. The license may also be renewed for two or three years. ▪ Article 20 states that the fee to apply for an establishment facility license, an operating license, or to renew an operating license is 20 Jordanian Dinar in each case. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ The issue of competent authorities in Article 3 is not defined as this may contradict with Article 4, which defines related authorities as regulatory, environmental and specialty authorities. The issue may be confusing between the Ministry of Health and EQA, where there is already some confusion around which entity is responsible for Environmental Approvals. ▪ Article 5 states that if an authority fails to respond within 21 days, this is taken as approval. While this may facilitate the process, the EQA for example has been known to take months or even years to issue an Environmental Approval and has minimal human resource capacity, so this article may mean that licenses will be issued without an EA. |
| Recommend: | <ul style="list-style-type: none"> ▪ The procedure should be revised by a technical team including representatives of chambers of commerce and industry, legal advisors, and representatives of private business. |

3.0 Other Applicable Regulations

The most important regulations regarding the stone cutting industry were listed above in Section 2; however, other peripherally related laws were identified during this review. These additional findings, summarized below, are the original laws establishing the respective Ministries along with the authorities and constraints under which each would operate; laws listed concern the Ministry of Local Government, Ministry of National Economy, and the Palestinian Water Authority.

3.1 Local Authorities Law No.1 for 1997

Ministry of Local Governments Law No. 1 outlines the general framework of the Ministry and its functions. Within the law, water and wastewater were highlighted under Article 15 and is summarized below.

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| Official Name: | Local Authorities Law No.1 for 1997 |
| Authority: | Ministry of Local Governments (MLG) |
| Status: | Approved and Published in November 1997 |
| Overview: | Outlines the relation between the Ministry and LGU's, along with the establishment and functions of LGU's. |
| Relevant Passages: | <p>Article 15: Local Councils Functions and Mandates</p> <ul style="list-style-type: none"> ▪ Permitting and Monitor constructions, rehabilitations and modifications, decides upon constructions percentages to the piece of land, shape and to make sure of the health safety conditions ▪ Provision of drinking and other usage water, determine connections specifications, regulate distributions, decides on tariff, and prevent water sources pollution ▪ Construction of wastewater plants, public latrines and monitor and manage ▪ Regulate workshops and industries, decides upon locations, and monitor those with potential negative public health impacts' ▪ Collect solid waste from streets, houses and shops, transfer and dispose. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ Slurry was not specifically listed as a waste, residential and commercial waste only. ▪ It refers to regulation of industries, which might contradict MNE mandate. |
| Recommend: | <ul style="list-style-type: none"> ▪ Issue of regulation is to be coordinated with MONE. ▪ The law refers to the identification of suitable areas for handcrafts and industries, but this may not cover existing ones. |

3.2 Natural Resources Law No. 1 of 1999

The Ministry of National Economy Law No. 1 establishes the general framework of the Ministry and its functions, and in particular, the establishment of a natural resources segment. The purpose of this role is to manage the natural resources within the country under the specified mandates.

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| Official Name: | Natural Resources Law No. 1 of 1999 |
| Authority: | Ministry of National Economy (formerly Ministry of Interior) |

| | |
|-------------------------------|--|
| Status: | Approved and Published in March 1999 |
| Overview: | Covers the establishment of a natural resources directorate within the Ministry, identifies mandates and goals, natural resources exploitation and utilization. |
| Details on Relevant Passages: | <ul style="list-style-type: none"> ▪ The license application is submitted to the Natural Resources directorate in the ministry. ▪ The minister or representative signs the license for a definite period of time, renewable to the same period of time or less, as long as the holders fulfills his legal and institutional responsibilities in the previous license duration. ▪ License is authorized in coordination with other relevant stakeholders. ▪ Technical and financial competences are pre requisite for a permit. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ Utilization of a natural resource is to be initiated within 6 months of discovery, otherwise the right goes to the Ministry. |
| Recommend: | <ul style="list-style-type: none"> ▪ No link is made between stone cutting facilities and land use or environmental impacts, therefore a clear statement indicating that siting of stone cutting facilities is to be in accordance with land use plans, and in coordination with relevant stakeholders including EQA. |

3.3 Water Law No. 3 for 2002

The Palestinian Water Authority Law No. 3 establishes the general framework of the Ministry and its functions, and in particular, the protection of water resources. Wastewater management is included under these operations.

| | |
|--------------------|--|
| Official Name: | Water Law No. 3 for 2002 |
| Authority: | Palestinian Water Authority (PWA) |
| Status: | Approved and Published in September 2002 |
| Overview: | Refers to the development, management and protection of water resources. The establishment of PWA, functions and duties, |
| Relevant Passages: | <ul style="list-style-type: none"> ▪ Water collection, desalination or treatment is prohibited for commercial purposes or establishment or operation a water or wastewater facility without a permit. ▪ PWA is responsible for water and wastewater management in Palestine. ▪ PWA studies water and wastewater projects or complementary projects, puts standards, monitor quality and implementation. |
| Issues and Gaps: | <ul style="list-style-type: none"> ▪ Refers to licensing with specification of what to be licensed. ▪ Refers to the PWA role in listing the water pollutants that requires a special license, which is not there yet. |
| Recommend: | N/A |

4.0 Appendix A: Meeting Contacts

| Name | Title | Organization | E-mail | Mobile | Phone | Fax |
|-----------------------------------|--|-------------------------------|-----------------------------|-----------------|----------------|----------------|
| Adel Salim Yasin | Director, Wastewater Department | Palestinian Water Authority | Ayasin @pwa.ps | 0597- 915850 | 02- 2429022 | 02- 2429341 |
| HE Dr. Shaddad Al Attili | Minister | Palestinian Water Authority | Sattili @pwa.ps | 0599- 272625 | 02- 2429022 | 02- 2429341 |
| Azem Bishara | Legal Advisor | Palestinian Water Authority | Azembishara @gmail.com | 0544- 678002 | 02- 2429022 | 02- 2429341 |
| Hala Abu El Hawa | Legal Advisor | Palestinian Water Authority | | 0597- 224202 | | |
| Ahmed Abu Thaher | Director General, Projects and International Relations | Environment Quality Authority | Ahmadabuthahe @yahoo.com | 0599- 674795 | 02- 2403495 | 02- 2403494 |
| Nedal Katbeh | Minister's Advisor for Climate Change | Environment Quality Authority | N72065@ hotmail.com | 0599- 674795 | 02- 2403495 | 02- 2403494 |
| Dr. Issa Musa Al Baradeiya | Director General, Environment Resources | Environment Quality Authority | Issadwan @yahoo.com | 0599- 201545 | | |
| Murad Al Madani | Legal Advisor | Environment Quality Authority | Murad73 @hotmail.com | 0599- 366882 | | |
| Dr. Yousef Abu Safieh | Minister | Environment Quality Authority | | 0599- 408262 | | |
| Mahmoud Abu Shanab | Director General, Environmental Affairs | Environment Quality Authority | | | 02- 2403495 | |
| Eng. Manal Shkokani | Director, Industrial Development Dept. | Ministry of National Economy | Manalf @met.gov.ps | | 02- 2981214 | 02- 2981207 |
| Eng. Moheeb Al-Jabari | Head, Industrial License Dept. | Ministry of National Economy | Moheebj @met.gov.ps | 0599- 706698 | 02- 2981215 | 02- 2981207 |
| Zaid Fadel | Legal Advisor | Ministry of National Economy | Zeiad62 @yahoo.com | | | |
| Islam Abu Zayyad | Legal Advisor | Ministry of Local Government | Islam @abuzayyad.com | | | |

5.0 Appendix B: Palestinian Authority Ministry Regulations

5.1 Palestinian Environmental Law No (7) 1999

Palestinian Environmental Law NO (7) 1999

*The Chairman of PLO Executive Committee,
President of the Palestinian Authority,
After approval of the Palestinian Legislative Council in its session
on 6 / 7 /1999,
The following law was enacted:*

Title I

Definitions and General Provisions

Chapter 1 (Definitions)

Article (1)

In applying the provisions of this law, the following words and terms shall have their specified definitions below, unless otherwise is provided:

Environment: the vital surroundings with all forms of life, including air, water, land, the facilities and the interactions among them.

Air: the mixture of gases, which form air with its natural characteristics and defined ratios.

Soil: the surface crust of the earth on which there can be activities of agriculture, construction, and digging. That includes all types of land.

Drifting: removal away any part of the soil.

Water: Includes surface and underground water in all forms, fresh, saline or semi-saline.

Environmental Pollution: Any direct or indirect changes in the characteristics of the environment, that may cause harm to any of its components or disrupts its natural balance.

Air Pollution: Any change in the characteristics or components of the natural air, which may cause harm to the environment.

Water Pollution: Any change in the characteristics or components of water, which may cause harm to the environment.

Pollutant Substance and Agents: Any substance in the forms of gas, liquid, solid, aerosol, vapor, odor, noise, radiation, heat, flashlight, or vibrations which may result in the pollution or deterioration of the environment.

Hazardous Substance: Any substance or compound, which because of its hazardous characteristics poses a danger on the environment as toxic, radioactive, biologically infectious, explosive or flammable substances.

Hazardous Waste: waste generated by the various activities and operations or the ash thereof, which preserve the characteristics of hazardous substance which have no usage, such as atomic waste, medical waste, or refuse emanating from the manufacturing of pharmaceutical products, medicines, organic solvents, dyes, painting,

pesticides or any other similar hazardous substance.

Solid Waste: Any non-hazardous waste, or garbage generated by the different activities: household, commercial, agricultural, constructional, industrial waste and the sludge generated by wastewater treatment plants.

Waste Water: Water polluted by solid, liquid, gas, energy, or microorganisms' matters generated or resulted from homes, buildings or the variant facilities.

Underground Water: Any flowing, running or stagnant water in the underground.

Facility: Any land, building, structure, or equipment that constitute the facility.

Facility Owner: Any natural or legal person, who may own or lease a facility, or be responsible for operating and managing it.

Environmental Harm: Any harm generated by the exercise of any activity which may cause harms to public health, public welfare and environment.

License: An official document issued by the competent body authorizing the establishment and operation of the facility, and determining specific governing rules and restrictions thereof.

Environmental Impact: Any negative or positive outcome generated by the different activities from the facility or project which affect the different elements of the environment.

Pollution Prevention: measures and procedures taken to prevent any pollution.

Pollution Control: measures and procedures taken to reduce or eliminate the emission of pollutants.

Environmental Protection: includes preserving the elements of the environment, preventing or reducing the pollution and degrading thereof as well as upgrading these elements.

Dumping: discharge of various pollutants generated by all types of facilities or transportation facilities in inland, and territorial or free economic zone water.

Ship: Any marine unit, floating on or plunged in water, whether it is a civil or military one.

Marine Installations: Any stationary or mobile facility built on or under water for commercial, industrial, tourism, military or scientific purposes.

Public Areas: Areas designated to receive the public at large or any definite group for whatever purpose.

Standards: Percentages, quantities or norms as established by competent agencies to define the environmental pollutants and their harmful impacts.

Waste Management: Collection of the different wastes and the transportation thereof to specified zones for recycling, treatment or disposal.

Environmental Disaster: Any event generated by natural or human action, which results in severe harm to the environment, the combat of which requires possibilities beyond local capabilities.

Compensation: What is paid for harms caused by the variant pollutants as a result of an act or more performed by natural, or juridical persons affecting the environmental components, pursuant to an administrative or judicial orders, or in the implementation of provisions stipulated in international conventions.

Environmental Nuisance: The harm or material damage caused by the generation of noise, vibration, radiation, or irritations; the release of smells which result from any activity of humans, facilities, transportation facilities or any

other agent in a manner that affects properties or the human (exercise of natural)² life.

Environmental Monitoring: procedures undertaken by competent agencies, to ensure that all persons and agencies abide by the environmental standards and instructions prescribed to ensure that they are not violated or surpassed.

Environmental Control: Activities meant to monitor the quality of the environment.

Environmental Deterioration: Any impact on the environment or its components that may cause harms which degrades the environment or depletes its resources and harms living organisms.

Ministry: Ministry of Environmental Affairs.

Minister: Minister of Environmental Affairs.

Environmental Awareness: Spreading the knowledge which consolidate the principles and values to upgrade public awareness needed to preserve the environment and its components.

Closed Public Areas: Any public areas in the form of complete building where air comes in only through windows built in for that purposes and include (theaters, cinemas, museums, restaurants, meeting halls, etc.), public transportation facilities shall also be subject to this definition.

Natural Reserves: Areas designated to preserve certain types of living organisms or other ecosystems that have natural or aesthetic values which are forbidden to eliminate, affect or destroy them.

Discharge: Throwing, leaking, emitting, pumping, pouring, or discharging - in a direct or indirect manner - of any environmental pollutants in the air, land, inland or territorial waters.

Free economic zone: The marine area which lies beyond and adjacent to the territorial sea, which does not exceed two hundred marine miles measured with the same lines used to measure the latitude of the territorial sea.

Environmental Approval: An official document issued by the Ministry expressing the environmental opinion regarding establishing or practicing any activities that require an environmental approval.

Environmental impact assessment "EIA": A detailed study for assessing the environmental impacts as a result of practicing any activities.

Article (2)

The objectives of this law are:

1. Protection of the environment against all forms and types of pollution;
2. Protection of Public health and welfare;
3. Insertion of the bases of environmental protection in social and economic development plans; and encouragement of sustainable development of vital resources in a manner that preserves the rights of future generations;
4. Protection of bio-diversity and environmentally sensitive areas, as well as improvement of environmentally harmed areas;
5. Encouragement of collection and publication of environment-related information to raise public awareness of environmental problems.

Chapter 2

(General Provisions)

Article (3)

Note from translator: literal translation can also mean (human life).

Every person may:

- A.** regardless of personal interest and in order to secure a sound environment, file or follow up on any complaint or appropriate legal proceedings against any natural or juridical person causing harm to the environment.
- B.** obtain any necessary official information to discover the environmental impact of any industrial, agricultural, constructional or other activity within the development programs, in compliance with the law.

Article (4)

The Ministry, in coordination with the competent agencies, shall work on the generalization of the concepts and objectives of the environmental education through schools, universities, institutions, and clubs. It shall also encourage collective and individual initiatives for voluntary work aiming to protect the environment.

Article (5)

This law shall guarantee:

- A.** The right to every individual to live in a sound and clean environment and enjoy the best possible degree of health care and welfare.
- B.** Protection of the country's natural fortunes and economic resources, besides the preservation of its historical and cultural heritage without any harms or side effects that are likely to occur sooner or later as a result of the variant industrial, agricultural or constructional activities, with an impact on the quality of life and basic ecosystems such as air, water, soil; marine resources, animals and plants.

Title II

Environmental Protection

Chapter 1

Land Environment

Article (6)

The competent agencies, in coordination with The Ministry, shall prepare the general policy for land uses taking into account the optimal use thereof and the protection of natural resources and areas with special natural characteristics as well as the conservation of the environment.

Solid Waste

Article (7)

The Ministry, in coordination with other competent agencies, shall set a comprehensive plan for solid waste management on the national level, including the ways and the designation of sites for solid waste disposal as well as the supervision over the implementation of this plan by the local councils.

Article (8)

The competent agencies, along with their respective specialization, shall encourage undertaking appropriate precautions to reduce the generation of solid waste to the lowest level possible; re-use it as much as possible, recover its components or recycle it.

Article (9)

The Ministry, in cooperation with the competent agencies, shall determine the standards of solid waste disposal sites.

Article (10)

All agencies and individuals, in conducting any digging, construction; demolition, mining or transportation of debris and sands generated by such activities, shall commit themselves to take all necessary precautions for safe storage and transportation of such materials to prevent any environmental pollution.

Hazardous Substance and Waste

Article (11)

The Ministry, in coordination with the competent agencies, shall issue one or more lists of hazardous substances and wastes.

Article (12)

No person shall be authorized to manufacture, store, distribute, use; treat, or dispose any hazardous substance or waste whether it is solid, liquid, or gas, unless in accordance with the orders and directives specified by the Ministry in coordination with the competent agencies.

Article (13)

- A.** It is forbidden to import any hazardous wastes to Palestine.
- B.** It is forbidden to pass hazardous waste through the Palestinian territories or through the territorial water or free economic zone of Palestine, unless a special permit is obtained from the Ministry.

Pesticides and Fertilizer

Article (14)

The Ministry, in coordination with the competent agencies shall designate the environmental conditions for the import, distribution, manufacturing, use, and storage of pesticides, substances, and agri-chemical fertilizers, which may pose hazards to the environment.

Article (15)

The Ministry, in cooperation with competent agencies, shall set instructions and standards specified for the agri-chemicals that are allowed to be imported, manufactured and distributed in Palestine, and shall verify observance of it.

Quarrying and Mining

Article (16)

The Ministry, in coordination with the competent agencies, shall set up the environmental conditions compatible for mining, quarrying activities, rubbles, mines and stone quarrying places in a manner that ensures both the protection of the environment against the hazards of environmental pollution; and the preservation of natural resources.

Desertification and Land Drifting

Article (17)

For the purpose of combating desertification and preventing drifting, the Ministry in cooperation and coordination with the Ministry of Agriculture and other competent agencies, shall encourage undertaking appropriate procedures for farming the wasteland.

Article (18)

It is forbidden to drift arable lands or transport its soil in order to use it for purposes other than farming. It shall not be considered as drifting if the land is leveled, or its soil is transported to be improved agriculturally or preserve its fertility or build on it in compliance with the terms and restrictions enacted by the competent agencies.

Chapter 2

Air Environment

Article (19)

- A.** The Ministry, in cooperation with the competent agencies, shall specify standards to regulate the percentage of pollutants in the air which may cause harm or damage to public health, social welfare and the environment;
- B.** Each facility, which will be established in Palestine, shall abide by these standards; every existing facility shall make necessary changes in a manner that makes it conform to these standards within a period that does not exceed three years.

Article (20)

Every facility owner shall provide all means to ensure the necessary protection for workers and the neighbors of the facility in compliance with the conditions of occupational safety and health, against any leak or emission of pollutants in or out the working place.

Article (21)

It is forbidden to smoke in transportation means and closed public areas.

Article (22)

It shall be prohibited to utilize machines, engines or vehicles that generate exhaust that does not comply with the standards specified in accordance with the provisions of this law.

Article (23)

It is forbidden to dispose, treat or incinerate garbage and solid waste except in the sites designated for this purpose and in compliance with the conditions specified by the Ministry to ensure the protection of the environment.

Article (24)

The Ministry shall work on the reduction of ozone depletion in accordance with the provisions of international conventions to which Palestine is committed through undertaking appropriate procedures regarding importing, producing or utilizing any chemical substances that may cause harm thereto.

Environmental Nuisance and Noise

Article (25)

The Ministry, in cooperation with the competent agencies, shall work on establishing standards, directives and conditions to reduce environmental nuisance generated by different activities. In addition, every facility owner, entity or individual shall be forbidden to cause any nuisance to the others.

Article (26)

Every entity and individual, upon operation of any machine or equipment, or upon utilization of alarm devices, loud speakers, or during any other activities, shall not be allowed to exceed the permissible sound intensity and vibration levels.

Article (27)

Radioactive activities or radioactive substance concentrations emitted by any facility or other activity shall not be allowed to exceed the permissible limits specified by the competent agencies.

Chapter 3

Water Environment

Article (28)

The Ministry in cooperation with the competent agencies shall specify the standards for the quality and characteristics of drinking water.

Article (29)

The Ministry, in coordination with the competent agencies, shall set standards and norms for collecting, treating, reusing, or disposing waste water and storm water in a sound manner, which comply with the preservation of the environment and public health.

Article (30)

No person shall be allowed to discharge any solid or liquid or other substance unless such a process conforms to the conditions and standards that the competent agencies determine.

Chapter 4

Marine Environment

Article (31)

The Ministry, in coordination with competent agencies, shall set standards for the quality of seawater specifying the norms, directives and conditions necessary to control sea pollutants.

Article (32)

It shall be forbidden for anyone to perform any action which may cause pollution of sea water in a manner that contradicts with the standards, directives or conditions prescribed for the purposes of marine environment protection against pollution.

Article (33)

The Ministry, in coordination with the competent agencies, shall specify the necessary environmental conditions required for the establishment of any coastal or offshore buildings or facilities.

Article (34)

It shall be forbidden to perform any action, which may affect the natural track of the beach, or adjust it inside or far from the sea unless an environmental approval is obtained from the Ministry.

Article (35)

The Ministry shall prescribe rules and regulations for the prevention of pollution, preservation and control of the marine environment, against what is generated by the different activities that occur in the free economic zone, continental drifting or the sea bottom which are all subject to the jurisdiction of Palestine.

Article (36)

The Ministry, in cooperation with competent agencies, shall set the rules and regulations for prevention of marine environment pollution that comes as a result of dumping.

Article (37)

The Ministry, in cooperation with competent agencies, shall set the rules and regulations to prevent or reduce marine environment pollution generated by ships in the Palestinian ports and territorial water.

Article (38)

All entities including ships, regardless of their nationalities, shall be forbidden to throw or discharge oil or oil compounds or any other pollutants in the territorial water or the free economic zone of Palestine.

Article (39)

All national and international companies and agencies authorized to undertake digging or exploration activities, or produce or manufacture crude oil, or to extract or exploit oil fields and other marine natural sources, shall abide by the environmental conditions.

Chapter 5

Appendix A Protection of Natural, Historical and Archaeological Areas

Article (40)

The Ministry, in coordination with competent agencies, shall prescribe bases and standards for the protection of natural reserves and national parks, monitor and declare them, and establish and designate the national parks and supervise them.

Article (41)

It is prohibited to hunt, kill, or catch the birds, marine and wild animals, and the fish specified in the bylaw of this law. Moreover, it is prohibited to possess, transport, walk with, sell or offer them for sale neither dead nor alive, or to damage their nests or the eggs.

Article (42)

The Ministry, in coordination with the competent agencies, shall specify the conditions necessary to guarantee the preservation of bio-diversity in Palestine.

Article (43)

The Ministry, in coordination with the competent agencies, shall set the bases and standers that determine the plants, wild and woodland are forbidden by these standards to be, temporally or permanently, picked up, harvested, damaged or cut off to ensure their endurance and continuation.

Article (44)

It shall be forbidden for any person to conduct activities or perform any action that may cause damage to the natural reserves, forests, public parks or archaeological sites, or affect the esthetical aspects of such areas.

Part IV

Environmental Impact Assessment, Licensing, Inspection and Administrative Procedures

Chapter 1

Environmental Impact Assessment

Article (45)

The Ministry, in coordination with the competent agencies, shall set standards to determine which projects and fields shall be subject to the environmental impact assessment studies. It shall also prepare lists of these projects and set the rules and procedures of the environmental impact assessment.

Chapter 2

Licensing

Article (46)

When authorizing any facility, the competent agencies shall avoid environmental hazards by encouraging transfer to projects that use substances and operations less harmful to the environment, and by giving priority to such projects on the basis of economic development.

Article (47)

The Ministry, in coordination with the competent agencies, shall determine the activities and projects that have to obtain an environmental approval before being licensed. This includes the projects that are allowed to be established in the restricted areas.

Article (48)

The Competent Agencies are not allowed to issue licenses for establishing projects or facilities, or for any other activities specified in article (47) of this Law, or to renew them unless an environmental approval is obtained from the Ministry.

Chapter 3

Inspection and Administrative Procedures

Article (49)

The Ministry shall follow up the implementation of the decisions issued regarding environmental impacts by cooperating with the competent agencies.

Article (50)

The Ministry, in coordination with the competent agencies, shall monitor the variant institutions, projects and activities to verify their compliance with the requirements, standards and directives prescribed for protecting the environment and the vital resources, in compliance with the provisions of this law.

Article (51)

Inspectors of the Ministry and other inspectors appointed by other ministries and agencies, and who have the power of commissioners in accordance with this law. The inspectors may curb environmental contravention or crimes committed in violation of this law.

Article (52)

The Ministry inspectors, in cooperation with competent agencies and administrations, have the right to have access to any facilities for inspection, take samples and measurements to ensure their conformity with the standards and conditions of environmental protection and pollution prevention.

Article (53)

The owners of the different projects and activities have to enable the inspectors of the Environmental Planning and any other competent agencies to conduct their duties, and provide them with the information and data that they see necessary in compliance with the provisions of this law.

Article (54)

Every owner of a facility shall perform self-monitoring operations in conformity with the standards and conditions stipulated by the Ministry in coordination with competent agencies and shall submit reports according to the Ministry's directives or to any other agency prescribed by the executive regulation of this law.

Article (55)

Any facility or project that violates the environmental conditions required for granting the license, the competent agency has the right to revoke or suspend the license. The owner of the facility or project may impeach the decision of revoking or suspending the license before a specialized court.

Article (56)

The violating facility or project shall not be allowed to resume activities without the removal of the contravention causes; if these causes are not removed, the competent agency shall remove them at the expense of the owner.

Article (57)

The minister can decide to suspend the work of any project, prevent wholly or partially the using of any machine or material, if the continuation of such use has extreme hazard on the environment. The suspension or prevention shall not exceed two weeks, and it is not possible to extend the period without a judicial order from the specialized court; moreover, those affected as a result of suspension and prevention can appeal before the specialized court.

**Title V
Penalties**

Article (58)

The penalties mentioned in this law shall be applied without jeopardizing any more severe penalty stipulated in any other laws,

Article (59)

Any facility owner or operator provides incorrect or misleading information regarding the environmental aspects of the facility he owns or operates, shall be penalized by imprisonment of a period not exceeding six months and a fine of not more than two thousand Jordanian Dinars or the equivalent thereof in the legally circulated currency, or one of the two penalties.

Article (60)

If, as a result of violation to the provisions of this law or any regulations or resolutions issued thereupon, an epidemic illness spreads out, and that the violator could have - in the extent possible - expected such a nuisance, he/ she shall be subject to imprisonment of a period not less than 5 years and a fine of not less than ten thousand Jordanian Dinars, or one of the two penalties.

Article (61)

Any person violates the provisions of Article (10) of this law shall be punished by paying a fine of twenty Jordanian Dinars or the equivalent thereof in the legally circulated currency, or imprisonment for a period of not less than three days.

Article (62)

Any person violates the provisions of Article (12) of this law shall be punished by a fine of not less than 1,000 and not more than 3,000 Jordanian Dinars or the equivalent thereof in the legally circulated currency and not more than three years of imprisonment, or one of the two penalties.

Article (63)

- A.** Any person violates the provisions in section (A) of Article (13) of this law shall be sentenced to eternal imprisonment with hard work, in addition to confiscating or eliminating the wastes at the violator's expense.
- B.** Any person violates the provisions in section (B) of Article (13) of this law shall be penalized by a fine of not less than 3,000 and not more than 20,000 Jordanian Dinars or the equivalent thereof in the legally circulated currency, and the imprisonment of a period not less than three years and not more than fifteen years, or one of the two penalties.

Article (64)

Any person violates the provisions of Article (18) of this law shall be penalized by a fine of not less than 500 and not more than 3,000 Jordanian Dinars or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than one month and not more than six months, or one of the two penalties.

Article (65)

Any person violates the provisions of Articles (21), (22) and (23) of this law shall be penalized by paying a fine of not less than 10 and not more than 100 Jordanian Dinars, or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than two days and not more than one week, or one of the two penalties.

Article (66)

Any person violates the provisions of Articles (25) and (26) of this law shall be penalized by paying a fine of not less than 50 and not more than 100 Jordanian Dinars, or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than one week and not more than one month, or one of the two penalties.

Article (67)

Any person violates the provisions of Article (27) of this law shall be penalized by paying a fine of not less than 1,000 and not more than 7,000 Jordanian Dinars, or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than one month and not more than one year, or one of the two penalties.

Article (68)

Any person violates the provisions in Article (30) of this law shall be penalized by paying a fine of not less than 200 and not more than 1,000 Jordanian Dinars, or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than one month and not more than six months, or one of the two penalties.

Article (69)

Any person violates the provisions of Articles (32), (38) and (39) of this law shall be penalized by paying a fine of not less than 5,000 and not more than 50,000 Jordanian Dinars or the equivalent thereof in the legally circulated currency, and imprisonment of a period not less than one year and not more than ten years, or one of the two penalties.

Article (70)

Any person violates the provisions of Article (34) of this law shall be penalized by paying a fine of not less than 1,000 and not more than 5,000 Jordanian Dinars, or the equivalent thereof in the legally circulated currency and the imprisonment of a period not less than one month and not more than six months, or one of the two penalties.

Article (71)

Any person violates the provisions in Article (41) of this law shall be punished by a fine of not less than 20 and not more than 200 Jordanian Dinars or the equivalent thereof in the legally circulated currency, and the imprisonment for period not less than three days and not more than tow weeks, or one of the two penalties.

Article (72)

Any person violates the provisions of Article (44) of this law shall be penalized by paying a fine of not less than 20 and not more than 200 Jordanian Dinars, or the equivalent thereof in the legally circulated currency, and the imprisonment for a period not less than three days and not more than one month, or one of the two penalties.

Article (73)

Any person violates the provisions in Article (53) of this law shall be penalized by paying a fine of not less than 100 and not more than 500 Jordanian Dinars, or the equivalent thereof in the legally circulated currency, and the imprisonment for a period not less than one week and not more than a month, or one of the two penalties.

Article (74)

In addition to the provisions mentioned in the articles of this chapter, it is assumed that the removal of the harm and its effects must be at the violator's expense.

Title VI

Final Provisions

Article (75)

In order to implement the provisions of this law or any other international conventions regarding the environment, and of which Palestine is a part, the Ministry in coordination with the local competent agencies shall cooperate with the signatory countries to exchange scientific and technical information, coordinate programs in

the field of joint environmental research, set and implement joint cooperation programs to prevent or reduce environmental pollution, and exchange various forms of assistance in this regard.

Article (76)

Every normal or juridical person who causes environmental harm as a result of an action or negligence in violation of the provisions of this law or any international convention of which Palestine is a part, shall be compelled to pay the convenient compensations in addition to the penal liability explicated in this law.

Article (77)

According to the provisions of this law, International and regional conventions, treaties, and the provisions of the international entities of which Palestine is a part, or any other laws related to the environment which are in effect in the Palestinian territories, shall be considered complementary to this law, unless otherwise is stated.

Article (78)

The Ministry, with the participation other competent agencies, shall prepare emergency plans to combat environmental disasters.

Article (79)

The Ministry, in cooperation with competent agencies shall perform environmental monitoring in order to gather information about the various environmental elements and shall prepare comprehensive reports to be submitted to the authorized agencies.

Article (80)

Upon suggestion from The Minister, the Ministerial Cabinet shall issue the Executive Regulation, which is necessary for the enforcement of the provisions of this law.

Article (81)

Any provision or regulation that contradicts the provisions of this law shall be repealed.

Article (82)

Each competent entity must, in accordance with its responsibility, implement and apply the provisions of this law after thirty days from publication date in the official gazette.

Issued on: 28/ 12/ 1999

Yasser Arafat

Chairman of the PLO Executive Committee

President of the Palestinian National Authority.

5.2 Decision of the Council of Ministers No. (25) of 2010 Concerning the Ecosystem Conditions for Masonry and Marble Saws, and Tile and Ready-Made Concrete Factories

Decision of the Council of Ministers No. (25) of 2010 Concerning the Ecosystem Conditions for Masonry and Marble Saws, and Tile and Ready-Made Concrete Factories

Having reviewed the Amended Basic Law of 2003 and its Amendments particularly Article (70), And Law No. (7) of 1999 Concerning the Environment, particularly Articles (19, 22, 23, 26, 30 and 80),

And based upon the recommendation of the Chairman of the Environment Quality Authority, And based on the decisions taken by the Council of Ministers in its session held in Ramallah on 18 October 2010,

And in accomplishment of the common interest, And based upon the powers bestowed upon me,

I hereby promulgate this bylaw:

Chapter One General Provisions

Article (1)

In applying the provision of this bylaw, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

Law: Law No. (7) of 1999 Concerning the Environment.

Authority: Environment Quality Authority.

Industrial establishment: Masonry and marble saws, tile and ready-made concrete factories, and also including land, buildings, facilities and the equipment therein.

Natural areas: Concordant sites, areas and features consisting of physical, biological or geological and physiographic formations that are geographically and accurately identified and specified and forming an esthetic value, or the fauna and flora that have a national value or are threatened.

Industrial zone: The area classified in the organizational structure as an industrial zone, or land whose utilization capacity has been converted into industrial zones.

Industrial waste water: Water discharged by the industrial establishment or that resulting from water use in some or all the manufacturing, cleansing, cooling or other stages whether it has been treated or not.

Residue: Deposited solid and semi-solid material resulting from an industrial activity in the establishment including grout, sediment mud, mortar and other material.

Vicinity: The area around the industrial establishment up the distance whereby it is affected by the establishment which is no less than 100 meters overhead.

Palestinian specifications: Specifications issued by the Palestinian Standards Institution.

Article (2)

Subject to the provisions of this bylaw shall be the masonry and marble saws, the tile and ready-made factories wherever they exist in the Palestinian territories.

Article (3)

1. Masonry and marble saws, and tile and ready-made concrete factories shall be considered industrial establishment and shall be obliged to obtain an environmental approval as precondition for obtaining a license or renewing an expired license, in accordance with the provisions of this bylaw and the provisions stipulated in the Environmental Assessment Policy.
2. The industrial establishment existing prior to the issuance of this bylaw shall be subject to environmental monitoring procedures in line with the Environmental Assessment Policy and the conditions for environmental approval.

Article (4)

The Authority shall have the right to revoke the environmental approval and take necessary measures in coordination with competent parties in the event any of the conditions for environmental approval and the provisions of this bylaw have been violated.

Article (5)

The landlord of the industrial establishment shall bear full legal responsibility resulting from constructing any facilities prior to obtaining environmental approval, and without prejudice to any legal or civil responsibility the Authority shall have the final say in accepting or rejecting the issuance of an environmental approval and take measures it deems necessary in coordination with the competent parties.

Chapter Two

Requirements for Granting Environmental Approval

Article (6)

Environmental approval applicants shall be obliged to submit the cadastral plans and the blueprints of the site of the industrial establishment with a reasonable scale and duly endorsed. The plans and blueprints must indicate the following: (1) internal and external paths and corridors; (2) yards and their uses and the different workplaces; (3) partition of establishment according to use; (4) pipes connected to the sewage network and the septic tank; (5) waste water treatment unit and draining system; (6) rainwater drainage system; (7) electrical supply unit and fuel stores; (8) source of water supply, tanks and pipelines; (9) specific fire extinguisher points; (10) specific emergency entry and exit points.

Article (7)

The industrial establishment must be constructed in sites that meet the following conditions: (1) to be constructed inside the industrial zone or on land whose utilization capacity has been converted into an industrial zone in line with the requirements set down by the competent authorities; (2) to maintain a distance of no less than 1000 meters from natural areas; (3) to be constructed on a 12-meter wide organizational road.

Article (8)

1. The construction of a one-meter-and-a-half high wall at least made of bricks or cement around the periphery of the establishment.
2. Planting a green belt of trees inside the wall around the establishment from all sides.
3. The area of the industrial establishment must meet professional safety conditions in proportion with the nature of the work of the establishment.
4. Internal yards of the establishment must be paved.
5. Allocating parking space for cars and trucks for loading and unloading purposes within the borders of the establishment.

6. Provision of appropriate space for storage of raw and produced material separately.

Article (9)

Further to the terms and conditions provided for in Articles (7) and (8) of this bylaw, the Authority may add other terms and conditions that it deems necessary under the environmental approval while at the same time accommodating for the location of the establishment, the impact of the wind's direction and speed in the area along with the extent of the potential environmental impact of the project.

Article (10)

The landlord of the industrial establishment shall be committed to taking preventive measures to limit the negative impact on the environment in the neighboring area and preserve the esthetic view by way of planting trees or undertaking periodic cleansing campaigns of the roads leading to the industrial establishment, or by any other way required by the local authorities or specified in the environmental approval and the special provisions relating to solid waste and waste water.

Article (11)

The landlord of the industrial establishment must drain liquid waste in accordance with the following terms: (1) Draining of domestic waste water discharged by the establishment shall be drained in accordance with the valid and applicable terms and instructions separate from industrial waste water and in a place far from any residues or solid waste produced by the establishment. (2) Establishment of a rainwater drainage system inside and outside the establishment and in the yards including sand filters in the places of maintenance and separate from the waste water drainage system. (3) Setting up a water catchment, recycling and treatment of industrial waste water system including sedimentation and filtering basins that are particularly separate from domestic waste water.

Article (12)

Landlords of industrial establishment shall be committed to the following at their own expense: (1) Undertaking additional treatment of the industrial waste water discharged by the industrial establishment within its borders and before drainage in case it does not meet Palestinian specifications. (2) Undertake periodic laboratory examination of industrial waste or treated water that is drained to the public waste water network or ravines according to the request of the Authority or as necessity requires.

Article (13)

The Authority shall have the right to impose additional terms after the issuance of the environmental approval that it deems necessary for the industrial waste or treated water drainage process, or modify the existing process or any other attached drainage systems.

Article (14)

The landlord of the establishment must dispose of solid waste according to the following terms: (1) Provision of domestic solid waste containers and duly disposing of it. (2) Disposing of residues and secondary stone deposits and other particles that have no further use and which result from the production processes of the establishment according to the terms of the environmental approval.

Article (15)

- (1) He landlord of the establishment shall be committee to not draining or disposing of hazardous liquid or substances such as lubricants, organic solvents, acids and oil derivatives except in accordance with the instructions set down for that purpose. These substances shall

be stored and damaged in accordance with the terms set down by the Authority and in cooperation with competent authorities at the expense of the landlord of the establishment. (2) The landlord shall be committed to undertake the maintenance of the equipment and the use of lubricants and oil derivatives in place specially designated for that purpose that accommodate for the requirements of environment protection. (3) The landlord of the establishment shall be committed to keeping records of all hazardous substances and waste used in the establishment or produced by it.

Article (16)

- (1) The transfer of industrial waste water or residues or solid waste or stone waste produced by the establishment shall take place only licensed means of transport designated specially for that purpose. (2) Axle loads of trucks approved by the Ministry of Transportation must be complied with. (3) The owner and driver of the truck shall be committed to following the measures necessary to cover loaded trucks from and to the site.

Article (17)

- (1) The provision of means to reduce the noise produced by the equipment and tools or any other activity taking place inside the establishment. (2) The provision of health and professional safety equipment for both laborers and customers. (3) Putting on place risk warning signs. (4) The provision of sanitary units and potable water, and places suitable for taking meals, as well as separate locker rooms for changing clothes. (5) The installation and provision of fire extinguishers. (6) The provision of adequate passageways for easy movement as well as emergency exits. (7) The provision of means for natural lighting as well as mechanical ventilation.

Article (18)

- (1) Compliance with Palestinian specifications relating to the level and sound intensity. (2) Commitment to work hours and official work time specified by relevant laws.

Article (19)

The landlord of the establishment shall be responsible for minimizing air pollution caused by the establishment through commitment to the following provisions as a minimum: (1) Commitment to the Palestinian specifications pertaining to emission from stationary sources in order to minimize air pollution. (2) Commitment to Palestinian specifications relating to the quality of surrounding air. (3) Installing and operating all necessary equipment to reduce emission to the surrounding vicinity. (4) Installation of sprinklers from a permanent water source directed at the cutting saws and other related equipment and tools. (5) Any other procedures required by the environmental approval.

**Chapter Three
Final Provisions**

Article (20)

These provisions shall be considered the minimum that can be applied to industrial establishments.

Article (21)

Chairman of the Environment Quality Authority shall have the right to issue instructions necessary for implementing the provisions of this bylaw.

Article (22)

The violation of the provisions of this bylaw shall be tantamount to the violation of the Palestinian Environmental Law.

Article (23)

Whoever causes by deed or negligence an environmental damage resulting from violating the provisions of this bylaw shall be obligated to remove the damage and make compensation at their own expense.

Article (24)

Any administrative procedures undertaken without compliance with the provisions stipulated in this bylaw shall be considered null and void.

Article (25)

All provisions that contradict the provisions of this bylaw are hereby repealed.

Article (26)

All competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this bylaw, which shall enter into force as of the date of its promulgation and shall be published in the *Official Gazette*.

Issued in the city of Ramallah on 18 October 2010 Ad, corresponding to 10 Al-Qi'dah 1431 AH.

From the Judiciary and Legislation System in Palestine – Al-Muqtafi – Prepared by the Law Institute at Birzeit University.

5.3 Palestinian Environmental Assessment Policy

PART A: THE PALESTINIAN ENVIRONMENTAL ASSESSMENT POLICY A policy to establish an environmental assessment process in Palestine

WHEREAS the Palestinian National Authority seeks to achieve sustainable development in Palestine through conserving and enhancing environmental quality and by encouraging and promoting economic and social development that conserves and enhances environmental quality;

WHEREAS environmental assessment provides an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development and the Palestinian National Authority that has no environmental assessment process;

WHEREAS the Palestinian National Authority seeks to establish an environmental assessment process as will be required by the proposed Palestinian Environmental Law;

WHEREAS the Palestinian National Authority seeks to exercise a leading role within Palestine, and internationally, in anticipating and preventing the degradation of environmental quality and at the same time ensuring that economic and social development is compatible with a high level of environmental quality;

WHEREAS the Palestinian National Authority seeks to facilitate stakeholder consultation in the environmental assessment of development activities to be carried out within Palestine, and to provide public access to the information on which those environmental assessments are based;

NOW, THEREFORE, the Ministerial Council approves the Palestinian Environmental Assessment Policy, through resolution No: 27-23/4/2000

Dated: 23 / 4 / 2000

The Palestinian Environmental Assessment Policy

Chapter 1

Article 1: Definitions

In this Policy:

"**Ministry**" means the Palestinian Ministry of Environmental Affairs.

"**Minister**" means Minister of Environmental Affairs.

1. "**Development activities**" means projects, plans or programs.
"**Project**" means the pre-construction, construction, operation and decommissioning of any physical development.
"**Plan**" means a design for the layout, construction or operation of a group of projects or other land uses.
"**Program**" means a group of projects or plans to be implemented over a limited period of time.

2. **“Environment”** and its components means water, air, land, humans and other forms of life including domesticated and non-domesticated plants and animals, the inter-relationships among them and future generations. It also includes socio-economic conditions as well as sites and resources that are of historical, archaeological, cultural, or landscape value.
3. **“Environmental approval”** means a conditioned and/or unconditioned approval, issued by the Ministry, which attests to the satisfactory completion of all environmental requirements or the environmental assessment for a development activity, and which grants environmental approval for the purpose of issuing a permit by the permitting authority without contradicting other applied rules and regulations.
4. **“Environmental assessment (EA)”** means the overall process whereby the potential environmental impacts of proposed development activities are studied and reviewed before considering Environmental Approval.
5. **“Environmental assessment decision”** means any decision made by the Ministry which is responsible for implementing this policy.
6. **“Environmental audit”** means a systematic, periodic evaluation of environmental management for existing installations, facilities or activities for the purpose of protecting and safeguarding the environment.
7. **“Environmental impact”** means an adverse or beneficial change in the environment due to a development activity.
8. **“Environmental impact assessment (EIA)”** means a detailed assessment of the environmental impacts of a proposed project according to approved terms of reference.
9. **“Permitting authority”** means any authority that grants permission according to the regulations and laws effective in Palestine.
10. **“Initial environmental evaluation (IEE)”** means a general, reconnaissance-level study of the environmental impacts of a proposed project according to approved terms of reference.
11. **“Mitigation measure”** means any measure included in the plan for a development activity to avoid, reduce or rectify an adverse environmental impact, or to compensate for an adverse environmental impact by replacing or providing substitute resources.
12. **“Residual impact”** means an adverse environmental impact which remains after mitigation measures are implemented.
13. **“Scoping”** means the process of establishing the range of action alternatives and potential impacts to be included in terms of reference for environmental assessment studies.
14. **“Screening”** means the process of determining whether or not an environmental assessment study is required for a proposed development activity.
15. **“Stakeholder”** means any person in his natural or legal capacity with an interest in, or affected by, a development activity.
16. **“Review”** means assessing the adequacy of an environmental assessment report, taking into account the points of view of stakeholders, and assessing the acceptability of the proposed development activity in terms of existing plans, policies and standards.
17. **“Terms of reference (TOR)”** means the written requirements issued by the Ministry to govern the carrying out of an environmental assessment study, consultations to be held, data to be produced, and the form and content of the environmental assessment report. A TOR is often produced as an output from scoping.
18. **“Strategic environmental assessment (SEA)”** means the environmental assessment of plans or programs.

Chapter 2

Article 2: Goals of the Policy

This Policy shall be interpreted and implemented to support the sustainable economic and social development of the Palestinian people through assisting in meeting the following goals:

1. Ensuring an adequate standard of life in all its aspects, and not negatively affecting the basic needs, and the social, cultural and historical values of people as a result of development activities.
2. Preserving the capacity of the natural environment to clean and sustain itself.
3. Conserving biodiversity, landscapes and the sustainable use of natural resources.
4. Avoiding irreversible environmental damage, and minimizing reversible environmental damage, from development activities.

Article 3: Principles Underlying The Policy

1. The application of this Policy must be transparent, equitable and effectively administered in order to encourage environmentally-sound development.
2. Environmental assessment must enhance development, by contributing to its environmental sustainability, not inhibit it.
3. Environmental assessment should begin as early as possible since it is a means for both planning and evaluating development activities through all stages including decommissioning.
4. Proponents of development activities should pay the costs of carrying out environmental assessment studies. Preparation of studies and reports must be carried out by specialists qualified to carry the work.
5. Environmental assessment should specify measures for mitigating potential impacts, and for environmental monitoring and management, throughout the life of a development activity.
6. Environmental assessment should clearly identify who benefits from a project and who suffers the negative effects.
7. In the absence of Palestinian environmental standards, appropriate standards will be considered in EA studies and in the measures and conditions included in the environmental approvals of projects.
8. Stakeholder consultation is an essential component of the EA Policy.

Article 4: Development Activities Subject to the Policy

This Policy applies to the following categories of development activities:

1. Proposed public and private-sector projects, and proposed extensions or additions to existing projects, as described in Annex 3.
2. Proposed plans and programs, as described in Annex 4.
3. Existing projects, as described in Annex 5.

Article 5: Responsibility for Implementation

In fulfilling its responsibility, the Ministry shall:

1. Ensure that the goals and principles of the Policy are achieved and reflected in the implementation of the Policy
2. Establish and manage the required implementation procedures.
3. Provide advisory and technical guidance to individuals, organizations, agencies, and proponents who are required to comply with or participate in implementing the Policy.
4. Produce guidelines and best management practices for complying with the Policy.

5. Maintain a register of all activities currently being appraised under the Policy.
6. Establish procedures for, and ensure, the monitoring and follow-up of conditions attached to activity environmental approvals under the Policy.
7. Periodically evaluate the implementation of the Policy and recommend adjustments or improvements to it.

Article 6: Environmental Assessment Committee

a) An inter-agency Environmental Assessment Committee shall be established with members from the following governmental agencies:

1. The Ministry (chair)
2. Ministry of Industry
3. Ministry of Local Government
4. Ministry of Transport
5. Ministry of Agriculture
6. Ministry of Health
7. Ministry of Tourism and Antiquities
8. Ministry of Planning and International Cooperation
9. Palestinian Water Authority
10. Palestinian Energy Authority

Other agencies may be asked to join the EA Committee as required to review the nature and location of individual projects.

b) The EA Committee shall undertake the following responsibilities according to its own procedures:

1. Ensure adequate scoping of environmental assessment studies.
2. Prepare and approve terms of reference for environmental assessment studies.
3. Review environmental assessment reports.
4. Recommend environmental assessment decisions to the Minister.
5. Assist the Ministry to ensure compliance of projects with environmental approval conditions.

Chapter 3

Article 7: Environmental Assessment Studies

1. For the purpose of considering Environmental Approval of projects, two kinds of EA studies may be required:
 - a. An Initial Environmental Evaluation (IEE) for projects where significant environmental impacts are uncertain, or where compliance with environmental regulations must be ensured; and
 - b. An Environmental Impact Assessment (EIA) for projects which are likely to have significant environmental impacts. An EIA may be carried out as a result of an IEE.
2. When an EIA is required, the Ministry is empowered to establish and charge a fee equal to the costs incurred by the National Authority to review and consider the Environmental Approval of a project.
3. Proposed projects and extensions to existing projects for which an Environmental Impact Assessment must be conducted are listed in Annex 1.

For project types not listed in Annex 1, a determination of whether or not an IEE or an EIA must be conducted will be based on screening criteria listed in Annex 2.

Article 8: Stakeholder Consultation

1. Proponents are required to consult stakeholders during the scoping and conduct of Environmental Impact Assessments.
2. Stakeholder consultation may be required during Initial Environmental Evaluations as determined by the Ministry.
3. The Ministry is empowered to conduct its own stakeholder consultation to verify the information provided, or extend the proponent's consultations.
4. Initial Environmental Evaluation and Environmental Impact Assessment Reports shall be made available by proponents for stakeholder review and comment as specified by the Ministry.
5. The Ministry shall coordinate EA consultations with consultations by other authorities pursuant to other regulations and laws.

Article 9: Transboundary Environmental Impacts

Development activities within or outside of Palestine may have transboundary environmental impacts. As required, the Palestinian National Authority, through the Ministry, shall negotiate reciprocal agreements with neighboring countries to ensure that EA contributes to mitigating such impacts. Such agreements shall be consistent with the principles of the 1991 United Nations "Convention on Environmental Impact Assessment in a Transboundary Context".

Article 10: Objections

1. Objections to environmental assessment decisions shall be made according to the provisions of related laws and regulations.

PART B: ANNEXES TO THE PALESTINIAN ENVIRONMENTAL ASSESSMENT POLICY

ANNEX 1:

PROPOSED PROJECTS AND EXTENSIONS TO EXISTING PROJECTS FOR WHICH AN ENVIRONMENTAL IMPACT ASSESSMENT IS MANDATORY

An Environmental Impact Assessment (EIA) shall be conducted for the following types of major development projects:

1. Power plants (including gas turbines, substations and super tension lines)
2. Quarries and mines
3. Waste water treatment plants including main sewers
4. Cement plants
5. Solid waste disposal sites
6. Hazardous waste disposal sites
7. Plants producing, storing or using hazardous substances
8. Airports and landing strips

9. Seaports, jetties and harbors
10. Refineries
11. Industrial estates
12. Major dams and reservoirs
13. Major roads
14. Steel mills

Extensions to existing projects of the types listed above shall be screened for the need for IEE or EIA studies according to procedures described in annex 3.

ANNEX 2:

EA SCREENING GUIDELINES FOR PROJECTS AND EXTENSIONS TO PROJECTS

Based on an Application for Environmental Approval, screening criteria are used to determine whether an Initial Environmental Evaluation or an Environmental Impact Assessment is required for a project.

Screening will be based on requirements of relevant land use plans, and on whether the project is likely to:

1. Use a natural resource in a way that pre-empts other uses of that resource,
2. Displace people or communities,
3. Be located in or near environmentally sensitive areas such as natural reserves, wetlands, or registered archeological and cultural sites,
4. Generate unacceptable levels of environmental impact,
5. Create a state of public concern, or
6. Require further, related development activities which may cause significant environmental impacts.

ANNEX 3:

EA ADMINISTRATIVE PROCEDURES FOR PROPOSED PROJECTS AND EXTENSIONS TO EXISTING PROJECTS

1. EA DOCUMENTS

There are three types of EA reports that represent sequential stages in the project life cycle and the EA review process: 1) an **Application for Environmental Approval**, 2) an **Initial Environmental Evaluation (IEE) Report**, and 3) an **Environmental Impact Assessment (EIA) Report**.

The Ministry shall provide guidance on the content and preparation of these reports.

1.1 Application for Environmental Approval

An Application for Environmental Approval is the project document informing the relevant permitting authorities and the Minister that a project is being considered which may be subject to the EA Policy. It is the document used by the Ministry to screen a project for its disposition under the EA Policy, and to consider permitting conditions.

A proponent should be able to prepare an Application for Environmental Approval with little or no assistance from environmental specialists. The Application for Environmental Approval provides a basic description of the proposed project and, if the project type is not listed in Annex 1, it should include sufficient information to allow the project to be screened according to the criteria listed in Annex 2.

The Application for Environmental Approval should also list what environmental and other permits must be obtained and complied with, indicate how the expected conditions of these permits will be fulfilled, and include a signed statement by the proponent that these conditions will be fulfilled.

1.2 Initial Environmental Evaluation (IEE) Report

An IEE Report documents the results of a general, reconnaissance-level evaluation of the likely environmental impacts of a proposed project, based largely on existing information. An IEE Report should be prepared during pre-feasibility studies of a project. Its main purpose is to identify likely impacts, to estimate their severity, to indicate which impacts may be significant, and to indicate what opportunities are available to mitigate adverse environmental impacts and enhance potential environmental benefits. As appropriate, an IEE Report should include proposals for monitoring and managing likely impacts, especially those which affect local people.

An IEE Report is used as a basis for granting Environmental Approval, or for requiring either project changes and a revised IEE Report or a more detailed EIA Report before Environmental Approval is considered further.

1.3 Environmental Impact Assessment (EIA) Report

An EIA Report documents the results of a comprehensive environmental impact assessment of a project, based on terms-of-reference approved by the Ministry. It is broader in scope and contains more detailed analysis than an IEE Report. An EIA involves sufficient surveys and fieldwork to adequately study and analyze the issues to be addressed. It should be undertaken during pre-feasibility and/or detailed feasibility studies of a project, and in close liaison with engineering, financial and other project planning work. An EIA Report describes the environmental planning that went into a project and what features are incorporated to mitigate adverse impacts and capture potential benefits. It includes an analysis of the severity and significance of impacts and benefits, especially for individuals and communities directly affected by the project. It also provides an environmental monitoring and management plan.

An EIA Report is used as a basis for determining whether or not Environmental Approval is granted and, if so, under what conditions.

2. EA ADMINISTRATIVE PROCEDURES

A flowchart of the EA administrative procedures is given in Figure 1.

2.1 Application for Environmental Approval

For projects listed in Annex 1, a proponent must first obtain initial approval from the appropriate Ministry or Local Planning Committee. The proponent then submits an Application for Environmental Approval to the Ministry. The Ministry will notify the appropriate permitting

authorities that an Application for Environmental Approval has been received and that an EIA is required.

For projects not listed in Annex 1, the proponent submits the Application for Environmental Approval to the appropriate permitting authorities as part of his overall application package for initial approval. These authorities then refer the project to the Ministry. The Ministry may ask the proponent for further information to ensure the Application is sufficient for consideration under the EA Policy. In consultation with these authorities and others through the EA Committee as required, the Ministry then applies the screening guidelines (Annex 2) and determines whether or not an IEE Report or an EIA Report is required. If an IEE Report or EIA Report is not required, the Ministry will determine, in coordination with the relevant permitting authorities or the EA Committee as required, whether or not Environmental Approval will be granted and, if so, under what conditions.

Once the Ministry considers that an Application for Environmental Approval is complete, it has a maximum of 14 business days to determine the need for an IEE or an EIA Report, or to determine whether Environmental Approval will be granted based on the Application alone. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

2.2 Initial Environmental Evaluation (IEE) Report

Terms-of-reference (TOR) for an Initial Environmental Evaluation (IEE) are prepared by the Ministry on the advice of the EA Committee, as required, and in consultation with a proponent. The Ministry may require the proponent to carry out scoping studies as part of TOR preparation. From the decision to require an IEE and following the completion of any required scoping studies, the Ministry shall have a maximum of 21 business days in which to prepare TOR. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond to in writing within a week from receipt of the complaint.

The TOR specify the minimum scope of any study. The proponent is responsible for defining the full scope of the study and for justifying it in the IEE Report

Stakeholder consultation is optional when undertaking an IEE. In consultation with the proponent and the EA Committee as required, the Ministry determines whether stakeholder consultation is required and, if so, what the minimum requirements should be. It may be required during scoping and terms-of-reference preparation, and during the conduct of the IEE.

The proponent submits a draft IEE Report to the Ministry which conducts an initial, internal review to determine if the report contains the minimum requirements specified in the terms of reference. Once the Ministry is satisfied that the minimum requirements have been met, the proponent finalizes the IEE Report and the Ministry accepts it for review. The Ministry then conducts a detailed technical review of the report with the assistance of the EA Committee as required. Depending on the complexity and scope of the project, an independent consultant may be retained to review the report and advise the Ministry. The Ministry staff may also meet with non-governmental stakeholders to verify or extend any stakeholder consultations undertaken by the proponent.

When the reviews are completed and consolidated, the Ministry meets with the proponent to discuss the IEE Report and, if necessary, require that revisions or additions to the report be made before Environmental Approval is considered further.

Once it has accepted an IEE Report for review, the Ministry has a maximum of 21 business days in which to complete the first review, and a maximum of 14 business days for the review of each subsequent revision or addition to the report. If any of these deadlines are not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

When the Ministry's review is complete, the Ministry must attest that the IEE Report has been satisfactorily carried out and:

- i) Find that project changes and a revised IEE Report are required before Environmental Approval can be considered further; or
- ii) Grant Environmental Approval with, if necessary, conditions to be included in subsequent permits; or
- iii) Find that an EIA Report is required before Environmental Approval can be considered further.

The Minister determines what course to follow and advises the proponent and relevant permitting authorities accordingly.

2.3 Environmental Impact Assessment (EIA) Report

Terms-of-reference (TOR) for an Environmental Impact Assessment (EIA) are prepared by the Ministry on the advice of the EA Committee, as required, and in consultation with a proponent. The Ministry may require a proponent to carry out scoping studies as part of TOR preparation. From the decision to require an EIA and following the completion of any required scoping studies, the Ministry shall have a maximum of 21 business days in which to prepare TOR. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

The TOR specify the minimum scope of any study. The proponent is responsible for defining the full scope of the study and for justifying it in the EIA Report

Stakeholder consultation is mandatory when undertaking an EIA. In consultation with the proponent and the EA Committee, the Ministry determines what the minimum requirements for stakeholder consultation should be. It may be required during scoping and terms-of-reference preparation, and during the conduct of the EIA. At minimum, the proponent must meet with the principal stakeholders to inform them about the proposed project and to solicit their views about it. More problematic projects should involve more extensive consultations. The methods and results of these consultations must be documented in the EIA Report.

The proponent submits a draft EIA Report to the Ministry which conducts an initial, internal review to determine if the report contains the minimum requirements specified in the terms of reference. Once the Ministry is satisfied that the minimum requirements have been met, the proponent finalizes the EIA Report and the Ministry accepts it for review. The Ministry then conducts a detailed technical review of the report with the assistance of the EA Committee. Depending on the complexity and scope of the project, an independent consultant may be retained to review the report and advise the Ministry. The Ministry staff may also meet with non-governmental stakeholders to verify or extend the stakeholder consultations undertaken by the proponent. The Minister, or his deputy may, if it is considered warranted, require the proponent to hold stakeholder meetings on a project, chaired by the Ministry, to solicit further comment on it and on the EIA Report.

When the reviews are completed and consolidated, the Ministry meets with the proponent to discuss the EIA Report and, if necessary, require that revisions or additions to the report be made before Environmental Approval is considered further.

Once it has accepted an EIA Report for review, the Ministry has a maximum of 28 business days in which to complete the first review, and a maximum of 21 business days for the review of each subsequent revision or addition to the report. If any of these deadlines are not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

If stakeholder meetings are required to review the project and an EIA Report, the Minister may extend a review deadline to a maximum of 42 business days upon giving notice to the proponent, relevant permitting authorities, and affected parties.

When the Ministry's review is complete, the Ministry must attest that the EIA Report has been satisfactorily carried out and:

- i) Grant Environmental Approval with, if necessary, conditions to be included in subsequent permits; or
- ii) Withhold Environmental Approval since the project has unacceptable environmental impacts.

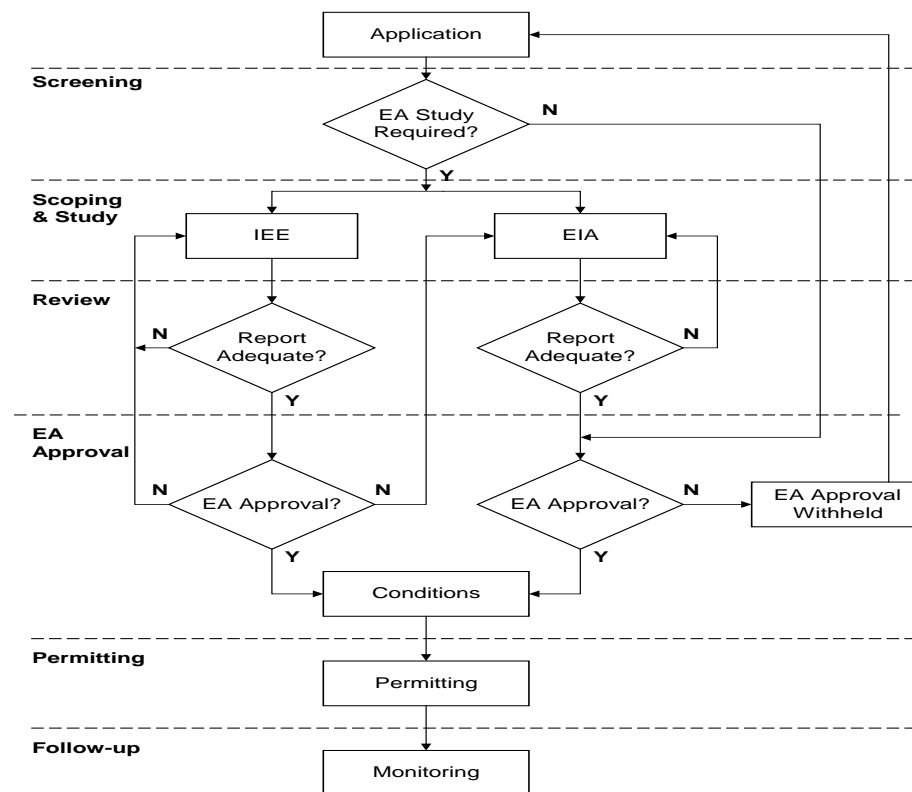
The Minister determines what course to follow and advises the proponent and relevant permitting authorities accordingly.

The proponent has the right to consider the reasons for the withholding of Environmental Approval, to redesign his project accordingly, and to submit a revised Application for Environmental Approval.

2.4 Environmental Approval

Without limiting its content, an Environmental Approval may specify:

- i) Required measures to mitigate adverse environmental impacts or capture potential environmental benefits, including a compliance schedule.
- ii) Measures that the proponent must implement in order to comply with relevant standards and requirements; and
- iii) Monitoring and reporting duties of the proponent.



ANNEX 4:

INITIAL SCOPING OF EA REQUIREMENTS FOR PLANS AND PROGRAMS

IEE and EIA procedures and reports are designed to deal with individual projects. By dealing with plans and programs, Strategic Environmental Assessment (SEA) is designed to address the cumulative and synergistic impacts of many projects in the same area. These types of impacts may be unavoidable at the project stage, and are more easily anticipated and avoided or mitigated at the preceding plan or program stage. SEA is most often used to guide public-sector decision-makers in the development of government plans and programs.

SEA may be used for plans and programs such as:

- a) Power generation and supply
- b) Solid waste management
- c) Transportation infrastructure development
- d) Tourism infrastructure development
- e) Parks and natural reserves development and management
- f) Development and management of industrial policy and estates
- g) Master plans
- h) Agricultural development programs

ANNEX 5:

INITIAL SCOPING OF EA REQUIREMENTS FOR EXISTING PROJECTS (ENVIRONMENTAL AUDITS)

Most of the developments that have been carried out in Palestine were prepared and implemented without any environmental considerations. Some of these developments receive public complaints and have significant environmental impacts.

Environmental auditing has been designed to deal with such existing development. Its aim is to mitigate negative environmental impacts through evaluating their environmental management and performance. An environmental audit is prepared by the owner or operator of the development activity, and focuses on mitigation measures for existing environmental impacts to comply with relevant environmental standards and regulations.

Decisions resulting from an Environmental Audit Report can include:

- i) Suspension of the permit for the development activity by the permitting authority until specified measures are implemented;
- ii) Agreement on conditions that will be applied to the development activity, including a plan of implementation; or
- iii) Exemption of the development activity from further compliance with the EA Policy.

Implementation of agreed upon terms and conditions should follow a specified time schedule, and requires continuous follow-up and evaluation.

5.4 Decree Law Number () for the year 2011 Concerning the Industry Law

Decree Law Number () for the year 2011 Concerning the Industry Law

President of the State of Palestine
Chairman of the Executive Committee of the Palestine Liberation Organization
Head of the Palestinian National Authority

Having reviewed the Amended Basic Law of 2003 and its Amendments, particularly Article (43),
And after reviewing the Industries Licensing Law for the year 1933 applicable in the Southern
Governorates,

And the Crafts and Industries Law for the year 1953 applicable in the Northern Governorates,
And the General Union of Palestinian Industries and specialized industrial unions Law number (2) for
the year 2006 and its amendments,

And upon the recommendation of the Council of Ministers on 9 August 2010,

And based upon the powers vested in me,

And to serve the public interest,

And in the name of the Arab Palestinian people,

I issue the following decree law:

Article (1)

Definitions

In applying the provision of this bylaw, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

Ministry: The Ministry of National Economy.

Minister: The Minister of National Economy.

Competent administration: The competent administration in the ministry.

Industrial establishment (industrial venture): Any establishment the main objective of which is converting raw materials into typical fully processed or semi-processed products or conversion of semi-processed products into typical fully processed products, including mixing, separation, forming, assembly, and packaging operations, provided that all or most of this operations are performed using an automation, and including information and environmental industries.

Local product: any national industrial product the added value of which resulting from the processing operation exceeds (25%), unless otherwise stipulated according to agreements reached by the Palestinian National Authority concerning rules of origin which specify higher percentages.

Industrial craft: Any activity that relies on manual technical skill in production or maintenance and in which machines are used minimally; the industrial products in this field would be atypical.

Industrial licensing: Set-up and operation licenses.

Set-up license: The license for the set-up of the establishment.

Operation license: The license to operate the industrial establishment.

Record: the industrial record that the Ministry prepares for the industrial establishment record and any amendments on them.

Article (2)

Scope of application

The provisions of this law apply to:

1. All registered industrial establishments in Palestine, as per the provisions of this law.

2. Industrial crafts which are included in the following table, and any craft to be added upon a decision by the Council of Ministers with a recommendation by the Minister.

| Number | Industrial craft | Number | Industrial craft |
|--------|------------------------------|--------|------------------------------------|
| 1 | Pottery products | 11 | Terracotta |
| 2 | Mosaic | 12 | Stone machining |
| 3 | Handmade glass | 13 | Gold, accessories, and jewelry |
| 4 | Handmade olive wood products | 14 | Materials mold foundry |
| 5 | Straw products | 15 | Metal transport and stone carriers |
| 6 | Embroidery | 16 | Bamboo |
| 7 | Handmade carpets | 17 | Bamboo and wax |
| 8 | Iron machining | 18 | Imitation jewelry |
| 9 | Bakeries | 19 | Candles |
| 10 | 'plastic' pottery | | |

Article (3)

Obligatory technical instructions

1. Industrial establishments must abide by the implementation of the adopted obligatory technical instructions, which specify the properties of the industrial product or operations connected to it, technical terms or codes or packaging, or which specify its characteristic attributes or the requirements of preparation of its statement.
2. All industrial establishments must have goods produced in Palestine adhere to the obligatory technical instructions, excepting products which are exported to countries that have other conditions.

Article (4)

Objectives

This law has the following objectives:

1. Increase the contribution of the industrial sector to the Gross National Product.
2. Encourage investment and increase job opportunities in the industrial sector.
3. Regulate, develop, and rehabilitate the industrial sector, and increase the production and competitive capacities of industrial products.
4. Provide legal protection for industry and industrial establishments.

Article (5)

Powers and duties of the Ministry

In accordance with the provisions of this law, the Ministry has the following powers and duties:

1. Develop policies that achieve economic and industrial development in coordination with relevant parties.
2. Promotion of national industries locally, regionally and internationally in cooperation and in coordination with relevant parties.
3. Monitoring and inspection of industrial establishments and following up on their production in cooperation and in coordination with relevant parties to guarantee their adherence to the provisions of this law.
4. Regulate the industrial activity and issue industrial licenses in coordination with relevant parties.
5. Develop legislation and prepare agreements related to industrial activity.
6. Prepare studies, programs and projects that aim to develop and rehabilitate the industrial activity in Palestine.
7. Provide all required facilitations and measures to encourage industrial investment in Palestine, in accordance with the provisions of this law.

8. Construct an industrial database, modernize and develop it in cooperation with relevant parties.
9. Cooperation and coordination with national and international organizations and institutions concerned with industrial activity.
10. Participation and representation in all conferences and technical committees related to industrial activity.
11. Approval of the value added of local products and certificates of origin.

Article (6)

Issuing licenses

1. The Ministry would establish the unified outlet for issuance of industrial licenses, and the Council of Ministers issues its bylaws to facilitate licensing procedures and obtaining the approval of all parties concerned with industrial establishments, each according to their domain.
2. No industrial establishment can be formed, expanded, developed, or have its production changed, or being merged within another industrial establishment, or partitioned into more than one venture, or have its location changed, or dispose of it partially or completely unless through a permit issued by the Minister or whoever is delegated, according to a recommendation by the relevant administration.
3. The license for forming the industrial establishment specifies the implementation time period as one year. The Minister can extend initiating implementation for an extra year, based on the licensee's request, if there are conditions that require it.
4. Operation of the establishment cannot start until an operation license is obtained, provided it is renewed annually.
5. The Minister issues the operation license for all industrial establishments.
6. The licensing of pharmaceutical and cosmetic industries is excepted from the provisions of this law, since they are licensed by the Ministry of Health, after the approval of the relevant administration.

Article (7)

Industries which are exempt from Industrial Licenses

Industrial establishments that require prior approval from the Council of Ministers before starting their activities are exempt from the provisions of article (6), and they are:

1. Production of weapons, ammunition, and parts.
2. Aviation industries, including airplanes.
3. Petroleum refining industry.
4. Vehicle industry.
5. Explosives and fireworks industry.
6. Any other industries that are excluded according to the provisions of any other law(s).

Article (8)

Licensing fees

The fees for establishing industrial establishments, their operation, and their licensing are specified in accordance with the regulation issued per the provisions of this law.

Article (9)

Conditions for cessation of licensing

1. Based on a recommendation by the relevant administration, or a request from the Ministries of Health, Agriculture, or Local Government, or the Environmental Quality Authority, or any other bodies concerned with industrial licenses, the Minister issues a cessation of licensing

for the establishment of an industrial establishment or its operation license, either completely or partially in the following conditions:

- a. If it is proven that the industrial establishment has fallen behind in implantation during the licensing duration, unless it presents an excuse that the Minister would accept.
 - b. If the owner of the industrial establishment did not renew its licensing in accordance with the provisions of this law and regulations issued in accordance with it.
 - c. If the establishment produced products that proved dangerous for the health and safety of the consumer or the environment. The activities of the industrial establishment would be stopped completely or partially until its situation is rectified.
 - d. If the industrial establishment had violated any other provisions of this law, regulations, or instructions issued in accordance to the law, and had not rectified its situation.
2. Complete or partial cessation conditions of industrial establishment activity are specified in accordance with paragraphs (c and d) of this article, per a decision issued by the Minister for this purpose.

Article (10)

Conditions for voiding industrial licensing

Industrial licensing is voided in the following situations:

1. Per licensee request
2. In accordance with a decision by the Minister if it is proven that the licensing of the industrial establishment or its operation licensing were based on incorrect information.

Article (11)

Voiding or cessation procedures and appeals

1. The Minister, based on a recommendation by the relevant administration, issues punitive measures against the violating establishment in accordance with items (a, b, c, and d) of paragraph (1) in article (9) as follows:
 - a. Confiscation of the industrial establishment or products inside the industrial establishment that violate the provisions of this law.
 - b. Notification of the owner of the industrial establishment concerning rectifying his situation in any of the conditions stipulated under items (a, b, c, or d) of paragraph (1) under article (9) for the time period specified by the Minister.
 - c. Inform whoever had the industrial licensing ceased or voided for his industrial establishment of the decision within a maximum of 48 hours from the date of its issuance.
2. A person who had the industrial licensing ceased or voided for his industrial establishment may object to the Minister within a maximum of 30 days from being informed of the decision.
3. The Minister informs the objector of his decision within a maximum of one week from the date of the issuance of his decision to reject the objection.
4. If a person's objection was rejected or was not addressed, he may appeal at a relevant court within a maximum period of sixty days from the date he was informed of the rejection of the objection or failure to address his objection.

Article (12)

Industrial establishment record

1. The relevant administration prepares a record for Industrial establishments that are governed by the provisions of this law and any amendments made to them.

2. Industrial establishments licensed in accordance with the provisions of this law have to provide their date to enter them in the record with a maximum period of thirty days from the date of issuance of the operation license.
3. The industrial establishment is obliged to provide the Ministry with any changes or amendments in its data within thirty days of its occurrence, and the relevant administration must inform relevant parties of that.
4. The Ministry updates the industrial record and the information therein annually.
5. The Minister issued the required instructions that specify and regulate the data that is contained in this record, the mechanism of updating them, and their specific forms.

Article (13)

Confidentiality of the record data

The industrial record data is considered confidential and cannot be published or information concerning them is given out except in the following cases:

1. Based on a request by a relevant court, or if a judicial order concerning that is issued.
2. If the owner of the industrial establishment or his legal representative submits an official request to obtain documentation of official data from the industrial record concerning his industrial establishment, its property, or its financial worth.
3. Based on a request by relevant monitoring parties in accordance with the law.
4. Based on a request by the Palestinian Central Bureau of Statistics and for statistical purposes only.

Article (14)

Access to the record

1. While adhering to the provisions of article (13), it is permissible to access the record and obtain information only to determine the names and kinds of industrial establishments, and the relevant administration can publish that information in any way it sees fit.

Article (15)

Encouragement of industrial investment

In addition to incentives stipulated by other laws, industrial establishments enjoy incentives and exemptions per the provisions of this law.

Article (16)

Exemption of imports from customs fees

Industrial establishments are completely or partially exempt from customs fees on the establishment imports of machines, equipment, and spare parts it requires, in accordance with a regulation issued by the Council of Ministers based on a recommendation by the Minister.

Article (17)

Specification of special prices

Special prices for water, electricity, and fuel used for industrial purposes are specified for industrial establishments in accordance with a regulation issued by the Council of Ministers based on a recommendation by the Minister and other relevant parties.

Article (18)

Giving priority to industrial establishments

Priority in obtaining additional privileges specified through a decision by the Minister is given to the following industrial establishments:

1. Establishments that produce goods for local consumption that replace foreign goods or compete with them.
2. Establishments that produce goods for import.
3. Establishments that exploit and develop available natural resources.
4. Establishments that are created in areas specified by the State in order to develop them.
5. Establishments of special economic importance based on the economic plan.
6. Establishments that protect the environment.
7. Establishments that encourage scientific research.
8. Establishments that cause development and nationalization of technology.
9. Establishments that apply alternative and renewable energy.

Article (19)

Support and protection of local products

The Minister issues necessary decisions to support and protect local products.

Article (20)

The powers of the relevant administration

The relevant administration carries out monitoring and inspection of industrial establishments and regulates their activities.

Article (21)

Naming judicial officers

To implement the provisions of this law, employees of the relevant administration, named by a decision issued by the Minister, are deemed judicial officers.

Article (22)

Preservation of information confidentiality

1. Judicial officers must preserve the confidentiality of information they access while performing their duties.
2. Documents and records organized by judicial officers are considered official and cannot be challenged unless in the case of forgeries.

Article (23)

Duties of judicial officers

In addition to powers given to judicial officers per other relevant laws, judicial officers are in charge of entering industrial establishments and their warehouses for monitoring and inspection purposes to verify the following:

1. The adherence of industrial goods to obligatory technical instructions adopted by relevant parties.
2. Adherence of materials used in the industry to the obligatory technical instructions and any other required conditions.
3. The implementation of the conditions of industrial licensing, industrial security, and public health and safety.
4. Abiding to required environmental conditions in accordance with relevant law provisions.
5. Implementation of the provisions of this law, regulations, instructions, and decisions issued concerning it.
6. Confiscation of products that are in violation or are suspected of being in violation of obligatory technical instructions of the industrial establishment in coordination with other relevant parties that are considered judicial officers.

7. Placement of the confiscated materials in a locked container with the pertinent information on it, and storing it in the prosecutor's storage or the place it decides.

Article (24)

Duties of judicial officers when products are confiscated

1. Judicial officers, when confiscating products that are in violation or are suspected of violating inside the industrial establishment, must do the following:
 - a. Refer the products to the relevant party in the Ministry for their laboratory testing to verify quality.
 - b. Stop the production of the product in violation until the laboratory test results are issued and their adherence to obligatory technical instructions.
 - c. Referral of the confiscated materials to the prosecutor's office so measures are taken concerning them within a maximum period of (45) day from the date of confiscation.
2. Judicial officers are obligated to remove the confiscated materials or products from the locked containers as soon as their adherence to the obligatory technical instructions is proven.
3. Goods that have an expiration date of less than (45) days and goods that perish quickly are exempted from the provisions of paragraph (c) of this article.

Article (25)

Disposing of confiscated materials

No party of person is permitted to dispose of materials confiscated by judicial officers without obtaining a decision from the Minister, based on an order from the prosecutor's office, or based on a decision by the relevant court.

Article (26)

Judicial officers' violation of the provisions of the law

If any judicial officers violate any provision of this law, they are considered in breach of their job duties, and would be subject to judicial accountability in accordance with the law.

Article (27)

Penalties

Without prejudice to any other penalty that another law stipulates, and in addition to the provisions in articles (9 and 10), any person who violates the provisions of this law is penalized with penalties stipulated in this law.

Article (28)

Setting-up an industrial establishment without license

Any person who sets up an industrial establishment without license is fined no less than (2000) Jordanian Dinars and no more than (5000) Jordanian Dinars or equivalent amount in currency used locally, in addition to closure of the establishment until the licensing procedure is complete.

Article (29)

Providing false information or data

Any industrial establishment owner who provides false information or data which resulted in obtaining incentives or privileged is penalized per this law with a fine not less than (1000) Jordanian Dinars and not to exceed (3000) Jordanian Dinars or equivalent amount in currency used locally. The penalty is doubled if accompanied by falsification of that information or data.

Article (30)

Violation by the owner of the industrial establishment

The owner of the industrial establishment is penalized with a prison term of three months to a year or a fine of (1000) Jordanian Dinars to (10000) Jordanian Dinars or equivalent amount in currency used locally if he cheat in use of materials, or used expired or banned raw materials, or intentionally violated obligatory technical instructions during production.

Article (31)

Violation of any other provisions

Any person who violates any other provision of this law, regulations or instructions issued in accordance with it is penalized with a fine of no less than (1000) Jordanian Dinars and no more than (3000) Jordanian Dinars or equivalent amount in currency used locally.

Article (32)

Failure to rectify the situation of the industrial establishment

The licensed owner of the establishment who has not rectified its situation in accordance with article (34) of this law is penalized:

1. With a fine not to exceed 20 Jordanian Dinars per each day in which the violation continues, for up to a year.
2. While taking into consideration the provisions of the previous paragraph, and under all conditions, the establishment is closed if its situation is not rectified in a maximum period of two years from the date of the operation license.

Article (33)

Repeat violation

If the violation is repeated, the penalty is double to maximum penalty stipulated in this chapter of the law.

Article (34)

Rectification of the situation of industrial establishments

All unregistered or unlicensed industrial establishments must rectify their situations in accordance with the provisions of this law within a maximum period of one year from the effective date of the law.

Article (35)

Issuance of regulations, instructions, and decisions

1. The Cabinet of Ministers issues the necessary regulations to implement the provisions of this law based on a recommendation by the Minister.

Article (36)

Abolition

All that violates the provisions of this decree law is abolished.

Article (37)

Presentation before the Legislative Council

This decree law will be presented before the Legislative Council, in the first session it holds, to pass it.

Article (38)

The Applicability and Enforceability of the Law

Relevant parties must enforce this decree law, each according to its domain, and is applicable starting from the date it is published in the Official Gazette.

Issued in the city of Ramallah on 4 August 2011

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organization

Head of the Palestinian National Authority

5.5 Palestinian National Authority Solid Waste Management Bylaws Law No () of 2011 Concerning Solid Waste Management



Palestinian National Authority Solid Waste Management Bylaws Law No () of 2011 Concerning Solid Waste Management

Solid Waste Management Bylaws Law No. () of 2011

Having reviewed Article (68) of Amended Basic Law of 2003, Article (15) of Palestinian Local Authorities Law No. (1) of 1997, Law No. (7) of 1999 concerning environment, and the Public Health Law No. (20) of 2004.

And upon the recommendation of the Solid Waste National Team,

And based upon the appointment of the minister of Local Governance and the director of Environmental Quality Authority,

And upon the announcement of the Council of Ministers in its session on / / in Ramallah,

And the powers vested to us

And to serve the public interest

We issue the following Bylaws

Article (1): Definitions

In applying the provision of this bylaw, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

Ministry: the Ministry of Local Governance

Authority: Environmental Quality Authority

Service provider: Local Authorities, Joint Services Councils, or any other authority

Competent authority: governmental authority responsible of monitoring the process of waste management according to valid laws and regulations.

Waste: Non-hazardous solid waste, which are substances that need to be disposed. They are resulted from different household, commercial, agricultural, and industrial activities, plus sewage sediments (sludge).

Household waste: including remains of household activities, fixture, and gardens waste.

Municipal waste: including waste of household, schools, public institutions, stores, and other kinds of waste.

Hazardous waste: including nuclear and medical waste, pesticides, organic solvents, and more hazardous substances.

Hazardous substances: these substances have severe effects on health and environment including radioactive, toxic, explosive, and flammable substances.

Medical waste: including solid, liquid, and gaseous substances resulted from medical equipment inside or outside the institutions.

Special waste: waste that cause difficulties in managing and final disposal and therefore requires special treatment.

Sludge: sediments of sewage treatment.

Construction waste: including dust and rubbish resulted from infrastructure and buildings construction, renovation, and demolition.

Producer: human activities waste.

Waste management: collect different waste and transfer them to certain places in order to recycle or get rid of them.

Waste collection: certain activities to collect waste from different sites for the purposes of waste disposal or store them.

License: document issued by specialized authority after relevant authorities' approval.

Dumpsite: dumpsite designed according to environmental and health standards.

Dumpsite owner: any legal person whether he/she is dumpsite owner or renter.

Reuse: reusing previously used substances and recycling them.

Recycle: separating waste substances and converting them into raw materials in order to reuse them.

Humus: resulted from plant or animal organic waste biolysis under aerobic or anaerobic circumstances.

Relay station: where waste are being collected in order to recycle or treat them, or waste disposal.

Treatment: changes in waste properties in order to downsize it or limit its harmful effects on environment.

Waste disposal: final disposal of waste with no additional treatment process.

Automatic secure burning: convert all flammable substances into dust by using high temperature for the purposes of waste feeding inside incinerator and temperature to control gas emissions.

Sensitive areas: emergency plan for environment protection of certain places which is issued by the Ministry of Planning and International Cooperation.

Chapter 1 General provisions

Article (2): the scope of application of the provisions of the bylaw

The provisions of this bylaw are applicable to each of:

- A. The producer
- B. The service provider
- C. The competent authority

Article (3): the responsibility of the competent authorities

1. The competent authorities shall set the appropriate measures to reduce waste production, further public awareness for this purpose, encourage reusing and recycling of waste when possible in correspondence with the requirements of environmental protection and public health, and promote the production of humus and its use for agricultural purposes and to take necessary measures for such.
2. The competent authorities must ensure that the process of collection, transport, disposal and treatment of waste is carried out properly without causing any health or environmental risks.

Article (4): Ownership of solid waste and dumpsters

Dumpsters and tools used for the collection of waste in roads and public places shall be owned by the service provider, unless an agreement that states otherwise exists with a licensed operator by it.

1. The waste is the property of its producer or whoever possesses it, as long as it does not constitute harm or risk to the environment and public health, otherwise their ownership of the waste would cease, making it the property of the competent authorities.
2. After its arrival to public places or dumpsters, the waste is considered the property of the service provider, who has the right to deal with it.

Chapter 2
Solid waste management

Article (5): how to manage solid waste

The competent authorities shall carry out waste management in accordance with its properties and components, and in agreement with national and local planning of waste management. When performing the process of solid waste management, the following must be considered:

1. Reduce waste production and its negative impact and harm to the lowest possible level to minimize risks to public health and to avoid harming the environment.
2. Take preventive measures to avoid any hazard or risk to public health and the environment that may result from waste.
3. Waste producers bear the financial responsibility determined by the service providers and endorsed by the competent authority in accordance with laws and regulations.

Article (6): The responsibilities of waste producers

- A. The responsibility of commercial, industrial and agricultural waste producers

Producers of commercial, industrial or agricultural or other waste who effect the production of non-domestic solid waste must collect it and transported it in a safe and secure fashion to the locations allocated for this purpose in accordance with particular procedures agreed upon in advance with the competent authorities, or contracting with a service provider to do so in keeping with the requirements of the competent authorities.

- B. The responsibility of municipal or private waste producers:
1. Collection of waste separately in accordance with the instructions of the service providers.
 2. Sound environmental storage of waste prior to treatment, recycling or final disposal in accordance with the provisions of this bylaw and the procedures and instructions of the competent authorities.

Chapter 3
Waste collection

Article (7): Abidance by public and occupational safety rules

It is the responsibility of the service providers to take necessary measures to preserve public and occupational safety. Such measures include:

1. Ensure that the machinery, equipment and tools used conform to the requirements of public safety.
2. Provide the means for personal safety and protection for waste workers.
3. Ensure that all workers in waste management adhere to occupational safety provisions in all stages of work.
4. Raise awareness and provide guidance and rehabilitation concerning all that has to do with waste, public safety and occupational health, in coordination with the Ministry of Labor.

Article (8): Obligations of service providers in the process of waste collection

1. The provision of equipment, labor and other gear that meet the specifications in place to ensure the collection and transport of waste in a fashion that does not harm the environment and public safety and achieve the required hygiene level.
2. Handle the tasks of cleaning and waste collection, using its various systems, according to specific announced times, in correspondence with local conditions, and transporting it to transfer, recycling or reuse stations, or dumpsites for disposal in accordance with the preservation of the environment and public health.

Chapter 4
Transport of waste

Article (9): Obligations of service providers in the process of waste transport

Service providers are obligated to the following in the process of waste transport:

1. The provision of licensed transport vehicles to perform the required work, while ensuring reducing the negative impact upon the environment and public health.
2. Conducting waste transport vehicles on the roads and paths specified for them by local authorities in cooperation with the competent authorities.
3. Taking the necessary precautions and measures in the waste transport vehicles to prevent the falling over or scattering of waste while traveling on the roads specified for that purpose, and to prevent the seepage of odor or fluids from them.
4. Supplying the waste transport vehicles with tools and supplies necessary to meet any emergencies that may occur during the transport of waste in a fashion that does not contradict the laws and regulations in force.

Article (10): additional provisions

1. The dumping or disposal of waste outside of dumpsters or locations specified by the service provider and the competent authorities is prohibited
2. The competent authority, in coordination with the Institution for Standards and Measurements, specifies the dumpster specifications in a fashion that is appropriate for the

nature of the area, the quantity and quality of waste produced, and the specifications of the waste transport machinery and vehicles

3. The service provider, according to each case, shall specify the following:
 - 1) Locations to place dumpsters.
 - 2) Sizes and numbers of dumpsters in proportion to the quantity and quality of waste in each area.
 - 3) Collection hours and days (collection times).
 - 4) Type and size of the machinery used in each area.
 - 5) The level of required hygiene in each street/area.
 - 6) The number of hygiene workers in each street/area.
 - 7) The nature of the maintenance schedule of machinery and equipment used.
 - 8) The route of trucks on public and internal roads and the collection priorities.

Chapter 5 **Transfer stations**

Article (11): Obligations of service providers in the construction and operation of transfer stations

When constructing or operating transfer stations, service providers commit to the standards and specifications issued by the Authority and the competent authorities

1. That the location of the station is remote from the population centers in accordance with what the Authority and the competent authorities specify.
2. That the transfer station site is fenced off.
3. That the transfer station floor is composed of a firm and impermeable material, to prevent the seepage of leachate into the ground, control water discharge and prevent the rising of dust during work.
4. Provision of an appropriate place for washing the waste transport vehicles prior to departing the transfer station.
5. Provision of the dedicated and necessary facilities at the transfer station for the operations of loading and unloading (and separation), compacting and weighing of waste.
6. Provision of equipment and tools necessary to operate the station properly and soundly.
7. Provision of a fire extinguishing system for emergency situations and a public security and safety system.
8. Provision of drainage systems for leachate, water used to wash and transport vehicles, rain water, and others in accordance with the approved licensing requirements.
9. Facilitate the task of the Authority monitors and inspectors and relevant authorities.
10. Regulation of the entry and exit process of waste transport vehicles to and from the station, and prohibiting the entry of cars which are not officially registered (or authorized) with the station from entry.
11. Ensuring that the load of the transport vehicles is comprised of waste authorized to enter and which comply with the provisions of this bylaw.
12. That waste does not remain in the transfer station for over 24 hours.

13. Documentation and recording of all data related to waste that enters and leaves the transfer station in terms of quality, quantity and source, and retention of records for that data and providing it to the Ministry.

Chapter 6 **Waste disposal**

Article (12): Methods of waste disposal

The service providers shall construct and develop the waste treatment or disposal stations after obtaining licenses and approvals from the relevant authorities. Among the methods of waste disposal are:

1. Disposal in waste dumpsite (hygienic burying).
2. The thermal disposal method (incineration or thermal decomposition).
3. Processing by chemical, biological or other physical means approved by the Authority.
4. Recycling or reuse.

Article: (13) conditions to be met at the dumpsite site

The following conditions must be met at the dumpsite site:

1. That the dumpsite site is distant from current population and business centers and those planned for in the future as determined by the competent and the relevant authorities.
2. It must be sufficiently distant from rainwater streams, as determined by the Palestinian Water Authority.
3. That it is distant from groundwater and surface water sources to ensure no leakage of contaminants into water sources.
4. Taking into consideration the prevailing wind direction in the area.
5. That the site is consistent with current and future land uses in the area.
6. That it is easily accessible during all seasons of the year and that it does not constitute a strain on the public roads, while taking into account that transportation vehicles do not pass through residential areas whenever possible.
7. That sufficient and adequate soil to cover the waste is present and that it is at an acceptable distance from the site, if possible.
8. That no detriment befalls any important natural and environmental resources, such as heritage and cultural sites, biodiversity areas, natural reserves and others.
9. That the area is devoid of geological faults.
10. Ease of linkage to public services.
11. The size of the dumpsite must be sufficient for use for a period that corresponds with the current and future populations and the nature of their lives and work.

Article (18): Obligations of owners when creating a dumpsite

When creating a dumpsite, the owner of the dumpsite must comply with the following:

1. Obtaining the necessary licenses and approvals from the competent authorities.
2. Covering the ground and sides of the dumpsite with layers of suitable natural and/or industrial materials that is impermeable to the leachate resulting from the waste for the protection of groundwater.
3. Developing technical procedures for the collection and treatment of leachate resulting from the dumpsite.
4. Developing technical procedures to monitor the groundwater in the dumpsite area via digging monitoring wells especially for this purpose at the discretion of the Palestinian Water Authority.
5. Developing a plan to close and rehabilitate the dumpsite.
6. Taking practical measures for the collection of gas or get rid of it using safe methods approved by the Authority.
7. Fencing off the site with suitable fencing and gate.
8. Taking the appropriate measures to avoid waste being blown away.
9. Taking the appropriate measures to curb the presence of birds, animals and rodents in the dumpsite.
10. Developing a mechanism for the collection of hazardous waste that may arrive to the site already mixed with ordinary waste, and transporting it appropriately to locations allocated for it.
11. Installing a balance to document the quantity of waste delivered to the dumpsite.
12. Developing a mechanism to monitor and test the quality of the incoming waste and the pollutants that it causes.
13. Designating a location to wash waste transport vehicles before leaving the dumpsite.
14. Providing public safety measures.
15. Designating a site and location to examine the waste that is equipped with the necessary equipment and machinery.

Article (19): Obligations of the service provider when operating the dumpsite

When operating the dumpsite, the service provider must comply with the following:

1. That the waste is compacted and covered daily with a layer of earth with a thickness not less than 15 cm to ensure:
 - Reducing the quantity of insects and rodents gathering on the waste or inside the gaps.
 - Preventing unauthorized scavengers from tinkering inside the dumpsite.
 - Reducing the emanating odors to preserve public health and the environment.
 - Accommodating the largest possible quantity of solid waste.
 - Taking the necessary measures to prevent or curb the incineration process.
2. To continuously assess the operation needs of the dumpsite in a manner consistent with the standards set by the Authority.
3. Allocate financial resources to protect the environment throughout the operation of the dumpsite and after its closure
4. Continuously test the monitoring wells around the dumpsite to determine if there is leachate leakage from the dumpsite.

5. In the event that contamination resulting from leakage of leachate from the dumpsite to the water sources proves to exist, immediate action must be taken in coordination with the Authority and the Palestinian Water Authority to stop it. In this case, the dumpsite operator is assigned to take immediate action to stop this contamination..
6. Keeping records on a daily basis relating to the operation of the dumpsite that show the quantity, quality and source of incoming waste to the dumpsite and records relating to the costs of running the dumpsite.
7. Sending monthly and annual reports to the competent authorities and the Ministry which contain the data on the dumpsite operations.
8. Must be responsible for the receipt of waste and its compliance with the standards recognized by the supplier.
9. That unauthorized persons be prohibited from entering the dumpsite.
10. To be responsible for the monitoring and analysis of the gas emitted from the dumpsite, the collection of the leachate, and its treatment before discharge.
11. Notify the competent authorities of any negative environmental impact that the monitoring procedures detect and to be followed by the Authority's decision on the nature and timing of corrective actions to be taken.

Article (20): Prohibition and the arrival of some materials to the dumpsite

The service provider is prohibited to allow entry to some materials to the dumpsite, and he/she must announce that with a sign or announcement that is placed clearly at the entrance to the dumpsite. These materials are:

1. Hazardous waste.
2. Liquid waste.
3. Special waste, unless the dumpsite is prepared to receive the waste or some of it.

Article (21): closure of a dumpsite

When the dumpsite is closed, the following must be done:

1. The owner of the dumpsite must have a plan in place for its closure and rehabilitation.
2. The owner must coordinate with the Ministry, the Authority and the Ministry of Health to implement the hygienic dumpsite closure plans and their utilization after closure.
3. A dumpsite is not considered closed until approved by the competent authority and its authorization of the closure plan and subsequent follow-up is obtained, and that it had been done in accordance with the principles of environmental assessment policy.
4. The dumpsite must be covered securely and long-term precautions be taken for the covered dumpsite after its closure.
5. The Ministry, in coordination with the relevant authorities, determines the method and conditions of utilizing the dumpsite site after closure.
6. The operator is considered responsible for monitoring and rectifying the impact resulting from the closure of the dumpsite for a period of at least twenty years or the duration determined by the Authority and the Ministry for such.

Article (22): Closure of random dumpsites

1. The competent authorities must prohibit the use of random dumpsites for waste disposal.
2. The competent authorities must close down random dumpsites or rehabilitate them to reduce their negative impact on health and the environment.
3. The Ministry of Health shall establish standards and guidelines and closure or rehabilitation procedures of random dumpsites.
4. The Ministry specifies closure or rehabilitation priorities of random dumpsites through a national plan especially developed for this purpose.
5. The closure of dumpsites requires the issuance of an environmental approval of the closure and rehabilitation mechanisms.

**Chapter 7
Waste burning**

Article (23): Waste Burning Provisions

Waste shall not be burnt randomly

Article (24): Automatic Waste Burning

- 1- Secure Automatic Waste Burning may be used before final disposal of waste according to provisions and laws and having competent authorities license.
- 2- Environmental approval of operating and establishing automatic burning spots shall be issued including integral technical system, environmental standards, and emergency procedures.

Article (25): Automatic Burning Site conditions

Certain conditions shall be taken into consideration which are:

- 1- Certain characteristics that allow complete burning of waste in line with air pollution from standards of stationary resources in Palestine and worldwide.
- 2- Environmental and health conditions shall be guaranteed, therefore, Automatic Waste Burning sites shall be distant places of residence.

Article (26): Automatic Waste Burning procedures

Certain procedures shall be taken which are:

- 1- Waste shall be sorted in order to make sure that they are not explosive.
- 2- Dust shall be gotten rid of through using certain equipment according to Authority's process.

**Chapter 8
Special Waste**

Article (27): Special Waste Management

- 1- Waste collection service provider shall provide special sites for receiving special waste according to its type.
- 2- Waste collection centers shall undergo certain procedures.
- 3- Competent authorities shall take certain measures to promote recycling special waste or disposing them according to protection procedures.

Chapter 9 Licenses

Article (28): license activities

- 1- Solid waste dumpsites.
- 2- Random dumpsite development.
- 3- Solid waste relay station.
- 4- Waste incitements.
- 5- Recycling facilities.
- 6- Any other waste treatment or disposing facilities

Article (29): Licensing waste establishments

- 1- The Ministry of Local Governance shall be received any license request accompanied by economic feasibility or other documents needed.
- 2- The Ministry of Local Governance shall address relevant authorities. Applicant shall follow these authorities in order to continue any requirements or procedures concerning documents or studies needed.
- 3- The Ministry of Local Governance shall ask the competent authority to issue license needed after completing all license requirements.
- 4- Following the approval of the Energy Authority, Environmental Quality Authority, Ministry of Health, and Ministry of Local Governance, the Ministry of National Economy shall issue a license of converting waste into energy.

Chapter 10 Medical Waste

Article (30): Ministry of Health tasks and responsibilities

In line with medical waste provisions:

- 1- Ministry of Health is responsible of collecting, separating, and packaging hazardous waste of hospitals and clinics.
- 2- Ministry of Health shall implement transportation system and hazardous medical waste treatment in cooperation with joint councils, local commissions, and private sector.
- 3- Ministry of Health shall provide all data related to hazardous medical waste, its effects, and protection procedures.
- 4- Waste service providers shall be responsible of treated hazardous medical waste.

Chapter 11 Hazardous waste

Article (31): hazardous waste provisions

In line with hazardous waste provisions:

- 1- Hazardous waste shall undergo international agreements including media procedures and waste transportation approval.
- 2- Authority shall prepare hazardous waste list, its resources, and its protection procedures.
- 3- Hazardous waste producer shall be responsible of separating hazardous waste from other waste according to Authority's list.
- 4- Hazardous waste shall not be disposed in municipal waste dumpsite.

- 5- Hazardous waste producer shall be committed to hazardous waste management system approved by specialized authority.

Chapter 12

Recycling waste and producing humus and energy

Article (32): reuse and recycle waste

- 1- Specialized authority shall take certain measures to promote recycling of waste.
- 2- Economic, technical, and environmental consequences shall be taken into consideration while recycling.
- 3- Waste recycling and reusing shall be encouraged in order to take advantage of potential energy.
- 4- Rejected substances shall be disposed in licensed dumpsite
- 5- Ministry shall be committed to related contracts and agreements

Article (33): produce humus

- 1- Competent authorities shall take measures in order to promote producing humus and use it for agricultural purposes.
- 2- Service providers shall be committed to standards and instructions used by competent authorities in cooperation with humus factories.
- 3- Humus production sites shall be subjected to environmental quality effect.
- 4- Relevant authorities shall approve on humus production.
- 5- Humus production process shall be in line with the policy environmental quality effects and shall be Eco-friendly.

Chapter 14

Private sector participation

Article (34): authorization of waste management process

- 1- Local commissions shall have the right to contract or cooperate with other specialized partner to be able to achieve any solid waste management activities.
- 2- The contract mentioned above shall not affect council responsibilities toward solid waste management.
- 3- Authorized parties shall commit to conditions and regulations of competent authorities including regular reports.
- 4- The Ministry shall approve on agreements and contracts.

Chapter 15

Waste record

Article (35): national waste record

The Ministry shall prepare a national waste record including all related data to waste management in order to provide basic information for planning and setting up policies.

Article (36): waste documenting

- 1- Competent authorities shall document waste records according to type and copies determined within Ministry regulations. These records shall be on:
 - a- Waste resources and quantity
 - b- Waste being sent to service provider
 - c- Waste being recycled and used
 - d- Waste being sent to waste treatment sites

- 2- Competent authorities shall be responsible of waste management according to paragraph 1 on:
 - a- Accurate received data within records mentioned in previous Items of paragraph 1 of this Article.
 - b- Authority or Ministry shall be provided with a copy of records.
 - c- The records shall be subjected to periodic detection of Ministry delegates.
- 3- Service provider shall be provided with a copy of these records.

Chapter 16

Periodic monitoring and detection

Article (37): periodic detection

- 1- Authority and competent authorities shall be responsible of periodic detection process in order to guarantee committing to the provisions of the bylaw.
- 2- Dumpsites, relay stations, incitements, humus factories, or any other facilities shall be subjected to periodic detection by competent authorities according to their specializations. This is in order to take procedures in the right way and be committed to emissions standards and license requirements.
- 3-

Article (38): provide inspectors with data needed

Inspectors shall be provided with data needed for the implementation of tasks according Article 52 of law No. 7 of 1999. These tasks:

- 1- Legal person shall be provided with data and documents needed.
- 2- Waste transportation process shall be hold by licensed authority.
- 3- Waste container shall be opened
- 4- Waste samples shall be taken
- 5- Visual records of the case (video, images, or others)
- 6- Procedures necessary for license requirements and legal conditions shall be taken
- 7- Corrective measures shall be taken including its period and type by licensed authority.
- 8- Facility shall be closed if its existence heavily affect environment and health
- 9- The processes shall be cancelled if they have harmful effects on people and environment.
- 10- Examiner shall not cause any harmful effects to operator.
- 11- Waste samples shall be stored without any changes in order to have clear evidences. Three samples shall be taken according to standards where the first one shall be stored in the site, the second one shall be reserved, and the last one shall be used to detection or used as evidence.
- 12- Judicial seizure card shall be given to competent authority when needed.

Chapter 17

Final provisions

Article (39): fines

Taking into consideration what is mentioned in Environment Law No. 7 of 199 that anyone who violates the provisions of this law shall be penalized as follows:

- 1- Anyone who collects, treats, stores, transfers, gets rid of waste without having license according to valid provisions and law or caused harmful effects on health, environment, or air, water, soil pollution shall be penalized by issuing a fine of not a less than 1000 and not more than 5000 Jordanian Dinars or the equivalent thereof in the legally circulated currency.

- 2- Anyone who transfers waste inside Palestine against what is mentioned in this law shall be penalized according to Palestinian Environment Law. Transgressor shall dispose waste on his/her expenses.
- 3- Anyone who burns or treats waste outside designated site shall be penalized by issuing a fine of not less than 10 and not more than 100 Jordanian Dinars or the equivalent thereof in the legally circulated currency.
- 4- People who are responsible of Public sites pollution shall be penalized by issuing a fine of not less than 10 and not more than 100 Jordanian Dinars or the equivalent thereof in the legally circulated currency.
- 5- Transgressor shall pay certain compensations if there are any environmental effects of violation this law provisions.

Article (40): forbid mixing hazardous waste with household waste

Mix hazardous waste with household waste in any step of waste management shall be forbidden.

Article (41): forbid waste import to Palestine

Importing waste to Palestine shall be forbidden under any circumstances.

Article 42

This bylaw shall be valid following publication in the official gazette and to all competent authorities.

Issued on / / /

On

Prime Minister

Dr. Salam Fayyad

5.6 Bylaw No. () of 2010 Concerning The Connection of Houses and Establishments to the Public Sewerage System for Water and Sanitation Service providers

Palestine National Authority
Ministry of Local Government

Palestine National Authority
Palestine Water Authority

Bylaw No. () of 2010 Concerning The Connection of Houses and Establishments to the Public Sewerage System for Water and Sanitation Service providers

Based on the Local Authorities Law No. (1) of 1997
And on the Water Law No. (3) of 2002

July 2012

Having reviewed Article (68) in the Amended Basic Law of 2003,
Having reviewed the Palestinian Local Authorities Law No. (1) of 1997,
Having reviewed the Palestinian Water Law No. (3) of 2002,
Based upon the recommendation of the Minister of Local Government and Minister of the Water Authority,

We hereby promulgate the following bylaw:

Article (1)

Name of Bylaw

This bylaw shall be named "Bylaw No. () of 2010 Concerning the Connection of Houses and Establishments to the Public Sewerage System Water and Sanitation Service providers" and it shall enter into force as of the date of its publication in the *Official Gazette*.

Article (2)

Definitions

In applying the provisions of this bylaw, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

Law: Local Authorities Law No. (1) of 1997 or Water Law No. (3) of 2002

Authority: Palestinian Water Authority

Water and sanitation service providers: Local authorities and joint services councils, local water and sanitation facilities, and regional water facilities and water associations

Local Authority: Local government unit within a specific geographical and administrative scope which provides water and sanitation services.

Council: Board of Directors of the water and sanitation facility or the Board of the Local Authority including the Municipality Council or the Local Council or the village Council or the Administrative Committee or the Development Committee or the Joint Services Council, or any other council that is formed under the Local Authorities Law No. (1) of 1997.

President of the Council: President of the Board of the Local Council or the President of the Water and Sanitation Facility or the President of the Joint Services Council.

Concession area of the water and sanitation services provider: The area located within the water and sanitation provider which includes, for the purpose of this bylaw, any areas connected to the sanitation system of the water and sanitation services provider.

Official competent authorities: All concerned authorities such as the Ministry of Local Government, and/or the Ministry of Health, and/or the Ministry of National Economy, and/or the Ministry of Agriculture, and/or the Environment Quality Authority, and/or the Water Authority, and other authorities each within the sphere of its jurisdiction.

Employee: A person representative of the water and sanitation provider competent to implement the provisions of this bylaw.

Street: Any road or space or square or passageway, dead-end or thoroughfare, on which the public have the right of way, and it includes all canals, pipes, drains and furrows located on the side of the street or above it or underneath it, and all them are considered part of the street.

Area of land: Any plot of land that is measurable by square meters and which is ready for use for residential, commercial, industrial or agricultural purposes or for any other uses relating to the public sewerage network.

Area of building: The area in square meters of the building belonging to the landlord and which produces waste water.

Housing/Residential unit (apartment): The building or separate unit designated for accommodating one family, and it has a door or separate entrances that open to the road or external passageways without passing through another residential unit. Examples of residential units include villas, houses, apartments, penthouses, separate rooms at the entrance of a building or on the roof independent from other residential units, etc. The residential or housing unit is occupied by one family only and it could be used as an establishment or jointly as an establishment and residence, and it could be closed, vacant or deserted.

Establishment: This includes all real estate, stores, commercial, industrial, touristic, government and non-governmental establishments.

Industrial establishment: The industrial establishment is defined as an economic unit that produces a commodity or a set of commodities or provides services. It is managed by either the landlord or an administrative body and is located within a single geographical area. In addition, the industrial establishment may stretch out over a larger geographical area if it has branches and exercise an industrial activity in the spheres of extractive industries, manufacturing, water and electricity.

Landlord: The person under whose name the real estate is registered, and in the event of joint ownership of the real estate, the landlord shall be the owner of the apartment or the floor or any other part of the real estate, and he may be represented by his attorney.

Real estate user: The person who occupies the real estate whether he is the landlord or a tenant, or the person under whose name the water meter is registered at any local authority or water undertaking.

Person: The natural person or the judicial person including the firm or institution or association or any other judicial person.

Sewage pipe: A pipe used for sanitation and it has different diameters. It is made of metal or concrete or plastic or any other impermeable material that does not affect the waste water treatment process and is harmless to the environment.

Private sewage pipe: The sewage pipe that is located within the borders of the real estate and which belongs to the landlord or to the user of the real estate and it includes inspection holes, connectors and all subsidiary equipment.

Domestic sewage pipes connector: The sewage pipe that connects domestic (residential) sewage pipes with the public sewage network.

Private sewage pipes connector: The sewage pipe that connects private sewage pipes (industrial or commercial) with the public sewage network.

Public sewage pipe: The pipe that is owned and supervised by the water and sanitation services provider. All the persons whose real estate are located near the public sewage pipe are allowed to use it and benefit from it equally and without exception in draining waste water after paying the

connection fees by the beneficiaries, including inspection holes, connectors and all subsidiary equipment.

Public sewerage network: A set of collection equipment, pipelines, connectors and pumps designated for the drainage of used water (water for domestic use and other types of water usage) and rainwater. The water is carried from the production site to the plant of water and sanitation services provider for the treatment of waste water or to locations where used water is drained to surface water.

Sanitation system: This includes the public sewerage network, connectors, inspection holes, pumps, treatment plants and subsidiary parts which are owned and prepared by the water and sanitation provider inside and outside its border and population clusters and which are used in the drainage and treatment of waste water.

Septic tank: A solid impermeable tank consisting of more than one part and is made of reinforced concrete or any other solid substance that is resistant to infiltration or leakage. The septic tank is designed and constructed according to technical specifications and criteria that allow for the partial anaerobic decomposition of organic substances existing in the effluents that are drained into it.

Cesspool: A well or a hole where organic wastes or waste water or other litters are stored.

Waste water: Water that becomes polluted as a result of human, commercial, industrial or agricultural use, and it usually comprises substances in the form of suspended solution and bacteria. Rainwater and sewage water are not considered waste water.

Industrial waste water: Water that is discharged or produced as a result of water use during some or all stages of manufacturing or cleansing or cooling or other whether it has been treated or not.

Commercial waste water: Water that is discharged or produced as a result of water use in non-industrial operations and it contains additional pollutants such as water discharged by restaurants, gas stations, laundries, lubricant stations, abattoirs, poultry and cattle farms, workshops, live chicken stores, as well as medical waste water discharged from hospitals, laboratories, clinics, and operation rooms.

Masonry saws precipitates: Precipitates or sediments resulting from wastes of masonry saws.

Treatment plant: A group of establishments and equipment designated for purifying and treating waste water.

Treatment: The process of decontamination of waste water by technical and natural means so that the water meets certain specifications or that it becomes useable for a specific function. The treatment can be primary or secondary or tertiary.

Biological treatment of waste water: The treatment of waste water by using minute organisms (aerobic and anaerobic) that exude filtered and refined liquids and separate mire containing a microbial conglomerate of pollutants. Such treatment is used alone or in conjunction with mechanical treatment processes or advanced unit processes.

Chemical treatment of waste water: Treatments methods used to effect complete decomposition of hazardous substances and transmute them into non-toxic gases or – in most cases – to modify the chemical properties of waste water by reducing dissolvability in water or the neutralization of acidity and alkalinity.

Mechanical (Physical) treatment of waste water: The treatment of waste water results in the separation of refined liquid litters from mire. Mechanical processes are also used side by side with biological processes and advanced unit processes, and it includes processes such as precipitation and floatation.

Treated waste water: Water that has been mechanically, chemically or biologically treated to remove some or all planktons and precipitates carried with it or of the substances dissolved in it.

Grease interceptor: A unit with a special geometric design connected to the internal private sewage pipes in commercial kitchens, restaurants, food industries, hotel and other establishments. The unit separates grease and fat from effluents before they reach the public sewage pipes or are drained into the septic tank.

Oil interceptor: A unit with a special geometric design used to separate mineral oil and fat from waste water discharged by laundries and vehicle lubrication.

Seeping tank: A vehicle with a metal tank approved by the water and sanitation services provider and by relevant competent authorities and is designated for hauling and transporting effluents.

Discharge points: Locations allocated for the discharge of effluents to the treatment plant or to any other place designated by the water and sanitation services provider in cooperation with official competent authorities. The effluents are carried by seeping tanks from the septic tanks.

Capital costs: The costs of establishing the sanitation system.

Current expenses: All operational and maintenance costs necessary for the operation of the sanitation system including salaries and consumption.

Court: The competent court under valid laws and regulations.

Environmental approval: Conditional or unconditional approval issued by the Environment Quality Authority after the fulfillment of all environmental requirements and the completion of the proper procedures of assessment of the development activity for the purpose of issuing a license by the competent authority consistent with other laws and regulations.

Environmental effect: Any positive or negative change that affects the environment as a result of the exercise of a development activity.

Environmental assessment: The process whereby potential environmental effects of development activities can be studied and reviewed before granting the environmental approval.

Assessment of the environmental effect: A detailed study for the evaluation of the environmental effect under the approved terms of reference and the environmental assessment policy.

BOD5: Biological Oxygen Demand which is the amount of oxygen required for the oxidization of organic substances in sanitation water by way of minute organisms within 5 days and at a temperature of 20C, and is referred to in milligrams/liters.

COD: Chemical Oxygen Demand which is the amount of oxygen required for the oxidization of organic substances susceptible to chemical oxidization which are existent in the sanitation water, and is referred to in milligrams/liters.

MBAS: (Methylene Blue Active Substance Assay): A gauge that points to the concentration of chemical detergents which are considered contaminating and toxic for the water and soil.

Article (3)

Ambit of Implementation of This Bylaw

The provisions of this bylaw shall be implemented to all kinds of properties inside and outside the borders of local authorities including the buildings of public and private institutions, commercial and industrial establishments, or any other areas connected to the public sewerage network.

Article (4)

Establishment of sanitation system

1. The water and sanitation services provider shall undertake the responsibility for establishing, managing, operating and maintaining the sanitation system, and implementing any tasks relating to its functions including regular maintenance according to local plans that are also part of regional plans that have been agreed upon beforehand.
2. The sanitation system and the rainwater drainage pipes shall be established on the roads and public squares. Should that be impossible for technical reasons, the water and sanitation services provider shall have the right to establish the sanitation system partially or wholly on private property within the setback area whereupon he shall be responsible for repairing any damage that might be caused to the private property as a result of that or pay a just compensation equal to the value of damage and in line with the valid law.
3. The water and sanitation services provider shall be obligated to obtain approval and necessary permits for the implementation of works relating to the sanitation system outside

the borders of the local authorities from the Ministry of Local Government and Water Authority.

Article (5)

Establishment of Treatment Plants

1. The water and sanitation services provider shall undertake the responsibility for setting up waste water treatment plants on sites that are remote from potential population growth areas. The sites shall be selected in coordination with official competent authorities and their approval, and special attention must be given to interaction with land owners and with neighboring population clusters.
2. The water and sanitation services provider shall have the obligation to obtain approval and permits necessary for the establishment of treatment plants from the Ministry of Local Government and the Water Authority.
3. The water and sanitation services provider shall be committed to prepare a report on the assessment of the environmental effect in line with the requirements of the Palestinian Environmental Assessment Policy concerning treatment plants.
4. The water and sanitation services provider shall be committed to adopt and promote the effective utilization of advanced waste water treatment technologies while accommodating for selecting the appropriate technologies pursuant to considerations relating to operational and maintenance expenses and energy saving, in addition to efficiency that meets and maintains quality criteria for the preservation of the environment and public health.

Article (6)

Sewage Pipes Connector Joining the Private Sewage Pipe and the Public Sewerage Network

1. The water and sanitation services provider shall provide the public sewage pipe to the borders of the land of the owner of the real estate, whereupon the owner or user shall be obliged to connect his private sewage pipe with the public sewerage network at his own expense and under the supervision of the water and sanitation services provider after paying all the fees including coverage of costs under this bylaw, and provided that the real estate whose private sewage system is to be connected with the public sewerage network fulfill all licensing conditions.
2. In the event of the impossibility of direct connection with the public sewerage network, the owners of plots shall allow for the passage of the sewage connectors of neighboring plots located at a higher latitude than their plots in accordance with an organizational plan approved and adopted by the Local Authority and on condition that the sewage pipe lies within the setback. Owners of the sewage connectors shall undertake in writing the responsibility for the maintenance of the connectors at their own expense, change their track in the event they impede the freedom of the owner in using his plot, and remove them in case there is a possibility for direct connection with the public sewerage network.
3. The owner of the real estate whose private sewage pipes have been connected to the public sewerage network shall have the obligation to discharge the cesspool located within the borders of his property and fill it at his own expense within a maximum of two months as of the date of connection without causing damage to the public health.
4. Should the drainage of waste water of the real estate or any part of it be impossible to connect with the public sewerage network located in front of the real estate (or through a neighboring real estate) by natural drifting, the owner shall have to install a suitable pump in the manner agreed on by the water and sanitation services provider in order to raise the waste water to the level of the public sewage pipeline.
5. The water and sanitation services provider shall have the right at the expense of the user of the real estate or owner of the establishment to check in the laboratory all the litters and

liquids running in any private or public sewage pipe in accordance with adopted specifications and as may be required.

6. The water and sanitation provider shall have the right to ask the user of the real estate to provide information necessary to make sure the provisions of this bylaw are being complied with.

Article (7)

Arbitrary Connection with the Public Sewerage Network

1. The water and sanitation services provider shall enjoy the right to impose arbitrary connection on all buildings existing within the range of the public sewerage network.
2. In the event the owner fails to impose arbitrary connection, the water and sanitation services provider shall have the right to connect the private sewage pipe with the public sewage pipe and levy due fees and wages in addition to 20% as allowance for management and supervision. The amounts estimated by the water and sanitation services provider shall be considered final and may not be challenged at any judicial or official authority.

Article (8)

Establishment of Septic Tanks

1. In the event of the nonexistence of a public sewerage network near his plot or in case it should be impossible to connect his private sewage pipe with the public sewerage pipe within the borders of the water and sanitation services provider for technical reasons, the owner shall:
 - a. Establish at his own expense a septic tank on his own plot after submitting an application for obtaining the necessary approval for that from the water and sanitation services provider and official competent authorities.
 - b. Enclose the blueprints and specifications with the application to meet the requirements of the water and sanitation services provider, and the size of the septic tank must be consistent with the requirements and conditions of the water and sanitation services provider and official competent authorities in accordance with the engineering principles and criteria.
 - c. Install alert and warning signals indicating the place of the septic tank on the real estate, and the possible hazardous and/or contaminated contents of the tank, and the date of collecting the contents into the tank. The base and the walls of the septic tank must be built of impermeable material.
2. The user of the real estate shall at his own expense empty the septic tank regularly or as soon as it is filled up. The user of the real estate shall empty the tank in the location designated for that purpose within the borders of the waste water treatment plant belonging to the water and sanitation services provider or in any other place allocated for that purpose.
3. The owner shall fill the cesspool existing on his property and replace it by digging septic tanks in accordance with the technical specifications agreed on by the water and sanitation services provider within his borders as well as the Ministry of Health outside the borders of the water and sanitation services provider within two years as of the date of the publication of this bylaw in the *Official Gazette*.
4. The owner or the user of the real estate shall comply with and implement the terms and conditions above in addition to any other terms and conditions stipulated in relevant and valid laws and regulations.

Article (9)

Procedures for Discharging the Septic Tank

1. Companies and contractors and vehicles working in the sphere of discharging or emptying waste water and which are duly licensed by the Ministry of Transportation shall obtain necessary permits to operate within the borders of the Local Authorities from the water and sanitation services provider. For operating outside the borders of the Local Authority, companies, contractors and vehicles shall have to obtain necessary work permits from the official competent authorities.
2. Companies and contractors and discharge vehicles used to empty the septic tanks shall be obligated to discharging their load in places designated for that purpose only inside the waste water treatment plant or any other place allocated by the water and sanitation services provider inside the borders of the Local Authorities or by the official competent authorities outside the borders of the Local Authorities.
3. In the event any of the companies or contractors or discharge vehicles violate their obligation to empty the septic tanks in the waste water treatment plant or the place allocated for that purpose, they will forfeit their license for at least one year. In the event the violation recurs, they will be permanently deprived of obtaining a license for discharging septic tanks and they shall be responsible for paying the costs of the damage they have caused.
4. The water and sanitation services provider may operate his private discharge vehicle without paying the discharge fees.

Article (10)

Drainage of Commercial and Industrial Waste Water

1. Drainage of commercial and industrial polluted or unpolluted waste water into the public sewerage network shall be prohibited except after it has been treated and a written approval from the water and sanitation services provider has been obtained in accordance with the instructions shown in Annex (1).
2. It shall be prohibited for any person to drain or cause or allow for the drainage of any radioactive substances or any industrial radioactive isotopes into the public sewerage network.
3. It shall be prohibited for any person to drain or cause or allow for the drainage of waste water or litters produced by pharmaceutical factories or the contaminated litters of hospitals and remaining samples of medical analysis into the public sewerage network except after they have been treated and a special permit from the official competent authorities has been obtained.
4. It shall be prohibited for any person to drain or cause or allow for the drainage of waste water and olive oil wastes produced by olive presses into the public sewerage network, and owners of olive presses must modify the production technique to comply with the instructions shown in Annex (1).
5. It shall be prohibited for any person to drain or cause or allow for the drainage of waste water produced by commercial kitchens, restaurants, food industries and hotels into the public sewerage network except after a grease interceptor unit has been installed and a written approval from the water and sanitation services provider has been received, with explicit commitment to maintain the grease interceptor.
6. It shall be prohibited for any person to drain or cause or allow for the drainage of waste water produced by laundries and vehicle lubrication stations into the public sewerage network except after a grease interceptor unit has been installed and a written approval from the water and sanitation services provider has been received, with explicit commitment to maintain the grease interceptor.
7. It shall be prohibited for any person to drain or cause or allow for the drainage of waste water and precipitations produced by masonry saws and construction material factories into

the public sewerage network or into any natural sewage pipe or into ravines or any other open place. The water and sanitation services provider shall provide specific locations for desiccating or disposing of precipitates produced by masonry saws.

8. Diluting the concentration of pollutants in industrial waste water by mixing it with fresh water or with potable water in order to reach the rates of concentration provided for in the instructions indicated in Annex (1) shall be prohibited.

Article (11)

License to Connect Commercial and Industrial Sewage Pipes

1. Commercial and industrial establishments that have a valid industrial license shall have to submit applications for a written approval to connect their private sewage pipes with the public sewerage network in accordance with the template adopted by the water and sanitation services provider, and that after treatment to become identical with the domestic waste water according to the regulations of this bylaw. The final approval for connecting the sewage pipes shall be issued by a decision from the President of the Council provided that the applications include the following:
 - a. Commercial and industrial operations that are carried out and which produce waste water;
 - b. Substances and chemicals used in this operation and resulting from it;
 - c. Amount of used water, its source, and amount of waste water produced as a result of the manufacturing process;
 - d. The physical, chemical and biological characteristics of the waste water to be connected to the public sewerage network. The technical details of the physical, technical and biological processes of the pre-treatment unit (if any) which has been designed by an accredited party;
 - e. Locations and capacities of waste water catchment tanks that have to be used in emergency cases such as the break down of the treatment plant or the occurrence of a defect in the drainage of waste water; and
 - f. Any other information the water and sanitation services provider deems necessary in order to look into the application for connection with the public sewerage network.
2. The following are requirements for connecting the private sewage pipes of commercial and industrial establishment with the public sewerage network:
 - a. Before obtaining a written approval to connect with the public sewerage network, commercial and industrial establishments must present a plan showing the method and specifications of the construction of the sewage pipes and the points of inspection provided that they are located in a proper place within the borders of the factory of establishment and near the public sewerage pipes.
 - b. Beneficiaries must comply with these plans after the approval of the water and sanitation services provider and implement them at their own expense under the supervision of the water and sanitation services provider.
 - c. The approval to allow commercial and industrial establishment to connect the waste water with the public sewerage network shall be issued upon a recommendation from the competent authority at the water and sanitation services provider if it deems that no damage will be caused to the sanitation system and the quality of treated water as a result of the connection.
 - d. The water and sanitation services provider shall at the expense of the beneficiaries seek assistance from authorities it deems appropriate for participation and provision of technical advice on any issues relevant to connecting commercial and industrial establishments with the public sewerage network such as the amount of waste

water flow, quality of waste water and its effect on the public sewerage network. The beneficiaries shall bear the expenses of rehabilitating the public sewerage pipes so that they become suitable for connecting commercial and industrial establishments with them.

3. The water and sanitation services provider or any other relevant monitoring authority must be notified about any changes made to the production pipelines or the addition of a new pipeline, or the reactivation of a production pipeline that has been put on halt before.
4. Initial approval to connect new or existing factories shall be issued based on information presented from the factory and which has been enclosed with the application to connect to the public sewerage network and which has been submitted to the water and sanitation services provider. The approval shall be revisited depending on the actual results of analysis of the industrial waste water produced by the factory within (6) months as of the start of the manufacturing processes. In the event the results point to a violation in the rate of concentration provided for in the instructions pertaining to the drainage of commercial and industrial waste water, the factory shall have to ameliorate its condition by removing the causes of the violation within a time period specified by the water and sanitation services provider provided that it does not exceed two months. The approval shall be considered null and void if this period elapses without ameliorating the condition and notifying the official competent authorities about it.
5. The license to connect industrial waste water shall be renewed annually and it shall be issued in writing by the President of the Council.
6. Whoever has received a final approval to drain waste water into the public sewerage network shall be prohibited from draining any waste water that is different in quality and/or whose quantity exceeds the quantity already approved by the water and sanitation services provider. Otherwise a new approval must be obtained according to regulations.
7. The water and sanitation services provider may ask for the treatment of waste water before and after approving its drainage into the public sewerage network if it is proved to cause any damage to the sanitation system.
8. The water and sanitation services provider and/or the official competent authority may for the purposes of licensing connection with the public sewerage network collect or ask for examining the samples according to the program it deems suitable for each factory or establishment and at the expense of the beneficiaries.
9. The water and sanitation services provider must be notified about the devolvement and/or change in the ownership or management or operation of any existing facility using the public sewerage pipelines be it producer or transporter of waste water.

Article (12)

Treated Waste Water

1. The water and sanitation services provider shall be obligated to ensure that the treated water meets the Palestinian standard specifications relating to treated water number M.F.742-2003 as well as the guiding principles of the Food and Agriculture Organization (FAO) and World Health Organization (WHO) while at the same time accommodating for any additional requirements.
2. The water and sanitation services provider shall have the right to sell treated waste water from the treatment plant belonging to him for irrigation purposes or for any other purposes, or to use it through the Water Authority in accordance with adopted policies provided that the proceeds of the sale are calculated as part of the cost account or cost recovery.
3. The water and sanitation services provider shall be committed to adopt a special tariff for selling treated waste water for irrigation purposes or for any other uses so that it covers at

least the operation and maintenance expenses, and that in accordance with the tariff regulations issued by the Water Authority.

Article (13)

General Provisions

1. It shall be prohibited for any person to drain any liquid or polluted or ordinary litters into the water resources or into a natural pipeline or into ravines or into any other open place except after treating them and after obtaining a written approval from the water and sanitation services provider. Palestinian specifications numbers (M.F.227-1998) and (M.F. 742-2003) shall be used as reference for this purpose.
2. It shall be prohibited for any person to drain surface water and rainwater into the sanitation system except by a written approval from the water and sanitation services provider.
3. The water and sanitation services provided shall be committed to coordinate with the official competent authorities in the application of standards and criteria required for collecting, transporting, storing and treating waste water properly in order to preserve the environment and public health.

Article (14)

Fees for Connectivity with the Public Sewerage Network (Capital Costs)

The water and sanitation services provider shall levy fees for connectivity with the public sewerage network in order to recover the capital costs of establishing the public sewerage network in accordance with the following provisions:

1. Connectivity fees shall be imposed in accordance with the adopted tariff on all plots and buildings that could be used for residential or commercial or industrial or institutional purposes and for which an approval for connection with the public sewerage network has been issued.
2. The owner shall pay the connectivity fees at the time of submitting an application for connection with the public sewerage network or at the time of submitting the plans for obtaining a construction license.
3. As for existing buildings, connectivity fees with the public sewerage network shall be paid to the water and sanitation services provider when the approval for connectivity has been granted by the provider.
4. Connectivity fees for buildings to be constructed shall be due before the issuance of the final construction license.
5. In the event the property is owned by more than one person each of the owners shall be responsible for paying connectivity fees proportionate to his share in the real estate.
6. For the purposes of fees, each plot shall have to be connected to the public sewerage network with one sewage pipes connector. However, several buildings can be connected to one domestic sewage pipes connector if the owners agree to pay the connectivity fees for all the buildings so that the fees are calculated for each building separately and for the same tariff.
7. The water and sanitation services provider shall have the right to allow for the payment of fees in installations after submitting the guarantees required for that purpose.
8. The water and sanitation services provider shall be committed to connect existing buildings within 60 days as of the date of paying the connectivity fees and approval of granting the construction license.
9. The tariff for connectivity and subscription fees shall be determined by the Council in accordance with the tariff regulations issued by the Water Authority.

Article (15)

Septic Tanks Discharge Fees

1. The water and sanitation services provider shall levy the septic tanks discharge fees for the recovery of capital fees and current costs. The discharge shall be treated at the waste water treatment plant and that after examining the quality of the contents of the tanks and ensuring they are free of any substances that might cause damage to the treatment plant.
2. The owner of the discharge vehicle or any other equipment used to transport the contents of the septic tanks shall be committed to pay the discharge fees decided by the water and sanitation services provider.
3. The septic tanks discharge fees shall be paid to the water and sanitation services provider upon the arrival of the discharge vehicle to the waste water treatment plant in return for a receipt.
4. The septic tanks discharge fees shall be imposed on the basis of square meters of the contents of the septic tanks.
5. The Council shall determine the tariff for the septic tanks discharge in accordance with the tariff regulations issued by the Water Authority.

Article (16)

Maintenance and Operation Fees of the Sanitation System

1. The water and sanitation services provider shall levy the maintenance and operation fees of the sanitation system to cover the costs in accordance with the tariff regulations issued by the Water Authority.
2. The maintenance and operation fees of the sanitation system shall be imposed on all forms of water use.
3. The quantity of used water subject to the utilization fees of the sanitation system shall be specified as follows:
 - a. The quantity of water registered by the meter of houses and establishments that are supplied with water from the water systems subordinate to the water and sanitation services provider.
 - b. The quantity of water registered by the meter of houses and establishments that are supplied with water from their private cisterns.
 - c. The quantity of water for houses and establishments that are supplied with water from private tanks shall be determined by a decision from the President of the Council upon a joint recommendation from the water and sanitation services provider and the institution assigned by the head of the water and sanitation services provider.
 - d. The total quantity of water allocated to houses and establishments that are supplied with water from more than one sources.
4. In case there is no public sewerage network, the quantity of waste water collected especially in septic tanks or in tanks shall be exempt from maintenance and operation fees of the sanitation system provided that the discharge fees of the tanks are paid according to the tariff set down by the Council and in accordance with the tariff regulations issued by the Water Authority.
5. Quantities of water consumed for commercial and industrial purposes which are part of the production process and do not go into the public sewage pipeline shall be exempt from the sanitation system fees by submitting a request to the President of the Council. The quantities of water shall be determined by a decision from the President of the Council upon a recommendation from a committed to be appointed by him.
6. The water and sanitation services provider shall be committed to separate the accounts of water and sanitation from other accounts, and to opening one unified new bank account for all the proceeds of the sanitation services.

Article (17)

Additional Maintenance and Operation Fees from Commercial and Industrial Establishments

1. The water and sanitation services provider shall levy additional fees to those provided for in Article (16) of this bylaw from commercial and industrial establishments after issuing an approval to connect them to the public sewerage network and this in the event that the COD concentration exceeds the maximum permitted to exist in the waste water that is drained into the public sewerage network which amount to 1500 milligrams per liter, in order to cover the additional expenses borne by the water and sanitation services provider during the treatment process.
2. The additional fees allocated for covering treatment costs shall be determined in accordance with a formula to be decided by the water and sanitation services provider and in line with criteria consistent with the principle of "those who pollute have to pay for the pollution they cause."
3. The fees shall be calculated monthly or bimonthly as the water and sanitation provider decides provided that the quantities of waste water to be drained in the public sewerage network are agreed upon in advance by both the water and sanitation services provider and each factory subject to reconsideration whenever the need arises.
4. The water and sanitation series provider shall undertake the issuance of special claims relating to additional fees of establishments and factories that have been connected with the public sewerage network.
5. The mean for the COD concentration for calculating additional fees to cover the costs of periodic (every three months) treatment shall depend on the number of samples taken from the factory provided that there will be no be less than one sample per month if that is possible.

Article (18)

Duty of Paying Maintenance and Operation Fess

1. The owner or user of the real estate whether the water meter is registered in his name or not shall have the duty to pay the maintenance and operation fees of the sanitation system to the water and sanitation services provider.
2. The owner or user of the real estate shall be responsible for paying the maintenance and operation fees of the sanitation system in proportion with his share in the joint property which he owns or occupies in the event that the real estate utilizes water services. However, in the event the building or apartments are connected to one meter, the person under whose name the meter is registered and/or the users of the real estate shall be considered collectively and individually responsible for paying sewage fees.
3. The user of the real estate shall be responsible for paying the fees if the identification of the owner proves to be impossible.
4. The maintenance and operation fees of the sanitation system shall be paid monthly or bimonthly after the completion of reading the meters or estimating the quantity of water consumed by the employee identified by the water and sanitation services provider.
5. The maintenance and operation fees of the sanitation system shall be recorded or incorporated with the water fees in one invoice issued by the water and sanitation services provider.
6. The duty to pay maintenance and operation fees of the sanitation system shall evolve as soon as the property has been connected to the public sewerage network.

Article (19)

Administrative Inspection and Monitoring to Connect Establishments to the Public Sewerage Network

1. The water and sanitation services provider shall be responsible for the administrative inspection and monitoring to verify commitment to the provisions of this bylaw within the

borders of the Local Authority. On the other hand, the water and sanitation services provider, the Ministry of Local Government and the official competent authorities shall be the parties responsible for administrative inspection and monitoring outside the borders of the Local Authority.

2. The water and sanitation services provider and official competent authorities shall exchange information relating to any damage resulting from waste water management processes in writing.
3. Pursuant to Article (15-a-9) and Article 15-b) in the Local Authorities Law No. (1) of 1997 and without prejudice to the rights of inspectors and employees who have the capacity of the Judicial Office in accordance with valid laws and regulations, the Local Authority or its employees may monitor the houses and establishments that are located within the borders of the Local Authority in order to implement the provisions of this bylaw. The inspectors of the Local Authority shall have the right to request any information or clarifications in order to monitor on a regular basis the quality of waste water discharged from establishments and industrial activities to verify the extent of its compliance with the adopted specifications and instructions concerning waste water for the protection of the environment and vital resources and in accordance with the provisions of this bylaw as well as the attached instructions, and control any violations. In addition, the inspectors shall not have the right to interfere in any other issue unless that issue is related to waste water and relevant regulations.
4. The water and sanitation services provider shall enjoy for the purposes of monitoring and inspection the right to examine the quantity of waste water by taking samples from the drainage point of the establishment.
5. All measurements, tests and analyses relating to the controls of the characteristics of waste water, treated waste water and mire shall take place according to the most modern standardized methods issued by the Palestinian Standards Institution. For that purpose the methods of scientific analysis listed in the Standard Methods for the Examination of Water and Wastewater shall be applied.
6. Bacterial, physical, chemical and biological analyses shall be conducted according to the provisions of the previous paragraph.
7. It is possible to take additional samples of the waste water discharged from industrial establishments or treated waste water upon a request from the Ministry of Health or Environment Quality Authority and in coordination with the water and sanitation services provider within his borders.

Article (20)

Halting or Suspending Approval to Connect Establishments with the Public Sewerage Network

The water and sanitation services provider shall have the right to halt or suspend his approval to connect private sewage pipes of any establishment with the public sewerage system for the time period he deems appropriate and/or inflict civil and criminal responsibility for violations in the following cases:

- a. Violating the provisions of this bylaw or any terms and conditions set down by the water and sanitation services provider when approval is granted;
- b. Obstructing the water and sanitation services provider or any other parties authorized by him or official competent parties from performing their inspection and monitoring duties;
- c. Non-compliance with the conditions and requirements that the water and sanitation services provider deems necessary for the preservation of the sanitation system; and
- d. Failure to pay the fees incurred by the concerned institution or establishment.

Article (21)

Penalties and Fines

1. The water and sanitation services provider shall give any person who violates the provisions of this bylaw or any instructions issued by him a written warning in which he demands the cessation the violation within a period not exceeding one week. In case of failure of the latter to cease the violation, the water and sanitation services provider may take necessary measures including entering the real estate and removing the violation. In addition, he may oblige the violator to pay the expenses incurred by him by adding 20% as administrative allowance, while the water and sanitation services provider can reserve the right to refer the violator to the competent court.
2. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Article (13/1) of this bylaw shall be punished with a fine not less than fifty (50) Jordanian dinars and not exceeding one-thousand (1000) Jordanian dinars or its equivalent in legal currency in circulation, and/or by imprisonment for a period not less than one month and not exceeding six months. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.
3. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Article (13/2) of this bylaw shall be punished with a fine not less than fifty (50) Jordanian dinars and not exceeding one-thousand (1000) Jordanian dinars or its equivalent in legal currency in circulation. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.
4. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Articles (6) and (8) of this bylaw shall be punished with a fine not less than fifty (50) Jordanian dinars and not exceeding two-hundred (200) Jordanian dinars or its equivalent in legal currency in circulation, or by imprisonment for one month. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.
5. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Articles (10) and (11) of this bylaw shall be punished with a fine not less than one-thousand (1000) Jordanian dinars and not exceeding three-thousand (3000) Jordanian dinars or its equivalent in legal currency in circulation, or by imprisonment for a period not less than one month and not exceeding six months. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.
6. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Articles (14), (15), (16), (17) and (18) of this bylaw shall be punished with a fine not less than fifty (50) Jordanian dinars and not exceeding one-thousand (1000) Jordanian dinars or its equivalent in legal currency in circulation, or by imprisonment for a period not less than one month and not exceeding six months. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.
7. Without prejudice to any stronger penalty stipulated in valid laws, whoever violates the provisions of Article (19) of this bylaw shall be punished with a fine not exceeding one-thousand (1000) Jordanian dinars or its equivalent in legal currency in circulation, or by imprisonment for a period not exceeding six months. The water and sanitation services provider shall not bear any expenses resulting from this violation and the responsibility shall be that of the violator only.

Article (22)

Final Provisions

1. Every provision which contradicts the provisions of this bylaw is hereby repealed.
2. All competent authorities, each within its sphere of jurisdiction, shall implement the provisions of this bylaw.

5.7 Regulations Proposal for Industrial Permission Procedures

Issue an Industrial Facility Permission

Article 1

Anyone who wishes to establish an industrial facility and fulfills definition of industrial facility as stated by the Palestinian Industry Law shall file an industrial permission application at the Ministry of National Economy or its offices located in the Palestinian districts. Applications shall be filed using templates designated and annexed with regulations herein, and shall be attached with corroborating documents annexed with regulations herein.

Article 2

Industrial permission application could be filed by the owner, an advocate or through the computerized system.

Article 3

The Ministry of National Economy shall consult with stakeholders regarding permitting industrial facilities, and shall oblige to provide a copy of applications and corroborating documents to these stakeholders.

Article 4

Issuing the industrial facility permission shall require approval from the following:

- Regulatory body (municipality or local government in their respective jurisdiction).
- Environment control body (environment health/Ministry of Health or environment quality authority).
- A competent body, if any, such as Ministry of Agriculture for agricultural projects and Water Authority for aqua projects.

Article 5

All bodies that have been contacted or consulted regarding permission of industrial facilities shall response within 21 days from date of correspondence. Response that includes refusal shall be justified, and failure to respond within the aforementioned period shall be regarded as an approval.

Article 6

The Ministry may have the right to consult stakeholders about nature of response sent and make sure it meets standards and terms necessary to initiate an industrial activity in the designated area. It may have the right to ask reconsideration of response sent should there be a justification which calls for that.

Article 7

Application for permission, as well as attachments and response of competent authorities, shall be submitted to the minister to decide upon, and applicant shall be notified with decision taken within 15 days from filing to the minister. In case of refusal, it should be justified, and consent may require meeting terms or taking additional procedures by applicant.

Article 8

The applicant may object the decision within 30 days from date the decision made.

Article 9

- Permission shall be issued following the minister's approval and shall be valid for one year from date of issue. Permissions shall be issued in Arabic, while an English version could be issued upon applicant's request.
- After granted permission, the applicant may start construction and permission of facilities, import, install and run machinery within one year from issue date.
- Holder of permission may apply for renewal of period for one additional year if needed.
- Based on reporting from competent body, the minister may have the right to withdraw permission and consider the facility closed if applicant did not start production after two years from issue date.

Operating license for industrial facility

Article 10

All permitted industrial facilities shall apply for industrial facility operating license upon readiness for actual production and before marketing. Applications shall be filed using official form, attached with fees and documents stated in the annex.

Article 11

- Technical teams at the Ministry shall carry out field visit to the industrial facility after the application for operating license has been filed. They shall report and submit recommendations on the visit to competent body.
- Site visit could be coordinated with stakeholders such as ministries and other bodies, and joint report shall be made in this case.
- Technical teams shall have the right to demand implementing necessary general safety conditions, any health and environment codes or special terms for industrial activity. Owner of facility shall be given specified period to fulfill these requirements.
- Operating license shall not be issued until technical teams recommend so.

Article 12

- Operating license application, as well as technical team recommendations, shall be submitted to the minister in order to take decision regarding operating license in a period not exceeding 10 days. Refusal shall be justified.
- Permission shall be issued following minister's approval and shall be valid for one renewable year from date of issue. Permissions shall be issued in Arabic, while an English version could be issued upon applicant's request.

Renewal of operating license

Article 13

Owners of operating industrial facility with expired operating license shall file renewal application using official form with required documents attached to regulations herein within two weeks from expiry date.

Article 14

Based on the renewal application, the competent department shall carry out a site visit to the facility within two days from filing date, and shall report and put recommendations to competent department and shall provide owner of facility with requirements need to be implemented, if any.

Article 15

Permission of industrial facility shall be renewed for one year from expiry date of the old one after fulfillment of all necessary conditions and documents. Competent department may renew permission for two or three years if necessary, with paying renewal fees each year.

Article 16

The minister shall have the right to authorize whoever deems fit to sign operating license renewal applications.

Modifications to permission

Article 17

- No modification shall be made to industrial facility prior approval of the Ministry, whether modification is to be made to name, owners, products, location, merge or division. Modification shall be made using an official form with necessary attachments shown in regulations herein.
- The Ministry has the right to request any document or approval that it deems necessary to verify the requested modification
- A certificate of modification is issued for the owner of the facility once all required documents are completed. Modification appears on the operating license following the nearest date of renewal.

Temporary suspension of facility

Article 18

- Owner of facility, who has valid operating license, may have the right to file for temporary suspension of facility, provided that suspension period does not exceed three years.
- The facility for which the temporary suspension application has been approved shall not undertake industrial activity on site during suspension period, unless re-operating application has been filed and approved by the Ministry.
- Facility for which temporary suspension application has been approved shall be exempted from renewal fees, starting from expiry date of the last valid permission to start of the first permission after re-operating application has been approved.

Close out of industrial facility

Article 19

- Owners of the industrial facility who wish to close out their facility for any reason shall file close out application to Ministry of National Economy.
- Owners of the industrial facility shall not be exempted from paying any financial liabilities prior to close out pertaining to industrial permission or its renewal.
- Industrial activity shall not be carried out on site of closed industrial facility. If there is a wish to practice industrial activity in the closed site, a new permission application shall be filed, and permission procedures shall be duly progressed.

Fees

Article 20

- Fees of Permission application to establish an industrial facility of 20 JD shall be collected for each facility.
- Fees of operating license application of an industrial facility of 20 JD shall be collected for each operating year.
- Fees of renew operating license of 20 JD shall be collected for each operating year.
- Fees of modification of 10 JD shall be collected for each modification.

Annex of documents necessary for industrial licensing services

1. Issue an industrial facility establishment license:

Fees: 20 JD.

Annexes:

- Industrial permission application (4 copies).
- Preliminary feasibility study.
- Site maps and area approved by an authorized surveyor or building license if the building is standing (4 copies).
- Ownership documents or rental contract in case of rent.
- Company registration certificate in case of joint ownership to facility.
- Commercial register in case of sole ownership to facility.
- ID copy.
- Guarantee stating the facility shall not be operated before issue of operating license.

2. Issue operating license and practice of industrial business:

Fees: 20 JD.

Annexes:

- Written request by factory owner.
- Site visit report.
- Construction license.

3. Licensing factories in 'C' area:

Fees: 20 JD.

Annexes:

- Industrial permission application (4 copies).
- Preliminary feasibility study.
- Site maps and area approved by an authorized surveyor or building license if the building is standing (4 copies).
- Ownership documents or rental contract in case of rent.
- Company registration certificate in case of joint ownership to facility.
- Commercial register in case of sole ownership to facility.
- ID copy.
- Guarantee stating the facility shall not be operating before issue of operating license.

4. Renew operating license and practice of industrial business:

Fees: 20 JD.

Annexes:

- Renewal application for an industrial facility operating license.
- Field visit report by department/branches engineers.

5. Name of industrial facility

Fees: 10 JOD

Annexes:

- Written request to change facility's name
- Copy of new name certificate with the new owner's name

6. Changes of industrial facility's owner

Fees: 10 JOD

Annexes:

- Written request to replace facility's owner
- A waiver
- Proof of ownership or a lease with new owner's name
- Company commercial record or registration certificate with the new owner

7. Modifying products (adding or withdrawing products)

Fees: 10 JDs

Annexes:

- Written request to add or withdraw products
- Fill an application for facility expansion in case of addition
- Site visit report

8. Expansion of facility

Fees: 10 JDs

Annexes

- request to expand a factory
- blueprints reflecting the expansion or a construction license (3 copies)
- Site visit reports

9. Division of the industrial facility

Fees: 10 JDs

Annexes:

- A letter issued by the current owner to divide the facility
- A legal waiver for the sold section or a lease contract in the name of the new company
- Blueprints of each section
- Fill an application form to issue a license for each section
- A Certificate of Registration for the company or a trade register
- A report on a site visit

10. Closing out of the industrial facility upon request of the owners

Fees: 0

Annexes:

- A letter requesting the termination
- Report on the site visits