

We, King Abdallah II Ben el Hussein, King of the Hashemite Kingdom of Jordan

By virtue of Article (31) of the Constitution

And upon the decision of the Council of Ministers dated 30/10/2019

Order to establish the following regulation:

Regulation number (163) of 2019

on

Investors Grievance Mechanism

Issued in accordance with Articles 43 and 46 of the Investment Law number 30 of 2014

Article 1

This regulation shall be known as (the Investors Grievance Mechanism Regulation for 2019) and shall come into effect sixty days of its publication in the official gazette.

Article 2

The following words and expressions- wherever used in this regulation- shall have the meaning assigned thereto hereunder, unless the context indicates otherwise:

- Council: Investment Council.
- Commission: Investment Commission.
- Chairman: Commission Chairman.
- Government entity: any ministry, department, commission, council, authority, official public institution, public institution or municipality.
- Investor: A natural or juridical person practicing any industrial, commercial, agricultural, touristic, media, health, craft, vocational or service activity, including information technology.
- Committee: the Grievance Committee formed in accordance to the provisions of this regulation.

Article 3

(a) An investor may refer to the Commission to submit a grievance application against any decision, action, or omission of a government entity and that may affect the said investors' rights or guarantees as defined in the relevant legislations or international investment agreements to which the Kingdom is a party, or any contract signed between the investor and a government entity.

(b) The investor may submit a grievance application within the periods stipulated in the international investment agreements to which the Kingdom is a party, or any contract signed between the investor and a government entity.

(c) The investor may not submit a grievance application in case he had appealed before the competent court or initiated proceedings of alternative dispute resolution (ADR).

(d) Any grievance application submitted by the investor in accordance with the provisions of this regulation shall not constitute an appeal to the competent courts or use of an ADR means; and shall not affect the investor's rights as provided for in the international investment agreements to which the Kingdom is a party.

Article 4

(a) One or more committee(s) (called Grievance Committee(s)) shall be formed within the Commission by a decision of the Chairman who determines the number of members, appoints its head and a secretary; the latter sets its agenda, records the minutes of meetings, keeps its records, transactions and applications received and follows up on the execution of its decisions.

(b) The Head and members of the committee shall be staff of the Commission and shall have sufficient experience, and knowledge of the Commission's functions.

(c) The Committee shall meet at the invitation of its Head weekly or whenever necessary. The quorum is met at the majority of members provided the head or deputy is present; decisions shall be taken by a majority vote of the members present.

(d) The Head of the Committee may invite any expert or specialist to attend the meetings of the Committee without having any right to vote on its decisions.

Article 5

(a) The Committee shall have the following competencies:

- 1- Review the grievance applications to verify the validity of the measures taken or decisions issued by government entities or to verify the proper execution of the legislations governing their work and that they do not violate the international investment agreements to which the Kingdom is a party and the contracts signed by these entities and the investors.
- 2- Study the obstacles faced by the economic activity and take necessary measures to address them.

(b) In order to carry out its functions, the Committee shall:

1. Classify the grievance applications.
2. Review the documents, files, registers and correspondence related to the grievance applications.
3. Request clarifications from the government entity or the investor about any matter related to the grievance application.
4. Hold meetings with the presence of the representatives of the government entities and the investor to hear the different views.
5. Identify the obstacles faced by the economic activity referred to in the grievance application and recommending it to the Chairman who communicates with the concerned government entity to address it.

6. Take the necessary measures and coordinate with the relevant government entity to settle the issue subject of the grievance application.
7. Recommend to the government entity to reconsider the action or decision taken, or recommend on a decision that should have been taken in accordance with the relevant legislations or the international investment agreements to which the Kingdom is a party or the contracts signed between the investor and the government entity in case the Committee concludes that the grievance application is valid and if the government entity is convinced with the conclusion.
8. Submit the necessary report about the grievance application to the Chairman to take the appropriate measures or decision to settle the grievance.
9. Submit a monthly report to the Chairman with a summary of the Committee's work, the received applications and decisions issued for the period. The Chairman shall submit such reports on a quarterly basis to the Council.
10. Any other tasks commissioned by the Chairman.

(c) A special register of grievance application shall be established at the Commission, provided that each application shall be given a serial number according to the date of its submission. The applicant shall be given a notice of receipt.

(d) The Commission publishes on its website a summary of the Committees' quarterly activity reports.

Article 6

(a) The Committee shall, within two working days, look into the grievance application, on an urgent basis, in any of the following circumstances:

- 1- If the nature of the action or the decision against which the grievance is brought greatly affects the operation or productivity of the economic activity or causes the interruption of business.
- 2- If the legislation of the Government Entity stipulates specific periods for the investor to appeal before the competent court.

(b) The government entity shall reply to the grievance application, in accordance with the provisions of paragraph (a) of this article within a period not exceeding three working days from the date of receipt of the application.

Article 7

(a) In cases other than those provided for in paragraph (a) of Article (6), the Committee shall, within a period not exceeding ten working days of the submission date of the application, issue any of the following decisions:

- 1- Decline to consider the review of the application if the applicant exceeded the legal period stipulated in the legislation of the relevant Government Entity or if this is being considered by a competent judicial, arbitral or investigative body.
- 2- Direct the investor to submit an objection in accordance with the procedures stipulated in the relevant legislation of the Government Entity and to exhaust all means of objections provided by the relevant Government Entity, in case the said legislation gives the investor the opportunity to object.

- 3- Accept the application and initiate the procedure for considering it in accordance with the relevant instructions issued for this purpose.

(b) Upon taking any of the decisions referred to in paragraph (a) of this article, the Committee's secretary shall:

- 1- Submit the grievance application and its annexes to the Chairman.
- 2- Refer the Committee's recommendation or decision to the government entity to take necessary action.
- 3- Address to the applicant, in accordance with the means he chooses, the decision and its recommendation within two working days from the date of issuance.
- 4- Follow up on the execution of the Committee's recommendation with the government entity.

(c) The Chairman shall submit to the Prime Minister any grievance application which he deems necessary to be submitted to the Council of Ministers for decision making.

Article 8

In case the grievance application related to the refusal to grant a license or the non-issuance of the decision by the authorized representative in charge at the investment window, the application shall be referred to the Governmental Committee formed in accordance to the provisions of the investment window Regulation.

Article 9

- a- It is not allowed to rely upon the concessions made by the investor or the government entity before any Court, arbitral tribunal or any other body using as pretext the review process of any grievance application or any documents or information revealed during the meetings held in accordance to the provisions of this regulation.
- b- The Committee members or any other person invited to the Committee meetings are forbidden from disclosing any of the information related to the grievance application to any other party without the written approval of the government entity and the investor.

Article 10

The Chairman issues the necessary instructions to execute the provisions of this regulation, including:

- a- Instructions related to the grievance submission.
- b- Instructions related to the procedures of the committee's work.

30/10/2019

King Abdullah II Ibn el Hussein

Minister of Foreign Affairs and Expatriates: Ayman Ahmad el Safadi

Vice Prime Minister and Minister of State: Rajaï Saleh el Muasher

Prime Minister and Minister of Defense: Dr Omar el Razaz

Minister of Political and Parliamentary Affairs: Eng. Mussa Habes el Maayteh

Minister of Water and Irrigation: Eng. Raed Muzaffar Abu Al Saoud

Minister of Interior: Salameh Hammad el Suhaim

Minister of State for Institutional Performance Development: Yasser Assem Ghosheh

Minister of Tourism and Antiquities: Majd Mohammad Shweikeh

Minister of Justice: Dr. Bassam Sameer el Talhouni

Minister Of Local Administration, Planning And International Cooperation, Minister Of State For Economic Affairs By Interim: Eng. Waleed Muhieddine el Masri

Minister of State for Legal Affairs and Minister of Education, Minister of Higher Education and Scientific Research: Mubarak Ali Abu Yamen

Minister of Finance: Dr. Ezzeddine Muhieddine Kanakrieh

Minister of Awqaf Islamic Affairs and Holy Places: Dr. Abdel Nasser Mussa Abu el Bassal

Minister of Digital Economy and Entrepreneurship: Eng. Muthanna Hamdan Gharaybeh

Minister of Energy and Mineral Resources: Eng. Hala Adel el Zawati

Minister of State for Media Affairs: Jumana Suleima Ghunaimat

Minister of Industry, Trade and Supply: Dr. Tareq Mohammad El Hammouri

Minister of Culture, Minister of Youth: Dr. Muhammad Suleima Abu Rumman

Minister of Agriculture and Minister of Environment: Eng. Ibrahim Subhi el Shahahida

Minister of Social Development: Basma Mussa Ishaqat

Minister of Public Works and Housing: Eng. Falah Abdullah el Amoush

Minister of Health: Dr. Saad Fayeze Jaber

Minister of Labour: Nidal Faysal el Batayineh

Minister of State for Prime Ministry Affairs: Sami Kamel Daoud

Minister of Transport: Eng. Anmar Fuad el Khasawneh