

## Official Gazette

**We, Abdullah II Bin Al-Hussein, King of the Hashemite Kingdom of Jordan, under Article (31) of the Constitution and pursuant to the Cabinet's resolution dated 04/04/2021, do hereby ordain and establish the following Bylaw:**

### **Bylaw No. 20 of 2021 On Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization**

**Promulgated under Articles (4) and (30) of the Environmental Protection  
Law No. 6 of 2017**

Article 1. This Bylaw shall be cited as the "The Bylaw on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization" and shall take effect immediately after its publication in the Official Gazette.

Article 2. The following terms and expressions, wherever they appear herein, shall have the meanings assigned to them hereunder unless the context indicates otherwise:

<b>Law</b>	: Environmental Protection Law.
<b>Ministry</b>	: Ministry of Environment.
<b>Minister</b>	: Minister of Environment.
<b>Directorate</b>	: The directorate responsible for the protection of nature at the Ministry.
<b>The Committee</b>	: The Genetic Resources Committee formed under the provisions of this Bylaw.
<b>Genetic Resources</b>	: Materials of land, marine or aquatic, animal, plant, microbial or other origin with actual or potential value. Genetic resources can be wild, domesticated or cultivated, and can be found in their natural habitat or maintained outside it.
<b>User of genetic resources</b>	: Persons or entities seeking, directly or through a third party, to access genetic resources or associated traditional knowledge with the aim of developing new products, processes or other research outputs with commercial or non-commercial objectives.
<b>Traditional knowledge</b>	: Practices, innovations and technologies associated with genetic resources which are created or developed by local communities, and which may provide lead information for scientific discoveries on the genetic or biochemical

**Checkpoints** : properties of genetic resources.  
: Agencies to be designated under the provisions of this Bylaw to collect, receive and verify, as appropriate, relevant information related to prior informed consent, the source of the genetic resource, the establishment of mutually agreed terms, and the utilization of genetic resources.

Article 3.a. The provisions of this Bylaw shall apply to:

1. Genetic resources found in land, sea or aquatic ecosystems, or those cultivated or taken from protection programs in or outside habitats within the borders of the Kingdom.
2. Derivatives of genetic resources.
3. Traditional knowledge.

b. The provisions of this Bylaw shall not apply to all of the following:

1. Human genetic resources.
2. Species listed in Annex I of the International Treaty on Plant Genetic Resources for Food and Agriculture or any resources that fall within the genetic resources of food and agriculture if used to achieve food security objectives.

Article 4.a. A specialized committee called "Genetic Resources Committee" shall be formed under the chairmanship of the Secretary-General of the Ministry and with the membership of the Director of the Directorate as his deputy, together with representatives of each of the following entities:

1. Ministry of Agriculture
2. Ministry of Planning and International Cooperation
3. Ministry of Higher Education and Scientific Research
4. National Center for Agricultural Research
5. Aqaba Special Economic Zone Authority
6. Higher Council for Science and Technology
7. Jordan Food and Drug Administration
8. Jordan Customs
9. Royal Department for Environment Protection and Tourism
10. Investment Commission
11. Royal Botanic Garden / Representative of the Private Sector

- b. The Committee may invite, as it deems appropriate, any experienced and competent persons to attend its meetings without having the right to vote on its decisions.
- c. The Chairman of the Committee shall name a member of the Directorate's staff as secretary to be in charge of preparing letters of invitation for Committee's meetings, recording the minutes of its meetings, keeping its records and decisions, and following up on the implementation thereof.
- d. The Committee shall convene at the invitation of its Chairman, or vice-chairman acting in lieu of the Chairman in the absence of the latter, and its meeting shall be legally valid when attended by the majority of its members. Committee decisions shall be made by majority vote.

Article 5. The Committee shall exercise the following functions and powers:

- a. Study and decide on applications for genetic resources or prior informed consent.
- b. Introduce local communities to their rights resulting from access to genetic resources and traditional knowledge.
- c. Verify compliance with the requirements of prior informed consent.
- d. Supervise the signing of terms mutually agreed on with the user of genetic resources.
- e. Validate negotiations with local community representatives when requesting access to traditional knowledge.
- f. Recommend to the Minister to agree to the following:
  - (1) Accessing genetic resources and safeguarding community rights to associated traditional knowledge.
  - (2) Disseminating information related to the application for genetic resources and associated traditional knowledge.
  - (3) Granting prior informed consent for accessing genetic resources and associated innovations, practices and traditional knowledge.
  - (4) Making proposals for developing policies and legislation on the optimal and sustainable use of genetic resources.
  - (5) Identifying activities that are directly or indirectly related to access to genetic resources or to the mechanism for their introduction.
  - (6) Selecting checkpoints.

Article 6. The Directorate shall exercise the following functions and powers:

- a. Receive and examine applications, papers and documents related to access to genetic resources and fair and equitable sharing of benefits arising from their utilization.
- b. Validate information provided by users of genetic resources and associated with the access permit, as well as the mutually agreed terms set out in Annex 2 hereof.
- c. Recommend to the Committee the necessary action on the right to access genetic resources and associated local traditional knowledge.
- d. Identify and disseminate information about the threats surrounding genetic resources in the Kingdom for submission to the Minister.
- e. Designate the bodies responsible for gathering and obtaining information on genetic resources and recommend the same to the Committee for approval.
- f. Ensure compliance with the terms of agreements entered into with users of genetic resources.
- g. Carry out the work of the national focal point for the purposes of the requirements of agreements on genetic resources.
- h. Develop a national database of genetic resources and any access or benefit-sharing activities.
- i. Develop a database of local communities and knowledge associated with genetic resources.
- j. Document applications, and publish and announce the same through available media or related websites.
- k. Document permits in the Clearing House Mechanism (CHM) regarding access to genetic resources, benefit-sharing and information-sharing in a way that ensures the privacy of permit-related information and the keeping of confidential information within it.
- l. Follow up on the implementation of the provisions of this Bylaw.
- m. Undertake any other tasks assigned thereto by the Minister.

Article 7.a. The application for approval to access genetic resources shall be submitted to the Directorate in accordance with the form contained in Annex 1 hereof.

- b. After reviewing the application and validating the information contained therein, the Directorate submits the same, together with its recommendation, to the Committee for study.
- c. If the applicant for genetic resources is not Jordanian, it shall be

required to fulfill the requirements and guarantees decided by the Minister at the recommendation of the Committee.

- d. If the Committee decides not to approve the application, it shall state the reasons for rejection. The applicant may appeal in writing to the Minister within a period of not more than fourteen (14) working days from the date of receipt of the rejection notice.
- e. The Minister shall form a committee to decide on appeals. The said committee's work mechanism, decision-making process, and other relevant matters shall be defined in the Minister's decision to form the committee.

Article 8.a. Applications for genetic resources from academic institutions and research centers are subject to the procedures contained in this Bylaw, provided that the application clarifies the purposes and objectives of the research.

- b. In the event that academic or research institutions referred to in paragraph (a) of this Article exceed their research activities related to access to genetic resources or associated traditional knowledge to involve commercial purposes, the Minister may suspend the procedures of those institutions and take whatever actions he deems appropriate in accordance with the provisions of this Bylaw.
- c. The specimen or any of the associated information may not be transferred without prior informed consent from the Ministry.

Article 9. The Ministry collects not less than 10% of the benefits raised from the utilization of genetic resources and associated traditional knowledge, provided that it is specified and provided for in the mutually agreed terms in accordance with the form contained in Annex 2 of this Bylaw.

Article 10. The Minister may revoke the prior informed consent for accessing genetic resources based on the Committee's recommendation in any of the following cases:

- a. If the user of genetic resources violates the provisions of this Bylaw or one of the conditions for accessing them.
- b. Concealment of information, facts or data that would affect the rights arising from access to genetic resources.
- c. To protect the environment, biodiversity and ecosystem services, or if the species in question is listed as endangered, or if the habitat or

- ecosystem is threatened.
- d. For reasons of public interest.

Article 11. The Minister may, upon the committee's recommendation, impose any restrictions he deems appropriate to protect genetic resources in any of the following cases:

- a. If they are endangered, endemic or rare species.
- b. If the intended activity will negatively affect human health or the cultural values of local communities.
- c. If the intended activity has undesirable or difficult to control environmental impacts.
- d. Where there is a risk of loss of genetic diversity or ecosystems services, which arises from unjustified, depleting or uncontrolled collection of vital resources.
- e. Non-compliance with biosafety or food security rules.
- f. If resources are used for purposes contrary to the national interest and international conventions ratified by the Kingdom.

Article 12. Genetic resources on the territory of the Kingdom are its property and they may not be disposed of, pledged, sold, commercially exploited or collected without the consent of the Ministry. The same shall be applicable to the registration of any intellectual property rights associated with these genetic resources.

Article 13. Anyone who violates the provisions of this Bylaw shall be punished with the penalties provided for in the law.

Article 14. The Minister may, upon the committee's recommendation, make any amendment to the two annexes attached hereto.

Article 15. The Minister shall issue the necessary instructions to implement the provisions of this Bylaw.

04/04/2021

## **Abdullah II Bin Al Hussein**

**Deputy Prime Minister and Minister of Foreign Affairs and Expatriate Affairs**  
**Ayman Hussein Abdullah Safadi**

**Minister of Culture**  
**Ali Hamdan Abdul-Qadir Al-Ayed**

**Minister of Transport**  
**Eng. Wajih Tayeb Abdullah Azayzeh**

**Minister of Justice**  
**Dr. Ahmed Nouri Mohammed Al-Zayadat**

**Minister of Energy and Mineral Resources**  
**Eng. Hala Adel Abdul-Rahman Zawati**

**Minister of Social Development**  
**Ayman Riad Saeed Al-Mufleh**

**Minister of State for Follow-up and Government Coordination**  
**Dr. Nawaf Wasfi Saeed "Mustafa Wahbi" Al-Tal**

**Minister of State for Information Affairs**  
**Sakher Marwan Dudin**

**Minister of Labor**  
**Youssef Mahmoud Ali Al-Shamali**

**Deputy Prime Minister & Minister of Local Administration**  
**Tawfiq Mahmoud Hussein Kreishan**

**Minister of Water and Irrigation**  
**Mohamed Jamil Musa Al-Najjar**

**Minister of Public Works and Housing**  
**Eng. Yahya Musa Kasabi**

**Minister of State for Prime Minister's Affairs**  
**Dr. Ibrahim Mashhour Haditha Al-Jazi**

**Minister of Agriculture**  
**Eng. Khaled Musa Shehadeh Al-Hneifat**

**Minister of Endowments, Islamic Affairs and Holy Places**  
**Dr. Mohammed Ahmed Muslim Al-Khalayleh**

**Minister of State for Legal Affairs**  
**Mahmoud Awad Ismail Al-Kharabsheh**

**Minister of Digital Economy and Entrepreneurship**  
**Ahmed Qasim Dheeb Al-Hanandeh**

**Minister of Health**  
**Dr. Firas Ibrahim Ershid Al-Hawari**

**Prime Minister & Minister of Defense**  
**Dr. Bisher Hani Mohammed Al-Khasawneh**

**Minister of Political and Parliamentary Affairs**  
**Eng. Musa Habes Musa Al-Maaytah**

**Minister of Planning and International Cooperation**  
**Nasser Sultan Hamza Al-Shraideh**

**Minister of Tourism and Antiquities, and Acting Minister of Environment**  
**Nayef Hameidi Mohammed Al-Fayez**

**Minister of Industry, Trade and Supply**  
**Eng. Maha Abdul-Rahim Saber Ali**

**Minister of Finance**  
**Dr. Mohammed Mahmoud Hussein Al-Asas**

**Minister of Education and Minister of Higher Education and Scientific Research**  
**Dr. Mohammed Khair Ahmed Mohammed Abu Qudais**

**Minister of Youth**  
**"Mohammed Salameh" Fares Suleiman Al-Nabulsi**

**Minister of Interior**  
**Mazen Abdullah Hilal Al-Faraya**



**Annex No. (2)**

**Agreement Form**

**(Mutually Agreed Terms)**

**Preamble**

Pursuant to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and in accordance with the Convention on Biological Diversity; and

In accordance with the provisions of the Bylaw on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and in line with the needs of the Parties and the contents of the contract, this Agreement has been formulated.

A. Genetic resource and/or traditional knowledge associated with a genetic resource:

B. Parties and general information (contractors):

C. Contract components:

1. Obligations of Parties:
2. Financial Obligations:
3. Penal Provisions:
4. Conflict Resolution:
5. General Terms and Additional Conditions:

D. Monitoring, verification and audit mechanism:

**Signature of Parties**

**Endorsement of the Ministry**