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September 19, 2008
LL File No. 2008-01528

TO: The Honorable Henry A. Waxman
House Oversight and Government Reform Committee

Attention: Stacia Cardille

FROM: Issam Michael Saliba
Senior Foreign Law Specialist

SUBJECT: Letters of Authorization - Jordan



In response to your request of September 17, 2008, concerning Jordanian laws or statutes requiring letters of authorization to transport oil through Jordan, and pursuant to our telephone conversations of September 17 and 18, 2008, and our review of the letters you sent to us, we are providing the following.

1. Under article 91 of Jordanian Customs Law Number 20 of 1998, goods of foreign origin, including oil and its derivatives, may be transported through Jordan in transit from one entry to another exit point at the borders. Article 93 provides that goods in transit shall not be subject to restriction or prohibition unless the laws and regulations in force provide otherwise.
2. Instruction Number 1 of 2002, issued by the Customs Director as authorized under articles 88, 90, 91, 97, 99, and 103 of the Customs Law, sets forth the necessary formalities to be completed in connection with the transit process. For example, Article 1 of the Instructions requires the owner of the goods to fill out a "manifesto" or declaration of transit at the point of entry using the forms duly approved, and article 2 requires the customs center to attach a transit certificate (T1) to the manifesto. Both of these forms need to be presented to the customs center at the point from which the goods exit the country.
3. There is no provision in these instructions that requires "Letters of Authorization" to be issued for the transport of oil or other goods through Jordanian territories.
4. Goods that the Minister of Finance designates as prohibited for the purpose of customs control, in a decree published in the official gazette, shall be confiscated unless a license

Memorandum: Letters of Authorization - Jordan
Hon. Henry A. Waxman
Sept. 19, 2008
Page 2

is issued in advance to permit its entrance into the country (art. 39, para. 1, of the Customs Law).

5. Article 10 of the concession approved by Law Number 19 of 1958 grants the Jordanian Petroleum Refinery Company the exclusive right to import oil and its derivatives into Jordan. However, we found no evidence in our search of the available documentation indicating that the Minister of Finance has issued any decree designating oil and its derivatives as prohibited goods for the purpose of customs control.
6. We should note that the "Letter of Authorization" of 2007 was issued to the Aqaba Petroleum Company, while all previous letters were addressed to the National Resources Development Company (NRDCO). Another point that merits mentioning is that none of these letters referenced the legal authority under which the "authorization" of the Minister of Energy is required.

If you have further questions, please contact me at [REDACTED] or via email at [REDACTED].
We hope this information is helpful.