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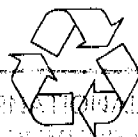
State of Israel  
Ministry of the Environment

# ISRAEL'S ENVIRONMENTAL LEGISLATION

Compiled by Adam Teva V'Din,  
the Union for Environmental Defense

Susan Warchaizer, Editor

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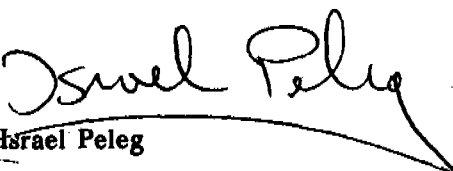
## Introduction

Israel has come a long way since the establishment in 1973 of the Environmental Protection Service. This was the first important step in the designation of a central body for environmental protection and management in Israel, culminating in the establishment of the Ministry of Environment in 1988.

Comprehensive environmental legislation is an integral part of any successful and progressive environmental management programme. Environmental legislation in Israel covers the various environmental areas of concern and gives both the citizen and the policy maker efficient judicial tools by which to implement sound environmental policy. It is only in recent years that the legal authority for most environmental issues was concentrated within the Ministry of the Environment, which has contributed to the implementation of environmental policy in Israel.

Innovative environmental legislation has been enacted in recent years, which together with greater public awareness, has resulted in increased environmental enforcement in Israel. The Israeli legislation also correlates with Israel's firm commitment to the improvement of local, regional and global environmental conditions and to the policy of sustainable development.

I would like to commend all those who worked on this project which provides an important guide and accessible source of reference for everyone involved in the protection of the environment in Israel, and for those who may take an interest in environmental matters in Israel.

  
Dr. Israel Peleg

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## **Preface**

This sourcebook presents the laws pertaining to environmental protection in Israel. These include laws concerning air and noise pollution, water quality, marine pollution, hazardous substances and the protection of nature. In addition, the sourcebook deals with more general legislation, governing national and local implementation. In many cases, the official translations from the *Laws of the State of Israel* have been provided, while other regulations and laws have been translated here for the first time. In some cases, legislation has been summarized.

As these materials suggest, environmental law in Israel is highly dynamic and expanding rapidly. The Ministry of the Environment has taken a leading role in major legislative initiatives now under way. Our intention has been to provide a comprehensive overview of Israel's legislative and regulatory approach on environmental matters.

Many people helped make this project a reality. We would especially like to thank Ruth Rotenberg, Legal Advisor of the Ministry of the Environment, and Dr. Uri Maranov, former Director General of the Ministry, without whom this sourcebook would not have been possible. Similar thanks must go to Dr. Alon Tal, the director of Israel's Union for Environmental Defense (UED), Ms. Betsy Goldin, UED staff researcher, and Lisa Primus, a UED student intern. We wish to further thank Eilon Schwartz, the Chair of the UED, and Noah Efron, whose help and support have been invaluable.

This project was funded by the Ministry of the Environment.

**SECTION B:  
GENERAL PROVISIONS**

## **Association of Towns Law, 1955 (Summary)**

### **Municipal Corporation Ordinance (New Version) (Summary)**

### **Local Councils Ordinance (New Version) (Summary)**

The responsibility to protect the environment is invested in local authorities with the Ministry of the Environment as the supervising authority.

The *Association of Towns Law* allows a group of municipalities or local councils ("local authorities") to band together in an "Association of Towns" by order of the Minister of the Interior. Before establishing an Association of Towns, the Minister of the Interior must publish notice of his intention to do so, and hear objections from other local authorities concerned in the matter.

As defined by this Law, an Association of Towns "is a corporation and, within the limits of its powers, may enter into contracts, acquire, hold and transfer property, sue and be sued, and perform any act required for carrying out its functions." An Association of Towns is managed by a council that is made up of representatives from each local authority in the association.

An association of towns must submit a yearly budget to the Minister of the Interior for approval; the budget is financed by funds levied in a quota system from the involved local authorities.

The *Municipal Corporations Ordinance* and *Local Councils Ordinance* invest local governing bodies with the authority and responsibility to protect the environment. The authorities provided for in the *Municipal Corporations Ordinance* include:

- to build and maintain public buildings and other buildings;
- to create and direct services, enterprises and institutions that will benefit the public, or to participate in their creation;
- to provide housing and work for the needy, the blind, and the handicapped;
- to create, maintain and direct public swimming pools and bathing places;
- to provide, plan, improve, and maintain public parks and gardens and recreation sites for public enjoyment; to plant trees on streets and in public places and provide shaded areas;
- to tear down buildings which are a threat to public safety or health;
- to require renovations for the purpose of maintaining an acceptable appearance;
- to prohibit the abandonment of cars, junk, metal or other materials, and to remove them from the public space;
- to provide for the building of sewers, drains, toilets and urinals, and to require that these be maintained under sanitary conditions;
- to regulate the sale of animal products;
- to require the sanitary maintenance of all buildings;



General Laws and Provisions

- to provide cemeteries;

Other important sections of the *Municipal Corporation Ordinance* include:

Right to know of members of the city council 140. (a) City documents will be open to every member of the city council; documents will be made available within three days of a request by a council member to the Mayor; he may prepare a summary or a copy of the documents for himself. However, documents may not be removed from City Hall without the permission of the Mayor.

(b) The right to know according to subsection (a) does not apply to documents which are, according to the law, closed to view, or documents that deal directly with the rights or responsibility of the individual towards the city, except when the issue is under discussion of a committee of which the person requesting to see the material is a member.

(c) Documents of the city will be made available at the request of the Chairman of a committee for the use of the committee during its meeting, as long as the documents are relevant to the agenda.

Sewers 237. The City will supervise the planning, building and changes in sewers, drainage lines and ditches; maintain toilets, urinals, rest rooms and sanitary equipment; and oversee the cleaning of public rest rooms and the paving of floors, yards and open spaces.

Water installations 238. As relates to water installations erected by the City or any other public body or by a private individual for the purpose of supplying water within the City limits, the City will take the following actions:

(1) prevent waste, misuse, overuse or contamination of water for public or private use;

(2) set the number, quality, and strength of the pipes, valves, faucets, wells, pans, toilets and other containers for the carrying, supplying and gathering of water; their organization, placement and removal, renovations and repair, and rules for their use;

(3) maintain public drinking fountains and set rules for their use;

(4) arrange for measurement, meters and proper equipment for the supply of water.

(5) arrange the conditions by which water is supplied for home and other use, and also the price for water use and installation.

Hazardous occupations 241. As relates to hazardous occupations, the City will classify and regulate all occupations or businesses which are likely to damage the public health or to be a source of danger to the public, or for some other reason should be regulated for the public good.

Sanitation,  
public health  
and comfort

242. As relates to sanitation, public health and public comfort, the City will take the following actions:

- (1) take steps necessary to prevent or remove nuisances, and will be responsible for testing necessary to determine what are existing nuisances;
- (2) organize garbage and rubbish removal from every house and determine fees for such removal;
- (3) enact laws relating to testing, organization, maintenance, cleaning, and emptying of sewers, drains, toilets, sewage channels, culverts, channels, and sanitary equipment;
- (4) place and maintain public garbage cans and other receptacles for the collection of garbage, and maintain them in a manner which will not constitute a public nuisance;
- (5) place and maintain public bathrooms that are built in a way that will not constitute a public nuisance;
- (6) be responsible for sweeping and cleaning public streets;
- (7) prevent the accumulation of garbage in public or private places that would pose a danger to public health and take action to remove any nuisance from sewers or drains, both public and private, or from any other source;
- (8) prevent infection of water channels, or wells, and prevent the throwing of garbage on the banks of water channels, or by the opening of wells, likely to cause their contamination;
- (9) prevent the use of channels meant for the drainage of rainwater from contamination by sewage or water flushed from toilets, and forbid the installation of drains without permission;
- (10) set rules for inspection of buildings and homes to clarify the level of sanitation and to take measures to destroy rodents.

Authority to  
promulgate  
bylaws

250. A city council is authorized to promulgate bylaws in order to allow the city to carry out the actions it is required or authorized to do according to this Ordinance or any other law.

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### **Public Health Ordinance, 1940 (Summary)**

This Law covers many aspects of public health, from reporting requirements for death and illness to sanitation and water quality.

**Sanitation Areas** The Minister of Health and the Minister of the Environment are responsible for designating urban and rural sanitation areas. These are to be managed as *sanitary authorities* by the city council or local authority in the same area. The Ministers of Health and Environment may promulgate regulations as to the organization, function, and funding of sanitary authorities, as well as standards for workers.

#### **Water Quality**

- The Minister of Health may promulgate regulations concerning water quality, including drinking water standards and standards for water sources used for drinking water, and for water systems.
- Water suppliers, including local authorities, are required to periodically test drinking water. The types and frequency of tests are set forth in regulations.
- The health authority may declare a water source to be unfit for drinking if it does not meet with the standards set by the Minister of Health. It is prohibited to supply such water for drinking.
- A person who contravenes the Law or its regulations is liable to a fine or imprisonment of six months.

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### **Civil Wrongs Ordinance (New Version) (Translation of Article 5)**

The Civil Wrongs Ordinance is based on a British mandatory ordinance and constitutes the normative basis for Tort Law in Israel. Among the torts prohibited are "nuisances". These provisions offer citizens an opportunity to enjoin environmental nuisances and/or receive compensation.

#### **Article 5: Nuisances**

- Public Nuisance** 42. A public nuisance consists of some unlawful act, or omission to discharge a legal duty, where such act or omission endangers the life, safety, health, property or comfort of the public or obstructs the public in the exercise of some common right.
- Action for public nuisance** 43. No action shall be brought in respect of a public nuisance save:
- (1) by the Attorney General or his representative for injunction;
  - (2) by any person who has suffered pecuniary damage thereby.
- Private nuisance** 44. (a) A private nuisance consists of any person so conducting himself or his business or so using any immovable property of which he is the occupier as materially to interfere with the reasonable use and enjoyment, having regard to the situation and nature thereof, of the immovable property of any other person: Provided that no person shall recover compensation in respect of any private nuisance unless he shall have suffered damage thereby.

(b) The provisions of this section shall not apply to any interference with daylight.

- Special defense 45. It shall be a defense to any action brought in respect of any private nuisance that the act complained of was done under the terms of any covenant or contract binding upon the plaintiff which inures for the benefit of the defendant.
- Existing nuisance 46. It shall not be a defense to any action brought in respect of a private nuisance merely that the nuisance existed before the plaintiff's occupation or ownership of the immovable property affected thereby.
- Saving of other laws 47. The provisions of sections 42 to 46 shall be in addition to, and not in derogation of, any provisions about nuisances laid down by any other enactment.
- Interference with daylight 48. Any person who, by any obstruction or otherwise, prevents the enjoyment by the owner or occupier of any immovable property of a reasonable amount of daylight, having regard to the situation and nature of such immovable property, when such light has been continuously enjoyed by such owner or occupier or his or their predecessors in title, otherwise than under the terms of any covenant or contract, for a period of not less than fifteen years immediately preceding such obstruction or prevention commits a civil wrong.
- Use required in the public interest 48B. Any such use of immovable property as is required in the public interest shall not constitute a nuisance within the meaning of this article even if it causes damage to neighboring property or deprives the owner of the neighboring property of the full enjoyment thereof, provided that the damage remains within tolerable proportions and that the user takes reasonable steps to reduce it as far as possible. However, the Court may award compensation -- either in the form of a one-time payment or of recurrent payments -- if the owner of the property has suffered pecuniary damage.

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### Civil Wrongs (Liability of the State) Law, 1952 (Summary)

This Law defines the liability of the State under the *Civil Wrongs Ordinance*. The State is regarded as a corporation for the purposes of defining civil liability. While the State "is not civilly liable for an act done within the scope of lawful authority..." it is liable "for negligence in connection with such an act." The State is not liable civilly for defamation, acts done during an army war operation, or injuries or deaths of persons serving in the army. Further, the State is not liable as a property owner when it has become owner "solely by operation of law," but has not taken possession of the property. The Law does not affect provisions of certain laws that specifically establish the limits of liability of the State in special circumstances.

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## Penal Law, 1977 (Abridged Translation)

This Law defines the criminal framework of Israeli law. Relevant portions are quoted below:

### Article 11: Nuisances

- |                              |  |
|------------------------------|--|
| Public Nuisance              | 215. (a) A person who does an act not authorized by law or omits to discharge a legal duty and thereby causes the public any injury, danger or annoyance or obstructs or causes inconvenience to it in the exercise of public rights creates a public nuisance and is liable to imprisonment for one year... |
| Act likely to spread disease | 218. A person who willfully or negligently does an act which is, and which he knows or has reason to believe to be, likely to lead to the spread of a disease dangerous to life or of a venereal disease is liable to imprisonment for three years.  |
| Pollution of water           | 221. A person who corrupts or fouls the water of any spring, tank, reservoir or other place so as to render it less fit for the purpose for which it is ordinarily used is liable to imprisonment for three years.   |
| Pollution of air             | 222. A person who voluntarily pollutes the air so as to make it noxious in general to the health of persons dwelling or carrying on business in the neighborhood or passing along a public way is liable to imprisonment for three years.  |
| Offensive trades             | 223. A person who for any purpose creates or spreads loud noises or offensive or unwholesome smells in such places and circumstances as to annoy persons in the exercise of their public rights is liable to imprisonment for one year.  |

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## Licensing of Businesses Law, 1968 (Summary)

This Law authorizes the Minister of the Interior, in consultation with the Minister of Environment, to "designate and define by order businesses requiring a license, in order to ensure therein appropriate sanitary conditions, the prevention of nuisances and annoyances and compliance with the provisions of the laws relating to planning and building." He may also, following consultation with the Minister of Police or the Minister of Agriculture, require licensing of businesses to prevent danger to the public peace and safety or to prevent the spread of animal diseases.

- The local authority is the licensing authority in the area of a municipality or local council, otherwise a person empowered by the Minister of the Interior serves in that capacity. License applications must be approved by a person empowered to do so by the Minister of Environment, Police or Agriculture, as the case may be.
- The Minister of the Interior may regulate fire safety conditions, and the Minister of Environment may regulate sanitary conditions necessary in businesses requiring a license.
- Terms of licensing, such as their period of validity, fees, and renewal policies are prescribed by general regulations or regulations specific to particular classes of businesses.
- Persons running a business without a license or a person in contravention of the Law or its regulations are liable to a fine or imprisonment for six months. The Court may further

order that the business be closed. A person who refuses to present his business license to an official on demand is liable to a fine or imprisonment for three months.

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### **Land Law, 1969 (Summary)**

The *Land Law* sets out rights, rules and regulations concerning "immovable property", or "land, everything built or planted on land and every other thing permanently fixed to land, except severable fixtures." The Law determines such particulars as rules for ownership and possession of land; land registration; joint ownership; building and planting; and rules for common property such as boundary fixtures (e.g., fences), cooperative houses, and common property; lease, mortgage and easement rights. The Law further establishes a *Land Registry*, sets fees for land registration and other transactions, and cancels or repeals certain legal categories concerning land and land laws remaining from the period of Ottoman rule.

#### *Land Ownership*

- Ownership of land includes ownership of buildings and plants on the land, and includes "the whole depth below the surface of the land subject to any law relating to water, petroleum, mines, minerals...and to the airspace above the surface of the land; however, subject to any law, this provision shall not prevent passage through such airspace".
- "Ownership and other rights in immovable property shall not by themselves justify the doing of anything that causes damage or inconvenience to another."
- The owner of land may demand that a person possessing that land unlawfully surrender the land to the owner. The owner may also use "reasonable force" to reclaim his land, provided that he act within thirty days.
- When a person has illegally built a structure on another person's land, the owner may decide whether to have the builder remove the structure or whether to retain it. If the owner keeps the structure, he must compensate the builder.

*Public Land and Reserved Land* Public land is land owned by the Israeli Government, a local authority, or any authority established by any enactment. Reserved land is public land intended for public use, and includes, the seashore, ports, rivers and streams, roads and railways, airports, and other lands defined by regulations as such.

- Land under Israel's territorial waters and lakes is public property and belong to the State.

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### **Planning and Building Law, 1965 (Summary)**

The *Planning and Building Law* regulates all building and land use management in Israel, and establishes a framework for environmental planning.

## General Laws and Provisions

**Authority:** National, regional and local bodies are established to provide for land use planning on all levels.

- The Minister of the Interior is responsible for implementation of the Law and may make regulations as to any aspect of it.
- A National Board, chaired by the Minister of the Interior is responsible for overall planning in Israel. The Board consists of government representatives, city representatives, scientists, engineers and a representatives of environmental interest groups. The Board's responsibilities include:
  - Δ Enacting a *National Outline Scheme* which sets out a framework for planning on a national scale.
  - Δ Advising the Government on matters of planning.
- Six District Commissions, consisting of Government representatives and representatives of local authorities, serve as a link between national planning and local implementation:
  - Δ Supervising *District Outline Schemes* which set out details for implementing the National Scheme in that district.
- The country is divided to sixty-five local areas headed by a *Local Planning Commission*. When a local area is comprised of one local authority only, that local authority serves as the Local Commission. Local commissions:
  - Δ Prepare *Local Outline Schemes* to control land development in that area.
  - Δ Prepare *Detailed Schemes* for specific local projects.
  - Δ Enact specific regulations regarding conditions for land use and building use in the local area.

### *Planning Schemes*

- A *National Outline Scheme* lays down the planning structure for the whole area of the State and assigns purposes for various areas; for example, setting aside industrial zones, laying out highways, railroad lines and electricity grids, enacting provisions as to recreation areas, nature reserves and holy places, and forecasting demographic changes in the State.
- *District Outline Schemes* include general zoning ordinances, such as areas and boundaries for urban and rural development, and industrial zoning.
  - Δ District Outline Schemes include provisions regarding flight safety and flight obstructions. This includes building clearance near airports, flight patterns and zoning for reduction of noise pollution.
- *Local Outline Schemes* set out the conditions for use of land and buildings in local areas in order to "ensure appropriate conditions for health, sanitation, cleanliness, safety, security, transport and convenience, and to abate nuisances...protect every building or thing of architectural, historical or archaeological importance...[and] protect and develop places important from the point of view of nature or beauty."

- Δ Local Schemes are prepared by the Local Commission and submitted to the District Commission for approval.
- Δ The Scheme provides for, *inter alia*, sanitation areas; areas for water and electricity installations; land for ports and railway and bus stations; land for cemeteries; and areas to be preserved as open spaces. The scheme also sets out zoning conditions such as building density and housing schemes.
- Δ Buildings which do not conform to the scheme when it comes into force are evaluated and the commission determines whether to demolish the building, allow its continued non-conforming use, or direct the owner to change its use. The Commission may expropriate buildings intended under the scheme for public use. The Commission must compensate owners for expropriation or demolition of a building, and, in the case of a residential building, must ensure that alternative dwellings are found for the residents.

**Penalties** A person who carries out work without a permit, or in deviation of the conditions of the permit, is liable to a fine and imprisonment for six months, with an additional prison term of seven days for each day the offense continues after notice is served to the accused. The Court may demolish unauthorized buildings at the expense of the offender.

- **Detailed Schemes** enact provisions as to the division of land into plots or building sites; assign land for roads, open spaces, gardens, schools, religious gatherings, sports and recreation and other purposes; determine demolition or rehabilitation of buildings; and determine the design of parks and other public spaces.
- Members of the public may file opposition to planning schemes, and, when an opposition is rejected by a commission, may appeal the commission's decision.

**Licensing** A license is required to erect buildings or build roads. When the proposed building does not conform to a scheme, the builder must apply to cancel or vary the scheme, or apply for "non-conforming use" of the land. District Commissions may, following consultation with the Local Commission involved, vary or cancel a Detailed Scheme, Local Outline Scheme, or District Outline Scheme. A Local Commission may permit non-conforming use of the land with the approval of the National Board.

- The Israel Defense Force is not exempt from the requirements of the Law and must obtain building permits from a subcommission of the District Commission dealing specifically with defense installations.

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## **Planning and Building Regulations (Environmental Impact Statements), 1982 (Translation)**

By the authority granted to me under Section 265 of the *Planning and Building Law, 1965* and following consultations with the National Board for Planning and Building, I hereby make the following regulations:



*General Laws and Provisions*

- Definitions**
1. Within these regulations:
- “environmental adviser” means a person appointed by the Minister of the Interior in consultation with the Ministers of Agriculture, Health and Industry and Commerce to be an environmental adviser;
- “environmental impact statement” or “statement” means a document stating the connection between a proposed scheme and the environment within which the scheme is to be implemented, including assessments as to anticipated or forecasted impacts of the proposed scheme on that environment, and specifications of the means necessary for the prevention of negative impacts as specified in regulation 4.
- Obligation of statement submission**
2. (a) A planning agency will not consider or decide upon a scheme of the types detailed in sub regulation (b) unless an environmental impact statement has been prepared and attached to the scheme.
- (b) The following are the types of schemes:
- (1) power plants, airports, seaports and toxic waste disposal sites;
- (2) airport landing strips, jetties, national water supply arteries, dams and reservoirs, waste water purification plants, mining and quarrying sites, and solid waste disposal sites, which, in the opinion of the National Board or the District Commission considering these schemes, will have significant environmental impact exceeding the local limits;
- (3) an industrial plant in an area not used or designated for industrial use which, in the opinion of the National Board or the District Commission considering the schemes, is about to cause significant environmental impact exceeding the local limits.
- Authority to require statement submission**
3. In addition to the provisions of regulation 2, a representative of a minister in a planning agency or a planning agency presented with a scheme whose implementation may, in its opinion, have a significant impact upon environmental quality, may require the submitter of the scheme to prepare a statement and to submit it to the planning agency in addition to the scheme documentation submitted; a requirement for submission of a statement may be made at any stage of consideration of the scheme prior to its approval.
- Content of statement**
4. An environmental impact statement will be prepared according to guidelines established by the planning agency in accordance with the provisions of regulation 5, and will include details on the following subjects:

(a) description of the environment to which the scheme relates before implementation of the proposed scheme; for the purposes of this section "environment" means the environment which, in the opinion of the planning agency, may be affected by the scheme's implementation;

(b) specifications of the reasons for the preference of the proposed siting of the scheme and the activities resulting from its implementation;

(c) description of the activities resulting from implementation of the proposed scheme;

(d) specification and assessment of anticipated or forecasted impacts on environmental quality as a consequence of implementation of the scheme and the activities resulting from its implementation, as well as a description of the means necessary for the prevention of negative impacts as stated;

(e) findings and proposals for the provisions of the scheme.

Guidelines for statement preparation

5. (a) Upon submission to the planning agency of a scheme to which regulation 2 or 3 applies, the planning agency will instruct the environmental advisor to prepare a proposal for guidelines for preparation of the statement; the proposal will be presented to the planning agency which will establish the guidelines.

(b) The planning agency will deliver to the submitter of the scheme, for the purpose of statement submission, the guidelines it has established and any information in its possession relevant to preparation of the statement.

Submission of the statement

6. (a) The submitter of the scheme will be responsible for the preparation of the statement as required and will submit it to the appropriate planning agency:

(1) if regulation 2 applies to the scheme -- together with the scheme documentation;

(2) if regulation 3 applies to the scheme -- in accordance with the requirements of the planning agency and the timetable established by it.

(b) A planning agency which has received a statement will notify the submitter of the scheme of its position within three months of the date of receipt of the statement. In the event that the planning agency is of the opinion that it is not possible to notify the submitter of the scheme of its position within the stated time period, it will inform him of the reason for the delay.

Conditions for approval

7. A planning agency will not approve a scheme submitted with an environmental impact statement in accordance with these regulations unless it has reviewed all details of the statement and has decided upon the findings and instructions to be included in the provisions of the scheme as a result of the statement.

Commencement of validity

8. These regulations will become valid six months following their publication.

## Prevention of Environmental Nuisances (Actions by Citizens) Law, 1992 (Translation)

This recent Law was designed to empower citizens to take a more active role in direct enforcement against the entire range of environmental hazards. It also provides standings for citizens' environmental groups.

### Definitions

1. In this Law:

"Court" means "Magistrate Court";

"air pollution", "noise", and "odor" have the same meaning as in the *Abatement of Nuisances Law, 1961*;

"water pollution" has the same meaning as in the *Water Law, 1959*;

"sea-water pollution" has the same meaning as in the *Prevention of Sea Pollution by Oil Ordinance (New Version), 1980*, the *Prevention of Sea Pollution (Dumping of Waste) Law, 1983*, and the *Prevention of Sea Pollution From Land Based Sources Law, 1988*.

"waste pollution" means dumping of solid, semi-solid, liquid, or gaseous material in a place not designated for that purpose by law; for this purpose, "dumping" includes throwing, spilling, abandoning, or littering in any other manner;

"hazardous material pollution" means pollution by hazardous materials listed in Part A of Annex One of the *Regulation of Goods and Services Ordinance (Transport and Towing Services), 1978*;

"radioactive pollution" means ionized or non-ionized radioactive pollution as defined in the *Pharmacists Regulations (Radioactive Materials and Their Byproducts), 1980*;

"environmental nuisance" means air pollution, noise, odor, fresh and sea-water pollution, litter, hazardous waste pollution, radioactive pollution, or anything in contravention of legislation, order, plan, business license or any other permit or license, or that is dangerous to human health or may cause people to suffer; for this purpose, "plan" has the same meaning as in the *Planning and Building Law, 1965*;

"the Authority" means the Minister of the Environment or a person who he has authorized for the purpose of this Law, in part or wholly.

### Demand for an order

2. (a) At the request of a person damaged by, or likely to be damaged by an environmental nuisance, the Court may order the person causing or likely to cause an environmental nuisance (hereinafter "the person causing the nuisance") to do one or more of the following:

(1) refrain from the act causing or likely to cause the environmental nuisance, or to desist from the act.

(2) repair damage or return the situation to the state existing prior to the environmental nuisance (hereinafter "repair damage");

(3) do everything necessary to prevent the recurrence of the environmental nuisance.

(b) "act" includes failure to act.

Considerations in serving an order 3. In preparing to serve an order according to Section 2, the Court considering the action will weigh the amount of damage caused or likely to be caused to the plaintiff or to the public interest, against the damage likely to be caused to the person responsible for the nuisance or to the public interest by the issuing of the order.

Negligence 4. In an action filed against a person causing a nuisance according to this law, it is not relevant whether or not the person was negligent.

Announcement prior to filing an action 5. A person will not file an action according to Section 2 until 60 days after he has notified the person causing the nuisance and the Authority of his intention to file an action and --

(1) The person causing the nuisance has not taken reasonable steps to stop the environmental nuisance or to prevent its recurrence or to repair the damage as the case may be;

(2) The Authority has not taken reasonable steps within its powers to stop the environmental nuisance or to prevent its recurrence or to repair the damage as the case may be;

Status of non-profit organizations 6. A registered non-profit organization whose primary purpose is the protection of the environment is eligible to file an action if at least one of its members is eligible to do so.

Maintaining the water supply 7. (a) A Court order served to the person causing a nuisance which will impair the supply of water to the consumers of a water supplier will go into effect only after the Water Authority has arranged for the full provision of water to those consumers for as long as the order is in effect.

(b) The Water Authority will provide the service in Subsection (a) within 45 days of serving of the order.

Repair of damage 8. (a) In an order to repair damages, the Court will determine the amount of time within which the damage must be repaired; the Court will not determine the time limit until the Authority has been heard on the matter.

(b) When the plaintiff or the Authority reports to the Court that repair of damage has not been carried out according to Subsection (a), the Court will determine how to repair the damage after hearing testimony of the plaintiff, the Authority and the person who has caused the nuisance on the matter; the cost of the repair will be paid by the person who has caused the nuisance.

*General Laws and Provisions*

- Recurring environmental nuisance** 9. (a) For the purposes of this section, a “recurring environmental nuisance” has occurred if one of the following has occurred:
- (1) the person causing the nuisance has caused the same nuisance again;
  - (2) the person causing the nuisance or the person whom the Court has ordered to repair the damage has ceased to repair the damage.
- (b) When the Court has served an order according to Sections 2 or 8, and within two years from the date of the order to stop the nuisance or repair damage a recurring environmental nuisance has occurred, the plaintiff is entitled to file an action within the same two years and Section 5 does not apply.
- (c) The Court may order the person who causes a recurring environmental nuisance to compensate the plaintiff for damages caused to him by the recurring nuisance.
- Legal action** 10. A person who suffered damages or is likely to suffer damages due to an environmental nuisance is eligible to file for a Court order in the name of a group of people damaged by, or likely to be damaged by the same nuisance (hereinafter, “class action”).
- Classification of a class action** 11. (a) The Court may order that an action filed according to section 10 not be managed as a class action if it is convinced of one of the following:
- (1) the action was not filed in good faith;
  - (2) the size of the group does not justify submission of the action as a class action;
  - (3) there exists a reasonable basis to assume that the plaintiff does not represent the interests of all of the members of the group;
- (b) The Court is authorized to manage an action as a class action when it deems it proper to ensure fair and efficient proceedings for responding to the common needs of all interested parties.
- Definition of group and announcement** 12. (a) When a class action is filed, the Court will first define the group, and will notify the members of the group that an action has been filed. Group members will be personally notified unless this is not possible, in which case there will be a public announcement as the Court sees fit.
- (b) The action will be considered as filed on behalf of all who are included within the specified class of persons, unless someone has submitted in writing his desire to be a part of the action.
- Agreement or compromise** 13. The plaintiff will not abandon a class action and will not come to an agreement or compromise with the defendant without the permission of the Court.

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- Regulations concerning filing and expenses 14. (a) Filing and management of actions filed according to this Law are subject to the *Civil Procedure Regulations, 1984*, unless the Minister of Justice has determined otherwise.
- (b) If the Court rules to grant court costs to whoever filed a class action, it may determine that the expenses will be paid, fully or in part, to the person who filed the action and proved it.
- Appeal 15. An appeal of an order under this Law will be decided by a single judge in the District Court.
- Responsibility of salaried employees of corporations 16. When an event according to this Law was caused by a corporation, an individual will be deemed responsible, even if he was an active director or partner (except a limited partner) or a high ranking employee, unless he can prove the following two things:
- (1) the event occurred without his knowledge;
- (2) he took all reasonable steps to prevent the event.
- Saving of rulings 17. The instructions found in this Law are intended to add to, and not subtract from, any other legislation.
- Implementation and regulations 18. The Minister of the Environment is responsible to implement this Law, and is authorized to promulgate regulations for its implementation, except regulations relating to civil procedure.
- Amendment of Abatement of Nuisances Law 19. *Amendment of Abatement of Nuisances Law, 1961*, inserted after Section 11.
- Commencement 20. This Law will come into effect six months from its date of publication.
- Publication 21. This Law will be published within thirty days of its approval.
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**SECTION C:  
AIR AND NOISE POLLUTION**

## Abatement of Nuisances Law, 1961 (Translation)

Air and noise pollution, along with odors, are regulated under the *Abatement of Nuisances Law*, often referred to as the "Kanovitch Law" after the Knesset member who proposed it. Numerous regulations and personal decrees have been promulgated pursuant to it.

- Definitions      1.      In this Law--
- "the Minister" means the Minister of the Environment\*;
- "this Law" includes the regulations, bylaws, provisions and directions made, enacted or issued thereunder.
- Prevention of noise      2.      A person shall not cause any considerable or unreasonable noise, from any source whatsoever, if the same disturbs, or is likely to disturb, a person in the vicinity or a passerby.
- Prevention of smell      3.      A person shall not cause any considerable or unreasonable smell, from any source whatsoever, if the same disturbs, or is likely to disturb, a person in the vicinity or a passerby.
- Prevention of pollution of air      4.      (a)      A person shall not cause any considerable or unreasonable pollution of the air, from any source whatsoever, if the same disturbs, or is likely to disturb, a person in the vicinity or a passerby.
- (b)      For the purposes of this section, "pollution of the air" means pollution by smoke, gases, fumes, dust or the like.
- Rules of implementation      5.      The Minister shall, by regulations, make rules for the implementation of sections 2-4, and he may, *inter alia*, define what is considerable or unreasonable noise, smell, or pollution of the air.
- Bylaws      6.      A local authority may, by bylaw, with the approval of the Minister, enact special provisions for the purpose of this Law, having regard to the particular conditions of the place and its inhabitants, and provisions as aforesaid may deviate from the provisions of regulations made under this Law and, in particular, prescribe that such regulations shall not apply in such regions, on such days and at such hours as are indicated by the bylaws.
- General directions      7.      The Minister may, by regulations, direct the adoption of measures to prevent any contravention of section 2, 3 or 4; such regulations may be general or restricted.
- Personal directions      8.      (a)      The Minister, or a person appointed by him for that purpose, may direct a particular person to adopt measures for the prevention of any contravention of section 2,3 or 4.

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\* The Minister of the Environment has been granted the authority to implement this Law by Government order.



Section C: Air and Noise Pollution

- Licenses to undertakings 9. Any license under the *Trades and Industries (Regulation) Ordinance*, or any other license required under any enactment for the operation of an undertaking shall be deemed to be conditional upon compliance with the provisions of this Law.
- Evidence 10. In any judicial proceeding under this Law--  
(1) a nuisance defined as considerable or unreasonable by regulations under section 5 shall, so long as the contrary has not been proved, be presumed to be likely to disturb a person being in the vicinity;  
(2) it shall be a good defense that the accused or defendant has fulfilled every obligation imposed on him by directions issued under section 8.
- Penalties 11. (a) A person who contravenes any of the provisions of this Law shall be liable to imprisonment for a term of six months or to a fine of 4,500 new shekels\*.  
(b) Where a person is convicted of an offense under section (a), the Court may, in addition to any penalty it may impose, order him, in the sentence, to refrain from any act which caused the offense of which he has been convicted.
- Authority regarding car alarms 11A. (a) Police officers are authorized to take steps to stop the blare of car alarms that have been sounding for longer than twenty minutes. In this section, "taking steps" includes the dismantling of, or damage to the siren; breaking into the automobile or towing.  
(b) When a car has been opened according to Subsection (a), neither the police force nor the police officer who opened the car are liable for the safekeeping of the car.  
(c) Police officers are not responsible for damage done under this section in good faith.  
(d) Expenses incurred as a result of towing and storage of vehicles towed according to Subsection (a) are the responsibility of the owner of the vehicle as defined in Section 70a(3) of the *Transportation Ordinance*.
12. VOID.
- Private nuisance 13. For the purposes of the *Civil Wrongs Ordinance, 1944*, any contravention of a provision of this Law shall be regarded as a private nuisance.
- Causing of act 14. Wherever in this Law reference is made to the causing of any act, a person shall be deemed to have caused it also if it was done in a place or by a person subject to his control or supervision and he did not take all reasonable measures to prevent it; a person who contends that he took such measures as aforesaid shall have to prove his contention.

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\* Changed according to the current value of the Israeli shekel (new shekel).

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- Saving** 15. The provisions of this Law shall add to, and not derogate from, the provisions of any enactment, and they shall not prevent any State or local authority from enacting, within the scope of its legal powers, provisions additional to the provisions of this Law.
- Exemption** 16. The Minister may, by regulations, prescribe exemption from all or any of the provisions of this Law where he considers it necessary so to do in order to protect a public right which takes precedence over the right affected thereby.
- Inapplicability of Law** 17. The provisions of this Law shall not apply to any noise, smell or pollution of the air, the effect of which does not extend beyond the private domain of the person causing it.
- Implementation and regulations** 18. The Minister is charged with the implementation of this Law and may make regulations as to any matter relating to such implementations.
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### Abatement of Nuisances Regulations (Prevention of Noise), 1966 (Summary)

A wide variety of noise-generating activities are forbidden or limited in these regulations. Among them:

- During the afternoon hours of 14:30-16:00, and after 23:00, persons are forbidden to sing, play a musical instrument, use a radio or other sound-generating device, out of doors, or inside a residential building at a volume that can be heard outside, except on certain holidays.
- During the evening and night, persons are forbidden to run heavy machinery, do building repairs, move garbage cans, milk cans or other large metal containers, beat rugs and more.
- It is forbidden to use a siren when unnecessary, or to run a vehicle without a muffler.

### Abatement of Nuisances Regulations (Unreasonable Noise), 1990 (Summary)

These regulations, which are extremely technical in nature, provide ambient standards for noise in various places and at different times of day, as described in the chart below. The regulations also specify the manner in which measurements are to be taken and the contribution of background noise to the measurement. Noise from airplanes, trains, motor vehicles, and temporarily-placed building machinery are excepted from the regulations.

Noise Level According to the dB(A) Scale (as defined by the International Electronics Commission)

Duration of the Noise	Structure A		Structure B		Structure C		Structure D		Structure E	
	Day	Night	Day	Night	Day	Night	Day	Night	Day	Night
1. More than 9 hours	45		50		55		55		70	
2. More than 3 hours, and less than 9 hours	50		55		60		60		75	
3. More than 1 hour and less than 3 hours	55		60		65		65		80	
4. More than 30 minutes		35		40		40		40		70
5. More than 15 minutes and less than 1 hour	60		65		70		70		85	
6. More than 10 minutes and less than 30 minutes		40		45		45		45		75

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7. More than 5 minutes and less than 15 minutes	65		70		75		75		90	
8. More than 2 minutes and less than 5 minutes	70		75		80		80		95	
9. Less than 10 minutes		45		50		50		50		80
10. Less than 2 minutes	75		80		85		85		100	

**Noise Level According to the dB(C) Scale as defined by the International Electronics Commission**

Noise from infrequent (less than 4 times per week) explosions	109		109		114		114		114	
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Structure A: any building used as a hospital, convalescent home, old age home, or school.

Structure B: any residential building planned according to the Building and Planning Law.

Structure C: any building in an area that is used for residential and one or more of the following purposes: commerce, small scale production, entertainment..

Structure D: any residential apartment in an area that is used for the purposes of industry, commerce or small-scale production.

Structure E.: any building used for the purposes of industry, commerce or small scale production in an area used for the purposes of industry, commerce or small scale production.

**Abatement of Nuisances Regulations (Air Quality), 1992 (Summary)**

Ambient standards for air pollutants are set out in these regulations.

**Part A. -- Gasses**

Pollutant	Chemical Formula	Concentration (in milligrams per cubic meter)	Time period
Ozone	O <sub>3</sub>	0.230	0.5 hour
		0.160	24 hours
Sulfur Dioxide	SO <sub>2</sub> *	0.500	0.5 hour
		0.280	24 hours
		0.060	1 year
1,2 Dichloroethane	CH <sub>2</sub> ClCH <sub>2</sub> Cl	6.0	0.5 hour
		2.0	24 hours
Dichloromethane	CH <sub>2</sub> Cl <sub>2</sub>	6.0	0.5 hour
		3.0	24 hours

\* 45 exceedances of the SO<sub>2</sub> standard for 1/2 hour periods are permitted annually if they do not exceed 1.0 mg/m<sup>3</sup>.

Section C: Air and Noise Pollution

Toluene	C <sub>7</sub> H <sub>8</sub>	10.0	24 hours
Tetrachloroethylene	C <sub>2</sub> Cl <sub>4</sub>	5.0	24 hours
Trichloroethylene	C <sub>2</sub> HCl <sub>3</sub>	1.0	24 hours
Hydrogen Sulfide	H <sub>2</sub> S	0.045 0.015	0.5 hour 24 hours
Styrene	C <sub>8</sub> H <sub>8</sub>	0.100	0.5 hour
Formaldehyde	CH <sub>2</sub> O	0.100	0.5 hour
Carbon Monoxide	CO	60.0 11.0	0.5 hour 8 hours
Nitrogen Oxides (as NO <sub>2</sub> )	NO <sub>x</sub>	0.940 0.560	0.5 hour 24 hours

Part B -- Suspended Particulate Matter

Pollutant	Chemical Formula	Concentration (in milligrams per cubic meter)	Time period
Suspended Particulate Matter	-	0.300	3 hours
		0.200	24 hours
		0.075	1 year
Respirable Particulate Matter	-	0.150	24 hours
		0.060	1 year
Vanadium (in Suspended Particulate Matter)	V	0.001	24 hours
Sulfate Salts	SO <sub>4</sub>	.025	24 hours
Phosphate (in Suspended Particulate Matter)		0.250	0.5 hours
		0.100	24 hours
		0.040	1 year
Lead (in Suspended Particulate Matter)	Pb	0.0050	24 hours
		0.0015	30 days
		0.0005	1 year
Cadmium (in Suspended Particulate Matter)	Cd	0.00020	24 hours
		0.00006	30 days
		0.00001	1 year

**Part C -- Settling Particles**

Pollutant	Chemical Formula	Concentration (in milligrams per cubic meter)	Time period
Settling Dust	-	20	30 days
Phosphate	?	0.25 5	24 hours 30 days

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**Operation of Vehicles (Engines and Fuel) Law, 1960 (Summary)**

The principle section of this Law allows the Minister of Finance, after consultation with the Minister of Transportation, to regulate:

- (1) *the kind of fuel by which any motor vehicle shall be propelled and operated;*
- (2) *the kind of engine which shall be installed in a motor vehicle or by which a motor vehicle shall be operated and propelled.*

Further, the Minister of Finance is empowered by the Law to enact regulations to ensure compliance with the Law. These may include orders allowing the examination of fuel station tanks and containers, on-the-spot inspections of motor vehicles and fuel tanks, and the taking of fuel samples for further examination. The Minister may also require that fuel stations keep fuel delivery and return records.

The penalties for contravention of this Law comprise fines, imprisonment for repeat offenders and loss of license. Owners of vehicles and employers of workers who are guilty of an offense under this Law are also liable for punishment, unless they can prove that they took all steps possible to comply.

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**Restriction of Smoking in Public Places Law, 1984 (Summary)**

This law prohibits smoking in public places, except in specially designated areas, and requires the owners or occupiers of public establishments to post signs prohibiting smoking. For the purposes of the Law, "public places" include theaters, cinemas, concert halls or halls for any public gathering, hospitals, reading rooms of libraries, food stores, classrooms and daycare centers, public areas of banks and post offices, gymnasiums and elevators. Restaurants with seating for at least 20 persons are required designate half of their seating area as a "non-smoking" area. Smoking is prohibited in busses and taxis, and in trains with the exception of cars designated smoking cars. Drivers may refuse entry to their vehicles to anyone carrying a lighted cigarette, cigar, cigarillo or pipe.

Persons who contravene this law are liable for a fine. Ushers in public halls and drivers of vehicles in which smoking is prohibited are empowered to require a person who is smoking or holding a lighted cigarette, cigar, cigarillo or pipe to identify himself. If that person refuses to identify himself the usher or driver may detain him for up to one hour until a police officer arrives. Drivers may transport the offender to the nearest police station.

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### Tel Aviv Power Station Law, 1967 (Translation)

Approval of  
plan of power  
station

1. (a) The Government may, upon the proposal of the Israel Electric Corporation, Ltd., approve a plan for the construction and putting into operation of an electric power station situated in the Tel Aviv-Jaffa municipal area and in the territorial waters adjacent thereto (such power station hereinafter referred to as "the power station"), and the Government may amend the said plan, both of its own motion and upon a proposal as aforesaid. A plan approved as aforesaid, and as amended from time to time, is hereinafter referred to as "the power station plan".

(b) The Government shall bring the proposal of the Israel Electric Corporation Ltd. referred to in subsection (a) to the knowledge of the District Planning and Building Commission, Tel Aviv District, and the Commission may submit to the Government its comments on the proposal within fourteen days from the day on which it is brought to its knowledge; and the Government shall not decide upon the proposal before the expiration of the said period.

Exemption

2. When the power station plan has been approved, the establishment, putting into operation and use of the power station shall not require any license, permit, exemption, approval or the like under the Planning and Building Law, 1965, the *Trades and Industries (Regulation) Ordinance* or the regulations made under such Law or such Ordinance.

Supervision and  
reports

3. The Government shall, by regulations, prescribe the modes of supervising the carrying out of the power station plan and the putting into operation and use of the power station, all in order to ensure that they are in accordance with the plan, and it may, by those regulations--

(1) prescribe that the provisions of the *Planning and Building Law, 1965*, the *Trades and Industries (Regulation) Ordinance*, and the regulations made under such Law or such Ordinance shall, wholly or in part, and with such variations and adjustments as it shall prescribe, apply to the power station and to its putting into operation and use;

(2) impose an obligation to submit to it periodical reports.

Implementation  
and regulations

4. The Ministers of Development, the Interior and Health are charged with the implementation of this Law and may make regulations for such implementation.

**SECTION D:  
FRESH WATER QUALITY**



## **The Water Law of 1959 (Summary, Translation of Chapters One and Two)**

The Water Law of 1959 establishes a framework for the control and protection of Israel's water resources.

### *Water Rights.*

- All sources of water in Israel are public property. A person's land rights do not confer rights to any water sources running through or under his land.
- Every person is entitled to use water, as long as that use does not cause the salination or depletion of the water resource.

*Authority.* The provisions of the Water Law were originally executed by the Minister of Agriculture, the Water Commissioner and the Water Board. After the establishment of the Ministry of the Environment, authority was transferred to the Minister of the Environment to promulgate regulations to protect water quality and prevent water pollution.

- Water use is under the jurisdiction of the Ministry of Agriculture. The Minister of Agriculture is responsible to:
  - Δ "Prescribe norms for the quantity, quality, price, conditions of supply and use of water...and rules for the efficient and economic utilization of water..."
  - Δ Establish regulations concerning "protective strips" around water resources, "for the purpose of preserving any water, water source, water works or any installation for the extraction, storage or conveyance of water...entry to and passage through which shall be prohibited except under a permit from the Water Commissioner...."
  - Δ Ration water when necessary.
- The Minister of the Environment is authorized to:
  - Δ Promulgate regulations, in coordination with other government ministers, to prevent the pollution of water resources. (See Article 20, below).
- The Water Commissioner, appointed by the Government, has responsibility for enforcement of the Water Law and Water Regulations, and for maintenance of water quality. The Commissioner is authorized to:
  - Δ Order a person not in compliance with the water conservation requirements to meet those requirements.
  - Δ Take measures to prevent damage to a water source resulting from non-compliance. The cost of the Commissioner's actions are to be charged to the offender.
  - Δ Establish a "protective strip" around a water source where he deems it necessary, according to the rules enacted by the Minister of Agriculture (see above).
  - Δ Approve or reject plans submitted for the disposal of sewage, or, when the person ordered to submit a plan does not do so in the prescribed time period, prepare his own plan for sewage disposal. (See Article 20 below)

Section D: Fresh Water Quality

- Δ Set conditions for the prevention of water pollution in consultation with the Minister of Agriculture or the Minister of the Environment. Take necessary actions to stop water pollution, and restore polluted water sources to their original quality. (See Article 20 below)
- The Water Board is chaired by the Minister of Agriculture. The Water Commissioner serves as deputy chairperson. The Board is charged with:
  - Δ Advising the Minister of Agriculture on matters of policy and prevention of pollution.
  - Δ Approving regulations concerning water quality, price, conditions of supply and rationing.
- The Tribunal for Water Affairs, established by the Ministry of Justice, may impose fines, or, in extreme cases of non-compliance, prison sentences, to those who contravene the provisions of the Water Law or the Drainage and Flood Control Law. The Tribunal is located at the Haifa District Court. In addition, the Tribunal:
  - Δ Hears appeals from individuals who feel that they have been wrongly charged expenses for the conservation of, or damage to a water source.
  - Δ Hears appeals from those who feel aggrieved by the establishment of a protective strip around a water source.

*Conservation of Water.* The Law contains a generic requirement to conserve water and prevent its waste.

*Recharge.* The Water Law sets out the rules and regulations concerning the “planned introduction into the subsoil of water from any water source...” for the purposes of replenishment of a water source, water storage, or any other purpose determined necessary by the Minister of Agriculture.

*Prevention of Water Pollution.* Chapters One and Two of the Water Law, dealing with the preservation of water and the prevention of water pollution, are reproduced here in full:

**Chapter One: Preliminary**

- |                                     |   |
|-------------------------------------|---|
| Water resources and purpose thereof | 1. The water resources in the State are public property; they are subject to the control of the State and are destined for the requirements of its inhabitants and for the development of the country.  |
| What are water resources            | 2. For the purposes of this Law, “water resources” means springs, streams, rivers, lakes and other currents and accumulations of water, whether above ground or underground, whether natural, regulated or made, and whether water rises, flows or stands therein at all times or intermittently, and includes drainage water and sewage water. |
| Private person’s right to water     | 3. Every person is entitled to receive and use water, subject to the provisions of this Law.  |

- Relationship between land and water 4. A person's right in any land does not confer on him a right in a water resource situated therein or crossing it or abutting thereon; but the provision of this section shall not derogate from the right of any person under section 3.
- Water resource must not be depleted 5. A person's right to receive water from a water resource is valid so long as the receipt of water from that water resource does not lead to the salination or depletion thereof.
- Linking of right to purpose 6. Every right to water is linked to one of the water purposes enumerated hereunder; the right to water ceases upon the cessation of the purpose. The purposes are:
- (1) domestic purposes;
  - (2) agriculture;
  - (3) industry;
  - (4) handicraft, commerce and services;
  - (5) public services.
- Applicability 7. For the purposes of this Law, it shall be immaterial whether a right to water was created by law -- including this Law -- or by agreement or custom or in any other manner, or whether it was created before or after the coming into force of this Law.

## Chapter Two: Regulation of the Use of Water

### Article 1: Preservation of Water

- Definitions 8. In this chapter:
- “depletion of water resource” includes the lowering of the level of water, whether above ground or underground, and the impairment of the possibility of raising water to the surface or of conveying water from place to place.
- Rules for the preservation of water 9. A person shall:
- (1) deal efficiently and sparingly with water coming into his control;
  - (2) keep any water installations under his control in proper condition so as to prevent the waste of water;
  - (3) refrain from obstructing or depleting any water source;
  - (4) refrain from the obstruction or depletion of a water resource from which he produces water.
10. VOID.

Section D: Fresh Water Quality

- Powers of the Water Commissioner in respect of preservation of water
11. Where the Water Commissioner appointed under section 138 (hereinafter referred to as "the Water Commissioner") is satisfied that any of the provisions of section 9 is not being complied with, he may:
- (1) order the person bound to comply with the provision to rectify the situation in accordance with the order and, if the situation is not rectified within a reasonable time, do whatever necessary to rectify it and order the discontinuance or restriction of the production, supply or consumption of water, as the circumstances may require, pending rectification of the situation.
  - (2) take steps to prevent immediate serious damage to a water resource if such damage cannot be prevented in any other way.
- Charging of expenditure
12. The Water Commissioner may, by order, charge the expenditure incurred by him for the purposes of action under section 11 to the person who was bound to comply with the provisions of section 9, and upon his doing so such expenditure shall be recovered as if it were a tax to which the *Taxes (Collection) Ordinance*, except section 12 thereof, applies.
- Objection
13. A person who considers himself aggrieved by an order under section 11 or by the charging of expenditure under section 12 may lodge an objection with the Tribunal established under section 140 (hereinafter "the Tribunal"). The objection shall not stay the enforcement of the order unless the Tribunal orders the stay thereof; but expenditure shall not be recovered under section 12 until the Tribunal has determined the objection.
- Dimensions of protective strips
14. The Minister of Agriculture may, after consultation with the Water Board appointed under section 125 (hereinafter referred to as "the Water Board"), prescribe rules concerning the width and area of protective strips; and upon his doing so, the Water Commissioner shall not prescribe a protective strip save within the scope of those rules and not beyond what is necessary for the achievement of the purpose for which the protective strip has been prescribed.
- Prescribing of protective strips
15. Where the Water Commissioner deems it necessary to do so for the purpose of preserving any water, water resource, water supply system or installation for the production, storage or conveyance of water he may, by order, prescribe around or at the sides of the water resource or installation a protective strip, entry to and passage through which shall be prohibited except under a permit from the Water Commissioner and in accordance with the conditions of the permit.
- Objection
16. A person who considers himself aggrieved by the prescribing of a protective strip, by the refusal of the Water Commissioner to grant a permit under section 15 or by the conditions of such a permit may lodge objection with the Tribunal.
- Right of entry, inspection, etc.
17. The Water Commissioner, or any person authorized by him in that behalf in writing, may enter any place upon written advance notice to the occupier thereof, and do therein any act required for the supervision of a water resource or for the preservation of water; he may also act with a view to uncovering, or to inspecting land, vegetation and other local conditions for the purpose of determining water requirements.

Compensation 18. A person to whom damage has been caused by the prescribing of a protective strip or by any act under section 17, is entitled to compensation from the Treasury; in the absence of agreement between the person demanding compensation and the Water Commissioner concerning the compensation or the amount or terms of payment thereof, the Tribunal shall decide.

Depleted water resource 19. (a) Where the Water Commissioner is satisfied that a water resource is being depleted to the extent that its yield, on regular production, is not sufficient for the maintenance of the supply of the ordinary quantity of water therefrom, he may, with the approval of the Minister of Agriculture, order the water producer to restrict production from that source or order the regulation of production or the adoption of other emergency measures to ensure the supply of water, as he may see fit in the circumstances of the case.

(b) The approval of the Minister of Agriculture for an order under subsection (a) shall be given after consultation with the Water Board unless in the opinion of the Minister immediate action is required; in that case, the matter shall be brought to the knowledge of the Water Board within a reasonable time after making the order.

(c) If the order is not complied with within a reasonable time prescribed therein, the Water Commissioner may, after written warning, himself do whatever is necessary and, upon doing so, recover the expenditure involved from the person to whom the order is addressed.

Unutilized water conduit 20. Where the Water Commissioner is satisfied that a water resource of a supplier or producer has become depleted or that a resource or installation under their control is flawed in a way that prevents the output of an amount sufficient to supply the normal requirements thereof, he may order an owner of a conduit or channel to carry water that is not used by him, to carry water for the supplier or producer or his customers; where the sides do not agree as to the amount of water, the conditions, or terms of payment, the Water Commissioner will decide.

*Article 1A: Prevention of Water Pollution*

Definitions 20A. In this article--

“water pollution” means a change in the properties of water in a water resource in physical, chemical, organoleptic, biological, bacteriological, radioactive or other respect, or a change as a result of which water is dangerous to public health or likely to harm animal or plant life or less suitable for the purpose for which it is used or intended to be used;

“water resource” has the meaning assigned to this term in section 2, but includes also water carriers, both open and closed, water reservoirs and drainage channels;

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“pollution element” means an industrial or agricultural undertaking, building within the meaning of the *Planning and Building Law, 5725-1965*, installation (including sewerage installation), machine and means of transport to the location, establishment, operation, maintenance or use of which causes or may cause water pollution.

“Article 1A” includes the regulations and orders promulgated through it.

Prohibition of water pollution 20B. (a) A person shall refrain from any act which directly or indirectly causes, or may cause, immediate or subsequent water pollution; and it shall be immaterial whether or not the water resource was polluted before the act.

(b) A person shall not throw, or cause to flow, into or near a water resource any liquid, solid, or gaseous substance or deposit any such substance in or near it.

Prevention of water pollution in water installation 20C. A person who has under his control any installation for the production, supply, transportation or storage of water or for recharging subsoil water resources shall take all reasonable measures to prevent such installation or its operation from causing water pollution.

Regulations to prevent water pollution. 20D. (a) To prevent water pollution and protect water resources from pollution, the Minister of Environment may, after consultation with the Water Board, make regulations prescribing, *inter alia*, restrictions, prohibitions, conditions and other provisions as to --

(1) the location and establishment of specified pollution elements; such regulations shall require the approval of the Economic Committee of the Knesset;

(2) the use of certain substances or methods in the production processes, operation and use of a pollution element, including soil cultivation and also fertilizer application and crop spraying; any such regulations shall be made in consultation with the Minister of Health;

(3) the manufacture, importation, distribution and marketing of certain substances and products; such regulations shall be made in consultation with the Minister of Commerce and Industry and prior notice thereof shall be given to the Economic Committee of the Knesset;

(4) the regulation of the movement, stoppage and use of means of transport on or near water resources; such regulations shall be made with the consent of the Minister of Transport.

(b) Regulations under this section shall not derogate from the obligations imposed by section 20B and 20C.

Disposal of sewage from pollution element.

20E. (a) A person who has under his control any pollution element the operation or use of which requires the disposal of sewage therefrom shall, upon the order of the Water Commissioner, submit for his approval a scheme detailing the mode of disposal, nature, quality and chemical, physical and biological composition of the sewage and any other particular demanded by the Water Commissioner. The Water Commissioner may refrain from approving the scheme, vary it or attach such conditions to it as he may think fit.

(b) Where a person has been ordered to submit a scheme as referred to in subsection (a), no sewage shall be disposed of so long as the scheme has not been approved; provided that the Water Commissioner may issue directions for a temporary mode of disposal pending approval of the scheme.

(c) Where a scheme for the disposal of sewage has been approved, sewage may only be disposed of in accordance therewith.

(d) Where a person has been ordered to submit a scheme as referred to in subsection (a) and he has not done so within the time prescribed in the order, or the scheme has not been approved, or he has not carried out changes in the scheme that have been required of him or he has not fulfilled the conditions attached to the scheme, the Water Commissioner may prepare a sewage disposal scheme for him, and upon his doing so, the person shall bear the cost of preparing the scheme; the *Taxes (Collection) Ordinance*, except section 12 thereof, shall apply to the collection of such cost.

(e) Before the expiration of one month from the date prescribed for the submission of the scheme, changes will be carried out or conditions will be fulfilled, as the case may be.

(f) The Water Commissioner shall not exercise his power under subsection

(g) A person for whom the Water Commissioner has prepared a scheme under subsection (d) shall not dispose of sewage from the pollution element save in accordance with such scheme.

(h) In every matter relating to the exercise of his powers under this section, the Water Commissioner shall first consult with a person empowered in that behalf by the Minister of Health.

Laying down conditions as to prevention of water pollution

20F. In approvals, licenses and permits granted under this Law or the *Drainage and Flood Control Law, 5718-1957*, the Minister of the Environment or the Water Commissioner, as the case may be, may lay down conditions as to the prevention of water pollution.

Remedial measures.

20G. (a) Where the Water Commissioner is satisfied that water pollution has been caused, he may order the person who caused it to do everything necessary to stop it, to restore the position which existed before it was caused and to prevent its recurrence, all as specified in the order

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(b) If within a reasonable time prescribed in an order under subsection (a) the provisions thereof are not complied with, the Water Commissioner may do everything specified in the order, and upon his doing so, the person who has failed to comply with the order shall bear the cost involved; the provisions of the *Taxes (Collection) Ordinance*, except section 12 thereof, shall apply to the collection of such cost.

Stop order.

20H. (a) Where after being warned a person causes water pollution or disregards a direction issued to him under the provisions of this article or contravenes any of the provisions thereof or any regulation or order made thereunder, the Water Commissioner may order the discontinuance or restriction of the production, supply or consumption of water or may refrain from allocating water (any such measure hereinafter referred to as a "stop order"): Provided that a person shall not thereby be deprived of drinking water.

(b) The stop order shall be in force so long as pollution has not stopped, the position which existed before it was caused restored and measures to prevent its recurrence adopted: Provided that the Water Commissioner may cancel the order, subject to conditions or unconditionally, if it is proved to him that the person to whom the order is addressed is doing everything necessary to stop the water pollution, to restore the former position and to prevent a recurrence of water pollution or if the person to whom the order is addressed has given him security, to his satisfaction, for carrying out the said operations within a reasonable time.

(c) Where a stop order may affect the customers of a supplier to whom it is addressed, it shall not be made until the Water Commissioner has arranged for a proper supply of water to those customers so long as the order is in force and on conditions prescribed by him.

Stop order in special cases.

20I. Where the Water Commissioner finds that water pollution has been or is likely to be caused by circumstances beyond the control of any person and that the situation requires, *inter alia*, the making of a stop order, the stop order shall not be made until the Water commissioner has, as far as possible, arranged for a normal supply of water, on conditions prescribed by him and so long as the order is in force, to all those whose water supply is discontinued or restricted as a result of the order.

Emergency powers

20J. Where the Water Commissioner is satisfied that serious water pollution has been or is likely to be caused and that the situation requires, *inter alia*, the immediate discontinuance or restriction of the production, supply or consumption of water from a particular water resource, he may take all measures deemed appropriate by him in the circumstances of the case in order to stop or prevent the water pollution or its effects and for this purpose may use force to the extent necessary.

Authorizing order.

20K. (a) Where after consultation with a person empowered in that behalf by the Minister of Health the Commissioner is satisfied --

(1) that a particular operation is intended for the melioration, improvement of the quality, disinfection or mixing of water, for the prevention of danger to the public or the like or for the passage of substances in the water for a purpose approved by him in advance; or



- (2) that the circumstances of the case leave no choice but to enable discharge of sewage into a particular water resource for a determinate period which shall be specified,

Such operation or discharge shall not be regarded as water pollution within the meaning of this article if it is carried out in accordance with an authorizing order made by the Water commissioner for this purpose.

(b) In an authorizing order, the Water Commissioner may prescribe conditions, restrictions and limitations, either at the time of making the order or at a later date, and upon his doing so, the person to whom the order has been granted shall act in accordance with such conditions, restrictions and limitations.

(c) An authorizing order under subsection (a) (2) shall be personal and set out the reasons therefor and shall be in force for one year; Provided that the Water Commissioner may from time to time extend it for reasons which shall be specified.

(d) The Water commissioner may, after consultation with a person empowered in that behalf by the Minister of Health, cancel an authorizing order or vary the conditions, restrictions and limitations prescribed therein if the circumstances of the case have changed or he finds that the public interest so requires or it appears to him that the order or the conditions, restrictions or limitations prescribed therein have been infringed.

(e) The Water Commissioner shall deliver to the Economic Committee of the Knesset, at the times prescribed by it, but at least once a year, a report on the authorizing orders made by him.

(f) A list of the authorizing orders made by the Water Commissioner shall be open for inspection by the public free of charge.

Conferment of powers.

20L. (a) The Minister of the Environment or the Water Commissioner, as the case may be, may confer powers under this article or any part thereof, except the power to make regulations having legislative effect and the power to make stop orders or authorizing orders, upon a water authority, a drainage authority, a local authority or an association of towns (each hereinafter referred to as an "authority") in respect of anything relating to the prevention of water pollution in its area.

(b) Authorities as referred to in subsection (a) which have a common interest in the prevention of water pollution in their areas may combine into a body corporate with a view to its being granted powers as aforesaid for the prevention of water pollution in which such areas.

(c) A conferment of powers under subsection (a) or (b) shall be made with the consent of the authority on which they are conferred and, in the case of a conferment of powers on a local authority or association of towns or on a body corporate as referred to in subsection (b) which includes a local authority or association of towns, with the consent also of the Minister of the Interior.

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(d) At the time of conferring powers under subsection (a) or (b), the Minister of the Environment or the Water Commissioner, as the case may be, shall by order prescribe the powers to be conferred.

(e) Where any power has been conferred on an authority under subsection (a) or on a body corporate under subsection (b) the authority or body corporate shall be competent to act notwithstanding any limitation existing under law or otherwise.

Provisions as to quality of water.

20M. (a) The Minister of the Environment may, after consultation with the Water Board, enact by regulations provisions as to the quality of water, including flood-water and sewage water, for different purposes, except the sanitary quality of drinking water, within the meaning of Part VI of the *Public Health Ordinance, 1940*.

(b) Regulations under subsection (a) shall, in so far as they relate to public health, be made after consultation with the Minister of Health.

(c) Where regulations under subsection (a) have been made, the Water Commissioner shall not permit the production, supply or consumption of water for the different purposes and uses save in accordance with the said regulations; and he may prohibit the production, supply or consumption of water which does not conform to those regulations, or may change the purpose of such water, provided that it is suitable for the new purpose.

Saving of obligations.

20N. The provisions of this article shall be in addition to, and not in derogation of, the provisions of any other enactment relating to water pollution.

General and special orders.

20O. Save as otherwise provided in this article, an order thereunder may be general or to a particular person or class of persons or in respect of a particular pollution element or class of pollution elements or in respect of part of a pollution element.

Area of application.

20P. Regulations and orders under this article may apply in the whole area of the State or in any part thereof or in respect of a particular water resource, as may be specified in the regulations or orders; advance notice shall be given to the Economic Committee of the Knesset of any order applied to part of the area of the State.

Acts relating to drinking water.

20Q. The provisions of this article shall not derogate from the provisions of Part VI of the *Public Health Ordinance, 1940*, as to anything relating to drinking water.

Right of objection.

20R. (a) A person who considers himself aggrieved by the exercise of the powers of the Minister of the Environment or the Water Commissioner under the provisions of this article or by his refusal to exercise his powers as aforesaid or by the exercise of a power conferred on an authority or body corporate within the meaning of section 20L or by a refusal to exercise any such power may lodge objection with the Tribunal within twenty-one days from the day on which the fact of the exercise or refusal came to his knowledge.

(b) The lodging of objection under this article shall not stay the carrying out of the act objected to unless the Tribunal so directs; however, where collection of the cost is permitted under the provisions of this article, it may only be collected after the Tribunal has decided on the objection and in accordance with the results of the decision.

(c) The provisions of subsection (b) shall not derogate from the provisions of section 153.

Transition period.

20S. (a) In exercising his powers under this article, the Minister of the Environment or the Water Commissioner, as the case may be, may have regard to the period of time which in his opinion, in the circumstances of the case, is required in order to enable any person, including a person who has a pollution element under his control, to adapt his activities or the pollution element in his possession to the circumstances created by the publication of this article.

(b) The period of time referred to in subsection (a) shall not exceed six months from the day on which this article comes into force.

Duty to make report.

20T. The Water Commissioner shall once in each year deliver to the Economic Committee of the Knesset a report on the situation with regard to water pollution and on the action taken to prevent it.

Penalties relating to Article 1A

20U. A person who contravenes any of the provisions of Article 1A is liable to imprisonment for one year or a fine of 150,000 new shekels; and in the case of a continuing offense, to imprisonment for seven days or an additional fine of 10,000 new shekels in respect of every day on which the offense continues after he has been warned in writing by the person whom the Minister of the Environment has authorized for such purpose and subject to the date of the warning.

Responsibilities of members of a corporation

20V. Where an offense according to section 20U is committed by a corporation, every person who at the time of its commission was a manager, partner (except for a limited partner), or senior official responsible for the matter in question shall also be guilty thereof, unless he can prove that the offense was committed without his knowledge and that he took all reasonable measures to prevent or stop the offense.

Authority of the Court

20W. (a) If there exists a suspicion that an offense has been committed according to section 20U, the Court may, in response to a request by the prosecutor, even before an indictment has been served, issue a temporary order to prevent, stop, or reduce water pollution, against those suspected or accused of causing water pollution. For the purposes of subsections (a) through (d), "the Court" means the court authorized to hear the matter of the offense.

(b) The Court may not issue an order according to subsection (a) until the accused or suspected offenders, as the case may be, have had an opportunity to state their case; if the accused or suspected offenders do not appear at the hearing despite the fact that they were properly invited, the court may decide on the matter in their absence.

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(c) An order issued according to subsection (a) will be valid for a period of time determined by the Court and may persist until the end of the proceedings in the matter; an order issued before an indictment is served will be valid for a period of seven days unless an indictment is served within that time.

(d) If new facts have come to light or if the circumstances of the matter have changed, and these are likely to cause the Court to change its previous ruling, a suspect, accused, or prosecutor may apply to the Court to reconsider its decision as to a request according to subsection (a).

(e) A suspect, accused or prosecutor may appeal a decision as to a request according to subsection (a) or as to a decision of the Court in an application for reconsideration; the Appeals Court will hear the appeal by one judge.

(f) A request for reconsideration or appeal will be in writing, and will contain a summary of arguments and copies of the previous decisions in the matter.

(g) While hearing a request for reconsideration or an appeal, the Court may confirm, modify or cancel the decision being considered, or replace it with another decision.

(h) For the purposes of this section --

“order” means a mandatory order or an injunction

“prosecutor” means

(1) as defined in section 12 of the *Criminal Procedures (Consolidated Version) Law, 1982*

(2) a complainant according to section 20Y after he has filed a complaint.

Cost of  
expenses and  
cleaning

20X. A court which has convicted a person of an offense according to section 20U may, in its sentence, in addition to any other punishment it may impose, require the convicted to pay for:

(1) the cleaning of the water and anything else polluted in the committing of the offense, if the person who incurred the expense submits a request to the court; if more than one person is convicted, the Court may require some or all of them to pay, jointly or severally, or may divide the sum between them, according to the circumstances of the matter.

(2) the undertaking of the steps necessary to

(a) stop, limit or prevent the continuing pollution of the water;

(b) clean the water and anything polluted resulting from the committing of the offense;

(c) restore the environment to its previous condition.

Complaints 20Y. (a) The following may register a complaint as stated in *Criminal Procedures (Consolidated Version) Law, 1982* in regards to an offense according to Article 1A:

(1) Any person who has been directly injured as a result of the offense.

(2) A local authority in whose jurisdiction an offense has been committed.

(b) A person may not register a complaint according to subsection (a) unless the complainant has declared to the Minister of the Environment his intention to file a complaint, and within six days the Attorney General has not filed an indictment.

Applicability to the State 20Z. Article 1A applies to the State.

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### **Water Regulations (Prevention of Water Pollution) (Washing of Containers for Spraying), 1991 (Summary)**

### **Water Regulations (Prevention of Water Pollution) (Spraying Near Water Sources), 1991 (Summary)**

These regulations prohibit the washing out of containers used for spraying into water sources, either directly or indirectly. Areas used for rinsing such containers are defined. Spraying in areas where contaminants might reach a water source is also prohibited. Spraying from an airplane within 300 meters of a water source, or within 200 meters of certain specified rivers\* or within 50 meters of any other river, is forbidden.

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### **Water Regulations (Prohibition of Hard Detergents) 1974 (Summary)**

These regulations forbid the import, sale or use of detergents which "lower surface tension and are composed of branched-chain alkyl-Bensons."

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\* Kaziv River, Naaman River, Tsipori River, Dalia River, Tananim River, Hadera River, Alexander River, Poleg River, Yarkon River, Shikma River.

## **Water Regulations (Regulation of the Level of the Sea of Galilee), 1967 (Summary)**

### **Water Order (Determination of Acceptable Levels), 1968 (Summary)**

These regulations empower the Water Commissioner to set acceptable levels minimal and maximal levels for the Sea of Galilee, according to the seasons. Further, the Minister set out in 1968 that the lowest acceptable level of the Sea of Galilee is 213.25 meters below sea level, and its highest acceptable level is 209 meters below sea level.

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### **Water Drilling Control Law, 1955 (Summary)**

The Water Drilling Control Law was enacted during the 1950's, to regulate and control exploration for water.

- A drilling license, issued by the Water Commissioner, is required for the drilling of, or alteration to, any well.
  - The Water Commissioner may refuse to grant a drilling license, cancel a license, or set conditions for the license "in order to prevent the depletion or salination of the water source or in order to ensure a supply of water for household purposes...."
  - The Water Commissioner must publish a notice of application for drilling license. Any person opposing the granting of a license must state his objections in writing to the Commissioner.
  - Persons aggrieved by the Water Commissioner's decision may appeal to the Water Tribunal.
  - The Water Commissioner is empowered to have any well inspected in order to supervise compliance with the law and regulations promulgated by the Minister of Agriculture.
  - The Magistrate, upon application by the Commissioner, may order an unlicensed well or a well not meeting with the conditions of a license to be capped.
  - Implementation of this law and the enactment of regulations pertaining to the drilling or capping of wells are the responsibilities of the Minister of Agriculture.
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### **Drainage and Flood Control Law, 1957 (Summary)**

The Drainage and Flood Control Law of 1957 replaces the *Drainage (Surface Water) Ordinance, 1942*, and treats issues concerning "operation[s] aimed at concentrating, storing, conveying or removing surface or other water harmful or likely to be harmful to agriculture, public health, the

development of the country or the maintenance of regular services in the State, [including] the drying of marshes and protection from and prevention of flooding, but [not including] the treatment of sewage water.”

*Authority*

- The Minister of Agriculture is charged with implementation of this Law, and has the authority to promulgate regulations thereunder. In addition, the Minister is authorized to:
  - Δ Declare an area to be a drainage district.
  - Δ Establish Drainage Authorities (see below) and enact provisions for their implementation.
  - Δ Enact emergency provisions when necessary to prevent or repair damage caused by flooding or soil erosion.
- A *National Board for Drainage Affairs*, (“the Board”) consisting of a Director, representatives appointed by the government, and representatives of agricultural organizations and others appointed by the Minister of Agriculture, is established to advise the Minister on matters of the Law. In addition, an Engineering Committee is to be appointed by the Board to “examine drainage schemes from an engineering aspect.”
- *Drainage authorities*, to which a drainage district, part of a drainage district or several drainage districts may be assigned, are authorized to “establish, alter, maintain and develop drainage projects in that area,” and are charged with the prevention of “sanitary nuisances”. Members of the authority include a minority of Government representatives, representatives of the local authorities in whose jurisdiction the drainage district lies, and other owners or cultivators of land in the drainage district.
  - Δ Drainage authorities are considered corporations, and as such, may “enter into contracts, acquire, possess and transfer property, sue and be sued and do any act required for the carrying out of its functions.”
- A *Judicial Committee*, established by the *Minister of Justice* will decide on matters of disputes relating to this Law.

*Establishment of Drainage Projects*

- In order to establish or change a drainage project, a drainage authority must prepare a scheme for the project, as follows:
  - 18. (a) A scheme shall specify --
    - (1) the area of operation of the project;
    - (2) the works required for the establishment and operation of the project;
    - (3) the estimated cost and proposals for financing;
    - (4) the land to be permanently requisitioned, and the land in which pipes are to be laid or temporary operations for the establishment of the project carried out, without permanent requisition being required;

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- (5) the width of the protective strips within the area of the project;
- (6) the arteries within the area of the project;
- (b) A scheme shall be accompanied by plans of the area to which it relates.

A scheme is to be open for public inspection for thirty days, during which time, interested parties may submit objections to the scheme. At the end of this period, the "Minister of Agriculture may, after consultation with the Board, approve the scheme, with or without modification, or reject it." The approval of the Minister of Religious Affairs or the Minister of Education and Culture is also required for schemes affecting holy places or historical sites, respectively.

- Once a scheme has been submitted for approval, a permit from the Director of the Board is required for new building, expansion of existing buildings or planting on the land involved in the scheme. When a scheme has been approved, the drainage authority may demand that structures or other property within the area of the project be vacated within ninety days. "Alternative accommodation" or "compensation sufficient to secure alternative accommodation" must be paid to individuals evicted from their homes who are protected by the *Tenants' Protection Law, 1955*. Individuals required to forfeit land permanently requisitioned for the purpose of a drainage project are to be compensated according to the *Land (Acquisition for Public Purposes) Ordinance, 1943*. Land requisitioned for temporary use must be restored to its former condition after work has been carried out on it.
- In addition to compensation for confiscated land, the drainage authority must compensate individuals for other damages incurred due to the project; this compensation may be in the form of money or land. When there is no agreement as to the amount or form of compensation between the drainage authority and the person claiming damages, a judicial committee will decide the extent and form of compensation.
- A drainage authority may impose a fee on owners of land in a drainage authority to cover or partially cover the costs of the project.

*Emergency Provisions*

- The Minister of Agriculture is authorized to issue emergency orders in endangered areas to prevent flooding or soil erosion. These orders may include the prohibition of cultivation or removal of vegetation or the grazing of livestock. He may further order work required to repair damage from flooding or prevent flooding.
- The State is not required to provide compensation for damage incurred as a result of emergency orders.



## Fisheries Ordinance, 1937 (Summary)

- A license is required to fish, with the exception of fishing from the seashore with a hook and rod. Fishing boats also require a license, which sets out the area in which a boat may fish and the methods by which the fishermen may fish.
- It is forbidden to use explosives to catch or kill fish; it is also forbidden to poison fish.
- The Minister of Agriculture is responsible for the implementation of this Law; in addition, he may promulgate regulations:
  - Δ forbidding certain fishing methods which may damage the development or threaten the survival of a species of fish; the Minister may also promulgate any regulation relating to the "preservation, protection and maintenance of fish as he deems necessary";
  - Δ limiting or forbidding fishing in certain areas or during certain seasons;
  - Δ setting out size limits for a species of fish;
  - Δ concerning the size and caliber of mesh of fishing nets;
  - Δ setting the price of fishing licenses.

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## Local Authorities (Sewerage) Law, 1962 (Abridged Translation)

*Chapter One: This Chapter includes definitions of the following terms: "private sewer", "public sewer", "main sewer", "sewer system", "sewage", "owner" or "occupier" of a property, "engineer of the local authority", "property", "local authority", "council" of the local authority, and "health authority".*

### Chapter Two: Functions and Powers of Local Authority

Installation of sewer-system by authority

2. A local authority may, and upon the demand of the Minister of the Interior, shall install a sewer-system within its area or within any part thereof.

Special powers as to installation of sewer-system

3. In installing a sewer-system, the local authority may, within its area --

(1) lay sewers under any street;

(2) carry out any work upon any structure or installation situated under any street, including the demolition of any such structure or installation, as may be necessary in order to remove obstruction to the sewer system;

(3) lay pipes connecting any property to a public sewer, and run the sewer-system across or under any land, after giving notice to the owners of the properties.

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- Work outside area of local authority
5. The local authority may, with the approval of the Minister of the Interior, exercise its powers under section 3 outside its area in so far as it is necessary so to do in order to remove sewage from its area or otherwise to dispose of sewage. In respect of the exercise of powers as aforesaid within the area of another local authority and not agreed to by that authority, the Minister of the Interior shall not give his approval before a committee appointed by him for that purpose has investigated the matter and submitted its findings to him.
- Compensation for damage caused by installation of sewer-system
6. In carrying out work on a sewer-system under this Law, the local authority shall as far as possible avoid causing damage and shall pay compensation for any damage caused in carrying out such work.
- Sewers--the property of the local authority
8. A sewer-system laid by a local authority within its area, whether before or after the coming into force of this Law, shall be the property of that local authority.
- Acquisition of sewers by local authority
9. A local authority may acquire within its area, in any manner whatsoever, a sewer-system or any right in a sewer-system situated within its area if the engineer of the local authority has certified that the sewer-system is in proper condition and that the expense of purchasing it will not exceed the expense involved in installing a new sewer-system; in estimating the expense, account shall be taken of the estimated period for which the existing sewer-system is still serviceable and the estimated period of use of a new sewer-system.
- Maintenance of sewer-system
10. A local authority shall maintain its sewer system in proper condition, to the satisfaction of the health authority.
- Alterations to sewer
11. The installation, alteration, blocking-up or demolition of a sewer-system shall be carried out in such a manner as to not cause any public nuisance or danger to public health and in accordance with the directions of the health authority.
- Agreement as to connection of property situated outside the area
12. A local authority may permit the owner or occupier of any property situated outside its area to connect a private sewer situated on his property to the sewer-system of the local authority on conditions agreed upon with it and, if the property is situated within the area of another local authority, with that local authority.
- Approval by District Commission, Minister of Health and Minister of Agriculture
13. (a) A scheme for the installation of a sewer-system shall require the approval of the District Building and Town Planning Commission and of the Minister of Health or a person appointed by him in that behalf.
- (b) A scheme for the installation of a plant for the purification of waste-water or for the removal of waste-water from the area of the local authority shall require also the approval of the Minister of Agriculture or of a person appointed by him in that behalf.

Sewer-system works at historical site or holy places 14. On a historical site, within the meaning of the *Antiquities Ordinance*, a sewer-system shall be installed only with the consent of the Minister of Education and Culture or a person appointed by him in that behalf. In a holy place, within the meaning of the *Palestine (Holy Places) Order in Council, 1924*, a sewer-system shall be installed only with the consent of the Minister of Religious Affairs or a person appointed by him in that behalf.

Sale of waste water 15. Subject to the provisions of the *Water Law, 1959*, and the directions issued thereunder, a local authority may sell its sewage-water under such conditions as it may see fit, provided that it can ensure, to the satisfaction of the health authority, that the sewage water will not become a public nuisance.

### Chapter Three: Sewer-System Charge and Sewer-System Fee

Notice of installation of a sewer-system 16. Where a local authority has decided to install or purchase a sewer-system, it shall deliver to the owner of every property which the sewer-system is to serve a notice of every stage about to be installed or purchased, that is, a public sewer, main sewer or other installation other than a purification plant; the contention that a notice as aforesaid has not been delivered to the person liable to payment in consequence of the notice shall be heard only from the person liable himself.

Sewerage charge to be fixed by bylaw 17. The owner of any property to whom a notice of the installation or purchase of a sewer-system which is to serve that property has been duly delivered shall be liable to a sewerage installation charge (hereinafter referred to as "the charge") at the rate fixed by bylaw...the charge shall be levied for the purpose of covering the expense of installing or purchasing the sewer-system.

Criteria for calculating rate of charge 18. The bylaw shall fix the rates of the charge in accordance with the following rules:

(1) the rates shall be fixed per square meter of land and per square meter or cubic meter of building;

(2) the number of square meters or cubic meters of building shall, for the present purpose, be determined according to what has actually been built in all the stories of the building or according to what is permitted to be built on the property under any town planning scheme in force in that locality or under a building permit under the *Town Planning Ordinance, 1936*, whichever is the larger area or volume;

(3) notwithstanding the provision of paragraph (2), a local authority may prescribe, by bylaw, that the number of square meters or cubic meters of building shall be determined according to what has actually been built in all the stories of the building, and upon its doing so, the owner of the property shall be liable to a charge on each additional square meter or cubic meter of building added to the property after the delivery of the notice under section 16, at the rate in force at the time when the construction of the addition is completed.

Section D: Fresh Water Quality

Works surcharge

19. In respect of land from which, and from the structures on which, not less than one cubic meter of waste water per hour per dunam, or not less than four cubic meters of waste water per twenty-four hours per dunam, or a type of waste water requiring additional expenditure in installing the sewer-system, is discharged, there shall be added to the charge, as a part thereof, a works surcharge fixed by a charge committee appointed by the local authority (hereinafter referred to as "the committee") and not exceeding the extra expenditure incurred in installing the sewer-system by reason of the maximum load per hour or twenty-four hours per dunam or by reason of the type of waste water as aforesaid; provided that --

(1) the owner of any property used only for residential and/or office purposes shall be exempt from the payment of a works surcharge in respect of that property;

(2) where any property is used in part for residential or office purposes, then, for the purposes of the liability to pay a works surcharge, the quantity of waste water discharged from that part shall not be taken into account.

Determination of quantity of waste water

22. (a) For the purposes of section 19, the committee shall be competent to estimate the present or future quantity of waste water discharged from any property.

(b) Where an estimate has not been made and a demand for payment has been submitted to the owner of the property under section 28, the quantity of waste water discharged from the property shall be deemed to be less than one cubic meter per dunam per hour and less than four cubic meters per dunam per twenty four hours.

Rules for the estimate of quantity of waste water

23. The committee shall estimate the quantity of waste water discharged from a particular property and shall determine the nature of such waste water according to the condition and modes of use of the property at the time of the delivery of the notice under section 16.

Estimate in case of building for which there is a building permit

24. Where at the time of the delivery of the notice under section 16 a building permit is in force in respect of a particular property, then, for the purposes of the works surcharge, the building shall be deemed to have been erected in accordance with the terms of the permit and to be used for the purpose specified therein, and the prospective quantity of waste water discharged from the property shall be estimated, and the type of such water determined, accordingly. This provision shall not apply to a local authority which collects a charge under section 18 (3).

Changes after imposition of charge

25. Where, after the delivery of a notice under section 16, the use of the property has changed, or other changes have occurred in respect thereof, in such manner that section 19 becomes applicable thereto, the owner of the property shall reimburse to the local authority the expenditure incurred by it in respect of the sewer-system in consequence of the change. In a local authority which collects a charge under section 18 (3), this provision shall not apply to damages resulting solely from an addition to a building.

Grading of charge

26. The bylaw may grade the charges according to different zones of the area of the local authority.

**Sewerage Fee** 37. A local authority may, by bylaw, impose on the occupiers of properties connected to a sewer-system a fee to cover the cost of maintaining it (such fee being hereinafter referred to as a "sewerage fee")....

**Criteria for sewerage fee** 38. (a) The sewerage fee may be graded and shall be levied according to a criterion prescribed by the local authority by bylaw.

(b) In the case of a property used for industry or handicraft, the criteria prescribed by the local authority, under subsection (a), for the sewerage fee shall be the nature and quantity of the waste water and its effect on the sewer-system, and the local authority may add other reasonable criteria.

#### Chapter Four: Carrying Out of Work on Demand

**Power to demand carrying out of work** 40. (a) The chairman of the council may, if he deems it necessary so to do in the interests of the proper discharge of waste water from any property, or in order to prevent damage to the sewer-system or to ensure its proper functioning, or in order to prevent or remove a sanitary nuisance, demand in writing of the owner of the property to carry out, to the satisfaction of the health authority, within the time and on the conditions prescribed in the demand, the following works:

- (1) the installation of a private sewer for his property;
- (2) the connection of a private sewer situated on his property to a public sewer or the repair of a connection deemed unsatisfactory by the health authority;
- (3) the alteration or repair of a private sewer situated on his property.

(b) A person who considers himself aggrieved by a demand of the chairman of the council under this section may within the time set him for carrying out the work, apply for the cancellation or variation of the demand to the Magistrate's Court in whose area of jurisdiction the property in question is situated....The decision of the District Court on an appeal against a decision of the Magistrate's Court under this section shall be final.

**Power of the Council to carry out work** 41. Where the owner of any property does not comply with a demand of the chairman of the council under section 40, the chairman of the council may carry out the necessary work and collect the expenses thereof from the owner of the property, and an application of the owner of the property under section 40 (b) shall not stay the carrying out.

**Carrying out not to release from criminal responsibility** 42. The carrying out of work by the chairman of the council under section 41 shall not release the owner of the property from criminal responsibility under this Law or any other enactment.

Chapter Five: Offenses and Penalties

- Prohibition of a discharge of a harmful matter 43. A person who knowingly suffers any solid or liquid matter to pass from any property owned, controlled or occupied by him into a sewer-system in a manner likely to obstruct the proper flow of the sewage water or to damage the sewer system shall be liable to a fine of 4,500 new shekels and to an additional fine of 250 new shekels in respect of each day the offense continues after delivery of a warning from the chairman of the council, and shall compensate the local authority for any damage caused to it by his offense.
- Prohibition of discharge of rainwater 44. A person who knowingly suffers rainwater to discharge into a sewer without prior written permission from the chairman of the council shall be liable to a fine of 4,500 new shekels and to an additional fine of 250 new shekels in respect of each day that the offense continues after delivery of a warning from the chairman of the council.
- Provision as to property owner who has carried out work otherwise than in accordance with demand 45. A property owner who has carried out work otherwise than in accordance with the terms of a demand under section 40 shall be dealt with in like manner to a person guilty of an offense under section 35 of the *Town Planning Ordinance, 1935*, and for that purpose, the Court or the local authority shall have all the powers of the Court or the Local Commission, as the case may be; under the said section and under sections 36 to 36J of that Ordinance as if the property owner had carried out work otherwise than in accordance with the conditions of a permit under the said Ordinance.
- Other offenses 46. (1) A property owner who does not comply with a demand under section 40 whose cancellation or variation can no longer be applied for;  
(2) a person who obstructs an employee of a local authority or an employee of the health authority in exercising his powers under section 48;  
shall be liable to a fine of 4,500 new shekels or to imprisonment for a term of six months.

Chapter Six: General Provisions

- Permission to connect private sewer to sewer-system 47. A property owner may, on conditions prescribed by the local authority, connect a private sewer situated on his property to a public sewer.
- Right of entry 48. A person generally empowered in that behalf by the local authority or by the health authority may, at any reasonable time, enter any property with a view to doing thereon any work necessary for the carrying out of their functions under this Law or with the regulations made thereunder....
- Provision as to the State 49. For the purposes of this Law, the State shall have the status of any other owner or occupier of property.

- Saving of other power and obligations** 50. A power under this Law shall not derogate from any power under any other enactment, and the fulfillment of any obligation under this Law shall not release from any obligation under any other enactment.
- Mutual liability of owners** 52. Where any obligation is imposed by or under this Law on the owner of any property, all those who are owners of that property, within the meaning of this Law, shall be jointly and severally liable for the fulfillment of that obligation, and any relief validly granted to the owner of the property in respect of the fulfillment of an obligation as aforesaid shall be granted also to them. If one of them has fulfilled the obligation, the others shall share in his expenses or otherwise compensate him, as may be laid down by agreement between them or, in the absence of an agreement, having regard to the share of enjoyment of each of them in the property.
- Implementation and regulations** 55. (a) The Minister of the Interior is charged with the implementation of this law and may, after consultation with the Minister of Health, make regulations as to any matter relating to such implementation and, *inter alia*, regulations as to --
- (1) materials to be used for spare parts and accessories of sewers;
  - (2) the obligation to install appliances for the purification of waste water as part of a private sewer;
  - (3) the composition of committees and the qualifications of their members.
- (b) The Minister of the Interior, after consultation with the Minister of Agriculture and the Minister of Health, may make regulations concerning the fixing of times for the use of a sewer-system and concerning the modes of submitting and approving plans for the purification installations of a main sewer network.

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### **Model Bylaw for Local Authorities (The Discharge of Industrial Wastes into the Sewage System), 1981 (Translation)**

Model bylaws approved by the Minister of the Interior are not of themselves binding but serve as a recommendation to Local Authorities. Unlike ordinary bylaws, which require Governmental approval, these bylaws automatically go into force. As of 1990, 40 cities and towns had adopted this model bylaw.

By the authority vested in me by section 25 A of the Local Municipalities Ordinance and section 262 of the Town Ordinance, and in accordance with the Local Authority Law (Sewage), 1962, this Model Bylaw is hereby published as follows:

*Section D: Fresh Water Quality*

Definitions

1. In this Model Bylaw:

"Sewage" -- as defined in the Local Authority Law (Sewage), 1962 (hereinafter, the Local Authority Sewage Law);

"Permit" -- annual permit for the discharge of industrial wastes given in writing by the head of the Local Authority for purposes of this law;

"Discharge of Wastes" or "Discharge" -- the removal of wastes from an industrial plant into the sewage system or by means of the system;

"Occupier" for the purposes of an industrial plant -- whoever in fact occupies a factory or part of one, either as an owner, renter or in any other way;

"Sewage System" -- has the meaning of "sewage" in the Local Authority Law, including sewage lines, collectors and pumping, purifying and removal systems;

"Industrial Plant" or "Plant" -- any place in which commodities or materials are produced, including any place used for processing, storing, cleaning, testing or activities of this nature;

"Plant requiring a permit" -- an industrial plant using more than 5,000 cubic meters of water per year, or a plant using less than 5,000 cubic meters of water per year that the head of the Local Authority has determined in a written notice is a plant requiring a permit;

"Controlled Plant" -- a plant using less than 5,000 cubic meters of water per year that, in the opinion of the Head of the Local Authority, involves production processes or materials that are likely to cause discharge of industrial waste in violation of this Bylaw;

"Inspector" -- whoever the Head of the Local Authority has appointed in writing for the purposes of this Bylaw;

"Head of the Local Authority" -- includes whoever he has authorized in writing for purposes of this Bylaw, either in whole or in part

"Local Authority" -- a town, regional council, or a union of towns;

"Industrial Waste" or "Wastes" -- waste removed from an industrial plant by way of discharge.

Prohibition of discharge of harmful wastes

2. The owner or occupier of an industrial plant shall not discharge industrial wastes into the sewage system and shall not allow any other person to discharge from his plant into the sewage system

(1) In a manner, quantity, or quality that might cause damage to the sewage system or to the flow of the sewage or to the treatment process thereof;



(2) In a nature or manner likely to constitute a nuisance or cause a public hazard;

(3) Without a permit or not in accordance with the terms of the permit -- if the plant requires a permit -- or otherwise in violation of this Bylaw.

Requirements for granting a permit

3. Without derogating the provisions of section 2, a permit for the discharge of industrial wastes to the sewage system shall not be granted if the conditions and demands set forth in the Annex to this Bylaw are not fulfilled.

Performance of sewage tests and provision of results

4. (a) An occupier of an industrial plant requiring a permit shall provide to the Head of the Local Authority once a year for the purpose of receiving a permit, test results of the industrial wastes discharged from his plant;

(b) Without derogating the provisions specified in subsection (a), the occupier of a plant requiring a permit or the occupier of a controlled plant, shall provide to the Head of the Local Authority test results of industrial wastes discharged from his plant at any time he is required in writing to do so by the Head of the Local Authority;

(c) The testing of industrial wastes and the submission of the results shall be done in a manner in accordance with the terms established by the Head of the Local Authority;

(d) This paragraph does not derogate the authority of the Head of the Local Authority and the inspectors as specified in section 5.

Testing of discharge by the Local Authority

5. (a) The Head of the Local Authority may order the testing of samples of industrial wastes as described in subsection (b) if he deems that the circumstances so warrant, and he may, by written notice, obligate the plant occupier to pay the expenses of performing such tests;

(b) A controlled plant whose occupier received notice as stated in subsection (a) will be subject to the provisions applicable to a plant requiring a permit.

Conversion of a controlled plant to a plant requiring a permit

6. (a) The Head of the Local Authority may determine on the basis of test results of the wastes that were provided to him or that were performed on his behalf, that a controlled plant will be a plant requiring a permit; having determined this, he shall so inform the plant occupier in writing;

(b) A controlled plant whose occupier received notice as stated in subsection (a) will be subject to the provisions applicable to a plant requiring a permit.

Fee for discharge of industrial wastes

7. (a) An occupier of a plant requiring a permit shall pay the Head of the Local Authority a fee for the discharge of industrial wastes (hereinafter, "fee");

(b) The rate of the fee and manner of payment will be determined by the Local Authority.

*Section D: Fresh Water Quality*

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| Prohibition against interference with the Authority | 8. No person shall interfere with the Head of the Local Authority or with the inspector and prevent them from using their authorities according to this Bylaw.   |
| Notice regarding changes                            | 9. An occupier of an industrial plant shall immediately inform the Head of the Local Authority of any change in the quantity, nature or quality of the industrial wastes discharged from his plant, or the manner of their discharge, if the change is likely to cause discharge of wastes in violation of this Bylaw.   |
| Authority to change permit or notice                | 10. The Head of the Local Authority, having given a permit or a notice in writing by the authority vested in him by this Law, may revoke, modify or stipulate conditions to the permit or notice.  |
| Delivery of notice                                  | 11. Notice required by this Bylaw shall be deemed to have been delivered lawfully if they are given into the hand of their intended receiver, or delivered to his place of residence or his place of occupation or place known to be so, according to an adult member of his family or to an adult employee, or if sent by registered mail to the same person according to his place of residence, or normal place of employment recently known to be so; if it is impossible to make the delivery as stated, the notice will be delivered lawfully if the notice is posted in a conspicuous place in one of the above stated locations. |
| Penalty   | 12. Violators of any provision of this Bylaw shall be fined (1,000 shekels* ) and if the violation continues shall be fined (40 shekels) for every day that the violation continues after a written notice from the Head of the Local Authority is delivered to him or after he has been convicted in an authorized court.   |

**Annex**

**Obligatory Terms Concerning Industrial Wastes Discharged to a Sewage System**

Industrial waste will not include:

1. Gasoline; benzene (C<sub>6</sub>H<sub>6</sub>); oil; solvents such as carbon tetrachloride, chloroform, methyl chloride, tri-chloro-ethylene, halogenic ethanes and their kind; and combustible oils or any liquid, solid or gas that may cause flammable conditions or explode in the sewage system;
2. Liquid wastes containing pH less than 6.0 or greater than 9.0;
3. Solids or viscous matter in size and quantities likely not to flow smoothly and in so doing cause problems in the purification process, such as: residuals of filter cakes, asphalt, animal carcasses, rubbish, ashes, sand, mud, straw, remnants of industrial chiseling, tree trunk residue, metal parts, glass, rags, feathers, plastic, wood, blood, animal intestines, bones, hair and leather residues, entrails, paper and plastic plates, plastic bags and other disposable paper or plastic goods, either complete or after scraping or cutting;
4. Rain water, runoff water, ground water and drainage, garden runoff, pool or courtyard runoff; unless by special permission;

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\* Changed according to the current value of the Israeli shekel (new shekel).

5. Water added for dilution of liquid wastes unless by special permission;
6. Cooking oils with a concentration of greater than 100 milligrams per liter (hexane extraction), fats and greasy material such as animal oils, milk, vegetable oils, any kind of mineral oil, and wastes with a concentration below 100 milligrams per liter likely to cause damage to the sewage system;
7. Mineral oil or oils with a mineral base for cutting machines known as "soluble oil" creating stable suspension in water, or any other kind of oil that is not biodegradable, or any other distillates constituting oil products over 20 milligrams per liter;
8. Cyanides such as CN and other compounds likely to produce hydrogen cyanide in acidic solutions in a concentration greater than 2.0 milligrams per liter;
9. Total inorganic and mineral solids dissolved or not dissolved with concentrations greater than 3,500 milligrams per liter and wastes in concentration less than 3,500 milligrams per liter likely to cause damage to the sewage system;
10. Total suspended solids in concentrations greater than 1,000 milligrams per liter;
11. Chemical Oxygen Demand (COD) greater than 2,000 milligrams per liter;
12. Substances likely to create strong odors;
13. Dissolved sulfides in a concentration or greater than 0.1 milligrams per liter;
14. Liquid wastes whose temperature at entry into the sewage system is greater than 45° Celsius;
15. Wastes likely to settle and coalesce into solids or viscous substances in temperatures between 20° and 40° Celsius;
16. Chlorohydrocarbon compounds or organophosphorus compounds in concentrations greater than 0.02 milligrams per liter;
17. Chlorine or other active halogen in concentrations greater than 3.0 milligrams per liter.
18. Solids that cannot pass through an opening of 10 square millimeters;
19. Sulfates such as SO<sub>4</sub> in concentrations greater than 200 milligrams per liter above their concentration in the water supplied to the plant;
20. Chlorides (as Cl) in concentrations greater than 200 milligrams per liter above their concentration in the water supplied to the plant;
21. Fluorides in concentrations greater than 1.0 milligram per liter;
22. Detergents known as "hard" detergents in concentrations greater than 1 milligram per liter, and detergents known as "soft" detergents in concentrations greater than 3 milligrams per liter;

*Section D: Fresh Water Quality*

- 23. Phenols and cresols in concentrations greater than 3 milligrams per liter;
- 24. Recycled cooling water or brine;
- 25. In addition to the above, waste will not include the following stated substances in concentrations greater than those indicated below:

Substance	Maximum Concentration (Milligrams per Liter)	Substance	Maximum Concentration (Milligrams per Liter)
Zinc	5.00	Arsenic	0.25
Boron	3.00	Beryllium	0.50
Vanadium	0.50	Aluminum	25.00
Silver	0.05	Mercury	0.005
Chromium	0.25	Lithium	0.30
Molybdenum	0.05	Manganese	1.00
Copper	1.00	Nickel	1.00
Selenium	0.05	Lead	0.25
Cadmium	0.05	Cobalt	0.25

**SECTION E:  
MARINE POLLUTION**

**Prevention of Sea-Water Pollution by Oil Ordinance (New Version),  
1980 (Translation)**

Definitions and application

1. (a) In this Ordinance:
- “transfer”, in relation to oil, means transfer in bulk;
- “vessel” has the same meaning as in the Shipping (Vessels) Ordinance, 1960, but does not include a military vessel or a vessel providing auxiliary services to a military vessel;
- “port manager” has the same meaning as in the Ports Ordinance (New Version), 1971;
- “inspector” means a person appointed by the Minister of the Interior to be an inspector under section 6;
- “finable offense” means an offense under section 5 or 18;
- “oil” means oil of any description and includes oil mixed with water and spirit produced from oil.

(b) This Ordinance shall apply to Israeli territorial waters and inland waters (both hereinafter referred to as “sea water”).

Saving of laws

2. The provisions of this Ordinance shall be in addition to and not in derogation of or substitution for the provisions of any other enactment for the protection of sea-water.

Application of provisions

3. Notwithstanding the provision of section 1(b), the provisions of sections 6 to 12, 20 and 22 shall apply to Israeli vessels even when outside territorial waters of Israel.

Application to vessels outside territorial waters

4. Notwithstanding the provision of section 1(b), the Minister of Transport may, in consultation with the Minister of the Interior, apply the provisions of sections 6 to 12, 20 and 22 to non-Israeli vessels outside Israeli territorial waters which threaten to pollute Israeli territorial waters, having regard to any international convention designed to regulate the exercise of such powers as aforesaid.

**Chapter Two: Implementation**

**Article One: Oil Record Books**

Duty to keep oil record book

5. (a) Every vessel shall be provided with an oil record book in which every operation connected with the transfer of oil from or to the vessel shall be recorded. The oil record book shall be kept by the master of the vessel in the form prescribed by regulations.

Section E: Marine Pollution

(b) The Minister of the Interior and the Minister of Transport shall by regulations prescribe the duties of the owner and the master of the vessel in respect of the maintenance, form and keeping of the oil record book, the entries therein and the production thereof.

(c) Regulations under section 35 relating to oil record books shall be deemed to have been made also by virtue of this section.

(d) A person who contravenes any of the provisions of this section or any regulations thereunder shall be liable to a penalty of 10,000 shekalim.

Article Two: Inspectors

Appointment of inspectors 6. The Minister of the Interior shall appoint inspectors for the prevention of pollution of the sea by oil.

Powers of inspector 7. An inspector may enter a vessel and any other place containing installations or materials likely to pollute sea water by oil; but he shall not enter a place used solely for residential purposes, save under a court order.

Examination of samples 8. An inspector who enters a vessel or any other place by virtue of section 7 may take samples of any liquid which in his opinion is likely to be a source of pollution of the sea by oil. The aforesaid samples may be examined at a laboratory and be dealt with in any other manner.

Inspector deemed to be police officer 9. The Minister of the Interior may empower an inspector to conduct investigations and searches in order to prevent or discover contraventions of this Ordinance or the regulations made thereunder. In exercising such power

(1) the inspector may exercise all the powers vested in a police officer of or above the rank of inspector by section 2 of the *Criminal Procedure (Evidence) Ordinance*, and section 3 of that Ordinance shall apply to a statement recorded by him by virtue of the said power.

(2) the inspector shall, for the purposes of section 24(a)(1) of the *Criminal Procedure (Arrest and Searches) Ordinance (New Version)*, 1969 be deemed to be a police officer.

Article Three: Discharge of Oil

Interpretation and powers 10. (a) For the purposes of this article:  
"the Minister" means the Minister of Transport or the person appointed by him for the matter in question;

"act" includes omission.

(b) The powers of the Minister under this article shall be exercised in consultation with the Minister of the Interior.

Demand on  
owner of vessel  
to take  
measures

11. (a) Where any oil has been discharged, or there is in the opinion of the Minister suspicion that it will be discharged, from a vessel into the sea, the Minister may give written notice to the owner of the vessel requiring him to do all or any of the following acts, as specified in the notice, such acts being in the opinion of the Minister calculated to prevent, stop or reduce the discharge of oil into the sea:

(1) refrain from moving the vessel from the place indicated in the notice;

(2) take the vessel to a place indicated in the notice and leave it there until receipt of a permit from the Minister to take it elsewhere;

(3) prevent any unloading or loading from or onto the vessel of any cargo specified in the notice, save under a permit from the Minister;

(4) do any other act in respect of the vessel or its cargo.

(b) A notice under this section shall indicate the time at which it comes into force and the time at which each of the acts enumerated therein is to be carried out.

(c) Delivery of a notice to the agent or master of the vessel shall be deemed to be delivery to the owner of the vessel.

(d) A notice under this section shall only require a person to do acts reasonable in relation to the extent of the damage which, to the best of the Minister's knowledge, has been caused or is likely to be caused by the discharge of oil into the sea.

Adoption of  
measures by  
Minister

12. (a) Where notice under section 11 is given to the owner of a vessel and he does not carry out the acts it requires him to carry out or is unsuccessful in carrying them out, or the Minister is of the opinion that owing to the urgency of the matter he will not have time to give notice as aforesaid, the Minister may do every act deemed necessary by him to prevent, stop or reduce the discharge of oil into the sea, including the use of force to compel compliance with the requirements of the notice and the removal of the vessel to such place as he deems right. The Minister shall give the owner of the vessel notice of the adoption of such measures as aforesaid, stating his reasons.

(b) The Minister shall only take such measures under this section as are reasonable in relation to the extent of the damage which, to the best of his knowledge, has been or is likely to be caused by the discharge of oil into the sea.

### Chapter Three: Fund for the Prevention of Sea Water Pollution

Establishment  
of Fund and  
regulations for  
its operation

13. (a) The Minister of the Interior may, with the approval of the Home Affairs and Ecology Committee of the Knesset, make regulations concerning the establishment of a "Fund for the Prevention of Sea Water Pollution" (hereinafter "the Fund") within the framework of the Ministry of the Interior.



*Section E: Marine Pollution*

(b) The Minister of the Interior shall by regulations, with the approval of the Home Affairs and Ecology Committee of the Knesset, prescribe procedure for the operation of the Fund.

- Purpose of Fund** 14. The purpose of the Fund shall be to concentrate financial resources for the fight against and prevention of pollution of sea water and the seashore and for the cleansing and inspection of the same.
- Use of moneys of Fund** 15. The moneys of the Fund shall be solely devoted to its purposes and shall be expended in accordance with the directions of the Minister of the Interior.
- Additional resources** 16. In addition to the moneys made available to the Fund from the State Budget, from fines under section 32 and from fees under section 17, the Fund may accept moneys and appropriations from any person for the furtherance of its purposes and activities.
- Regulations for imposition of fee** 17. (a) The Minister of the Interior may, by regulations with the approval of the Home Affairs and Ecology Committee of the Knesset, impose a "marine environment protection fee" on owners or operators of vessels, as well as on owners or operators of installations on land or at sea from which oil might be discharged or allowed to escape into sea water.
- (b) The modes of fixing the fee, its grading according to classes of vessels or apparatus, their employment, the goods therein or any other criterion, the modes of collecting it and any other arrangement regarding the fee shall be prescribed by regulations as aforesaid.
- (c) The revenue from the fee shall be paid into the Fund.

**Chapter Four: Responsibility, Offenses and Penalties**

- Fine for discharge of oil into the sea** 18. (a) If any oil is discharged, or allowed to escape, whether directly or indirectly, into sea water from any vessel or from any place on land or from any apparatus used for the purpose of transferring oil from or to any vessel, to or from another vessel, or to or from any place on land, the owner or master of the vessel from which the oil is discharged or allowed to escape, or the occupier of the land or the person having charge of the apparatus, as the case may be, shall be liable to a fine of 37,500 shekalim, and if he has once before been convicted of an offense under this section, he shall be liable to a fine as aforesaid or imprisonment for a term of one year.
- (b) Where an offense under this section is committed by a body of persons, every director, partner -- other than a limited partner -- or responsible official of such body shall also be regarded as responsible for the offense and may be brought to trial and punished as if he had committed it.
- Liquid deemed to be oil** 19. (a) Where oil has been contained in any tanks or other spaces in any vessel, any liquid discharged or allowed to escape from those tanks or spaces shall, unless it is proved that the tanks or spaces have been cleaned of oil or that the liquid has been freed from oil by means of a separating apparatus, be deemed to be oil within the meaning of this Ordinance.

(b) In the case of proceedings against any person other than the master of a vessel, evidence of the matters referred to in subsection (a) may be given by means of a certificate signed by the master, and if the master of a vessel gives any certificate under this section which to his knowledge is false or misleading in a material particular, he shall be liable to a fine.

(c) In this section, "master of vessel" means the person named as the master in the agreement with the crew.

Criminal  
responsibility

20. The owner or master of a vessel who, having received a notice under section 11, does not carry out any of the acts enumerated therein within the prescribed time shall be liable to a fine of 7,500 shekalim.

Defense in  
matters referred  
to in section 18

21. It shall be a good defense in proceedings for an offense under section 18 if the accused proves:

(1) if the proceedings are against the owner or master of a vessel, that the escape of oil was due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident and also, if the proceedings are in respect of an escape of oil, that all reasonable steps were taken by the master to prevent the escape;

(2) if the proceedings are against another person in respect of an escape of oil -- that all reasonable steps were taken by him to prevent the escape.

Defense in  
matters referred  
to in section 20

22. In proceedings for an offense under section 20:

(1) it shall be a good defense if the accused proves:

(a) that the carrying out of the act was prevented by causes over which he had no control; or

(b) that the act was not carried out owing to the necessity of saving human life;

(2) Chapter Three of the *Penal Law, 1977* shall not apply.

Port manager's  
power to  
institute  
proceedings

23. Proceedings for an offense under this Ordinance or any regulations made thereunder may be instituted also by a port manager.

Options of fine  
in lieu of trial

24. (a) Where the Attorney General or his representative or the port manager has reason to believe that a person has committed a finable offense, he may deliver to him a summons in the form prescribed. In the summons, the person summoned shall be charged with the offense indicated therein and shall be given the option of paying a fine, of the amount prescribed, instead of being tried for the offense.

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(b) A person to whom a summons as aforesaid has been delivered may, within thirty days from the date of delivery, pay into, or send by post to, the court specified in the summons the fine, in the amount prescribed, for the offense set out in the summons.

(c) So long as the Attorney General or his representative or the port manager has not exercised his power under this section in respect of a particular person in connection with a particular offense, legal proceedings other than under this section may be instituted against that person for that offense, subject to the provisions of section 33. This section shall not require the Attorney General or his representative or the port manager to exercise his power thereunder.

Rates of fine  
and text of  
summons

25. (a) The Minister of the Interior shall, by order published in *Reshumot*\* prescribe the text and mode of delivery of a summons under section 24 and the amount of the fine for each finable offense and for each subsequent offense committed by the same person.

(b) The amount of the fine prescribed by order as aforesaid shall not exceed 6,250 shekalim for a first offense or 12,500 for each subsequent offense; provided that in the case of an offense under section 5 the fine shall not exceed the amount prescribed in that section.

(c) The Minister of the Interior may by order as aforesaid prescribe different amounts of fines, having regard to the capacity of the vessel, the place where the offense was committed, and other circumstances.

Provision as to  
person not  
paying fine and  
expenses

27. (a) Where a person has not paid the fine and the amount specified in the notice of indebtedness for expenses, or has paid the fine but has not paid the whole or part of the amount specified in the notice of indebtedness for expenses, or has paid the amount specified in the notice of indebtedness but has not paid the fine, the summons delivered to him shall be deemed to be a summons to a trial and an information served upon and delivered to him under Articles Four and Five of Chapter Four of the Criminal Procedure Law, 1965.

(b) Where a person has not paid the fine and the amount specified in the notice of indebtedness for expenses referred to in section 30(a) and the court convicts him of the offense, the court shall impose on him a fine not less than the fine prescribed for that offense under section 25 unless he proves that special circumstances, to be set out in the sentence, justify the imposition of a lesser fine, and it may charge him with the costs of the proceedings, in an amount prescribed by it, whether he appeared in court or was tried in his absence.

Security for  
payment of fine

28. Where a person has had a summons delivered to him under section 24 or has been charged under this Ordinance, the port manager may, on exercising his powers under the Ports Ordinance (New Version), 1971, refrain from permitting the vessel in which or in respect of which the offense was committed to leave the port area so long as security has not been given him for the payment of the fine or the expenses of cleansing in the event of conviction. The amount, form, period, terms and modes of collection of the security shall be prescribed by regulations.

\* An official Government Register.

Liability for expenses of cleansing

29. (a) A person convicted of an offense under section 18 shall reimburse the expenses incurred by another person:

(1) in cleansing the sea, the shore or anything polluted by oil discharged or allowed to escape in committing the offense;

(2) in locating oil discharged or allowed to escape, preventing or controlling pollution thereby and reducing the damage caused.

(b) A court which convicts a person of an offense under section 18 may in the sentence, in addition to any penalty it may impose, order him to reimburse the expenses referred to in subsection (a), whatever the amount thereof, if the person who incurred them has applied for the order.

(c) A decision as to expenses under this section shall, for the purposes of an appeal by the accused and of the collection of the amount awarded, be treated as a judgment of the same court in a civil action.

(d) Where more than one person is convicted of an offense referred to in subsection (a), the court may, in its decision under this section, impose the expenses of all of them jointly or severally or on part of them, as it may see fit in the circumstances of the case, and it may prescribe the part to be borne by each.

(e) Where the court does not give a substantive decision on an application under this section, such fact shall not derogate from the right of the person who incurred the expenses to claim them in an ordinary action.

Notice of indebtedness for expenses along with option of fine

30. (a) Where a summons with an option to pay a fine under section 24(a) is delivered to any person, the person who delivers it may attach thereto a notice of indebtedness for the amount of expenses incurred for any of the purposes mentioned in section 29. The notice of indebtedness shall name the person entitled to the amount of expenses specified therein.

(b) A person who has a notice of indebtedness delivered to him under subsection (a) may, within thirty days from the date of delivery, pay into, or send by post to, the court specified in the summons, the amount specified in the notice of indebtedness in addition to the whole amount of the fine stated in the summons, and if he does so, he shall be deemed to have pleaded guilty in court, been convicted and have undergone his punishment, and the amount paid shall be credited to the person entitled to it according to the notice of indebtedness.

Rules of procedure

31. The Minister of Justice may prescribe special rules of procedure for the purposes of sections 29 and 30.

Application of amounts of fines

32. A fine imposed for an offense under this Ordinance shall be paid into the Fund.

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Proceedings against master who has left the country 33. Where an offense under this Ordinance is alleged to have been committed by the master of any vessel who thereafter departs from Israel before the expiration of the period within which proceedings for the offense might have been instituted against him, proceedings for the offense may, notwithstanding anything to the contrary in any other enactment, be instituted against him at any time within two months after the date on which he first returns to Israel.

Enforcement of payment 34. Where any fine and expenses imposed by the court in proceedings against the owner or master of a vessel for an offense under this Ordinance are not paid at the time and in the manner prescribed by the court, the court may direct that the amount not paid shall be collected by way of attachment or seizure and sale of the vessel and of its tackle, furniture and equipment. This provision shall not derogate from other powers of the court in the matter of enforcing payment.

Chapter Five: Regulations

Power to make regulations for carrying international conventions into effect 35. The Minister of the Interior and the Minister of Transport may make regulations for the carrying into effect of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, or any convention amending it to which Israel is a party, and may *inter alia* prescribe in such regulations that a person who contravenes the provisions thereof shall be liable to the penalty prescribed in section 18.

Application of regulations to Israeli vessel outside territorial waters 36. Notwithstanding the provision of section 1(b), regulations under section 35 shall also have effect in respect of an Israeli vessel situated anywhere outside Israeli territorial waters.

Regulations made with prior knowledge of Knesset committee 37. The Minister of the Interior and the Minister of Transport may make regulations for the implementation of the provisions of sections 3, 4, 6 to 12, 20 and 22. Prior to being made, such regulations shall be brought to the knowledge of the Home Affairs and Ecology Committee of the Knesset or of such other committee as the House Committee may decide.

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**Regulations for the Prevention of Sea Water Pollution by Oil (Marine Environment Protection Fee), 1983 (Summary)**

This regulation imposes a fee on the owners of vessels and terminals as defined below, and sets out the amounts to be paid and the manner by which they are to be paid:

The owner of vessels which are greater than 24 meters long, and are not fishing vessels or vessels used only within a port must pay at a rate of 25% of the lighthouse dues imposed under the *Ports Regulations, 1971*.

The owner of small vessels (vessels which are less than 24 meters long, fishing vessels, and vessels used within ports) must pay at the rate of 4% of the general inspection fees defined in the Ports Regulations.

The owner of tankers (vessels fitted to carry oil) at the ports of Eilat or Ashkelon must pay at the rate of the lighthouse dues imposed under the Ports Regulations.

The owner of a terminal (an apparatus used for the mooring of vessels for the purpose of transferring oil between coastal installations and vessels) must pay 0.13 shekalim per ton of oil transferred to the terminal from a vessel. This amount changes with the exchange rate of the United States dollar in a manner set out in the Ports Regulations.

The fees collected from the above are to be paid into the Fund for the Prevention of Sea Water Pollution created in section 13(a) of the Prevention of Sea Water Pollution by Oil Ordinance.

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## **Prevention of Sea Pollution (Dumping of Waste) Law, 1983** (Translation)

### Definitions

1. In this Law:

“convention” means an international convention the subject of which is the regulation of the dumping of waste into the sea and to which Israel is a party;

“owner” means the owner, charterer or operator of a vessel or aircraft, as well as an agent of any one of them;

“sea” means the territorial waters and inland waters of Israel and any other sea area to which a convention applies;

“vessel” and “Israeli vessel” have the same respective meanings as in the *Shipping (Vessels) Law, 1960*, and include a marine installation placed in the sea, whether static or floating, and not fixed to the land, but do not include a military vessel or a vessel used in the service of the State otherwise than for commercial purposes;

“aircraft” and “Israeli aircraft” have the same respective meanings as in the *Air Navigation Law, 1927*, but do not include a State aircraft within the meaning of that Law;

“dumping” means any of the following:

- (1) the disposal into the sea of waste from a vessel or aircraft onto which the waste was loaded for the purpose of disposing of it; it does not include the disposal of waste accumulated in consequence of the ordinary operation of the vessel or aircraft and not transported for the purpose of disposal;

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(2) the sinking of a vessel or aircraft or any part thereof into the sea;

(3) the burning of waste in the sea or the decomposition thereof by heat in any other manner; "waste" means matter of any kind, form or description;

"master" has the same meaning as in the *Shipping (Seamen) Law, 1975*, and "commander" means the aviator responsible for the operation and safety of an aircraft in flight;

"the Minister" means the Minister of the Interior.

Prohibitions

2. (a) No person shall dump any waste from a vessel or aircraft as specified hereunder, save under a permit pursuant to this Law (hereinafter referred to as a "permit"):

(1) An Israeli vessel or aircraft unless the dumping is done in accordance with a convention and under a certificate validly issued under the laws of the country in which it was issued;

(2) a vessel or aircraft loading waste in Israel for the purpose of dumping it;

(3) a vessel in Israeli territorial or inland waters and an aircraft over them.

(b) No person shall load waste onto a vessel or aircraft for the purpose of dumping it into the sea, save under a permit.

(c) No owner, master or commander of a vessel or aircraft referred to in subsection (a) shall allow waste to be dumped from it or to be loaded onto it for the purpose of dumping unless he is satisfied that it is done under a permit.

Permits Issue Committee

3. (a) The Minister shall appoint a Permits Issue Committee with the following composition:

(1) a representative of the Minister who shall be the chairman;

(2) a representative of the Minister of Defense;

(3) a representative of the Minister of Health;

(4) a representative of the Minister of Industry and Commerce;

(5) a representative of the Minister of Transport;

(6) a representative of the Minister of Tourism.

(b) Notice of the appointment and address of the Committee shall be published in *Reshumot*.

(c) The Committee shall prescribe its work procedure in so far as it is not prescribed by this Law. It may delegate powers as to particular classes of permits to the chairman or to a team from among its members: Provided that conditions of a permit which relate to the operation of a vessel or aircraft shall be prescribed with the consent of the representative of the Minister of Transport.

Report on  
dumping

4. A person who has received a permit shall report, in the prescribed manner, on its implementation.

Inspector

5. (a) The Minister may appoint inspectors for the purposes of this Law.

(b) An inspector may enter any vessel, aircraft or other place if there are reasonable grounds for believing that waste is loaded therein for dumping, but he shall not, save under a court order, enter a place used only for residential purposes.

(c) The Minister may empower an inspector to carry out investigations and searches to prevent or discover offenses against this Law; in exercising that power:

(1) he may exercise any power vested in a police officer of the rank of inspector by section 2 of the *Criminal Procedure (Evidence) Ordinance*, and section 3 of that Ordinance shall apply to a statement taken down by him by virtue of such a power;

(2) for the purposes of section 24(a)(1) of the *Criminal Procedures (Arrest and Sentences) Ordinance (New Version), 1969*, an inspector shall be treated as a police officer.

Penalties

6. (a) A person who contravenes the provisions of section 2 shall be liable to imprisonment for a term of one year or a fine of two million shekalim.

(b) A person who contravenes any other provision of this Law or any regulation made or direction issued thereunder shall be liable to a fine.

(c) Where an offense under this Law is committed by a body of persons, every manager, partner (other than limited partner) and responsible official of such body shall also be guilty thereof.

Jurisdiction

7. The courts in Israel shall be competent also to try under this Law a person who contravenes its provisions outside Israel.

Defense of  
master or  
commander

8. In the trial of an offense of dumping waste in contravention of the provisions of this Law, it shall be a good defense for the master or commander if he proves:

(1) that the dumping occurred as a result of a collision in which the vessel or aircraft was involved or



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(2) that it was necessary to dump the waste because of damage or an accident or because of actual danger to human life

and if he also proves that he took all reasonable measures to prevent the dumping of the waste.

Liability for expenses of cleansing

9. (a) A court which convicts a person of an offense under this Law may in the sentence, in addition to any penalty it imposes, require him to reimburse the expenses specified hereunder, whatever their amount, if an application therefor has been submitted to it by the person who incurred them:

(1) the expenses of cleansing the sea, the shore and everything polluted by waste dumped into the sea in committing the offense;

(2) the cost of localizing the waste dumped into the sea to prevent the sea being polluted by it and to reduce the damage caused.

(b) For the purposes of an appeal and of the collection of the amount awarded, a decision under this section shall be deemed to be a judgment of the same court in a civil action.

(c) Where several persons are convicted of the offense, the court may, by a decision under this section, impose the reimbursement of the expenses on all or part of them, jointly or severally, or apportion the amount among them, as it may deem right in the circumstances of the case.

(d) Where the court does not give a substantive decision on an application under this section, the right of persons who incurred expenses to claim them in an ordinary action shall not be affected thereby.

Application of moneys or fines

10. Fees levied under this Law and fines imposed for an offense thereunder shall be paid into the fund established under section 13 of the Sea Water Pollution by Oil (Prevention) Ordinance, 1980.

Proceedings against master or commander who has left Israel

11. Notwithstanding anything provided in any other law, where a master or commander leaves Israel before the expiration of the period in which proceedings may be taken against him for an offense under this Law, such proceedings may be taken against him at any time within two months from the day on which he first returns to Israel.

Enforcement of payment

12. Where any fine or expenses imposed by a court, in proceedings under this Law, against the owner, master or commander of a vessel or aircraft is or are not paid in due time and in the manner prescribed by it, the court may direct that it shall be collected by way of attachment, seizure and sale of the vessel or aircraft and of its installations, equipment and instruments. This provision shall not affect other powers for the enforcement of payment.

Saving of laws

13. The provisions of this Law shall not derogate from any other law.

Applicability to State

14. This Law shall apply also to the State.

- Implementation and regulations 15. The Minister is charged with the implementation of this Law and may, with the approval of the Home Affairs and Ecology Committee of the Knesset, make regulations as to anything relating to its implementation, including regulations as to:
- (1) kinds of matter which according to a convention it is permitted or forbidden to dump into the sea;
  - (2) conditions for the issue of permits;
  - (3) procedures for the issue, renewal, alteration and cancellation of permits;
  - (4) fees payable upon the submission of an application for a permit or for its renewal.
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### **Prevention of Sea Pollution (Dumping of Waste) Regulations, 1984 (Translation)**

By the authority vested in me under Section 15 of the *Prevention of Sea Pollution (Dumping of Waste) Law, 1983*, (hereinafter "the Law"), and with the approval of the Interior and Environmental Committee of the Knesset, I hereby promulgate the following Regulations:

- Definitions 1. In these Regulations --
- "The Committee" means the Permits Issue Committee according to Section 3 of the Law.
- "Permit" means a permit for dumping of waste into the sea.
- Application for permit 2. An application for permit shall be submitted to the Committee in writing and shall include the details specified in Annex 1.
- Completion of the application 3. (a) The Committee may request further information from the applicant in addition to information submitted according to Regulation 2, if in its opinion this additional information is necessary for the processing of the application. The Committee may request the applicant to submit data and test results of a research or other institution.
- (b) A request as described under Sub-Regulation (a) shall be presented to the applicant not later than 60 days from the submission of the application.
- Decision concerning application 4. (a) The Committee shall decide upon an application within 90 days from its submission, and in the case of a request under Regulation 3, from the submission of the additional data requested.
- (b) The Committee may approve an application with or without conditions, or may deny it.

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- Application fee 5. While filing an application for a permit, or for renewal of a permit, the applicant shall pay an application fee in the amount of 13,000 new shekels in a method determined by the comptroller of the Ministry of the Environment. [This amount increases with every increase in the Consumer Price Index.]
- Materials prohibited for dumping 6. The Committee shall not allow the dumping into the sea of the materials specified in Annex 2 unless one of the following demands has been met:
- (1) The material rapidly becomes harmless in a physical, chemical, or biological process at sea and does not alter edible marine organisms to a state that is inedible, unpalatable or dangerous to human or animal health.
  - (2) The dumping of a certain amount of material is essential to avoid an emergency situation which may seriously endanger human health, and there is no other way to avoid the emergency situation.
- Materials allowed for dumping 7. The Committee may allow the dumping into the sea of:
- (1) The materials specified in Annex 3.
  - (2) Materials not specified in Annex 2 or Annex 3.
- Considerations in granting a permit 8. While considering a permit application, the Committee shall regard, *inter alia*, the considerations detailed in Annex 4.
- Types of permits 9. (a) A permit may be general or specific, as detailed hereinafter:
- (1) a general permit shall be granted to the dumping of materials not detailed in Annex 2 or 3. A general permit may extend for an unlimited time.
  - (2) A specific permit shall be granted to the dumping of materials detailed in Annex 3. A specific permit shall be granted for a period not exceeding two years.
- (b) In the case of an emergency when there is danger to human life, the Committee may grant an emergency permit in deviation of these instructions.
- Instructions in a permit 10. A permit shall contain, *inter alia*, instructions on the following:
- (1) nature and quantity of the material that may be dumped;
  - (2) method of packaging, if extant, while dumping;
  - (3) method of dumping;
  - (4) location and timing of dumping;
  - (5) method of loading and stowing of the material
  - (6) route of the vessel or aircraft in transporting the material to the dumping site;

(7) special precautions to be taken concerning the loading, transporting and dumping.

**Monitoring**

11. (a) The Committee may include in a permit a requirement to monitor the environmental and health impacts of the dumping, according to a monitoring plan the applicant shall undertake in compliance with the Committee's instructions and with its approval.

(b) The results of the monitoring shall be submitted to the Committee in the manner and time set forth by the monitoring plan.

**Report on execution of dumping according to permit**

12. (a) A report on the execution of a dumping, according to Section 4 of the Law, shall be submitted to the Committee no later than one month after the execution of the dumping.

(b) The report shall include the following details:

(1) the number of the permit and date of its issue;

(2) the name of the vessel's or aircraft's captain while executing the dumping.

(3) amount of the material actually dumped, and exact location of the dumping site.

(4) notes and explanations in case of a deviation from permit conditions.

(5) further details requested under permit conditions.

**Report on dumping in case of emergency**

13. (a) In the case of a dumping according to Section 8 of the Law, the captain shall report the dumping to the Committee within seven days of the incident. Such a report may be made via telegram, radio or telephone.

(b) In addition to a report as aforementioned in Sub regulation (a), the captain shall report to the Committee within one month of the arrival of the ship in port, and in the case of an aircraft, within one month of its initial report, the following details:

(1) matters specified under Regulation 10;

(2) a description of the circumstances necessitating the dumping.

Copies of transcripts concerning the matter from the vessel's or aircraft's log shall be attached to the report.

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Cancellation of a permit 14. The Committee may cancel a permit which it has issued in any of the following circumstances:

- (1) Instructions specified in the permit were not followed.
- (2) Information has come to the Committee's attention which was not known by the Committee when it issued the permit and if known would have precluded issuance of the permit.

**Annex One (Regulation 2)**

Details to be included in a permit application.

1. Name and address of applicant.
2. A physical and chemical description of the material to be dumped:
  - (a) its technical name (and commercial name, if it exists);
  - (b) in the description: identification, composition, and accumulative status;
  - (c) its quantity.
3.
  - (a) The name and address of the manufacturer or processor of the material.
  - (b) A description of the process which produced the material.
4. A description of the packaging method and type of container which will hold the material to be dumped.
5. A description of the proposed dumping.
  - (a) Its time schedule;
  - (b) Location (geographic location and depth).
6. Reasons for applying for a permit to dump, according to the conditions specified in these Regulations.
7.
  - (a) The name and address of the owner of the vessel or aircraft designated to perform the dumping.
  - (b) The registration details of the ship or aircraft:
    - (1) If a ship: the name of the vessel, port of registration, dead weight and load displacement;
    - (2) If an aircraft: the type, serial number and registration number.

8. General:

- (1) Sufficient physical, chemical and biological information regarding the dumping site to demonstrate its suitability as a dumping site according to the demands specified in Annex 4.
- (2) Information on prior methods the applicant used to dispose of the same material now proposed for dumping, and the quantity dumped.
- (3) An explanation of the need for the proposed dumping, and an evaluation of alternatives to the dumping, such as treatment or recycling of the material; including the environmental effects of each of the alternatives.
- (4) Specification and estimate of the environmental and health impacts predicted as a result of the proposed dumping, including the possible impacts on the exploitation of animate and inanimate marine resources, performance of scientific research, shipping and recreational activities.

Annex Two (Regulation 6)

A. Material prohibited to be dumped into the sea.

1. Organohalogen compounds and compounds which may form such substances in the marine environment.
2. Organosilicon compounds and compounds which may form such substances in the marine environment.
3. Mercury and mercury compounds.
4. Cadmium and cadmium compounds.
5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities or interfere with other legitimate uses of the sea.
6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of them, taken on board of a vessel or aircraft for the purpose of dumping.
7. Radioactive wastes or radioactive matter to be determined by the committee.
8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of the sea.
9. Materials of any accumulative status, or living material, manufactured for biological or chemical warfare.

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B. This Annex does not include wastes or other materials such as sewage sludge and dredged spoils which contain minimal amounts of polluting substances as mentioned in Sections (1) to (6) as follows:

- (1) Organohalogen compounds -- a quantity less than 0.01 parts of a concentration shown to be toxic to a representative marine organism as the Committee determines according to a test carried out following procedures approved by the Committee.
- (2) Mercury and mercury compounds -- a concentration less than 0.75 milligrams per kilogram of solid waste, and less than 1.5 milligrams per kilogram in liquid waste.
- (3) Cadmium and cadmium liquids -- a concentration less than 0.6 milligrams per kilogram of solid waste, and less than 0.3 milligrams per kilogram in liquid waste.
- (4) Persistent plastic and other persistent synthetic materials pulverized properly in an amount less than 4% of the volume of the waste.
- (5) Crude oil and hydrocarbons which may be derived from petroleum, and any mixture containing them -- a quantity that produces less than 10.0 milligrams of solvent materials in normal hexane per kilogram of waste.

**Annex Three (Regulations 7 and 9(a))**

Materials permitted to be dumped into the sea with a specific permit only.

1. (a) Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds.  
(b) Cyanides and fluorides.  
(c) Pesticides and their by-products not covered in Annex Two.  
(d) Synthetic organic chemicals, other than those referred to in Annex Two, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable.
2. Acid and alkaline compounds not included in Annex Two, the composition and quantity of which will be determined by the Committee.
3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom and which may present a serious obstacle to fishing or navigating.
4. Substances which, though of a non-toxic nature, may become harmful owing to the quantities in which they are dumped, or which are liable to seriously reduce amenities, or to endanger human life or marine organisms, or to interfere with navigation.
5. Radioactive waste or other radioactive matter not included in Annex Two.

**Annex Four**

**Considerations in granting a permit.**

**A. Characteristics and composition of the material.**

1. Total amount and average composition of the material to be dumped (e.g.. per year)
2. Form (e.g.. solid, sludge, liquid or gas).
3. Properties: physical (e.g.. solubility and density); chemical and biochemical (e.g.. oxygen demand, nutrients); and biological (e.g.. presence of viruses, bacteria, yeast, or parasites).
4. Toxicity
5. Persistence: physical, chemical and biological.
6. Accumulation and bio-transformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical change and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of marine resources (fish, shellfish, etc.)

**B. Characteristics of the dumping site and methods of deposit.**

1. Location (geographic coordinates of the dumping area, depth, and distance from the coast); location in relation to other areas (e.g.. amenity areas, spawning, nursery and fishing areas, and exploitable resources).
2. Rate of disposal per specific period.
3. Methods of packaging and containment, if they exist.
4. Initial dilution achieved by the proposed method of release, particularly the speed of the vessel.

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**Prevention of Sea Pollution From Land-Based Sources Law 1988  
(Translation)**

**Definitions**

1. In this Law:

“convention” means an international convention or any part of it, the subject of which is the regulation of sea pollution prevention from land-based sources, to which Israel is a party;



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“permit” means a permit under this Law;

“the Minister” means the Minister of the Environment;

“sea pollution” includes action or fault in violation of section 2;

“sea” means the Mediterranean, the Red Sea, and the Dead Sea, including their coasts up to the fresh water line;

“land-based sources” means any land source including an affixed marine source and excluding vessels as defined in the Prevention of Sea Pollution (Dumping of Waste) Law, 1983;

“waste” means substance of any kind or form;

“sewage” means waste disposed of through flow, including sludge and suspended solids.

Prohibitions

2. No person shall dump or cause to flow into the sea waste or sewage from a land-based source, in order to dispose of them in the sea, directly or indirectly, save under a permit pursuant to this law and the regulations promulgated according to it; provided that a permit shall not be granted to types of waste or sewage forbidden by regulations according to section 14(a)(1).

Permits  
Committee

3. (a) The Minister shall appoint a Committee for issuing permits which will include:

- (1) a representative of the Minister who shall be the chairman;
- (2) a representative of the Minister of Defense;
- (3) a representative of the Minister of Health;
- (4) a representative of the Minister of Industry and Commerce;
- (5) a representative of the Minister of Agriculture;
- (6) a representative of the Minister of Tourism;
- (7) a representative of the Minister of Transport.

(b) Notice of the appointment and address of the Committee shall be published in *Reshumot*.

(c) The Committee shall prescribe its working procedures in so far as it is not prescribed under this law; the Committee may delegate powers as to particular types of permits to its chairman or to a team from among its members provided that conditions in a permit which related to the operation of a port shall be prescribed with the consent of the Minister of Transport.

Report on  
permits  
implementation

4. A person who has received a permit shall report, in the prescribed manner, the dumping of waste or flow of sewage into the sea respectively.

Inspectors

5. (a) The Minister shall appoint inspectors for the purposes of this Law.
- (b) For the purposes of enforcing this Law an inspector may enter any place from which he has reasonable grounds to believe that waste is dumped or sewage flows into the sea. However, he shall not enter:
- (1) a place used for residence only except under a court order;
  - (2) a place held by the Defense Forces, except with the permission of the Minister of Defense or whomever he has authorized.
- (c) When entering a place as described under section (b), an inspector may take samples of any waste or sewage which may, in his opinion, cause the pollution of the sea, or which may be used as evidence of an offense according to this Law; the aforesaid samples may be tested in a laboratory or treated in any other way.
- (d) The Minister of Police may empower an inspector to carry out investigations and searches in order to prevent or to discover offenses against this Law; in exercising such power:
- (1) the inspector may exercise any power vested in a police officer of the rank of inspector by section 2 of the Criminal Procedure (Evidence) Ordinance, and section 3 of that Ordinance shall apply to a statement taken down by him by virtue of such power;
  - (2) for the purpose of section 24(a)(1) of the Criminal Procedures (Arrest and Search) Ordinance (New Version), 1969, an inspector shall be considered a police officer.

Penalties

6. (a) A person who contravenes the provisions of section 2 shall be liable to imprisonment for a term of one year or a fine of fifty thousand new shekels; and if the offense continues he shall be fined an additional one thousand new shekels for each day the offense continues after his conviction.
- (b) A person who contravenes any other provision of this Law or any regulation promulgated according to this Law or a permit granted pursuant to this Law shall be liable to a fine; and if the offense continues he shall be fined an additional one hundred new shekels for each day the offense continues after his conviction.
- (c) Wherever an offense under this Law was committed by a corporation, any person serving as an active manager, partner (other than a limited partner), or officer of the corporation responsible for the aforementioned matter when the offense took place shall be charged with the offense, unless he has proven that the offense was committed without his knowledge, and that he has taken all reasonable measures to ensure the fulfillment of this law.

Defense

7. It shall be a good defense in proceedings for an offense under section 2 if it can be proven that the dumping or flow of waste into the sea was necessary due to an accident or damage, or due to a real danger to human life; and that all reasonable measures were undertaken to prevent the dump or flow of waste into the sea.

*Section E: Marine Pollution*

- Complaint**      8.      A complaint as described under section 68 of the Criminal Procedure Law, 1982 will not be submitted unless:
- (1)      the complainant is one of the following:
    - (a)      any person -- for an offense that was committed in his private domain or which caused damage to his property;
    - (b)      a local authority -- for an offense committed within its jurisdiction;
    - (c)      any of the public or professional bodies determined by section 100(3) of the Planning and Building Law, 1965.
  - (2)      the complainant notified the Minister of his intention to submit a complaint and within 60 days an indictment was not filed by the Attorney General.
  - (3)      the offense which is the subject of the complaint did not occur within the limits of a port as defined in the Ports Ordinance (New Version), 1971.
- Order for cleaning expenses**      9.      (a)      A court that convicted a person of an offense under this Law may, in its sentence, in addition to any other penalty it may impose, order him to pay all or part of the expenses as described hereinafter, whatever the amount, if an application is submitted by the person who incurred them:
- (1)      expenses for cleaning the sea, the beach and all objects which were polluted by the dumping of waste or the flow of sewage;
  - (2)      expenses incurred for locating the waste that was dumped or caused to flow into the sea in order to prevent the spread of the sea pollution and in order to reduce the amount of damage caused.
  - (b)      Where more than one person is convicted of an offense, the court may, in its decision under this section, impose the payment of the expenses on all or some of them, jointly or severally, or it may apportion the sum among them, as it deems proper according to the situation.
  - (c)      Where the court does not give a substantive decision on an application under this section, such fact shall not derogate from the right of the person who incurred the expenses to claim them in an ordinary action.
- Destination of fines**      10.      Fines imposed for an offense under this Law shall be paid to the fund established under section 13 of the Prevention of Sea Water Pollution by Oil Ordinance (New Version), 1980.
- Conditioning of licenses**      11.      The granting of licenses according to the Licensing of Businesses Law, 1968, according to any law for the building or managing of a plant shall be regarded as dependent on fulfilling the provisions of this law.
- Saving of laws**      12.      The provisions of this Law shall not derogate from any other law.

- Applicability to State 13. This law shall apply also to the State.
- Implementation and regulations 14. (a) The Minister is responsible for the implementation of this Law and he may, with the approval of the Interior and Environmental Committees of the Knesset, promulgate regulations in the following matters:
- (1) types of waste and sewage which may not be dumped or caused to flow into the sea;
  - (2) conditions for the issue of permits;
  - (3) procedures for the issue, renewal, alteration or cancellation of permits;
  - (4) any other matter regarding implementation of this Law.
- (b) Regulations according to subsections a(1) and (2) shall be promulgated according to the provisions of Conventions.
- (c) The Minister, with the consent of the Minister of Finance and the approval of the Interior and Environmental Committees of the Knesset, may promulgate regulations regarding the imposition of fees for the application for issue of a permit or for its renewal, and regarding the destination of those fees.
- Amendment of the Criminal Procedure Law 15. The following shall be added at the end of the second annex to the Criminal Procedure Law (Consolidated Version), 1982:
- “14. An offense under section 2 of the Prevention of Sea Pollution from Land Based Sources Law, 1988, subject to the restrictions specified in section 8 of the aforementioned law.”
- Commencement 16. This Law shall come into force on January 1, 1990.

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### **Prevention of Sea Pollution From Land Based Sources Regulations, 1990 (Translation)**

By the authority vested in me under Section 14 of the *Prevention of Sea Pollution from Land Based Sources Law, 1988*, (hereinafter, “the Law”), and with the approval of the Interior and Environmental Committee of the Knesset, I hereby promulgate the following regulations:

- Definitions 1. “permit application” includes an application for the renewal of a permit;
- “best available technology economically achievable” means the best up-to-date technology existing for the prevention of sea pollution which is in use and economically achievable;

*Section E: Marine Pollution*

“the Committee” means the Permits Issue Committee as appointed under Section 3 of the Law;

“a permit” means a permit to dump waste or cause sewage to flow into the sea from a land-based source in order to dispose of them in the sea;

“land-based source” is as defined by the Law, in which waste or sewage that may cause sea pollution are created or processed.

“monitoring” means sampling and checking, continuously, periodically or occasionally.

- Application for permit 2. An application for a permit shall be submitted to the Committee in writing and shall include the details specified in Annex One; submission of information according to sections 5 and 6(1) of Annex One shall be limited to information within the knowledge of the applicant.
- Completion of the application 3. (a) The Committee may request further information from the applicant in addition to the information submitted according to Regulation 2, if, in its opinion, the additional information is necessary for the processing of the application. The Committee may request the applicant to submit data, test results or a professional opinion.
- (b) A request as described under Sub regulation (a) shall be presented to the applicant not later than 45 days from the submission of the application.
- Consideration and decision concerning application 4. (a) The Committee shall consider and decide upon an application within 75 days of its submission, and in the case of a request under Regulation 3, of the submission of the additional data requested.
- (b) The chairman of the Committee may, at the applicant’s request, decide upon closed-door confidential Committee deliberations.
- (c) The Committee may approve an application with or without conditions or deny it.
- (d) When the Committee has decided to approve an application, the chairman of the Committee shall grant the permit to the applicant as soon as possible.
- (e) When the Committee has decided to deny an application, the chairman of the Committee shall inform the applicant in a written, justified notification.
- (f) The Committee may reconsider terms specified in a permit or an application that it denied, if requested to do so by a Committee member or by the applicant in a written application.
- Application Fee 5. The applicant shall pay an application fee for filing an application for a permit.

- Prohibition to grant a permit
6. The Committee shall not allow the dumping or flowing of waste or sewage in the following cases:
- (1) If there are, in its opinion, on-land waste or sewage treatment or disposal alternatives, or methods for waste or sewage re-use, or appropriate low-waste technology alternatives; provided that these alternatives are usable, economically achievable and less harmful to the environment.
  - (2) The waste or sewage contain substances among those listed in the second Annex and the provisions of Regulations 7(2) or (3) are not sustained.
- Granting a permit
7. The Committee may allow waste or sewage to be dumped or caused to flow into the sea if:
- (1) they do not contain substances listed in the second Annex;
  - (2) they do contain substances listed in the second Annex but the applicant has proved, to the satisfaction of the Committee, that the best available technologies existing for treatment of waste or sewage have been utilized prior to the dumping;
  - (3) there is no reasonable technical possibility of preventing the dump or flow due to an extraordinary event.

*Materials that may not be dumped or caused to flow into the sea:* the list of substances specified in this section is based on the Protocol for the Protection of the Mediterranean Sea Against Pollution From Land Based Sources, the Annex to the Convention for the Protection of the Mediterranean Sea Against Pollution, Barcelona, 1976, and is translated here in full:

1. The following substances, families and groups of substances...have been selected mainly on the basis of their toxicity, persistence and bio-accumulation:
  - (1) Organohalogen compounds and substances which may form such compounds in the marine environment;
  - (2) Organophosphorus compounds and substances which may form such compounds in the marine environment;
  - (3) Organotin compounds and substances which may form such compounds in the marine environment;
  - (4) Mercury and mercury compounds;
  - (5) Cadmium and cadmium compounds;
  - (6) Used lubricating oils;
  - (7) Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea;

*Section E: Marine Pollution*

- (8) Substances having proven carcinogenic, teratogenic, or mutagenic properties in or through the marine environment;
- (9) Radioactive substances, including their wastes, when their dump or flow do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment.

Note: in subsections (1), (2), and (3), materials which are biologically harmless or which are rapidly converted into biologically harmless substances are excepted.

2. Substances, families and groups of substances or sources of pollution as detailed in annex II to the Protocol...while taking into account that they are generally less noxious or are more readily rendered harmless by natural processes:

- (1) The following elements and their compounds: zinc, copper, nickel, chromium, lead, selenium, arsenic, antimony, molybdenum, titanium, tin, barium, beryllium, boron, uranium, vanadium, cobalt, thallium, tellurium.
- (2) Biocides and their derivatives not covered in annex I [of the Protocol];
- (3) Organosilicon compounds and substances which may form such compounds in the marine environment, excluding those which are biologically harmless or are rapidly converted into biologically harmless substances;
- (4) Crude oil and hydrocarbons of any origin;
- (5) Cyanides and fluorides;
- (6) Non-biodegradable detergents and other surface-active substances;
- (7) Inorganic compounds of phosphorus and elemental phosphorus;
- (8) Pathogenic microorganisms;
- (9) Thermal discharges;
- (10) Substances which have a deleterious effect on the taste or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment;
- (11) Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication;
- (12) Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea water;
- (13) Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are dumped.

## **Ports Ordinance (New Version), 1971 (Summary)**

This Ordinance prescribes the proper conduct within a port, including the power and functions of port officers and managers, licensing requirements, delivery and handling of goods, the handling of unclaimed merchandise, the removal of sunken and abandoned vessels, port fees and tariffs, penalties for desertion of vessels and other offenses. The ports included in this Ordinance are the ports of Eilat, Ashdod, Ashkelon, Haifa, Tiberias, Jaffa, Acre, Tel Aviv, and any place that the Minister of Transport declares to be a port. Relevant features of the Ports Ordinance include:

### *Responsibilities of the Minister of Transport*

- The Minister of Transport is responsible for the implementation of this Law. He may "declare any place in Israel to be a port", and may prescribe tariffs for any service in the port. In addition, he may promulgate regulations as to:
  - Δ the licensing of vessels, the registration and measurement of vessels, the seaworthiness of vessels, and the control of vessels "entering or within any port";
  - Δ port fees such as buoyage fees, anchorage fees, storage fees, passenger dues, wharfage fees on goods, and other fees;
  - Δ the qualifications, certification and performance of pilots, sailors, engineers and officers of vessels;
  - Δ the loading and unloading, and storage and delivery of goods;
  - Δ the implementation of international shipping conventions to which Israel is a party;
  - Δ the "protection, preservation and safety of vessels, merchandise, animals and persons within the port"; and the safety of navigation and human life in territorial waters, lakes, rivers and other navigable places...";
- The Minister may also promulgate regulations "prohibiting the pollution of the port waters, a water-way, a navigable river, or any place on land from which pollution may spread to a port, waterway or navigable river...it shall be immaterial whether pollution originates in waste material or in any other solid or liquid matter; regulations under this subparagraph may only be made after consultation with the Minister of Health".

### *Removal of Sunken and Abandoned Vessels*

- The Officer in Charge of Ports may require that an owner remove or destroy a sunken, abandoned or stranded vessel if he feel that the vessel is, or is likely to become, "an obstruction or danger to navigation or an obstruction in the use of a port". The Officer in Charge of Ports may take it upon himself to destroy or remove a vessel at the owner's expense if the owner does not comply with the order within the required amount of time.



## Ports Authority Law, 1961 (Summary)

A Ports Authority is established by this Law as a corporation to manage Israel's ports, which were previously managed by the Government. According to the Law, the "functions of the Authority shall be to plan, build, develop, manage, maintain, operate and control the ports" of Eilat, Ashdod, Haifa, Jaffa and Tel Aviv, each as a "self-supporting enterprise". The Minister of Transport is responsible for the implementation of this Law and the general supervision of the Ports Authority.

### *The Authority*

- The Authority consists of eleven to thirteen members, a majority of which must be public representatives and the remainder State employees. Members of the Authority are appointed by the Government upon the nomination of the Minister of Transport, and serve a term of three years.
- Public representatives of the Ports Authority must include members of Israel's largest labor union and representatives of the export industry.
- Members of the Ports Authority serve on a volunteer basis and receive no remuneration for their efforts.

### *Functions of the Authority*

- The Authority shall appoint a Director General of the Authority and a Deputy Director of the Authority upon the proposal of the Minister of Transport, and define their functions. The Director "shall be responsible to the Authority for the carrying out of the functions and decisions of the Authority".
- The Authority shall appoint port managers and may employ employees. Port managers are responsible to the Director General of the Authority.
- The Authority may propose the making of regulations under the *Ports Ordinance* relating to its ports to the Minister of Transport. Regulations concerning Port Authority ports may be promulgated by the Minister only after consultation with the Authority.
- The Authority is responsible to "prescribe rules for the operation, management and control of its ports and for the efficient exercise of its functions and powers under this Law". The approval of the Minister of Transport is required to close a port.
- The Authority must submit a budget and account sheet to the Ministry of Transport each year.

### *Port Councils*

- The Government may establish a "Port Council" for any of its ports, composed of state employees, a member of the Authority, a representative of the World Zionist Organization and representatives of the public and the exporting industry.
- "The functions of a Port Council shall be to maintain, operate and manage, economically and efficiently, through the port manager...the port for which it has been appointed". However, the Port Council must act within a budget approved by the Authority. A Port

*Israel's Environmental Laws*

**Council may submit to the Minister of Transport for his approval rules for the management of a port.**

**The Minister of Transport will decide on all disagreements between a Port Council and the Ports Authority.**

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**SECTION F:  
HAZARDOUS SUBSTANCES AND  
SOLID WASTE**

## **Hazardous Substances: Division of Ministerial Responsibilities**

The provisions concerning hazardous substances and solid waste in Israel are contained in numerous statutes and regulations, implemented by a range of government agencies. This section contains a sampling of some of the more important laws regulating these areas. In addition to the authorities of the Ministry of the Environment delineated in this legislation, the following is a list of government ministries' involvement in the area of hazardous substances:

### **Ministry of Health:**

Extensive authority through the *Licensing of Businesses Law* and the *Public Health Ordinance* to regulate hazardous substances in food products, in particular pesticide residues, as well as medical and pharmaceutical products, and cosmetics.

### **Ministry of Agriculture:**

Complete jurisdiction regarding registration and application of pesticides as well as authority to enforce water pollution standards through Israel's Water Commissioner.

### **Ministry of Interior:**

Direct responsibility for services involving potential emergencies from accidents involving hazardous substances through oversight of firefighting units and indirect oversight of local authorities and municipalities.

### **Ministry of Labor and Welfare:**

Overall responsibility for regulating occupational exposures to hazardous substances through the *Safety in Work Ordinance, 1970*, and a series of additional labor laws.

### **Ministry of Transportation:**

Regulation of transport of hazardous substances and wastes in the air, the sea, and on land according to the relevant legislation.

### **Ministry of Defense:**

Control of the extensive use of hazardous substances in military installations and industries as well as overall responsibility for emergency disaster response through the *Civil Defense Law, 1951*.

### **Ministry of Industry and Commerce:**

Indirect involvement through its overall regulation of industry and direct responsibility regarding import and export of materials and as administrators of the Israel Bureau of Standards.

### **Prime Minister's Office:**

As the responsible agency for nuclear development, their role focuses on regulation of nuclear facilities and wastes.

### **Ministry of Energy:**

Regulator in its capacity as overseeing Ministry for Israel's petrochemical industry as well as electric and fuel utilities.

### **Ministry of the Environment:**

Beyond its media-specific authorities to reduce toxic air, water, and marine pollution, as the following laws indicate, the Ministry of the Environment plays a central role in specifying conditions for handling and treatment of hazardous materials and wastes.

## **Hazardous Substances Law, 1993 (Summary)**

The Hazardous Substances Law originates from the separation of existing authorities within the framework of the Pharmacists Ordinance, and is based upon the government decision to transfer responsibility for toxic substances and harmful chemicals from the Ministry of Health to the Ministry of the Environment. Regulations of pharmaceuticals and medical drugs remain the responsibility of the Ministry of Health. The Hazardous Substances Law, with its attached listings of toxic substances and hazardous chemicals provides the Ministry of the Environment with the authority for the comprehensive management of hazardous substances.

**Authority.** The Minister of the Environment is responsible for the implementation of this Law. The Minister may promulgate regulations as to:

- Δ classification of hazardous substances, in accordance to their use, degree of toxicity or risk;
- Δ the manufacture, import, export, packaging, commerce, issue, transfer, storage maintenance and use of hazardous substances.

**Licensing.** The Law establishes a licensing requirement, in accordance with the Licensing of Businesses Law, for any premise engaged in the sale of hazardous substances and a permit requirement for any business dealing in toxic substances (poisons). Furthermore, authority is granted to the customs office to stop the delivery of imported toxic substances to anyone not holding the proper permit or certificate of authorization from the Ministry of the Environment.

The holder of a poisons permit is required to maintain a toxic substances register in which all sales and purchases of poisons are recorded. Other provisions of the Law relate to the storage of toxic substances and to other restrictions on the sale of toxic substances by manufacturers, wholesalers and retailers.

The Minister of the Environment may, with the approval of the Knesset Interior and Environmental Committee, set fees for the granting or renewal of permits.

**Penalty.** Contravention of the Law or its regulations carries a fine, six months imprisonment, confiscation of the articles in respect of which the offense was committed and withdrawal of the permit, on a permanent or temporary basis.

An authorized representative of the Minister of the Environment may enter any premise handling hazardous substances, with the exception of a pharmacy selling medicines, for purposes of inspection or investigation. Samples may be collected, and the representative may prohibit the sale of certain hazardous substances until the completion of the investigation.

## Licensing of Business Regulations (Disposal of Hazardous Substances), 1990 (Translation)

By the authority vested in me under Section 10 of the *Licensing of Businesses Law, 1968* (hereinafter, "the Law") and under Section 62b of the *Public Health Ordinance, 1940*, I hereby promulgate the following regulations:

Definitions 1. In these regulations:

"the owner of a plant" means one of the following:

- (1) the business license holder or the applicant for a business license, whichever is the case;
- (2) the person under whose supervision, inspection, or management the plant operates.

"the Director" means the Director General of the Ministry of the Environment or whosoever he authorizes for the purposes of these Regulations, in whole or in part.

"hazardous substance" means explosive, inflammable, oxidizing, corrosive, caustic, or poisonous substance which has a United Nations Number; in every phase, as described in Parts A and B of the First Appendix to the *Supervision of Commodities and Services (Transport and Trailer Services) Order, 1978* (hereinafter, "the Trailer Order");

"United Nations number" is as defined in the Trailer Order;

"plant" means a business that requires a license within the meaning of the Law, in which are stored, sold, processed or manufactured, hazardous substances or the waste thereof; or in which hazardous substances are generated during the processing or manufacturing stages.

"disposal" includes treatment of hazardous substances or waste and their transferral from the place where they are situated.

"waste" means substance of any type containing hazardous substances, that is disposed of from a plant or which is designated for disposal, or which is to be disposed of by the Director's decision.

Disposal of the waste from hazardous substances

2. (a) The owner of a plant shall dispose of all waste that is generated by or found in that plant, as soon as possible and not later than six months from the time of its generation, at the neutralization and treatment of industrial wastes and hazardous substances plant at Ramat Hovav (hereinafter "Hazardous Waste Site"); the disposed waste shall be packed and transported in accordance with the law and subject to the Director's guidelines.

(b) The owner in charge of a plant shall not dispose of and shall not allow another to dispose of, waste from his plant, in a manner or at a location that is not stipulated by these Regulations unless the disposal is for the purpose of recycling or re-use of the waste, or for another purpose, subject to the prior approval of the Director.

*Section F: Hazardous Substances and Solid Waste*

- Preserving of documents** 3. The owner of a plant shall maintain and keep at his offices the invoices of the Hazardous Waste Site or of the recycling or re-use locations, whichever is the case, and shall present them to the Director, to the Licensing Authority, or to anyone empowered on their behalf, in order to prove that the disposal of waste was carried out as required.
- Commencement** 4. These regulations shall come into force six months from the date of their publication.

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## **Animal Diseases Ordinance, (New Version) 1985 (Summary)**

### *Prevention of Disease Spread*

- A person who has in his care an animal [listed in the First Annex] who has a disease [listed in the Second Annex] or who is suspected of having a disease must inform the city or local authorities, including the official veterinarian if one exists or the local police. He must also quarantine the animal from other, unaffected animals, and tie or cage the animal.
- All of the above mentioned people are responsible to notify the State Veterinarian of a diseased animal, of the suspected spread of a disease, or of the death of an animal under suspicious circumstances. The State Veterinarian is then authorized to take any steps necessary to determine the existence and type of disease. When he is convinced that such a disease exists, he must report to the Veterinary Authority.
- The director of the Veterinary Authority or the State Veterinarian may declare an area to be an "infected area". No one may convey an animal into, or remove an animal from, such an area without written permission from the State Veterinarian. Further, a person may not leave an infected area until he has complied with the orders of the State Veterinarian or Inspector, and he may not remove any item from the area that came in contact with infected animals.
- The State Veterinarian may order the slaughter of a diseased animal or an animal exposed to a disease. The State Veterinarian or regional officer may give orders as to the removal (including destruction or burial) of an animal who died or was slaughtered due to a disease; he may further order the removal of materials which came in contact with the animal, including materials lining cages or stalls (hereinafter, "lining"), fodder, and excrement.
- In order to prevent the spread of disease, the State Veterinarian or Inspector may order the disinfection, vaccination or other treatment, branding, dipping, spraying or quarantine of any animal. He may further order the disinfection of any building or item which came into contact with an infected animal. The State Veterinarian may require blood tests or any other tests to diagnose a disease.
- The State Veterinarian may forbid the use of an animal's by-products, especially milk, for a specified time period. He may further forbid or allow the sale of animals, or their slaughter for use as food, or the sale of corpses for food.
- The State Veterinarian, Local Officer or Inspector may enter any place to ascertain that it contains no animals, corpses, fodder, excrement or lining, and that the provisions of this Ordinance have not been contravened.

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- Owners of animals slaughtered under this Ordinance are entitled to Governmental compensation up to half the value of the animal if it were not sick. Owners of dogs, cats or monkeys are not entitled to compensation; nor are owners whose animals were sick before they were imported into the country or which were imported illegally.
- A person who contravenes this law is liable to imprisonment for one year. Animals involved may be impounded.

**Authority** The Minister of Agriculture is responsible for the implementation of this law. He may remove or add animals or diseases to the annexes below as the need arises. In addition, he may promulgate regulations under this Law, as to, *inter alia*,

- Δ the examination, quarantine, disinfection, transfer, branding, immersion, testing, or slaughter of animals infected or suspected of being infected with a disease; animals exposed to infected animals; or animals particularly sensitive to infection with a disease;
- Δ the cleaning and disinfection of buildings, vehicles or other places in which animals were kept or marketed;
- Δ the disinfection of people, their clothes and their personal belongings, who were present in an "infected area" or who came into contact with infected animals;
- Δ the quarantine of infected animals, animals exposed to infection, or animals particularly sensitive to infection;
- Δ the destruction or other treatment of corpses, fodder, tools, excrement, lining, or other materials that came in contact with the infected area;
- Δ the establishment of slaughterhouses and their regulation;
- Δ the regulation or prohibition of import or use of disease-causing organisms and other materials such as plasma used in the treatment or diagnosis of animal diseases;
- Δ the impounding of animals when the instructions in this Ordinance have not been carried out;
- Δ the prevention of the spread of animal disease;
- Δ fees for examination, disinfection, laboratory tests, dipping, or slaughter of animals; for feeding and care of quarantined animals; for disinfection of animal parts; for licenses or other documents; or for other expenditures of the State according to this Ordinance.



Section F: Hazardous Substances and Solid Waste

First Annex

Animals included in this Ordinance are:

<b>Livestock:</b>	<b>Fur Animals:</b>	<b>Birds:</b>	<b>Other Animals:</b>
cattle	mink	chickens	dogs
sheep	chinchillas	geese	cats
buffalo	nutrias	ducks	monkeys
camels	fox	turkeys	hamsters
horses	ocelot	doves	rats
asses		swans	mice
donkeys		mallards	mammalian,
pigs		peafowl	amphibian and
rabbits		guinea fowl	reptilian wild
		ostrich	animals
		quail	bees
		pheasant	fish
		the eggs of the above	
		birds	

Second Annex

Diseases included in this Ordinance:

Variola	Equorum	Trichomoniasis bovim	Newcastle disease
Agalactia contagiosa	Meningo-encephalitis	Gangraena emphysematosa	Pullorum-gallinarum
Ovium et caprarum	Meleagridis	Febris catarrhalis ovium	Coryza gangrenosa bovim
Anaplasmosis	Encephalomyelitis avium	Lyssa (Rabies)*	Malleus*
Babesiosis	Lymphangitis	Leucosis bovim	Salmonellosis*
Bronchitis infectiosa	Epizootica	Leishmaniasis canum*	Enterotoxaemia ovium et
Avium	Rhinotracheitis	Listeriosis*	caprarum
Brucellosis*	Infectiosa bovim	Leptospirosis*	Scrapie
Paratuberculosis	Pleuropneumonia	Laryngotracheitis	Q fever*
Anthrax*	Contagiosa bovim	Infectiosa avium	Rift Valley fever*
Scabies	Pleuropneumonia	Arizonosis	Lumpy skin disease
Pestis bovim	Contagiosa	Apthae epizootica	Histolysis infectiosa
Pestis suum	Caprarum	Trichinosis*	perniciosa
Pestis equorum	Ornithosis et psittacosis*	Varroa Jacobsoni	Histolysis infectiosa
Pestis avium	Erysipelas*	Cysticercosis bovim*	Tuberculosis*
Exanthema coitale	Vibriosis genitalis	Neurolymphomatosis	Thelleriosis
paralyticum	Bovum et ovium	Gallinarum (Marek's dis.)	
Encephalomyelitis	Anemia infectiosa equorum	Pneumoencephalitis	

\* Diseases which pose a threat to humans

## **Plant Protection Law, 1956 (Summary)**

### **Authority**

- **The Minister of Agriculture, following consultation with an advisory committee appointed by him and consisting of public representatives and government workers, is authorized to:**
  - Δ **Regulate the movement, including import or export, of "pests", defined as "any plant or animal material, including bacteria and viruses, which causes disease in, or any other damage to, plants."**
  - Δ **Regulate the import, sale, distribution and packaging of pesticides, fertilizers and other materials.**
  - Δ **Regulate the movement of plants or plant products or their containers, including limiting or forbidding their import or export. The Minister may also require by regulation the certification of the health of plants intended for export.**
  - Δ **Regulate the creation and sale of plants used for propagation.**
  - Δ **Take action to eliminate or prevent the spread of pests. The Minister may order the destruction of plants or their containers, whether or not these are infested, if he considers it essential to prevent the spread of pests. He is also authorized, by order, to "regulate, limit or forbid the cultivation of certain plants for a certain time period if he deems it necessary to prevent infestations or their spread." Such an order must be approved within 60 days by the Economic Committee of the Knesset.**
  - Δ **Regulate the use of pesticides and require a permit for their use. He may also make regulations as to the safe use of pesticides or forbid or limit the use of certain pesticides if he finds them to be dangerous to human health.**
  - Δ **Appoint the Pesticide Committee and the Advisory Committee (see below). He may also appoint inspectors to oversee the safe implementation of the plan.**
- **A "Pesticide Committee" is established by the Law. The Committee is appointed by the Minister of Agriculture and is composed of public representatives and government workers, and includes at least one representative of the Minister of Health, one representative of the National Parks Authority, and one representative of the Nature Reserves Authority. The Committee:**
  - Δ **Prepares plans ("pest control plan") to carry out the orders of the Minister of Agriculture.**
- **An Appeals Committee, headed by a judge appointed by the Minister of Justice, is formed to hear complaints of those who feel themselves aggrieved by a pest control plan.**

### **Public Announcement of Pest Control Plans**

- **The Minister of Agriculture is required to notify the local authority in which a pest control plan is to be carried out. He is further required to announce the plan by radio and place announcements in two newspapers with readership in the area. He is not required to announce unexpected last minute changes to the plan, nor must he announce emergency plans which must be carried out without delay. He is not required to notify the public of pest control plans in areas where pesticides are unlikely to be a health hazard for humans or animals.**

*Payment for Pest Control*

- Those who benefit -- either by the direct spraying of their land, or indirectly -- from the carrying out of the pest control plan are required to pay the costs. The Minister of Agriculture may apportion the costs of the pest control among them as he sees fit.

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**Solid Waste: Introduction**

The disposal of solid waste is primarily within the jurisdiction of municipalities and largely governed by municipal by-laws which determine the legal and administrative arrangements for collection and disposal. At the time of compiling this document, major legislation is being prepared to facilitate recycling of solid waste.

Siting of waste disposal locations is within the authority of municipalities and subject to the Planning and Building Law and Regulations as well as the National Outline Scheme for Solid Waste. Plans are underway for comprehensive solid waste legislation. In addition, the following laws are relevant.

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## Maintenance of Cleanliness Law, 1984 (Translation)

Definitions

1. In this Law --

"scrap vehicles" means vehicles discarded on account of age or on being dismantled or declared a total loss, as well as frames or parts of any such vehicles;

"throwing" includes flinging, pouring, abandoning or relinquishing;

"vessels" as defined in the *Port Ordinance (New Version), 1971*;

"beverage container" means a receptacle for one-time use, made of metal, glass, plastic, paper or any other material, in which any beverage, other than milk or a milk product is marketed, whether such receptacle is empty or full;

"waste" includes food remnants, peel, paper, bottles, boxes, tins, cartons, packages of any sort, scrap, pieces of wood, planks, rags, cigarette butts and refuse of any kind, as well as anything else likely to cause uncleanness or untidiness, but does not include building debris and vehicle scrap;

"building debris" means materials and remnants of materials used for building or in connection with building operations and includes piles of earth and parts of wrecked structures;

"vehicle", "commercial vehicle" and "public vehicle" have the same respective meanings as in the *Traffic Ordinance*;

"public domain" means any place which the public are permitted to use or cross over or actually use or cross over;

"local authority" does not include a local committee.

Prohibition of defilement and of throwing away waste

2. No person shall throw any waste, building debris or vehicle scrap into the public domain or from the public domain into the private domain, or defile the public domain.

Responsibility for minors in a vehicle.

3. No person having charge of a minor under thirteen years of age who is with him in a vehicle shall let such minor throw any waste out of the vehicle.

Presumptions as to throwing waste or building debris out of vehicle.

4. (a) Where it is proved that any waste or building debris was thrown out of a vehicle, then, for the purposes of section 2, the owner of the vehicle or the person responsible for the vehicle shall be deemed to have thrown the waste or building debris unless he proves that he did not do so and proves who was in control of the vehicle at the time of throwing or that the vehicle had been taken without his consent.

*Section F: Hazardous Substances and Solid Waste*

(b) Where it is proved that any waste or building debris was thrown out of a vehicle, then, for the purposes of section 2, the person who was driving the vehicle at the time shall be deemed to have thrown the waste or building debris unless he proves that he did not do so and who in fact did; this provision shall not apply to a person driving a bus or a public vehicle, other than a taxi, or to a person driving a pickup truck if the waste or building debris was thrown out of the part separate from the driver's cabin.

(c) Where it is proved that litter is thrown from a vessel, then for the purposes of section 2, its captain, operator or other responsible parties are liable for the discharge of the litter unless he can prove that he did not litter and that the discharge of litter was done without his knowledge and that he took all reasonable measures to prevent the discharge and to identify the individual who discharged the litter.

Presumption as to vehicle scrap.

5. Where any vehicle scrap has been thrown away, then, for the purposes of section 2, the owner thereof shall be deemed to have thrown it away unless he proves both that he did not do so and who was in control of the vehicle scrap at the time or that the vehicle scrap was taken without his consent.

Presumption of defiling in the public domain

5A. (a) Whoever writes, draws, sketches, or carves on another individual's land unlawfully pastes, hangs, leans or posts upon it unlawfully any writing, notice, or sign is seen as defiling the public domain for the purposes of section 2.

(b) If a writing, notice, or sign is pasted or posted as specified in subsection (a), liability for purposes of section 2, includes whomever, from the contents of the writing, notice, or sign appears to have ordered or authorized its preparation or pasting, unless he proves that he did not do so and that the action was taken without his knowledge and he took all reasonable measures to prevent the action.

(c) The statute of limitations for the offense in this section will be one year.

(d) In this section, "writing" includes pictures, sketches, or engravings.

Duty of affixing signs in vehicles.

6. In every bus or public vehicle or in the part of a pickup truck separate from the driver's cabin, the owner or driver of the vehicle shall affix conspicuous signs indicating the prohibition of throwing waste from the vehicle.

Sites for disposal of building debris and vehicle scrap.

7. (a) Subject to any law, a local authority shall determine sites for the disposal of building debris and vehicle scrap either within, or, in coordination with the local authority concerned, outside its area. A determination as aforesaid may be made by several local authorities jointly and it may be made at the direction of the Minister of the Environment.

(b) A local authority may prescribe that a site as referred to in subsection (a) shall be used also for the disposal of scrap other than vehicle scrap.

(c) The local authority shall publish a notice of the location of sites determined as aforesaid.

(d) No person shall clear away building debris, scrap or vehicle scrap save to a site as aforesaid.

(e) For the purposes of this section, "local authority" means a municipality or a local council.

Power to dispose of vehicle scrap

8. (a) A local authority or a person empowered in that behalf by the Minister of the Environment (such authority or person hereinafter referred to as a "competent authority") may dispose of vehicle scrap thrown away in either the public or the private domain, except scrap situated on the premises of a person in lawful possession thereof or lawfully conducting thereon a business in vehicle scrap.

(b) A competent authority shall not exercise its power to dispose of any vehicle scrap under this section unless it has requested the owner or possessor thereof, in writing, to clear it away within a period fixed in the request and he has failed to do so and a notice of the intention to dispose of the scrap has been affixed to it in a conspicuous position at least forty-eight hours before the disposal.

(c) Where the owner of the vehicle scrap cannot be identified, the competent authority may dispose of it if it has been in the same place for at least one month and if, in the circumstances of the case, it is reasonable to assume that the owner has given it up because of its low value.

(d) Where any vehicle scrap has been disposed of under subsection (a), the competent authority which disposed of it is entitled to be reimbursed for its expenses by the person to whom a request under subsection (b) was delivered; a certificate by the competent authority detailing those expenses shall be evidence thereof.

Abandoning a vehicle in the public domain

8A. (a) If a vehicle is abandoned in the public domain in one place for a period exceeding 60 days the competent authority may order it to be towed from its place.

(b) The competent authority will not utilize the aforementioned authority in subsection (a) unless they have demanded from the owner of the vehicle to remove it within a period which shall be determined in the demand, and informed him that if he does not do so, it is their intent to tow the vehicle and leave it in a place that is determined in the announcement.

(c) An announcement as specified in subsection (b) will be pasted on the car in a prominent place and sent by registered mail to the registered owner of the vehicle if it is possible to identify the owner, at least 14 days prior to towing.

*Section F: Hazardous Substances and Solid Waste*

**Sale of a vehicle that is towed or its return to its owner**

8B. (a) A vehicle that is towed as specified in section 8A and whose owner has not come to receive it within two months of the day that was served to him according to 8A(c), may be sold by the competent authority.

(b) If the owner of the vehicle has requested to receive it, the competent authority is entitled to demand return of expenses for the towing of the vehicle, storage, and the payment of any fines associated with use of this vehicle.

(c) If the vehicle is sold as in this section, the payment for the sale will be given to the vehicle owner, minus the expenses specified in subsection (b)

(d) A certificate from the competent authority which specifies the expenses mentioned in subsection (b) and (c) will be evidence of its expenses.

**Incentives for selling removal**

8C. The competent authority may, in the interest of encouraging removal of scrap vehicles and vehicles that are not in use, pay the owner of the vehicle to bring the vehicle to the scrap vehicle disposal site for a sum which can be determined.

**Legal status of scrap vehicles**

8D. A vehicle that was brought or towed according to sections 8 through 8C will be considered a scrap vehicle for the purposes of this law or the Transportation Ordinance and it will be the property of the competent authority.

**Notice on beverage containers.**

9. No person shall manufacture, and no importer shall market, any beverage container unless there is printed or impressed thereon, or on a label affixed thereto, a conspicuous notice as to the prohibition on throwing away waste, all as the Minister of Industry and Commerce may prescribe in consultation with the Minister of Health.

**Cleanliness Maintenance Fund.**

10. (a) There is hereby established a "Cleanliness Maintenance Fund" within the framework of the Ministry of the Environment (hereinafter referred to as "the Fund").

(b) The purpose of the Fund shall be to concentrate monetary resources for the maintenance of cleanliness and the prevention of throwing away waste, including the furtherance and encouragement of educational and informational activities, inspection and the enforcement of laws for the maintenance of cleanliness.

(c) The Minister of the Environment shall make regulations as to rules for the operation of the Fund.

(d) The moneys of the Fund shall be earmarked for its purposes only and shall be expended in accordance with the directions of the Minister of the Environment with the consent of the Minister of Finance.

(e) The moneys of the Fund shall derive from a charge under section 11, fines under section 13, appropriations from the State Budget and contributions.

(f) The Minister of the Environment shall report to the Home Affairs and Ecology Committee of the Knesset, at the end of every budget year, on the activities, income and expenditure of the fund.

Cleanliness maintenance charge.

11. (a) The Minister of the Environment shall, by regulations, impose a "cleanliness maintenance charge" (hereinafter referred to as "the charge") on manufacturers and importers of beverage containers; the rate, manner of linkage and modes of collection of the charge shall be prescribed with the consent of the Minister of Finance.

(b) The income from the charge shall be paid into the Fund.

(c) The *Taxes (Collection) Ordinance* shall apply to the collection of the charge.

Inspectors and cleanliness guards.

12. (a) The Minister of the Environment shall, for the purposes of this Law, appoint inspectors from among State employees and from among persons duly appointed wardens or inspectors under any enactment, as well as from lists of wardens and inspectors submitted to him by associations of towns, municipalities, local authorities, streams and springs authorities, drainage authorities, the Ports Authority, the Aerodromes Authority, the Israel Lands Administration, the Keren Kayemet Le-Yisrael, the National Parks Authority and the Nature Reserves Authority.

(b) An inspector as aforesaid shall have power to investigate offenses under this Law; in exercising such power --

(1) an inspector shall have the powers of a police officer under section 2 of the *Criminal Procedure (Arrest and Searches) Ordinance (New Version, 1969)*;

(2) an inspector may exercise all the powers vested in a police officer of the rank of inspector by section 2 of the *Criminal Procedure (Evidence) Ordinance*, and section 3 of that Ordinance shall apply to a statement taken down by virtue of such powers.

(c) The Minister of the Environment, or the head of a local authority in respect of the area of that authority and with the consent of a district commander of the Israel Police, may appoint any person to be a cleanliness guard. A cleanliness guard appointed as aforesaid may, after producing his cleanliness guard certificate, request a person who in his sight commits an offense against this Law to identify himself to him; a person requested to identify himself as aforesaid must do so.

Penalties and application of moneys of fines.

13 (a) A person who contravenes any provision of this Law is liable to a fine.

(b) A fine imposed for an offense under this Law shall be paid into the Fund:

Provided that where the fine is imposed by a Court of Local Matters, it shall be paid into the fund of the local authority in whose area the offense was committed.



*Section F: Hazardous Substances and Solid Waste*

**Order to pay  
cleaning  
expenses.**

14. (a) A court which convicts a person of an offense under this Law may, in the sentence, in addition to any penalty it may impose, order him to pay the expenses of cleaning if an application therefor is submitted to it by the person who incurred them.

(b) For the purpose of collecting the amount awarded, a decision under this section shall be deemed to be a judgment by the same court in a civil action.

(c) Where more than one person is convicted of an offense, the court may, in the decision under this section, impose the payment of the expenses on all or part of them, jointly or severally, or apportion the debt among them, as it may think proper in the circumstances of the case.

(d) Where the court does not give a substantive decision on an application under this section, such fact shall not affect the right of the person who incurred the expenses to recover them by an ordinary action.

**Responsibility  
of officers of  
body corporate.**

15. Where an offense under this Law is committed by a body corporate, every person who at the time of its commission is an active director or a partner, other than a limited partner, of the body corporate, or an employee thereof responsible for the matter in question, shall also be guilty of the offense unless he proves that it was committed without his knowledge and that he took all reasonable measures to ensure compliance with this Law.

**Implementation  
and regulations.**

16. (a) The Minister of the Environment is charged with the implementation of this Law and may make regulations as to any matters relating to its implementation.

(b) Regulations under this Law shall be made with the approval of the Interior and Environment Committees of the Knesset.

**Applicability to  
the State.**

17. This Law shall apply also to the State.

**Saving of laws.**

18. The provisions of this Law shall be in addition to and not in derogation of the provisions of any other law.

**Bylaws.**

19. A local authority may make bylaws as to any matter dealt with by this Law, except the matters dealt with by sections 9, 10 and 11 but including --

(1) the responsibility of the owner of a plot of land for the cleanliness thereof and the assignment of such responsibility also to a person who represents the owner for the purpose of the payment of taxes or in the matter of the commercial utilization of the plot or the preservation of the value thereof;

(2) the provision that the issue of a certificate under section 324 of the *Municipalities Ordinance* shall be conditional on the payment of any fine imposed under this Law or any bylaw made under this section.

**Radioactive Minerals Ordinance, 1947 (Summary)**

**This Ordinance forbids the prospecting or mining of radioactive minerals without a license granted by the Minister of Defense.**

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**SECTION G:  
PROTECTION OF NATURE**

## **Forest Ordinance, 1926 (Summary)**

### *Areas Reserved for Forests*

- The Minister of Agriculture may declare any non-privately owned land as a "forest-reserve". He may further, by order, declare all or part of any forest-reserve a "closed forest area" for the purposes of protecting endangered trees or for any other purpose.
- The Minister of Agriculture may order privately owned land to be under the protection of a Forest Official, appointed by him, when such action is in the public interest; or when removal of the trees is likely to threaten the water supply or damage nearby agricultural land. Such land is treated as a forest-reserve for as long as the order is valid. The owner of the land is responsible for all expenses related to the protection of the forest.
- The following activities are forbidden in a forest-reserve without a permit:
  - △ to remove forest products (logs, charcoal, sap or resin, gutta percha, tree oils, weeds, vines, thatch, leaves, fruit, seeds, roots, bark, fibers, nests or any other material or parts of trees and plants; turf, soil, or minerals);
  - △ to uproot or burn a tree; to remove its bark or damage it in any other way;
  - △ to burn grass or to start any fire without taking adequate measures to ensure that it will not spread; the Minister of Agriculture may forbid the lighting of any fires in certain areas or during certain seasons. In addition, smoking is forbidden in a forest-reserve from the fifteenth of March until the sixteenth of November each year;
  - △ to graze livestock or to allow them to enter a forest area;
  - △ to dig up the earth;
  - △ to build a dam or otherwise stop the flow of any river or stream;
  - △ to live in, or to build any building in a forest reserve.
- The gathering of dry firewood by residents of villages surrounding a forest-reserve is permitted.
- A Forest Official may grant a permit to remove forest products from a forest-reserve if such activity will not threaten the survival of the forest. He may also grant a permit to graze livestock in the forest-reserve.
- Anyone who contravenes this Law or knowingly purchases forest products from a forest-reserve is liable to a fine or six months imprisonment.

### *Forest Fires*

- Inhabitants of any village within five kilometers of a forest fire are required to assist in extinguishing it. A person who refuses to participate in fire fighting efforts is liable to a fine or imprisonment for fourteen days.

*Protected Trees*

- The Minister of Agriculture is authorized to declare certain trees to be "protected trees". Trees may be protected throughout the whole country or in a smaller area, and for an amount of time determined by the Minister.
- A person may not cut down or move protected trees, olive trees or carob trees without a permit.
- The following are declared protected trees from 1976 until 1996:

**In the whole country:**

Quercus	Cistus	Salix	Laurus nobilis
Pistacia	Cercis siliguastrum	Acacia	Ficus carica
Pinus	Styrax officinalis	Eucalyptus	Phoenix dactylifera
Tamarix	Phillyrea media	Casuarina	Ficus sycomorus
Arbutus	Zizyphus	Grevillea robusta	Schinus molle
Salvia	Populus	Cupressus	Cadrus

**In the north:**

Prosopis stepaniana	Zizyphus lotus
Poterium spinosum	Retama
Zizyphus spina christi	Myrtus communis

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**Streams and Springs Authorities Law, 1965 (Abridged Translation)**

- Definition 1. In this Law --
- "the Ministers" means the Minister of the Interior and the Minister of Agriculture\*;
- "the *Drainage Law*" means the *Drainage and Flood Control Law, 1957*;
- "the *Water Law*" means the *Water Law, 1959*;
- "local authority" means a local authority of any kind (a municipal corporation, a local council, or a regional council under section 5 (3) of the *Local Councils Ordinance, 1941*, or an association of towns, in the carrying out of whose functions a stream or water resource plays a part.

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\* The Minister of the Environment has been granted the following authorities under this Law by Government order:

- establish a stream authority following consultation with the local authority concerned in the matter, and, following consultation with the Ministers of the Interior and Agriculture, define the area of its authority (article 2). Pursuant to these authorities the Yarkon River Authority was established in 1988.;
- appoint the members of the authority and determine the number of representatives from each of the organisations concerned, or add members to a drainage authority to which the responsibilities of a stream authority have been added (articles 6 and 7);

- Establishment of stream authority or assignment of functions to drainage authority
2. The Ministers may, by order, after consultation with the local authorities concerned, establish an authority for a particular stream or part thereof, a spring or any other water resource (such an authority hereinafter referred to as a "stream authority") and define its area, or assign to a drainage authority, within the meaning of the *Drainage Law*, all or part of the functions of a stream authority under this Law. A stream authority shall only be established if, in the opinion of the Ministers, there is no justification for assigning its functions to an existing drainage authority.
- Functions of stream authority
3. (a) The function of a stream authority shall be to plan and carry out all or part of the following operations, as may be prescribed in an order under section 2:
- (1) the regulation of the flow of water in the stream, with a view to maintaining a suitable water level throughout the year;
  - (2) the regular drainage of the area of the authority;
  - (3) the fixing of an alignment for the stream, or the transfer of the water of the stream or water resource or with the changing flow of its water;
  - (4) the abatement of sanitary nuisances connected with pollution of the stream or water resource or with the changing flow of its water;
  - (5) the preservation of the landscape and amenities of nature along the stream, on both banks, or about the spring, except a stream or spring in a national park or nature reserve, within the meaning of the *National Parks, Nature Reserves and National Sites Law, 1963*, and the preparation of those areas for the purposes of gardens, recreation and sports;
  - (6) the regulation of the distribution of the water among those interested in it;
  - (7) the regulation of the manner in which the stream or water resource is used by those interested.
- (b) Drainage functions shall only be assigned to a stream authority together with some other function.
- Subjection to other laws
4. Save as otherwise expressly provided in this Law, a stream authority shall act subject to the *Water Law*, the regulations and determinations made thereunder and the powers of a national or regional water authority established thereunder, and subject to the provisions of every other enactment.
- Composition of stream authority
5. Members of a stream authority shall be --
- (1) representatives of the Government;

- 
- the responsibility of the Ministers to grant powers as set out in article 12.
  - the responsibility to permit financial activity of the stream authority and its budget (article 22);
  - the implementation of this Law and the promulgation of regulations as to any matter relating to its implementation (article 30).

*Section G: Protection of Nature*

(2) representatives of local authorities the area or part of the area of which is within the area of the stream authority; each kind of local authority shall have at least one representative;

(3) representatives of bodies corporate in the carrying out of whose functions or the exercise of whose powers the stream or water resource plays a part;

(4) representatives of bodies corporate in the carrying out of whose functions or the exercise of whose powers the stream or water resource plays a part;

(5) representatives of the owners and occupiers of land abutting on the stream or water resource and of the persons using water of the stream or water resource for the purposes of their employment, the land or employment not being situated or carried on within the area of a local authority and the owner, occupier or person carrying on the employment not being a body corporate as referred to in paragraph (3).

However, where the only function of a stream authority is the regulation of the distribution of the water among those interested in it and the regulation of the manner in which the stream or water resource is used by them, the authority may consist of representatives of the Government and representatives of the interested persons only.

Appointment of members of stream authority

6. (a) The members of a stream authority shall be appointed by the Ministers in such a manner as may be determined by them.

(b) The Ministers shall determine the number of the representatives of each kind of local authority and of each local authority of a particular kind and the number of the representatives of each of the other groups mentioned in section 5: Provided that the representatives of the Government shall not form a majority of the members of the authority, save with the approval of the Home Affairs Committee of the Knesset. However --

(1) the representatives of local authorities shall be appointed upon the recommendation of those local authorities; where the latter fail to notify the Ministers of their recommendation, the appointment shall be made without it;

(2) the representatives of bodies corporate as referred to in section 5 (4) shall be made in consultation with those bodies corporate;

(c) The Ministers may from time to time replace all or part of the representatives of the local authorities, with a view to giving representation, in the course of time, to all the local authorities in the area of the stream authority.

Enlargement of membership of drainage authority

7. Where, under section 2, functions of a stream authority have been assigned to a drainage authority, the Ministers may, to such extent and in such manner as shall be determined by order under section 2, add members to the drainage authority, from the groups mentioned in section 5, for the purpose of carrying out those functions.

- Procedure for management and business of stream authority 9. The Ministers may prescribe the procedure for the management and business of a stream authority (including the mode of approving schemes and projects), the apportionment of powers among the bodies and employees of the authority, and the quorums in those bodies. In so far as the procedure for management and business has not been prescribed as aforesaid, the stream authority may itself prescribe it.
- Further powers 12. (a) The Ministers may, after consultation with the local authorities and drainage authorities the area or part of the area of which is situated within the area of a stream authority, grant to that stream authority, in respect of the whole or part of its area and to the extent required for the carrying out of its functions, any of the powers conferred on a local authority under any enactment: Provided that --
- (1) a stream authority shall not be granted power to impose compulsory payments in addition to the powers granted to it in that behalf under other provisions of this Law;
  - (2) a power or function vested in a local authority under an enactment with the implementation of which another Minister is charged shall not be assigned save after consultation with that Minister.
- (b) A stream authority may exercise a power granted to it under this section even outside any area of a local authority, save as may have been otherwise provided at the time the power was granted.
- The stream authority -- a body corporate 14. A stream authority shall be a body corporate, competent to acquire any right and enter into any obligation, including a promissory note, and to be a party to any legal proceeding and to any contract.
- Financing 15. The budget of a stream authority shall be covered by --
- (1) drainage rates, or the equivalent of drainage rates, under section 16;
  - (2) quotas imposed under section 18;
  - (3) contributions under section 19;
  - (4) allocations by the Government, grants and other receipts.
- Establishment of drainage projects and imposition of rates 16. Where a stream authority has been required to drain its area, it may for that purpose establish drainage projects and impose rates or quotas, and the provisions of sections 17 to 43C, 49 and 52 of the *Drainage Law* shall apply in that connection as if the stream authority were a drainage authority established under the said Law: Provided that every power conferred by the *Drainage Law* on the Minister of Agriculture or the Water Commissioner shall, for the present purposes, vest in the Ministers.



Section G: Protection of Nature

Budget

22. (a) A stream authority shall not decide to carry out any project -- including one which is not a drainage project -- before it has made an estimate of the income and expenditure thereof, and the estimate has been approved by the Ministers.

(b) For every financial year, a stream authority shall, at such time and in such form as shall be prescribed by regulations, prepare a draft budget showing its estimated income and expenditure. The draft budget shall be submitted to the Ministers for approval.

(c) No amount of the moneys of a stream authority shall be expended otherwise than under a budget approved as aforesaid, and a stream authority shall incur no liability otherwise than under a budget as aforesaid or under a decision of the stream authority which has been duly passed and been approved by the Ministers.

Implementation and regulations

30. The Ministers are charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

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### Mining Ordinance (Summary)

- The Minister of Development may appoint an Inspector of Mines to implement this order.
- Prospecting or digging of mines without a permit is forbidden. The Minister of Development may close certain areas to prospecting or mining. Mining is forbidden within one hundred meters of a holy site; within one hundred meters of a historic site except by permission of the Director of the Department of Antiquities and Museums of the Ministry of Education and Culture; in any closed forest, or in any forest owned by the State of Israel except with the permission of the Minister of Agriculture; within the borders of a city; within one hundred meters of a water source;
- All minerals discovered by digging or prospecting are the property of the State. A person who discovers minerals in "worthwhile amounts" must report this to the Inspector. The Inspector is then required to investigate the claim. If he finds a valid worthwhile discovery, he must grant the discoverer a *certificate of discovery*. The bearer of a certificate of discovery will be granted exclusive mining rights by the Minister of Development for one year in which he may develop the mine.
- The holder of mining rights must make bi-yearly reports to the Inspector as to the amount and value of the minerals he has mined.
- The mining rights in an area do not grant the rights to any water or water source in that area. A person may apply to the Inspector for the right to use a water source for the purposes of mining as long as the use of such water will not damage or deplete the water source.

## **Antiquities Law, 1978 (Summary)**

An *antiquity*, as defined by this law, refers to (1) an artifact produced before the year 1700 CE.; (2) a human-made object of historical value made after the year 1700 CE., and declared by the Minister of Education and Culture to be an antiquity; or (3) a biological fragment dating from before the year 1300 CE. The law sets out, *inter alia*, ownership rights for antiquities, rules for the excavation, sale, collection, export and protection of antiquities, and rules for establishing and protecting "antiquities sites". The law also establishes an Archeological Council to advise the Minister of Education and Culture and the Director of the Department of Antiquities and Museums of the Ministry on matters relating to antiquities; and an Objections Committee to which those who consider themselves aggrieved by decisions made under the Law may be heard. Penalties for contravention of the law are set out.

### *State Ownership of Antiquities and Restrictions on Antiquities*

- Antiquities discovered after this Law came into force are the property of the State. The area in which it was found also becomes the property of the State.
- A person who discovers an antiquity is required to notify the Director of the Department of Antiquities and Museums of the Ministry of Education and Culture ("the Director"), and may be required to deliver the antiquity to the Director within. The director may reward the deliverer if he so chooses.
- The Director may waive State ownership of an antiquity.
- It is forbidden to take antiquities out of the State of Israel without the written approval of the Director.

### *License to Carry Out Excavations*

- A person must have a license to dig or search in any manner for antiquities. The license defines the area in which the holder may dig, but does not "by itself confer on its holder the right of entry to land in another's domain."

### *Protection of Sites on Which Antiquities are Discovered*

- Work on land on which an antiquity has been discovered must be suspended for 15 days. Within 15 days, the Director must (1) notify the owner or occupier of the land of the conditions by which work may be continued on the land, or (2) order that work be permanently stopped. Persons damaged by these orders may demand compensation.
- The Director may declare that an area is an "antiquity site". It is forbidden to make any alterations to such a site or to the antiquities therein. Alterations include building, quarrying or mining, dumping, flooding, writing, carving or painting; or any other changes that the Director prohibits.
- The Minister of Education and Culture is authorized to confiscate an antiquity site for the purposes of conservation or research. He may not, however, expropriate a site which is used for religious purposes.

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## National Parks, Nature Reserves, Memorial Sites and National Sites Law, 1992 (Summary)

A National Parks, Nature Reserves and National Sites Council ("The Council"), nominated by the Minister of the Environment, is established by this Law to advise the Ministers of the Interior and Agriculture as to any matter relating to the implementation of this Law.

### *National Parks*

- National parks are areas meant for "the public enjoyment of nature or for the preservation of areas of historic, archeological, or architectural importance."
- The Minister of the Interior, after consulting with the Minister of the Environment, may declare an area to be a national park after the following conditions have been met:
  - All local authorities in whose jurisdiction the park will be located must be granted an opportunity to provide input as to the nature and use of the park.
  - If the area of the park includes a holy place or an historical site, the Minister of the Interior must comply with the requirements of the Minister of Religious Affairs or the Minister of Education and Culture, to ensure the protection of the holy or historical site, respectively.
  - If the area of the park is a nature reserve, the Minister of the Interior must consult with the Minister of Agriculture.
  - If the area of the park includes a military area, or is nearby a military area, the Minister of the Interior must meet the requirements of the Minister of Defense. Prohibitions and regulations imposed under this law do not apply to the Israeli Army in a military area.

An area designated as a national park may not be changed, or its designation as such revoked, unless the Interior Minister cancels his declaration. No building work or other activity will be permitted unless it has been approved by the National Parks Authority. The Minister may not cancel the declaration of a national park without the approval of the Minister of the Environment, The Council, the local authority in which the park is located, and the Interior and Environmental Committees of the Knesset.

- A National Parks Authority, appointed by the Minister of the Environment, will manage the national parks and report to the Minister on matters relating to national parks. The Authority will be composed of "government officials, local officials, members of scientific organizations and members of the public concerned with improvement and preservation of the Israeli landscape, development of vacation and natural sites, and the preservation of areas of historical and national importance."

### *Nature Reserves*

- Following consultation with the Minister of the Agriculture, the Minister of the Interior may declare an area of scientific or educational interest to be a nature reserve. A nature reserve is "an area in which animals, plants, inanimate objects, soil, caves, water and landscape are protected from changes in their appearance, biological makeup, and natural development."

- The Minister of the Agriculture shall appoint a Nature Reserves Authority to manage the affairs of nature reserves. The eleven member authority is to be made up of government officials, members of scientific and public bodies, and representatives of the public. Among the responsibilities of the Nature Reserves Authority are "to initiate and plan the establishment of nature reserves, to manage and develop the reserves and to protect natural assets..."
- Following consultation with the Israel Academy of Science, the Minister of Agriculture shall appoint a professional committee of zoologists, botanists, geographers, ecologists, and planners to advise the Nature Reserves Authority.
- The Nature Reserves Authority may set rules for the use of nature reserves, following consultation with the local authority in whose jurisdiction the reserve lies, and with the permission of the Minister of Agriculture.

#### *Protected Natural Assets*

- A "protected natural asset," as defined by this Law, means "any thing or class of things in nature, whether animal, vegetable or mineral, whose preservation, in the opinion of the Minister of Agriculture is of value." The Minister of Agriculture may declare, after consultation with The Council, any natural asset to be a protected natural asset throughout Israel or any specific part of it.
- A person may not damage, destroy, pick, uproot, poison or otherwise change a protected natural asset except with the permission of the Director of the Nature Reserves Authority.
- Selling protected natural assets is prohibited except with the permission of the Nature Reserves Authority. A person may not own a protected natural asset unless he receives permission from the Nature Reserves Authority.
- The Minister of Agriculture may promulgate regulations to protect natural assets from damage.

#### *National Sites and Memorial Sites*

- The Minister of the Interior, following consultation with The Council, may declare a place to be a "national site." As is the case with national parks, the Minister must also consult with those in whose jurisdiction the site lies. National sites are protected from damage or alteration. The Minister of the Environment may promulgate regulations delineating the means of preservation and protection of a national site. When a national site carries special local importance, the Minister of the Environment may give the local authority the authority to manage the site.
- A "Memorial Sites Council" will be appointed by the Government upon the recommendation of the Ministers of Defense, Labor, and the Interior. The Council is authorized to advise the Ministers of the Interior and Defense as to all issues concerning memorial sites. The Minister of the Interior, following consultation with the local authority and the Memorial Sites Council, may declare an area a memorial site. Upkeep and maintenance of memorial sites is the responsibility of the local authority in whose jurisdiction the site lies. The Minister of the Interior, after consulting with the Minister of Defense, is authorized to promulgate regulations concerning memorial sites.

*Bylaws and Regulations.* The Ministers of the Environment, the Interior, Agriculture and Defense may promulgate regulations as to the implementation of this law, each according to his area of authority.

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### **Bathing Places Law, 1964 (Summary)**

This law enables the Minister of the Interior to prohibit bathing in a part of a river, lake or sea if he deems it dangerous to life or health. He may declare a certain area a *bathing place*, and is required to issue orders directing its safe and sanitary use. With the approval of the Minister, a local authority may also, by bylaw, issue directions for the use of bathing places. A person who bathes in a place where bathing is prohibited, destroys or otherwise damages a sign prohibiting bathing, or allows a child under 15 years of age to bathe in a forbidden area is liable to a fine. A person who contravenes the instructions of a lifeguard is liable to a fine or imprisonment for one month.

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### **Wild Animals Protection Law, 1955 (Summary)**

A protected wild animal, as defined by this Law, is any wild animal not designated by the Minister of Agriculture as a "game animal" or a "pest". Hunting protected animals is prohibited. The Minister of Agriculture is charged with the implementation of the Law, and is authorized to make regulations as to "the protection and preservation of wild animals, the encouragement or prevention of their propagation, and their rescue from fires or other disasters of nature". He may also regulate *inter alia*, the procedure for the destruction of pests, taxidermy, and the use of zoos and farms for the keeping and raising of wild animals.

#### *Hunting of Game.*

- A hunting license is required to hunt game. The Minister of Agriculture may grant special hunting permits "for scientific purposes, for the prevention of damage to agriculture or for the prevention of infectious diseases in man or animals". He may further restrict hunting of a certain kind of animal or prohibit hunting within a particular area or during a particular period of time.
- A person may not hunt in the vicinity of houses, camps, public gardens, or cemeteries.
- Certain methods of hunting, including the use of poisons, drugs, traps, nets, glue and explosives, are prohibited. Pursuit in a motor vehicle is forbidden.

*Trading in Wild Animals.* A license is required to buy or sell wild animals.

#### *Offenses.*

- A person who does not have a license or a permit to hunt is presumed to be guilty of an offense according to this Law if he has game or protected wild animals in his possession.

- Penalties for hunting or stalking a wild animal in contravention of this Law or its regulations include fine or imprisonment, and the confiscation by the Treasury of hunting implements used in the offense.

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### Plant Protection (Damage by Goats) Law, 1950 (Summary)

This Law limits the number of goats allowed to graze in a unit area to one goat per 40 dunams in unirrigated land, and one goat per 10 dunams of irrigated land. This limit does not apply in the yard attached to one's home where any number of goats may be grazed as long as they are tied or confined; further, the Minister of Agriculture may grant special permission to graze a larger number of goats during particular seasons of the year. A person may graze goats only in his own fields, but may drive goats across any land for which he has the permission of the owner. A person may not graze his goats in an area designated a closed forest according to the *Forests Ordinance, 1926*.

An inspector (appointed by the Minister of Agriculture for that purpose) may confiscate goats which he observes to be grazing in contravention of this law. A person who contravenes this Law is liable to imprisonment or a fine. Confiscated goats may be sold, the proceeds to be apportioned by the courts to the owners of the goats or forfeited as the court sees fit.

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### Prevention of Field Fires Law, 1949 (Abridged Translation)

Interpretation 1. In this Law --

"Director" means the Director of the Soil Conservation Section of the Ministry of Agriculture;

"inspector" means a person whom the Director has appointed inspector for the purpose of this Law;

"field" includes a wood, a forest, a garden, a plantation and the sides of a road or way.

Prohibition of the burning of plants otherwise than under a permit 3. A person shall not burn or cause to be burnt plants, whether attached to the soil or detached, in any field save under a written permit...

*Section G: Protection of Nature*

- Prohibition of the burning of materials and of throwing away burning things in fields 4. (a) A person shall not throw a smoldering cigarette or burning match--
- (1) within three meters of plants in a field;
  - (2) on a slope;
  - (3) from a train or a vehicle on roads or ways.
- (b) Without prejudice to anything provided in subsection (a), a person shall not set fire to, or burn any matter, or throw away any burning, smoldering or inflammable matter within ten meters of plants in a field, or cause any such act to be done.
- Clearing of ways and areas adjacent thereto 5. Whoever has possession or is entrusted with the care of a road, a way, a railway or the sides thereof, or of ditches on the sides thereof, shall clear it or them, and keep it or them clear, of plants and any other flammable or burnable thing...to a width of three meters, along the borders thereof, and for this purpose may enter such land.
- Provision of isolation strips 6. (a) Whoever has possession of a field shall, upon the written demand of the inspector...clear and keep clear any portion thereof...provided that the width of such portion shall not exceed ten meters.
- Keeping of fire-fighting equipment 7. The Director may require any local authority, a person having possession of land of an area of not less than one thousand metric dunams or a juristic person empowered by its rules to have such possession...of land of an aggregate area of not less than one thousand metric dunams to keep materials, implements and tools for fire-fighting....
- Mobilization of manpower and equipment for fire-fighting 9. (a) The inspector...may mobilize for fighting a field fire any fire brigade and any vehicle, including the drivers thereof, which are within 50 kilometers of the place of the fire.
- (c) The inspector...may mobilize for fighting a field fire any male person of any age from 16 to 50 years whose permanent residence is within 10 kilometers of the place of the fire.
- Penalties 12. Whoever contravenes this Law is liable to imprisonment for a term not exceeding 6 months or to a fine...or to both such penalties.
- Implementation and regulations 14. (a) The Minister of Agriculture is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

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## **Building Refurbishment and Maintenance Law, 1981 (Summary)**

This Law authorizes the Minister of Housing, following a request by the head of the local authority, to order the renovation of buildings in a certain area. The Minister will determine the level of participation of the government in the cost of renovations. The government is required to

cover 30% of the cost of renovation of non-residential buildings, and at least 60% of the cost of the renovation of rent-controlled buildings. A person who does not comply with this law is liable to a fine.

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### **Roads (Affixing of Signs) Law, 1966 (Summary)**

This Law, jointly implemented by the Minister of the Environment and the Minister of Housing and Building, restricts the installation of roadside signs beside non-urban highways. A person may not position a sign within 100 meters of a road unless he holds a permit. Permits may be granted for signs --

- (1) "intended to prevent road accidents or fires";
- (2) indicating a particular business and located on or near the premises of that business;
- (3) indicating historical or holy sites;
- (4) installed in a hotel, restaurant, gas station or bus stop.

The Ministers may promulgate regulations as to this Law.

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