

Official Gazette

Market Monitor Instructions No. (13) of 2017

Based on the provisions of Article (21) of Industry and Trade Act No. (18) of 1998, and amendments.

Article (1):

These instructions are called (Market Monitor Instructions of 2017), and shall be effective from the date of their publication in the Official Gazette.

Article (2):

The following words and expressions, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context indicates otherwise:

Law: Industry and Trade Act No. (18) of 1998, and amendments.

Ministry: Ministry of Industry, Trade and Supply.

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Secretary-General: Secretary - General of the Ministry of Industry, Trade and Supply.

Directorate: Directorate of Market and Supply Monitor, and Ministry Directorates in governorates.

Market Monitor: Ministry employ appointed for that purpose.

Basic commodities: commodities regarded as basic by the Cabinet, according to law provisions.

Article (3):

Market monitors assume field monitor on shops in all commercial sectors, and the Ministry issues special cards for their identification.

Article (4):

violations are issued in accordance with law provisions in the following cases:

- 1- Prices are not declared for each item displayed for sale. Whether the price is identified or not, they must adhere to declared prices as a maximum.
- 2- The buyer is not given an invoice including the type, quantity and selling Price of the item or commodity, and a copy thereof to keep for not less than two years. The retailer of any item should provide the buyer with an invoice if requested.
- 3- Violating sales, clearance and prize drawing instructions.
- 4- Preventing market monitors from the performing any of their duties or tasks assigned to them to implement issued law, regulations, and instructions.

- 5- Hiding any basic commodity or refrain selling it, or selling it at a price higher than the specified.
- 6- Managing, organizing, promoting or taking part in a plan based on subscribers pay amounts without getting direct benefits, or promised to obtain financial benefits against involving others in this plan, in accordance with detailed resolutions issued by the Minister for this purpose.
- 7- Failure to comply with the guarantee provided when the commodity is sold.
- 8- Violating any of the instructions or decisions issued by the Ministry.

Article (5):

Inspection rounds of market monitors are carried out by two observers at least, provided that both of them witness the violation incident, sign it and write their explicit names clearly under liability.

Article (6):

Duties and functions of the Head of Market Monitor Department:

The head of the Department has to do the following.:

- 1- Submits violation report books to market monitors, and receives them after they have duly been completed.
- 2- Prepares annual work plan for market monitor.
- 3- Prepares a daily distributional schedule for market monitors in accordance with the work plan to ensure that the entire geographical area of the governorate is covered.
- 4- Delivers to Market monitors daily complaints received to the Department, which are concerned with the work of the Ministry and follow-up on the complaint
- 5- Audits violation seizures that are issued daily, and matches their texts with the law.
- 6- Submits a daily detailed report about market reality in terms of availability of basic supply materials and others, and the selling prices through market monitors' reports.

Article (7):

Conditions to be met in the market monitor.

- 1- Market monitor may be exercised only by a qualified monitor, and to that end, the following should be taken into account when a market monitor is entrusted:
- 2- Must have scientific qualifications commensurate with the nature of the assigned tasks.
- 3- Must have received the necessary practical and theoretical training.
- 4- Must have the right personal qualities and skills.
- 5- Has signed the Charter of Conduct for observers, which includes his acknowledgment to exercise his duties neutrally and impartially.
- 6- has Sworn monitors' oath.

Article (8):

Duties and responsibilities of market monitors:

A. **monitor's functions:**

In the course of his duty, the monitor must take the following into account:

- 1- Audit violation report books he receives and is fully responsible for them.
- 2- Fully commitment to official work hours and rounds specified for him, under penalty.
- 3- Market monitor on all commercial sectors without exception in the region allocated to them and subject to the Ministry's supervision, by two observers for each round at least, provided that the number of inspected shops is fifteen rounds per day.
- 4- To ensure the validity of received complaints and data, as well as take the necessary procedures against violators after being confirmed.
- 5- Make sure that basic materials and others are available
- 6- View selling prices of basic supply materials, in addition to material prices and others specified by the Council of Ministers.
- 7- Perform any tasks assigned by the head of Department or Director.
- 8- Prepare a detailed report containing the names and addresses of the stores that were visited, types and numbers of issued violations and the selling price of basic supply materials and others according to a form prepared for this purpose.
- 9- Deliver round reports along with issued violations to the person in charge to receive violation reports at the end of the round, on a daily basis.
- 10- Determine the competent court by area of the violation.
- 11- Schedules hearings as follows:
 - A. Hearings of violations fixed on violation report form issued in the capital governorate are scheduled for a period of three months.
 - B. Violations issued by directorates in governorates specifying the dates of hearings fixed on the violation report form for two months.
 - C. Full adherence to the hearings schedule prepared by the head of the Department, provided that hearings are not scheduled on official holidays, Fridays and Saturdays.
- 12- The monitor must deliver the book of violation report at the end of the last workday of June each year, and the last workday of December each year, regardless of the number of unissued violations.

B. Monitor's duties:

During the inspection round, the market monitor must do the following:

- 1- Introduce himself and the authority he represents, and present his ID.
- 2- Inform the owners of commercial sectors, who are subject to the Ministry's monitor of their rights and obligations, in addition to legal and technical procedures and information related to him and the mechanism of their application.
- 3- Make sure not to disrupt or impede the work of the commercial sector, and monitor procedures are limited to the extent needed to implement its goals in accordance with the relevant legislation.
- 4- Inform shop owners of the seized violations and the procedures to be followed to correct them, and provide him with a copy thereof.

- 5- Inform the owners of violating businesses of their right for objection to violation results, as well as the conditions, duration, and procedures specified for that.
- 6- Market monitors must comply with monitor requirements set out in these instructions.
- 7- Market monitors may request assistance from the security apparatus or the competent administrator if they are not allowed to enter commercial sectors, or their work has been hampered.

C. Responsibilities of the monitor:

The monitor is considered breaching his duty and assumes responsibility and disciplinary sanctions, without prejudice to any civil liability or penalty order on legislation related in any of the following cases:

- 1- Failure to comply with the provisions of the relevant laws, regulations and instructions.
- 2- Failure to report violations of the legislation in force while carrying out inspection procedures that he discovered during his inspection procedures.

Article (9):

Conditions to be met by the violation seizure:

1. Issuing violation report shall be on the basis of valid professional license or the commercial register; in this case, the national number of the enterprise shall be fixed.
2. In the case of not obtaining the previous documents, the violation is issued on the basis of personal ID issued by the Department of Civil Status, driver's license issued by the Department of Licensing, sale or security contract signed duly.
3. In all cases, the full name, and national number of the shop or institution owner / director or salesman in charge must be recorded; if the person in the shop is non-Jordanian, his full name, nationality and the requested data are recorded per the available document and its number.
4. If the owner of the shop is non-Jordanian or Jordanian but have none of the mentioned documents, there should be coordination with security authorities and administrators to deal with the seized cases.
5. The violation report should be signed by its issuers, and their names are clearly stated and any required documents should be attached.
6. Formulating the violation report properly, as well as stating the legal basis clearly with no deletions on the violation seizure. In case of amendment of any information contained in the violation after verification, the amendment is done after writing the words (no, but after the sentence or phrase to be amended).

Article (10):

Mechanism for receiving violation report issued by market monitors:

1. Violation seizures along with the round report are submitted to the head of the Department or to the person authorized from the monitors against signature.
2. The person authorized to receive the violations from monitors should register violations in received violations registry, including the serial number, violation report number, date of violation issuance, name of the violating shop owner, address and type of shop, name of the competent court, date of hearing, the content of the violation, and the names of the issuers of the violation seizure.
3. The person authorized to receive violations must deliver seizures to the employee who enters violations data on the computer against signature. Data entry audit the Article number in accordance with violation text, and record the repeated violation on issued violations, under Articles 12 and 16 of the Act, and sign in the box of violation seizures.
4. Violations and repeated ones shall be certified by the Director, or by the authorized person.
5. The data entry prepares letters for violations sent to the competent courts.
6. The Director shall sign the letter after checking it with violation attachments.
7. The second copy (yellow) of the violation report and letters issued to the court after are kept after they had been audited and given an outgoing number.
8. The data entry employee gives violations and letters to the competent employee who is authorized to distribute violations to courts against the signature on a special register indicating the number and date of the outgoing letter, the competent court and the numbers of violation seizures.
9. The employee who follows up on the work of courts, distributes violation seizures to the competent courts according to outgoing letters of issued violations on a special register indicating the employee's name, signature and date of receiving violations and the seal.
10. The distribution employee shall subsequently bring the results of acquittals or omissions issued by courts, as prescribed under Articles (12 and 16) of the Act, and provide the data entry with them.

Article (11):

The offender is eligible to pay a minimal fine amount in the Ministry within thirty days from the date of seizure, otherwise it is referred to the competent court in accordance with the provisions of Paragraph (A) of Article (17) of the Act.

Article (12):

Repeating violation:

A. Repeating a violation is calculated as follows:

- 1- Repeating a violation is counted on all issued violation under Articles (12 and 16) of Industry and Trade Act No. 18 of 1998 if the violation is repeated more than once within one year from the date of the first issued violation seizure.
- 2- The period of precedence shall be one year, so that each material shall be recorded on the second violation report below the report.
- 3- Repeating the violation is counted on the owner of the shop, even if he changes the purpose of the shop.

B. Repeating violations are not counted in the following cases:

- 1- All violations issued under Article (11) of the Act.
- 2- All violations issued under Article (13) of the Act.
- 3- When the ownership of the business is transferred to anyone else.

Article (13):

The Directorate must consider the results of acquittal judgments issued by courts or lack of liability for edited violations, and prepare a report that set out aspects of fault and shortcoming in its issuance, so as to avoid any mistakes may occur when issuing violations in similar situations in the future.

Article (14):

The directors of the directorates must send all violations to the competent courts for consideration, and not neglect any of them for any reasons. In case of any legal violation or an error in seizing the violation that doesn't need be sent to the competent court, they must write about that to Market Monitor Directorate for consideration and placement of the Secretary-General.

Article (15):

It is prohibited to address the competent courts for withdrawal or cancellation of a violation after violation seizures have been sent to courts.

Article (16):

Functions of Complaints Office and the mechanism of receiving complaints:

- 1- One employee or more are designated to receive incoming complaints, provided that they are aware of the Ministry's vision, mission, objectives, market monitor instructions and any other relevant instructions.
- 2- The work hours of the Complaint Office are determined by two shifts: morning and evening, as deemed appropriate by the Director and as required for the evening shift.

- 3- The complaints officer is required to receive the incoming complaints in accordance with the following mechanism:
 - A. A special register of received complaints is allocated, indicating the name and address of the complainant, the name and address of defendant's shop, the content of the complaint, the name of the recipient of the complaint, the time and date of the complaint, the names of market monitors investigating the content of the complaint, and the result of the investigation.
 - B. All incoming complaints are received, whether submitted in person or in writing or by different means of audio-visual and printed communication. All of them are registered in the special register for complaints and the e-system prepared for complaints.
- 4- The competent employee must prepare weekly and monthly report of the numbers and types of received complaints, as well as their investigation results.
- 5- The complainant's name and address shall not be required to be given.
- 6- It is prohibited to give the name of the complainant to the defendant under any circumstances, and the complaint shall be treated confidentially.

Article (17):

The Directorate is responsible for following up on the implementation of the provisions of these instructions and conducting the necessary rounds for monitoring and auditing purposes.

Article (18):

These instructions cancel all previous relevant instructions and decisions.

Eng. Yarob Al-Qudah

Minister of Industry, Trade and Supply.