

Regulation No. (13) for the Year 2001
Regulation for Registration and Licensing of Enterprises in
the Aqaba Special Economic Zone

Issued in accordance with Paragraph (B) of Article (22),
Articles (24) & (56) of the Aqaba Special Economic Zone No.
(32) for the Year 2000

Article (1) : This Regulation shall be known as the (Registration and Licensing of Enterprises in the Aqaba Special Economic Zone Regulation for the Year 2001) and shall come into effect as of the date of its publication in the Official Gazette.

Definitions

Article (2) : The following words and phrases whenever used in this Regulation shall have the meanings ascribed to hereunder unless the context indicates otherwise:

Law	:	The Aqaba Special Economic Zone Law.
Zone	:	The Aqaba Special Economic Zone.
Customs Territory	:	The lands and territorial waters of the Kingdom excluding the Zone.
Authority	:	The Authority of the Zone.
Board	:	The Board of Commissioners.
Enterprise	:	The person who is entitled to apply for registration and licensing to conduct an Economic Activity in the Zone according to the provisions of this Regulation.
Registered Enterprise	:	The person registered with the Authority and licensed to conduct any Economic Activity in the Zone according to the provisions of the Law and this Regulation.
Professional Institution	:	Medical clinics, engineering and law offices and the like, in which professionals conduct their activities according to the provisions of the pertinent legislation prevailing in the Customs Territory, except for companies and sole trading proprietorships.
Economic Activity	:	Any commercial, industrial, agricultural or service activity carried out by the Enterprise in the Zone.
License	:	The approval issued by the Authority for the Enterprise which is registered according to the provisions of this Regulation to conduct any Economic Activity in the Zone.
Prohibited Activity	:	The activity specified in Annex (1) to this Regulation.
Restricted Activity	:	The activity specified in Annex (2) to this Regulation.

Registering and Licensing the Enterprise

Article (3) : The Enterprise, seeking to benefit from the privileges and exemptions prescribed in the Law for the Registered Enterprise, shall be registered and licensed to conduct an Economic Activity in the Zone according to the provisions and procedures indicated in this Regulation.

- Article (4) : The right of registering and licensing with the Authority according to the provisions of this Regulation shall be limited to the following:
- a. Companies registered with the Companies Controller according to the provisions of the Companies Law and in compliance with the prevailing legislation in the Customs Territory.
 - b. Offshore companies and regional offices stipulated in the enacted Companies Law.
 - c. Non-Jordanian companies stipulated in Paragraph (C) of Article (22) of the Law.
 - d. Companies registered with the Companies Controller according to the provisions of the Companies Law and this Regulation, whose objectives are to conduct an Economic Activity as a Registered Enterprise in the Zone or in the Zone and outside the Kingdom.
 - e. Sole proprietorships registered in the commercial register according to the provisions of the Trade Law and in compliance with the prevailing legislation in the Customs Territory.
 - f. Professional Institutions operating in the Customs Territory according to the provisions of the pertinent legislation.
 - g. Non-commercial associations operating in the Customs Territory according to what is decided by the Board.

- Article (5) : Notwithstanding what is stated in Article (4) of this Regulation:
- a. No Enterprise shall be registered in the Zone to conduct any of the Prohibited Activities listed in Annex (1) to this Regulation.
 - b. No Enterprise shall be registered in the Zone and licensed to conduct any of the Restricted Activities listed in Annex (2) to this Regulation, unless by fulfilling the following conditions:
 - 1- That the Enterprise is among the Enterprises listed in Annex (1) with regards to the activities indicated therein.
 - 2- Issuance of a Board resolution for conducting the activities specified in Annex (2), provided that the Enterprise complies with the resolution's conditions and the payment of the returns prescribed by the Board.
 - 3- Termination of the concession contracts related to the activities indicated in Annex (3), whereby the provisions of Annex (2) shall apply to them thereafter.
 - c. An Enterprise shall not be registered in the Zone if it is conducting any of the public utilities activities, the performance of which the Authority and any other governmental body charges the private sector with, unless a decision by the Board is issued allowing such according to the provisions stipulated in the legislation relating to that activity in the Customs Territory and after coordinating with the pertinent bodies.
 - d. The Council of Ministers may, upon a reasoned recommendation of the Board, allow the registration and licensing of any Enterprise for conducting an Economic Activity of a special touristic nature, provided that the decision issued in this accord shall include the bases and conditions that the Enterprise must comply with and determining the amount of retains resulting from such.

- Article (6) : A company or sole proprietorship may be registered with the representative of the Ministry of Industry and Trade at the Authority, who is authorized to do so according to the legal principles for purposes of registering and licensing such as a Registered Enterprise according to the arrangements agreed upon between the Authority, the Ministry of Industry and Trade and the Companies Controller.

- Article (7) :
- a. The Board shall issue instructions relating to the application for registering and licensing the Enterprise with the Authority, including the statements to be included in the application, on the form prescribed for this purpose and the documents to be attached therewith.
 - b. The Enterprise must attach to its registration and licensing application the documents required in accordance with the instructions stated in Paragraph (A) of this Article, particularly the following:
 - 1- A copy of the Memorandum of Association and Articles of Association for non-Jordanian companies stipulated in Paragraph (C) of Article (22) of the Law, endorsed by the line authorities, provided that not more than six months from the date of submitting the application have lapsed since the date of the first endorsement of such.
 - 2- If the Activity to be conducted in the Zone is a Restricted Activity, evidence of its fulfilling the conditions and requirements stated in Tables (1) and (2) of Annex (2) and the resolutions issued by the Board in accordance with the provisions of Subparagraph (2) of Paragraph (B) and Paragraph (C) of Article (5) of this Regulation.
 - 3- The registration applicant must submit a written declaration according to the adopted text in the registration application of the accuracy of the statements included therein and the documents attached therewith, subject to legal liability.

- Article (8) :
- a. The Authority shall be entitled to verify the statements included in the application and the documents attached therewith by the means it deems appropriate.
 - b. If the Authority finds that the statements and documents included in the registration and licensing application are incomplete, the Authority must ask the registration applicant to complete the statements or documents within the period it specifies for this purpose, subject to the rejection of the application.
 - c.
 - 1- Subject to the provisions of Subparagraph (2) of this Paragraph, the Board shall pass a resolution with regards to the application within a period not exceeding (7) working days from the date the application is submitted, complete with all the required documents and statements. The line body at the Authority shall issue a certificate for such upon approving the application and after payment of the prescribed fees.
 - 2- The Board shall pass a resolution concerning the registration and licensing application for conducting any of the Economic Activities listed in Tables (2) and (3) of Annex (2) and Paragraph (C) of Article (5) of this Regulation within the periods it prescribes in accordance with instructions it issues for this purpose.
 - d.
 - 1- If the period specified in Subparagraph (1) of Paragraph (C) of this Article lapses without the Board's passing a resolution concerning the registration and licensing application, such shall be considered an approval of the application.
 - 2- If the period specified in Subparagraph (2) of Paragraph (C) of this Article lapses without the Board's passing a resolution concerning the registration and licensing application, such shall be considered a rejection of the application.

- Article (9) :
- a. Subject to the provisions of Articles (4) and (5) of this Regulation, the registration and licensing application shall not be rejected, except for one of the following reasons:
 - 1- If the activity to be conducted by the Enterprise in the Zone contradicts with its objectives specified in its Memorandum of Association or the legislation governing such activity, as the case may be.

- 2- If the statements or documents included in the application are false or misleading.
- 3- If the registration and licensing applicant was an Enterprise, whose registration was previously revoked for one of the reasons stated in Paragraph (B) of Article (15) of this Regulation.
- 4- The decision to reject the registration and licensing application shall be in writing and reasoned. Such decision may be objected to before the Board within (10) working days from the date the registration and licensing applicant is notified of such. The Board must resolve the submitted objection within (3) working days from the date of its submission.

Article (10) : The activities indicated in Annex (1) shall be deemed as activities, the performance of which is prohibited in the Zone, subject to legal liability.

Article (11) : The activities listed in Annex (2) shall be deemed as Restricted Activities, the performance of which in the Zone is not permissible unless according to the provisions of this Regulation, subject to legal liability. The restrictions on such activities shall be as follows:

- a. Restriction on the Enterprise's legal structure.
- b. Restriction on the number of Enterprises conducting a certain Economic Activity.
- c. Restriction on the Enterprise's nationality or the nationality or qualification of its founders or partners.
- d. Restrictions related to the activities of public utilities, the performance of which is granted to the private sector by the Authority or any other Government body.

Article (12) : Restricting the number of Enterprises carrying out a certain Economic Activity shall not be permitted for the purpose of restricting competition unless such is required by the requirements of Public Order or public interest such as the protection of the environment or natural resources or attracting investment in public utilities.

Article (13) : The registration and licensing of an Enterprise shall not exempt it from obtaining the Operation Permit and the public safety and health certificates necessary for commencing its activities according to the provisions of the enacted Development and Improvement of the Investment Climate Regulation in the Zone.

Obligations of the Registered Enterprise

Article (14) : The Registered Enterprise shall comply with the obligations stipulated in the Law and the regulations and instructions issued pursuant thereto, including the following obligations:

- a. Payment of the annual registration and licensing fee according to the provisions of this Regulation.
- b. Providing the Authority during the month of December of every year with the statements specified by the Board for this purpose.
- c. The foreign company registered according to the provisions of Paragraph (C) of Article (22) of the Law must provide the Authority during the month of December of every year with a certificate issued by the relevant bodies in the country whose nationality it holds that proves the continuation of the company's conducting its Economic Activity.
- d. Notifying the Authority in writing within a period not exceeding (15) days of any modification to its registration statements and the date of its occurrence, particularly the following:

- 1- The Economic Activity it conducts.
- 2- The signatories.
- 3- Its name, domicile or nationality.
- 4- Its legal existence, insolvency, bankruptcy or liquidation.

- Article (15) : a. The Board shall be entitled to revoke the registration of the Registered Enterprise in any of the following cases:
- 1- When it becomes evident that any of the statements or documents included in the registration and licensing application are false.
 - 2- When the Registered Enterprise does not apply to the Authority for an Operation Permit according to the enacted Development and Improvement of the Investment Climate Regulation in the Zone within thirty days from the date of its registration as a Registered Enterprise, unless such period is extended upon the Enterprise's request.
 - 3- When the Enterprise does not commence operation within six months from the date of its registration as a Registered Enterprise or permitting such according to the provisions of the enacted Development and Improvement of the Investment Climate Regulation in the Zone, as the case may be, unless such period is extended before its expiry upon the Enterprise's request.
- b. The Board shall revoke the registration of the Registered Enterprise in any of the following cases:
- e. When it conducts a Prohibited Activity in violation of the provisions of this Regulation.
 - f. When it conducts a Restricted Activity in violation of the provisions of this Regulation.
 - g. When it violates the provisions of Article (14) of this Regulation and does not comply with removing the violation after the passing of thirty days from its notification through registered mail.
 - h. When the permit granted to it according to the Development and Improvement of the Investment Climate of the Aqaba Special Economic Zone Regulation is revoked.
 - i. When it illegally admits goods into the Customs Territory.
 - j. When it is dissolved for any legal dissolution reason.

Article (16) : Subject to the provisions of this Regulation and the regulations issued in accordance with the Law, the Registered Enterprise may obtain a license for conducting any unlicensed Economic Activity without having to obtain a new registration, provided that the fees for such license are paid.

- Article (17) : The Authority shall collect the following fees:
- a. JD thousand as Enterprise registration fee.
 - b. JD five hundred as annual licensing fee for every activity conducted by the Enterprise or for renewal of such license.

- Article (18) : Subject to the provisions of this Regulation relating to the application of any administrative penalty on the Enterprise, the provisions of Article (54) of the Law shall apply to whoever commits any of the following violations:
- a. Conducting a Prohibited Activity in the Zone.
 - b. Conducting a Restricted Activity in the Zone in violation of the provisions of this Regulation.

Article (19) : Within the first six months from the date of enacting this Regulation, the Board may take the necessary decisions for extending any of the periods stated therein, as it deems appropriate.

- Article (20) : a. The Council of Ministers may, upon the recommendation of the Board, conduct any modification on Annexes (1) and (2) stated in this Regulation. The decision issued in this accord shall be published in the Official Gazette, specifying its date of enforcement.
- b. The Board may resolve any matter relating to the application of the provisions of Annexes (1) and (2) stated in this Regulation.

- Article (21) : a. The Board shall issue the necessary instructions for implementing the provisions of this Regulation, particularly the following:
- 1- Determining the registration and licensing application forms.
 - 2- Registration and licensing procedures and the objection on the resolutions related to such.
 - 3- Adopting the registration and licensing certificates and forms.
 - 4- Adopting electronic methods for finalizing all transactions related to registration and licensing.
 - 5- Determining the charges collected by the Authority for the services it renders.
- b. The instructions issued in accordance with this Regulation shall be published in the Official Gazette.