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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Clean Air Law 5768-2008

Chapter One: Objectives and Interpretation

Objectives of the Law

1. The purpose of this Law is to bring about an improvement of air quality and to prevent and reduce air pollution, *inter alia* by prescribing prohibitions and obligations according to the precautionary principle, all in order to protect human life, the health and quality of life of human beings and in order to protect the environment, including natural resources, ecological systems and biological diversity, for the public and for future generations and in consideration of their needs.

Definitions

2. In this Law –
"Air" – including all atmospheric layers that envelop the earth;

"Emission source owner" – including each of the following, and it does not matter whether he establishes, maintains, operates or uses the emission source himself or through another on his behalf, and if not a body corporate – including the manager in practice of the emission source:
 - (1) the person in possession of an emission source;
 - (2) whoever holds a permit or license that is statutorily needed for the operation or use of the emission source, or the person obligated to obtain a said permit or license;
"Senior defense factor" –
 - (1) in respect of the Ministry of Defense and its subordinate units – a Ministry of Defense employee whom the Minister of Defense authorized for this matter, with a rank of at least division head;
 - (2) in respect of units and subordinate units of the Prime Minister's Office, whose main activity is in the sphere of national security – an employee of the Prime Minister's Office or of the Ministry of Defense, whom the Prime Minister authorized for this purpose, with a rank of at least division head;
 - (3) in respect of the Israel Defense Forces – an officer with a rank of colonel at least, whom the Chief of the General Staff authorized for this matter;

"Sampling" – taking a sample of a material emitted from an emission

source, a fuel material or a material used as a raw material in a process, testing it and registration of its composition and properties in isolation;

"Fuel" – material likely to be used as a source of energy production by way of burning or in another way that is liable to cause air pollution, including crude oil or another organic material and their products;

"Building permit" – a permit as per its meaning in the Planning and Building Law, including authorization under section 145(f) of the said Law;

"Emission permit" – a permit issued under the provisions of Article Two in Chapter Four for an emission source that requires a permit;

"Security clearance" – as per its meaning in the General Security Service Law 5762-2002;

"Air pollution" – presence of a pollutant in the air, including a said presence that constitutes an exceedance of air quality values, or emission of a pollutant that constitutes an exceedance of emission values;

"Excessive air pollution" – presence of a pollutant in the air, which exceeds the alert threshold, or which is liable to injure public health;

"Abatement of Nuisances Law" – the Abatement of Nuisances Law 5721-1961;

"Criminal Procedure Law" – the Criminal Procedure Law [Consolidated Version] 5742-1982;

"Penal Law" – the Penal Law 5737-1977;

"Licensing of Businesses Law" – the Licensing of Businesses Law 5728-1968;

"Planning and Building Law" – the Planning and Building Law 5725-1965;

"Best available technology" – the most advanced technology and other means used in planning, building, operating and maintaining an emission source and the activity carried out there, or aforesaid technology and means designated for the prevention or reduction of air pollution, which are added to the emission source, and all provided that all the following are met:

- (1) their implementation brings about the prevention or maximal reduction of pollutant emission to the air from the emission source and minimizes harm to the environment in general;
- (2) they are at a stage of development that makes it possible, from the technical and economic standpoint, to implement them in the emission source or the activities carried out therein, or in emission sources or similar activities in the same sector, taking into account

- the advantages and the costs of the said technology and means;
- (3) they are reasonably available, even if they have not yet been implemented in practice in Israel

"Aircraft" – a motorized instrument or installation intended or used for flying;

"Vessel" – a motorized instrument or installation intended or used for sailing;

"Pollutant" – each of the following:

- (1) a material listed in Schedule One;
- (2) a material, including chemical or biological materials – as well as a source material for said materials – whose presence in the air causes or is liable to cause –
 - (a) danger or injury to human life, health or quality of life, to property or to the environment, including the soil, water, flora and fauna;
 - (b) changes in climate, weather or visibility;

"Supervisor" – the head of the Air Quality Division in the Ministry or a Ministry employee subordinate to him professionally or administratively, whom the Minister authorized for some or all the provisions of this Law on the recommendation of the head of the division;

"Director General of the Ministry of Health" – including a state employee physician whom he authorized for purposes of this Law;

"Defense establishment" –

- (1) the Ministry of Defense and its subordinate units;
- (2) units and subordinate units of the Prime Minister's Office, whose main activity is national security;
- (3) the Israel Defense Forces;
- (4) plants and suppliers that produce defense equipment, as defined in the Defense Corporations (Protection of Defense Interests) Law 5766-2005, for a body enumerated in paragraphs (1) to (3), concerning which the Minister of Defense informed the Supervisor, provided that a said notification shall apply only to emission sources used for the production of aforesaid defense equipment;

"Inspector" – a person authorized under section 42;

"Emission source" – an installation or a system of installations, stationary or mobile, including a machine, instrument or object, as well as a place from which pollutants are emitted into the air or cause or are liable to cause pollutants to be emitted into the air as a result of an activity or procedure carried out with them or by their means, including any

attendant activity or process that has or is liable to have an impact on pollutant emission, and excluding where the air pollution caused or liable to be caused by them is negligible;

"Emission source that requires a permit" – an emission source, in which one of the activities specified in Schedule Three is carried out, or in which one of the installations specified in the said Schedule is found;

"Mobile emission source" – an emission source that is a vehicle or that can be moved from place to place by means of an internal combustion engine, which is enumerated in Schedule Two;

"Stationary emission source" – an emission source that is not a mobile emission source, including each of the following:

- (1) an emission source that requires a permit;
- (2) an emission source that requires a license under Licensing of Businesses Law;
- (3) an emission source said in Schedule Four;

"Ministry" – the Ministry of Environmental Protection;

"Approver" – as per its meaning in section 6 of the Licensing of Businesses Law

"Air monitoring" – systematic, continuous or periodic measurement and recording of a concentration or quantity of a pollutant in the air or of other properties of the air;

"Emission monitoring" – systematic, continuous or periodic measurement and recording of a concentration, quantity or other properties of a pollutant emitted from an emission source;

"Air quality values" – values established according to section 6, including target values, ambient air quality values, alert thresholds and reference values;

"Emission values" – maximum concentration or quantity measured at given intervals of a pollutant or group of pollutants, whose emission is permitted from an emission source at a rate or in some other manner prescribed under this Law or any statute;

"Emission" – an action that causes the presence of a pollutants in the air, including by way of evaporation, dissipation or direct or indirect release into the air of solid, liquid and gaseous materials;

"The Fund" – the Maintenance of Cleanliness Fund, as per its meaning in the Maintenance of Cleanliness Law 5744-1984;

"Motor vehicle", "licensing authority", in respect of motor vehicles – as defined in the Traffic Ordinance;

"Local authority" – a municipality, local authority or Association of Towns, whose main activity is protecting the quality of the environment;

"Air monitoring station" – a measuring instrument and auxiliary equipment used to monitor the air, including a building or part of a building, whether stationary or mobile, in which said measuring instrument and auxiliary equipment are found;

"The Committee" – the Knesset Interior and Environmental Protection Committee;

"The Minister" – the Minister of Environmental Protection.

Chapter Two: Prohibition Considerable or Unreasonable Air Pollution

Prohibition of considerable or unreasonable air pollution

3. (a) A person shall not cause considerable or unreasonable air pollution.
- (b) Without derogating from the generality of that said in subsection (a), air pollution shall be deemed to be considerable or unreasonable, *inter alia*, in each of the following instances:
 - (1) when it exceeds ambient air quality values set under section 6(a)(2);
 - (2) when a pollutant is emitted into the air in violation of the provisions of this Law.

Provisions on the prohibition of air pollution

4. (a) Subject to the provisions of this Law, the Minister shall prescribe provisions to prevent the violation of section 3, including provisions on the following matters:
 - (1) provisions that prescribe what constitutes considerable or unreasonable air pollution;
 - (2) steps and means to be undertaken to prevent considerable or unreasonable air pollution.
- (b) Not prescribing provisions under subsection (a) should not be construed as permitting the causing of considerable or unreasonable pollution, such as is prohibited under any statute.

Chapter Three: Action by the Authorities to Prevent, Reduce and Monitor Air Pollution

Article One: National Program

National program to prevent and reduce air pollution

5. (a) Within one year of the day of commencement, the Government shall – according to the Minister's proposal – approve a multi-annual program for the advancement of the objectives of this Law, which shall, *inter alia*, include the following:
 - (1) national and regional targets for the reduction of air pollution within a period to be set in the program, taking account of the target values set under section 6(a)(1);
 - (2) ways and means for meeting the targets said in paragraph (1);
 - (3) provisions on the activity of government Ministers and their Ministries for implementation of the program, according to the spheres of activity of which they are in charge.
- (b) Each year – not later than on March 31 – the Ministers shall report to the Government on the activities according to the program carried out by their Ministries in the year prior to the report date.
- (c) The Minister shall present the program to the Committee and he shall submit to it each year – not later than on June 30 – a report on implementation of the program in the year prior to the report date.
- (d) The Government shall – on a proposal by the Minister or by other Ministers – update the program from time to time and at least once every five years.

Article Two: Air Quality Values and the National Air Monitoring System

Air quality values

6. (a) The Minister shall set maximum values, as specified below, for presence in the air of pollutants enumerated in Schedule One at given intervals (hereafter: air quality values):
 - (1) values whose exceedance constitutes potential danger or harm to the life, health and quality of life of human beings, to property and to the environment, including in soil, water, fauna and flora, and which should be striven to achieve as a target (in this Law: target values); the target values shall serve as a basis for setting the targets of the program, as per its meaning in section 5;
 - (2) values whose exceedance constitutes considerable or unreasonable air pollution, to be set on the basis of the target values and of updated scientific and technological knowledge, and in consideration of the practical possibility of preventing exceedance from the target values (in this Law: ambient air quality values);
 - (3) values whose exceedance, in short term exposure, causes or is liable to cause danger or harm to the health of human beings, and which require undertaking immediate measures to prevent their exceedance or to prevent the damage derived from their exceedance (in this Law: alert threshold).
- (b) The Minister may –

- (1) set the air quality values for different periods and different areas;
 - (2) set additional categories of air quality values;
 - (3) by order, add pollutants to the list in Schedule One.
- (c) The air quality values shall be set, *inter alia*, according to provisions prescribed in international conventions, to which Israel is a party, and in consideration, *inter alia*, of corresponding air quality values accepted in developed countries worldwide and the recommendations and guidelines published on these matters by international organizations, including the World Health Organization.
- (d) The Minister shall examine, from time to time, and at least once every five years, the need to update the air quality values that he set.
- (e) The Supervisor may prescribe guidelines on target values for materials not enumerated in Schedule One (in this Law: reference values); the Supervisor shall publish the reference values on the Ministry's Internet site and also in other ways that he shall determine.

Measuring and evaluating air quality

7. (a) The Minister shall order the establishment and operation of a national air monitoring system, which shall be composed, *inter alia*, of air monitoring stations (in this Law: the national system); the national system may be established and operated in stages, according to the list of priorities that the Minister will prescribe.
- (b) The Supervisor shall manage the national system and through it shall perform the following functions:
- (1) collection, processing and documentation of air monitoring data from the air monitoring stations;
 - (2) coordination and concentration of air monitoring activities;
 - (3) publication of air quality data and an air quality forecast, as said in section 8;
 - (4) additional tasks, as the Minister shall prescribe.
- (c) The Minister may, subject to the provisions of any statute and with the consent of the Minister of the Interior, instruct local authorities to establish and operate air monitoring stations that will be part of the national system.
- (d) The Supervisor may instruct the owner of a stationary emission source enumerated in Schedule Three or Schedule Four, or which requires licensing under the Licensing of Businesses Law, to set up and operate air monitoring stations that will be part of the national system.
- (e) If an order was made under subsections (c) or (d) to establish and operate an air monitoring station within the bounds of a place occupied in practice by the defense establishment, then the Minister of Defense may request the Minister to reconsider the order because of special reasons of concern for national security.
- (f) The Minister shall prescribe provisions on the establishment and

operation of air monitoring stations that are part of the national system, including provisions on the following matters:

- (1) the criteria for determining the location and distribution of air monitoring stations, taking into consideration, *inter alia*, regional meteorological patterns, population concentrations and concentrations of emission sources;
 - (2) manner of implementation of the air monitoring in the air monitoring stations, including the instruments and auxiliary equipment to be used for implementation;
 - (3) manner of documentation and processing of air monitoring data;
 - (4) manner of reporting and delivery of air monitoring data to the Supervisor, including report dates.
- (g) The establisher or operator of an air monitoring station that is part of the national system shall act in accordance with provisions prescribed by the Minister under this section and in accordance with the Supervisor's instructions.

Publication of air quality data and forecasts

8. (a) The Supervisor shall regularly publish for the public data on air quality and the air quality forecast, based on data received from the national system, on the Ministry's Internet site and in an additional way that he will determine, which will be accessible to the public and free of charge.
- (b) After consultation with the Director General of the Ministry of Health,, the Supervisor shall prescribe procedures on warning the public about excessive air pollution and recommendations to the public on means of behavior in such a situation.
- (c) If the Supervisor concludes, according to procedures prescribed according to subsection (b), that excessive air pollution exists or is liable to exist in a certain area, then he shall publish a warning to the public over the electronic communications media, and he may also –
- (1) publish recommendations to the public on means of behavior in the said situation;
 - (2) if he concludes that it is likely to prevent or reduce excessive air pollution – instruct an emission source owner enumerated in Schedule Three or Schedule Four or an emission source owner that requires licensing under the Licensing of Businesses Law to take reasonable measures that he shall specify in writing in accordance with provisions on this matter in the emission permit granted to him or in accordance with the licensing conditions determined for him under the Licensing of Businesses Law or under instructions given under section 41, as the case may be;
 - (3) if the emission source is held and operated by the defense establishment, an instruction as said in paragraph (2) shall only be given after consultation with the relevant senior defense

- factor;
- (4) instruct the head of a local authority to undertake reasonable measures in accordance with the instructions on this matter in the action program prepared under section 12.

Article Three: Local Authorities

Prevention and reduction of air pollution by local authorities

- 9 (a) A local authority shall act to prevent and reduce air pollution caused within its bounds.
- (b) In implementing its statutory powers, according to any statute, a local authority shall take into account its obligation under subsection (a), as far as that is relevant.
- (c) The provisions of this section shall not derogate from obligations imposed on a local authority or from its powers under any statute.

By-laws

10. A local authority may, by means of a by-law, prescribe special provisions for the prevention and reduction of air pollution caused within its bounds, in consideration of the special conditions of the place and of its residents, and the powers vested in the Minister of the Interior in respect of by-laws under section 258 of the Municipalities Ordinance and in section 22 of the Local Councils Ordinance, shall also vest, in respect of the aforesaid by-laws, in the Minister.

Declaration of an air pollution impacted area

11. (a) If the Minister concludes that in a certain area environmental values are continuously or frequently being exceeded or that there is excessive air pollution, then he shall declare that area, by order, as an air pollution impacted area (in this Law: air pollution impacted area) and he shall so inform the local authorities in the bounds of the air pollution impacted area (in this Law: authorities in an air pollution impacted area); a said declaration about excessive air pollution, based on concern for severe injury to public health or the environment, shall be made after the Minister requested and received the opinion of the Director General of the Ministry of Health on this matter.
- (b) The validity of a declaration under subsection (a) shall not exceed two years, but the Minister may from time to time extend the validity of a declaration for additional periods, if he concludes that the circumstances that led to the declaration continue to exist.
- (c) If the Minister concludes that the circumstances that led to the declaration have ceased to exist, then he shall cancel the order and give notice thereof as said in subsection (a).

Undertaking measures in air pollution impacted area

12. (a) Where the Minister has declared an area as an air pollution impacted area, then the authority in the air pollution impacted area, with more than 30,000 inhabitants registered in the Population Register, shall prepare a program of action for undertaking measures within its bounds, within the scope of its powers to improve air quality and prevent a recurrence of the exceedance of ambient air quality values, as the case may be; a said program, which includes provisions on the management and regulation of traffic within the bounds of the authority, shall be prepared according to the provisions of section 77A of the Traffic Ordinance, *mutatis mutandis*.
- (b) Where the Minister concludes that the air pollution in the air pollution impacted area stems, *inter alia*, from air pollution caused within the bounds of a local authority outside the impacted area, then he shall state that in the order said in section 11(a), and shall so inform that local authority and the provisions of subsection (a) shall apply to it, *mutatis mutandis*.
- (c) Where the Minister concludes that undertaking measures as said in subsection (a) in an air pollution impacted area requires cooperation between local authorities within a metropolitan area, then he shall state that in the order said in section 11(a) and shall so inform the local authorities in the metropolitan area; the local authorities in the metropolitan area shall prepare a joint program of activity, as said in subsection (a); in this subsection, "metropolitan area" – an area in which several local authorities border on each other, or local authorities have an urban connection.;
- (d) (1) An action program under this section shall include, *inter alia*, targets to improve air quality and to prevent the recurrence of exceedance of ambient air quality values or to stop the exceedance, or to prevent recurrence of excessive air pollution within the time period set in the action program, as well as ways and means for meeting the said targets.
- (2) If the Minister determined in an order under section 11(a) that the air pollution in the air pollution impacted area stems mainly from traffic, then the local authorities that must prepare the program said in subsections (a) to (c) shall include in the program provisions on the management and regulation of traffic within their bounds.
- (e) The action program shall be submitted for the Minister's approval within six months after the declaration, and the Minister may approve it or approve it with conditions.
- (f) Where the Minister has approved an action program under this section, then the local authorities to which the program applies shall, within the scope of their powers, act for the implementation of the program within the time periods set in it.
- (g) Where a program that must be submitted under this section was not submitted or was not approved, or if substantive provisions of the

action program were not implemented after its approval, then the Minister may, after consultation with the Minister of the Interior, instruct a local authority about the steps and measures it must undertake to reduce air pollution within its borders.

CHAPTER FOUR: STATIONARY EMISSION SOURCES

Article One: General

Provisions on the prevention and reduction of air pollution from stationary emission sources

13. (a) The Minister shall, with approval of the Committee, prescribe provisions for the prevention and reduction of air pollution from stationary emission sources; said provisions may be general, for categories of stationary emission sources or on matters relating to several said categories.
- (b) From time to time and in accordance with scientific and technological developments the Minister shall review the need for updating the said provisions.

Restrictions and prohibitions in respect of stationary emission sources

14. (a) A person shall do any of the following only in accordance with instructions prescribed under section 13, as the case may be:
- (1) produce, import or market a stationary emission source for use in Israel;
 - (2) operate or use a stationary emission source.
- (b) Every license or temporary permit that is required under the Licensing of Businesses Law for the operation of a stationary emission source under this Law shall be deemed to be conditional on compliance with the provisions of this Law and of the regulations made thereunder.

Monitoring and sampling

15. (a) An emission permit holder, an emission source owner enumerated in Schedule Four or an emission source owner that requires licensing under the Licensing of Businesses Law shall, in accordance with the conditions prescribed in the emission permit, in the provisions under section 41 or in the conditions of the business license or temporary permit under the Licensing of Businesses Law, as the case may be, perform emission monitoring and sampling for the measurement of pollutant emission from the emission source, as well as air monitoring as said in section 7(d); the monitoring or sampling data shall be delivered to the Supervisor and also to the Association of Towns or the environmental unit said in section 18(d), all in the manner and at the times that the Supervisor shall prescribe,
- (b) The Supervisor shall regularly publish to the public the monitoring

and sampling data that were delivered to him as said in subsection (a) on the Internet site of the Ministry, and he may edit the data and publish them in reports.

- (c) Notwithstanding the provisions of subsections (a) and (b), emission monitoring and sampling data from an emission source held or operated by the defense establishment, in respect of which approval was granted as said in section 21(d)(1), shall not be published, shall not be delivered to an Association of Towns or to an environmental unit and shall be delivered to the Supervisor or to a person he authorized for this purpose, on condition that he has the appropriate defense clearance, all subject to the provisions of the said section.
- (d) The Minister may prescribe provisions on emissions monitoring or sampling under this section and on the ways of delivering the reports on them to the Supervisor and on reporting dates.

Records and reports

- 16. (a) An emission permit holder, an emission source owner enumerated in Schedule Four or an emission source owner that requires licensing under the Licensing of Businesses Law shall keep a complete and detailed record about the emission source, including the results of monitoring and sampling carried out under section 15, according to the conditions prescribed in the emission permit, in the provisions of section 41 or in the conditions of the business license or temporary permit under the Licensing of Businesses Law, as the case may be, and he shall report them to the Supervisor at least once a year, not later than on December 15, or on another date as prescribed by the Supervisor.
- (b) An emission source owner said in subsection (a) shall enable the Supervisor and the inspector to see the records he keeps under subsection (a) during ordinary business hours, and shall deliver to them, at their request, a copy of this record.

Article Two: Emission Sources that Require a Permit

Emission permit requirement

- 17. (a) No person shall install an emission source that requires a permit, shall not operate it, shall not use it and shall not allow another to do so, unless he has a valid emission permit and in accordance with its conditions.
- (b) An emission permit may be granted in respect of several emission sources that require permits, on condition that the emission sources are on one site; a said emission permit can also apply to another emission source at the same site, even if that source does not require a permit.
- (c) The Minister may, by order with approval of the Committee, change Schedule Three.

Application for an emission permit

18. (a) An application for an emission permit (in this Article: application) shall be submitted to the Supervisor and it shall include the particulars prescribed under subsection (b).
- (b) (1) The Minister shall prescribe provisions on the particulars to be included in an application, including provisions on these matters:
- (a) particulars about the emission source owner;
 - (b) a description of the emission source, its components and activities in relation to it;
 - (c) the types and quantities of materials to be used in the emission source and those produced in it, including fuel and other energy sources, as well as the means of utilizing the materials and their by-products;
 - (d) particulars of the pollutants expected to be emitted by the emission source, their types and quantities, including under different operating conditions and under operating conditions that are not characteristic, including turning on and off of installations, leakage, temporary stops and cessation of activity, and their anticipated impact on the environment;
 - (e) the best available technology that is proposed for implementation in the emission source, for the prevention or maximal reduction of air pollution and the considerations for its selection, in consideration, *inter alia*, of its environmental advantages and its cost, as compared to other alternatives;
 - (f) additional measures proposed for the prevention or reduction of air pollution from the emission source;
 - (g) measures that the emission source owner or persons on his behalf will undertake in order to supervise and control the emission of pollutants from the emission source;
 - (h) a general description of the environment and specification of the adverse impacts on the environment due to the measures undertaken to prevent and reduce air pollution.
- (2) In addition to the provisions of paragraph (1), the Minister may prescribe provisions on these matters:
- (a) the obligation to attach documents and professional opinions to an application and the manner of its submission;
 - (b) submission of an application in stages, the number of which must not exceed three; the Minister may, with approval of the Committee, prescribe the changes under which the provisions of this section and of sections 20 and 21 shall apply in respect of the said application.
- (c) (1) The Supervisor may require of an applicant additional

information and particulars that, in his opinion, are necessary for a decision on the application.

- (2) The Supervisor may exempt an applicant from submitting some or all of the information required under subsection (b), if that information is found in the environmental impact statement, as defined in the Planning and Building Law (in this Law, environmental impact statement) that was attached to the application and was drawn up in respect of the emission source that is the subject of the application no longer than two years before the date of submission of the application, or if it is found in an environmental impact statement that was drawn up earlier – if the Supervisor is convinced that the data included in the statement are still up-to-date and that there has been no change in circumstances that can affect the conclusions of the statement.
- (d) The applicant shall deliver a copy of the application and of every document that was attached to it or was delivered to the Supervisor after submission of the application, at the time of their submission to the Supervisor, except for information that is not to be published under the provisions of section 21(d)(1) to the Association of Towns, whose main activity is environmental protection and within whose bounds the emission source that is subject of the application is or will be located, and if there is no said Association of Towns - then to the environmental unit in the local authority within whose bounds it is or will be; whoever receives a copy of the application or document as aforesaid may provide the Supervisor with his opinion on the application within ninety days of the date of its receipt; for this purpose, "environmental unit in a local authority" – a environmental quality division or unit in the local authority, which the Minister authorized on the request of the head of the local authority.
- (e) An application in respect of an emission source that will be held and operated by the defense establishment shall be submitted to the Supervisor or to the person he authorized, provided that he has appropriate security clearance and that the information is kept secure according to instructions from the competent officer, as per its meaning in the Security Arrangements in Public Bodies Law 5758-1998.

Rules and criteria for the grant of an emission permit

- 19. (a) The Minister shall prescribe in regulations rules and criteria for the grant of an emission permit, either generally or for certain categories of emission sources.
- (b) The criteria said in subsection (a) shall include, *inter alia*, provisions on determining the best available technology, according to which conditions in the emission permit shall be set, taking the following matters into consideration:
 - (1) use of low risk materials;

- (2) processes, installations or working methods similar to those tried successfully in the industrial sector in Israel or elsewhere;
 - (3) development of scientific and technological knowledge;
 - (4) the quantity, concentration, characteristics and impacts of the emitted pollutants;
 - (5) the time necessary for the installation and incorporation of the technology and of the other means in existing and in new installations;
 - (6) the consumption and character of raw materials and the efficiency of energy utilization;
 - (7) reduction of the impacts of all emissions on the environment as a whole and their risk reduction;
 - (8) prevention of mishaps and exceptional emission events and minimization of their impact;
 - (9) the cost and benefit of measures for the prevention of pollutant emission or its maximal reduction.
- (c) The aforesaid provisions shall be prescribed while taking into consideration, *inter alia*, acceptable practices in developed countries worldwide and the recommendations and guidelines published on these matters by international organizations, including the European Union.
- (d) The Minister shall, from time to time, consider whether provisions under this section should be updated in light of scientific and technological developments.

Decision on an application for an emission permit

20. (a) Where an application for an emission permit has been submitted, the Supervisor shall consider whether to grant an emission permit, to grant it with conditions or to refuse to grant it.
- (b) When about to consider an application for an emission permit, the Supervisor shall, *inter alia*, consider the following:
- (1) the likelihood that ambient air quality values will be exceeded due to the grant of the permit and the anticipated impact of the emission of pollutants from the emission source on the ability to reach target values or reference values;
 - (2) the presence of the emission source in an air pollution impacted area;
 - (3) the existence of action programs for undertaking measures to prevent and reduce air pollution and for applying the best available technology of the applicant, and his ability to comply with the requirements of the said programs;
 - (4) compliance with the targets of the national program said in section 5 in consequence of the grant of the permit.
- (c) (1) The Supervisor shall announce his decision, as said in subsection (a), within six months of the day of submission of the application with all its particulars, as required in provisions under this Law; the Supervisor may, in exceptional cases and in

a reasoned written notice, extend the said period by three months, if he deems this necessary because of the complexity of the application; the provision of this subsection shall not apply to an application, which according to section 18(b)(2)(b) can be submitted by stages.

- (2) Where under section 18(c) the Supervisor required additional information and particulars from the applicant, then the period until the said information and particulars are submitted shall not be taken into account as part of the period said in paragraph (1).
- (d) Where the Supervisor decides to consider granting an emission permit or granting it with conditions, then he shall prepare a draft permit and conduct a procedure under section 21, and he also may, after the said procedure has been conducted, refuse to grant an emission permit, postpone the date for granting the emission permit or change its conditions from what was said in the draft permit.
- (e) If the Supervisor decided to consider refusing the grant of an emission permit, then he shall not decide on the application before giving the applicant an opportunity to present his arguments; where deliberations under section 21(f) have taken place, the applicant shall be deemed to have been given the said opportunity.
- (f) Where the application is in respect of an emission source that is not a lawfully operating emission source or for which a building permit was granted until January 1, 2010, and the place where the said emission source will be located is in the bounds of an air pollution impact area, then the Supervisor shall grant the emission permit only for special reasons that shall be recorded.
- (g) If the application was submitted in stages, as said in section 18(b)(2)(b), the Supervisor may give interim decisions at the end of each stage of the submission of the application; the provisions of this section shall apply to the aforesaid interim decisions.

Public participation

21. (a) An applications for the grant of an emission permit and every document attached thereto, as well as every additional document related to it that was submitted to the Supervisor after the application was submitted, including opinions transferred to the Supervisor as said in section 18(d), shall be published on the Ministry's Internet site and shall be made available for public scrutiny in the Supervisor's office from the day of their submission; a said publication shall note the existence of information that it was decided not to publish and the reasons therefor shall be given according to subsection (d)(1) or (2), as the case may be, except when the senior defense factor determined that noting the existence of information that it was decided not to publish under subsection (d)(1) is liable to harm national security.
- (b) Where the Supervisor informed the applicant, as said in section

20(c)(1), that he is considering granting him an emission permit or granting it with conditions, then he shall publish a notice thereof in a widely circulated daily newspaper at least one hundred days before the date on which he intends to grant the permit; the notice published as aforesaid shall state the means of inspecting the application documents and the draft emission permit, and also the way and the time in which any person may submit comments about the draft emission permit under this section.

- (c) The draft emission permit shall be published on the Ministry's Internet site and it shall be available for public scrutiny at the Supervisor's office, from the date on which the notice said in subsection (b) was published; a notice shall state whether information exists that it was decided not to publish and the reasons therefor shall be stated according to subsection (d)(1) or (2), as the case may be, except when the senior defense factor determined that noting the existence of information that it was decided not to publish under subsection (d)(1) is liable to harm national security.
- (d)
 - (1) The Supervisor shall not publish any particular whose disclosure is liable to harm national security, and which a senior defense factor certified by his signature that its disclosure can cause the aforesaid harm; the provisions of sections 10 and 11 of the Freedom of Information Law 5758-1998 shall apply, *mutatis mutandis*, to the decision of the senior defense factor and to the publication of the aforesaid information, but the provisions of section 11 of the said Law with regard to non-disclosure of the fact that it was not published shall not apply.
 - (2)
 - (a) If, when the applicant submitted the application, he stated that disclosure of certain particulars in his application is liable to reveal a commercial secret and if he made a statement about the facts that support this, then the Supervisor may, in a reasoned written decision, abstain from publishing and making available for public scrutiny those particulars of the application or of the draft emission permit, which he believes would reveal the said commercial secret; the provisions of sections 10 and 11 of the Freedom of Information Law 5758-1998 shall apply, *mutatis mutandis*, to the decision about publishing the said information.
 - (b) In order to investigate an argument under subparagraph (a) the Supervisor may be assisted by an adviser or expert, who may or may not be a State employee; the costs incurred by the Supervisor to investigate an argument under this paragraph shall be borne by the applicant.
 - (c) for the purposes of this paragraph, "commercial secret" – as defined in section 5 of the Commercial Wrongs Law 5759-1999, but particulars about the owner of the

emission source and about the types, quantities and concentrations of pollutants emitted or expected to be emitted from the emission source and the rate of their emission shall not, in any instance, be deemed a commercial secret.

- (e) Every person may submit comments about a draft emission permit to the Supervisor within 45 days after the notice under subsection (b) was published; comments that were submitted shall be published on the Ministry's Internet site.
- (f) The Supervisor shall grant an emission permit only after he discussed the comments submitted as said in subsection (e), and he shall discuss the comments in a public hearing, to which the applicant and the persons who submitted the comments shall be invited, and he may refuse to grant an emission permit, postpone the date on which an emission permit will be granted or change its conditions, in consideration of comments that were submitted to him; the Supervisor may refrain from discussing an argument that was submitted to him, if he finds that it repeats arguments submitted earlier, that it is unreasoned or that it appears, seemingly, to be troublesome or vexatious.
- (g) The provisions of subsections (e) and (f) shall not apply to the grant of emission permits for emission sources that will be maintained and operated by the defense establishment.
- (h) The Minister may prescribe additional provisions on the conduct of the procedure under this section, on the submission of comments and on their discussion.

Emission permit and its conditions

22. (a) The Supervisor may make an emission permit conditional, also on conditions that must be fulfilled before the permit is granted, all in order to assure that the objectives of the Law are met.
- (b) Without derogating from the generality of the provisions of subsection (a), the Supervisor shall prescribe provisions in an emission permit on the following matters:
- (1) the emission values for the pollutants emitted by the emission source, especially in respect of pollutants or categories of pollutants that are specified in Schedule Five, or if, in the Supervisor's opinion, emission values cannot be determined - other provisions on limiting the emission of pollutants from the emission source;
 - (2) the prevention of exceedances from emission values, stopping exceedances that occurred and preventing their recurrence;
 - (3) obligations of emission monitoring, sampling and reporting, including the ways and times of their implementation, and ways of collecting, processing, documenting and evaluating the data;
 - (4) obligations to transfer information to the Supervisor.

- (c) Without derogating from the generality of the provisions of subsection (a) and as needed as the result of the activity implemented in the emission source, the Supervisor shall prescribe provisions on the following matters in the emission permit:
- (1) prevention and reduction of the emission of pollutants otherwise than through a chimney,
 - (2) prevention and reduction of non-routine emissions and mishaps, and their treatment;
 - (3) restrictions on the use of materials, including types of fuel;
 - (4) measures as said in section 8(c)(2), to be taken in the case of a warning of excessive air pollution;
 - (5) conditions to be fulfilled prior to and following the end of the activity that is the subject of the emission permit;
 - (6) restrictions on the turning on and off of installations, leaks from them, their temporary stops and cessation of their operation;
 - (7) obligations of sampling and monitoring the air in the environment and reporting, including the ways and times for their implementation and ways of gathering, processing, documenting and evaluating the data;
 - (8) proper maintenance of the emission source or of any part thereof.
- (d) The conditions of the emission permit will be determined according to the best available technology, in consideration of the technical characteristics of the emission source, its geographical location and the local environmental conditions; however, the Supervisor may prescribe additional conditions, including stringent conditions on the best available technology, in order to prevent and reduce prolonged or frequently recurring exceedance from ambient air quality values or reference values.
- (e) An emission permit is transferable only with the Supervisor's written approval in advance.
- (f) Where provisions for the regulation of pollutant emissions from an emission source are prescribed by an enactment, including in regulations under section 13 and exclusive of a scheme, as per its meaning in the Planning and Building Law, then more stringent provisions shall not be prescribed in the emission permit, except for special reasons, which shall be transferred to the emission permit holder.
- (g) Where an emission permit has been granted, its full text shall be published on the Ministry's Internet site and it shall be available for public scrutiny in the Supervisor's office and in the office of the emission permit holder, all subject to the provisions of section 21(d).

Provisions in respect of planning and building

23. (a) In this section, "planning agency", "scheme", "detailed scheme", "national outline scheme", "District Commission", "environmental consultant" – as per their meaning in the Planning and Building Law.

- (b) If a person submits to a planning agency a scheme that includes provisions of a detailed schemes, including provisions that permit building or land use for the establishment or operation of an emission source that requires a permit (in this section: scheme for an installation that requires a permit), or if a planning agency decides to prepare a said outline scheme, then it shall so inform the Supervisor in writing when the scheme is submitted or when the decision about the preparation of the scheme is made, as the case may be.
- (c) The Supervisor shall recommend to the planning agency that decided to prepare the scheme for the installation that requires a permit whether a joint procedure for discussion of the scheme and of the application for the emission permit should be held under the provisions of this section (in this Law: joint procedure).
- (d) Where the planning agency decides on the joint procedure, then the following provisions shall apply, notwithstanding the provisions of the Planning and Building Law and of this Law:
 - (1) the submitter of the scheme or the owner of the emission source that is the subject of the scheme shall submit an application for an emission permit, and the provisions of section 18, including the Supervisor's requirements under section 18(c), shall also constitute guidelines for the preparation of the environmental impact statement on the subject of air quality; the planning agency may prescribe additional guidelines for preparation of the said statement;
 - (2) an environmental impact statement in respect of the plan for the installation that requires a permit shall be prepared; the application for the emission permit shall constitute the air quality chapter in the said statement;
 - (3) the environmental consultant's opinion on the air quality chapter of the environmental impact statement shall include the Supervisor's decision under section 20, *mutatis mutandis*, and shall be placed before the planning agency within seven days of the date set in the said section;
 - (4) the planning agency shall decide to deposit the plan for the installation that requires a permit or to transfer it to District Commissions for their comments, as the case may be, only after it discusses the environmental consultant's opinion about the environmental impact statement;
 - (5) where the planning agency decides to deposit the scheme or to transfer it to the District Commissions for their comments, as the case may be, then these provisions shall apply:
 - (a) the provisions of section 21(b) shall not apply, but the notice of the deposit of the scheme or of its transfer to the District Commissions, as the case may be, shall also include the particulars of the notice that must be published in a newspaper according to the said section;
 - (b) the time for submitting an objection or a criticism of the

- scheme and the time for submitting comments on the draft emission permit shall be the time set in the Planning and Building Law or in this Law, whichever is later;
- (c) the public hearing on objections to or criticism of the plan and on the comments on the draft emission permit shall be held at the same time; the planning agency shall decide about the scheme and the Supervisor shall decide about the application for the emission permit; the Minister and the Minister of the Interior may prescribe provisions on the discussion procedures before the planning agency and before the Supervisor on objections and criticisms under the Planning and Building Law and on comments under this Law;
 - (6) provisions under the Planning and Building Law shall continue to apply to the plan for an installation that requires a permit, and provisions under this Law shall continue to apply to the application for the emission permit in respect of any other matter, for which no explicit provision is made in this section.
 - (e) Where the planning agency decides not to conduct a joint procedure, then provisions under the Planning and Building Law shall apply to the matter of the plan for the installation that requires a permit and provisions under this Law shall apply to the matter of the application for an emission permit; however –
 - (1) before the planning agency decides to deposit the scheme for the installation that requires a permit or to transfer a national outline scheme for an installation that requires a permit, including a national infrastructure scheme, to the District Commissions for their comments, the Supervisor shall present an opinion on matters related to this Law to the planning agency within ninety days from the day of request of the agency;
 - (2) Where the Supervisor decides to change his decision on the grant of an emission permit, the refusal to grant an emission permit or to change conditions of an emission permit, then the environmental consultant shall so inform the planning agency discussing the plan for the installation that requires a permit.
 - (f) A planning agency shall not decide to approve a scheme for an installation that requires a permit, for which the Supervisor refused to grant an emission permit, and it shall not prescribe for an installation that requires a permit, for which the Supervisor decided to grant a permit provisions that differ from those prescribed in the emission permit, unless for special reasons that shall be recorded.

Conditions for licenses or permits under another enactment

24. (a) A building permit for an emission source that requires a permit for which a building permit is required shall not be granted until after an application for an emission permit has been submitted.

- (b) (1) A business requiring licensing under the Licensing of Businesses Law which is an emission source that requires a permit shall be granted a license or a temporary permit only after the receipt of the emission permit;
- (2) Where an emission permit is granted for an emission source that is a business said in paragraph (1), then the provisions of the emission permit shall be deemed conditions of the license or temporary permit under the Licensing of Businesses Law, and on matters related to the prevention or reduction of air pollution no different conditions shall be prescribed in a said license or temporary permit or in a preliminary approval that is required under the said Law.
- (c) Where an emission permit is granted under this Law, then an action program under section 12 shall not include provisions that relate to the said emission source, and if said provisions were prescribed before the emission permit was granted, then they shall be replaced by the provisions of the emission permit, all as shall be prescribed in the emission permit.

Validity of permit and its renewal

- 25. (a) An emission permit shall be granted for a period of seven years.
- (b) An application for the renewal of an emission permit shall be submitted at least one year and not less than eighteen months before the period of its validity ends; the Minister may set other times for the submission of applications for the renewal of emission permits.
- (c) Notwithstanding the provisions of subsection (a), if an application to renew an emission permit was submitted according to subsection (b), and if before the end of the validity period of the emission permit the Supervisor did not determine that he refuses to renew it, then the permit shall remain in force until the Supervisor makes his decision or until four months after the period of the permit's validity ends, whichever is earlier.
- (d) The provisions of sections 18 to 22 shall apply, *mutatis mutandis*, to applications for the renewal of emission permits, but the Supervisor may prescribe that all or part of the provisions of section 21(e) and (f) shall not apply, if it was proven to his satisfaction that it is just to do so under the circumstances, taking consideration, *inter alia*, of changes that occurred in the data that were published before the permit, for which renewal is requested, was granted.

Changes in the conditions of an emission permit

- 26. (a) Under the provisions of this section, the Supervisor may at any time, at his own initiative or at the request of the emission permit holder, add to, change or detract from the conditions of the emission permit; where the Supervisor decides to change conditions in an emission permit, then he shall publish his decision as said in section 22(g) in

- close proximity to the emission permit.
- (b) The Supervisor shall not make any substantive change in the conditions of an emission permit that relate to best available technology, unless he concludes that there is an ongoing or a recurring exceedance of ambient air quality values or from reference values, or that an exceedance is anticipated and in order to prevent or reduce air pollution, or if he believes that the change is essential for the advancement of this Law's objectives.
 - (c) The Supervisor shall not decide on changes in an emission permit before he has granted the emission permit holder an opportunity to present his arguments.
 - (d) The provisions of section 21 shall apply, *mutatis mutandis*, to any change in the conditions of an emission permit, the subject of which is a relaxation of emission values set under section 22(b)(1) or some other substantive change in the conditions of the emission permit, and the Supervisor may change the ways of publication and the times prescribed in section 21, and he may also discuss comments submitted to him not in public, as he deems suitable under the circumstances of the case.

Substantial change in operation

27. (a) An emission permit holder shall not, by himself or through another, implement any change in the emission source that is the subject of the emission permit or in the manner of its operation, including the raw materials used in the emission source, which substantively changes the emission of pollutants from the emission source, as compared to the emission values, or which constitutes a significant deviation from other restrictions prescribed in the emission permit, and he shall not add to or expand any installation in the emission source, which is not an addition said in subsection (c) (in this Law: substantive operational change), until after receipt of the Supervisor's written approval; the Supervisor may approve the application, refuse to approve it or approve it with conditions, as he shall prescribe.
- (b) The provisions of sections 18 to 22 shall apply, *mutatis mutandis*, to an application to make a substantive operational change.
 - (c) The addition of an emission source that requires a permit to an existing emission source requires an emission permit for the emission source that is being added.

Cancellation or suspension of an emission permit

28. (a) The Supervisor may, at any time, cancel or suspend an emission permit, after he has granted the emission permit holder an opportunity to present his arguments, if he concludes that one of the following is the case:
- (1) the emission permit was granted on the basis of false or misleading information;

- (2) the emission permit holder violated a provision of this Law or a condition of the emission permit;
 - (3) operating the emission source causes an ongoing or frequently recurring exceedance of ambient air quality values.
- (b) If the fault, which made cancellation or suspension of the emission permit under subsection (a) necessary, is given to repair, then the Supervisor shall cancel or suspend the emission permit only after he informed the emission permit holder of the fault and the emission permit holder did not repair the fault in the manner and within the time prescribed by the Supervisor.
- (c) Decisions made by the Supervisor under this section shall be published on the Ministry's Internet site and shall be available for public scrutiny in the Supervisor's office, subject to the provisions of section 21(d)(1).

Restriction on applicability to the defense establishment

29. (a) The Prime Minister or the Minister of Defense, as the case may be, may permit, after consultation with the Minister and for a defined period that they shall set and that shall not be longer than necessary for completion of an essential defense activity, each of the following in respect of an emission source that requires a permit and is held and operated by the defense establishment:
- (1) operation of the emission source without a permit, on condition that an application for an emission permit shall be submitted without delay; where a permit is granted under this paragraph, then the provisions of section 24(a) shall not apply during the period of its validity period;
 - (2) deviation from a condition prescribed in the emission permit;
 - (3) implementation of a significant operational change without approval of the Supervisor, on condition that an application for the said approval shall be submitted without delay.
- (b) A permit said in subsection (a) shall be granted for a period of not more than 90 days, and is given to extension for additional periods of not more than 90 days each.
- (c) A vital defense activity, in respect of which a permit said in subsection (a) is granted, shall be implemented, as far as possible, according to the provisions of this Law and according to rules that each of the defense bodies shall prescribe in consultation with the Supervisor.
- (d) In this section, "vital defense activity" – activity carried out by a body enumerated in the definition of "defense establishment", which the Prime Minister or the Minister of Defense, as the case may be, determined is vital and whose cessation or reduction or other interference with it is liable to cause substantive harm to national security and whose implementation must be assured.

Article Three: Fees and Levies for Emission Sources that Require a Permit**Fees**

30. (a) In order to finance the Ministry's activities for compliance with the provisions of this Law and for their enforcement and for operation of the national system, the Minister may, with the consent of the Minister of Finance and with approval of the Committee, set a fee for the submission of an application for an emission permit and for applications to make significant operational changes.
- (b) The Minister may prescribe in regulations under subsection (a), *inter alia*, the rates of the fees, the manner and time for their payment, their linkage and means of their collection.

Levy on emission of pollutants into the air

31. (a) The Minister shall, with the consent of the Minister of Finance and with approval of the Committee, set levies for the emission of pollutants, to be imposed on emission permit holders.
- (b) In regulations under subsection (a) the Minister may prescribe, *inter alia*, the rate of the levy, its manner and time of payment, its linkage, its manner of collection, arrears interest and collection costs; the rate of the levy shall be set taking into account, *inter alia*, the types of pollutants emitted from the emission source, their quantity and the extent of their impact on the environment, and the Minister also may prescribe provisions on reduced rates of the levy under this section, refund of a levy collected or payment for increased efficiency or the reduction of pollutant emissions into the air.
- (c) Payment of the levy under this section shall be a condition for the validity of an emission permit.
- (d) The regulations that will be made under this section shall not derogate from the provisions of by-laws under the Association of Towns Law 5715-1955 in respect of fees for emission monitoring or air monitoring, but in setting fees under this section the Minister shall take into consideration, *inter alia*, fees set in by-laws under the said Law.

Article Four: Stationary Emission Sources that Require Licensing under the Licensing of Businesses Law**Rules and criteria for approval under the Licensing of Businesses Law**

32. (a) The Minister shall, with approval of the Committee, prescribe rules and criteria, according to which the permit granter will act when about to give approval or to stipulate conditions for a business that requires licensing under the Licensing of Businesses Law, in which an emission source is located or operated, in order to prevent and reduce air pollution, including the determination of emission values; the Minister shall also prescribe in aforesaid regulations provisions

- for the matters specified in section 22(b)(2) to (4) and (c).
- (b) Rules and criteria prescribed as said in subsection (a) shall be prescribed while taking into account, *inter alia*, accepted practice in developed countries worldwide, the recommendations and guidelines published by the European Union and the Organization for Economic Cooperation and Development (OECD) and conditions in the State of Israel on these matters, and all in order to achieve the objectives of the Law in the best possible manner.
 - (c) From time to time and according to scientific and technological developments the Minister shall review the need for updating the provisions under this section, and all subject to provisions under the Licensing of Businesses Law.

Conditions for approval of a business that requires a license

33. (a) When considering the grant of approval or the stipulation of conditions according to section 32(a), the approver shall take into account, *inter alia*, the considerations specified in section 20(b).
- (b) The approver may prescribe complementary conditions for approval of a business said in section 32(a), in addition to the conditions set under the provisions of this Law, and he may prescribe more stringent conditions due to special reasons that shall be recorded, or if there is a continuing or frequently recurring exceedance of ambient air quality values or reference values, all subject to provisions under the Licensing of Businesses Law.
- (c) Where approval under section 32(a) has been granted to a business, then its conditions shall be published on the Ministry's Internet site, subject to the provisions of section 21(d)(1).

Preconditions for granting a license

34. (a) An approver may give instructions to a business that requires licensing under the Licensing of Businesses Law in which an emission source is located or operated, even prior to the grant of a license or a temporary permit under the said Law, and the provisions of sections 32 and 33 shall apply to this matter, *mutatis mutandis*.
- (b) A person to whom instructions were given under subsection (a) must comply with them, as if they were conditions of a license or temporary permit granted to him under the Licensing of Businesses Law, and a violation of said instructions shall be deemed as a violation of a license or temporary permit under the said Law.
- (c) Instructions given to a person under this section shall not exempt him from compliance with all or some of the provisions of the Licensing of Businesses Law.

CHAPTER FIVE: MOBILE EMISSION SOURCES**Provisions for the prevention and reduction of air pollution from mobile emission sources**

35. (a) The Minister shall prescribe provisions for the prevention and reduction of air pollution from mobile emission sources, including provisions on emission values and on methods for measuring and examining pollutant emissions, recording their results and reporting them; said provisions may be prescribed in general, for categories of mobile emission sources or for matters that concern several said categories.
- (b) Regulations under subsection (a) shall be made, *inter alia*, according to provisions prescribed in international conventions to which Israel is a party, in consideration, *inter alia*, of emission values from mobile emission sources that are accepted in developed countries worldwide and to the recommendations and guidelines published on these matters by international organizations, including the European Union.
- (c) From time to time and according to scientific and technological developments the Minister shall review the need for updating the regulations on pollutant emissions from mobile emission sources.
- (d) Regulations under subsection (a) shall be made after consultation with the Minister of Transport and Road Safety, however –
- (1) regulations that relate to a military aircraft, vessel of the Israel Defense Forces and operational vehicle shall be made after consultation with the Minister of Defense; for this purpose:
"military aircraft" – as defined in the Air Navigation (Offences and Jurisdiction) Law 5731-1971;
"operational vehicle" – motor vehicle of the Israel Defense Forces, which the Minister decided, with approval of the Committee, is an operational vehicle.
 - (2) regulations related to aircraft and vessels of the Israel Police shall be made also after consultation with the Minister of Internal Security.
 - (3) Regulations related to mobile emission sources, whose activity is not within the sphere of responsibility of the Ministry of Transport and Road Safety, shall be made after consultation with the Minister, within the sphere of responsibility of whose Ministry lies the activity of the said mobile emission source.
- (e) After consultation with the relevant Minister, the Minister may, by order, add mobile emission sources to Schedule Two.

Restrictions and prohibitions in respect of mobile emission sources

36. (a) A person shall do any of the following only in compliance with provisions prescribed under section 35, as the case may be:
- (1) produce, sell, import or market a mobile emission source;
 - (2) operate or use a mobile emission source.

- (b) The provisions of subsection (a) shall not apply to the sale of a mobile emission source, in respect of which the provisions prescribed under section 35 do not apply, if the sale is not by way of an occupation or if it is only in order to scrap it and to recycle its materials.

Provisions on motor vehicles

37. (a) Without derogating from the provisions of section 35, a motor vehicle shall not be registered and a license shall not be granted to it or renewed by any licensing authority or by a person it authorized to do so, unless it meets the provisions prescribed under this Law; in an examination of a motor vehicle for the purpose of registration, receipt of a vehicle license or its renewal under the Traffic Ordinance (in this section: motor vehicle test) the emission from the vehicle shall be measured and recorded, as compared to the emission values; the Minister may, after consultation with the Minister of Transport and Road Safety, prescribe ways for performing motor vehicle tests, recording the results and reporting them.
- (b) The Minister shall, after consultation with the Minister of the National Infrastructure and the Minister of Transport and Road Safety, prescribe rules for grading and marking the categories of motor vehicles according to the anticipated impact of their use on air pollution.

Disclosure in advertising on air pollution from motor vehicles

38. (a) In this section –
"advertisement" – advertisement in writing, in print, or by visual electronic media intended for or accessible to the public;
"new vehicle" – a motor vehicle that has not yet been registered or for which no vehicle license has as yet been issued under the Traffic Ordinance;
"motor vehicle" – a motor vehicle, including a commercial vehicle, work vehicle and motorcycle, as defined under the Traffic Ordinance, with a permitted total weight of not more than 3,500 kg.
- (b) Any person who sells or markets new vehicles as his occupation shall not advertise any new vehicle, unless the body of the advertisement includes a notice that specifies –
- (1) the level of air pollution, based on the emission of pollutants from the vehicle that is the subject of the advertisement while it is in operation, as they concern the type of vehicle that is the subject of the advertisement, as prescribed by the Minister, by accepted measurement units of each pollutant; in this paragraph, "pollutant": each of the following: carbon dioxide (CO₂), carbon monoxide (C), nitrogen oxide (NO_x), hydrocarbons (HC), respirable particles (PM) and any other pollutant designated by the Minister;
 - (2) data on the vehicle's fuel consumption, in terms of liters per 100 km.

- (c) When a new vehicle is advertised, it shall be deemed as if done by the manufacturer, and if the vehicle is imported – by the importer, or that it was done under their instructions, as long as it was not proven otherwise, provided that an advertisement originating outside of Israel not be deemed advertising prohibited under the provisions of this Law, if it appears from the way it is broadcast or publicized that it is not aimed mainly at the public in Israel.
- (d) In a business in which new vehicles are sold or marketed a notice shall be displayed in a clearly visible place and in a color and size that are clearly legible, stating the particulars said in subsection (b).
- (e) In an advertisement the notice said in subsection (b) shall be as follows:
 - (1) in writing or print – of a size at least 7% of the total area of the advertisement;
 - (2) in television broadcasts that are part of statutorily regulated broadcasts – in a color and size that are clearly visible, according to rules set by the supervising body over those broadcasts (in this section: supervisory body);
 - (3) by other visual electronic media – in one of the corners of the screen, throughout the length of the advertisement, in a color and size that are clearly legible;
 - (4) it is permissible not to include the particulars specified in subsection (b) in an advertisement said in paragraphs (2) and (3), if all the following are complied with:
 - (a) the address of the advertiser's Internet site is stated where the said particulars shall be published;
 - (b) it includes a color or symbol that indicates the level of pollution of the vehicle that is the subject of the advertisement, as prescribed in regulations.
- (f) The Minister may, after consultation with the Minister of Transport and Road Safety and with approval of the Knesset Economics Committee, make regulations in regards to this section, including on the following matters:
 - (1) levels of pollution and the manner of their presentation for purposes of subsections (b)(1) and (d), including the color or symbol that will mark the level of pollution in the advertisement;
 - (2) the standard measurement units, according to which the information in subsections (b)(2) and (d) will be published;
 - (3) the size, location, form and color of the advertisement, as well as the size and form of the letters in the advertisement;
 - (4) additional particulars in subsection (b) that must be included in an advertisement for motor vehicles.
- (g) A supervisory body may, with approval of the Knesset Economics Committee, prescribe rules for purposes of this section that conform to provisions prescribed by the Minister under subsection (f), *mutatis mutandis*.

CHAPTER SIX: FUEL

Provisions in respect of fuel

39. (a) After consultation with the Minister of National Infrastructures, the Minister shall prescribe provisions in respect of the characteristics, components and quality of types of fuel and fuel additives, in order to reduce, as far as possible, the emission of pollutants as a result of the use of fuel or fuel additives, and to prevent adverse impact on the efficiency or performance of an installation or system designed to reduce the emission of pollutants from an emission source that uses fuel or fuel additives; however, said provisions in respect of fuel, to which the Operation of Vehicles (Motors and Fuel) Law 5721-1960 applies, shall be made jointly by the Minister and the Minister of National Infrastructures, after consultation with the Minister of Transport and Road Safety.
- (b) Provisions said in subsection (a) may be made in general, for categories of fuel or fuel additives or on matters that relate to several said categories.
- (c) Provisions said in subsection (a) shall be made in accordance with provisions prescribed in international conventions, to which Israel is a party, and in consideration also of the accepted practice in developed states worldwide.
- (d) From time to time and according to scientific and technological developments the Minister shall review the need for updating the provisions said in subsection (a).
- (e) Provisions under this section shall add to any official standard for categories of fuel and of fuel additives, if set; for this purpose, "official standard" – as per its meaning in the Standards Law 5713-1953.
- (f) The provisions of this section shall add to the provisions under Chapters Four and Five in the matter of emission sources.

Restrictions and prohibitions in respect of fuel

- 40 (a) Any person shall do any of the following only in accordance with provisions prescribed under section 39, as the case may be –
- (1) produce, sell, import or market fuel or fuel additives;
 - (2) operate an emission source by means of fuel or use fuel or fuel additives in connection with any emission source.
- (b) The provisions of subsection (a)(1) shall not apply to fuel and fuel additives that are not intended for use in Israel for energy production.

CHAPTER SEVEN: ADDITIONAL PROVISIONS FOR EMISSION SOURCES

Additional provisions for emission sources

41. (a) The Supervisor may give a person or a body enumerated in Schedule Four, which is an emission source owner, instructions for the prevention and reduction of air pollution from the emission source and for the advancement of the objectives of this Law, including instructions on any matter for which conditions may be prescribed in an emission permit for an emission source that requires a permit.
- (b) When giving instructions under subsection (a), the Supervisor shall take into account, *inter alia*, the matters and considerations enumerated in sections 19(b) and 20(b).
- (c) Provisions prescribed in enactments that apply to an emission source said in subsection (a) shall not derogate from the Supervisor's power under the said subsection.
- (d) The provisions of this section shall add to provisions under Chapters Four to Six in respect of emission sources.
- (e) The Minister may, by order with approval of the Committee, change Schedule Four.

CHAPTER EIGHT: SUPERVISION, ENFORCEMENT AND PENALTIES

Article One: Inspection

Authorizing inspectors

42. The Minister may, from among State employees, authorize inspectors with some or all of the powers under this Law, but an inspector shall only be authorized if all the following applies to him:
 - (1) the Israel Police gave notice, within ninety days from the time of the Minister's request, that it has no objection to his authorization for reasons of public security, including his criminal past;
 - (2) he was given appropriate training in the sphere of powers that will be vested in him under this Law, as prescribed by the Minister with the consent of the Minister of Internal Security.
 - (3) he meets additional fitness conditions, such as prescribed by the Minister with the consent of the Minister of Internal Security.

Powers of an inspector

43. (a) In order to supervise implementation of the provisions under this Law, the Supervisor or an inspector may, after he identified himself under section 44 –
 - (1) require any person to provide him with his name and address and to present to him with an ID card or other official document that identifies him;
 - (2) require of any relevant person any information or document that can assure or facilitate the implementation of provisions under this Law; in this paragraph, "document" includes a computer printout, as defined in the Computers Law 5755-1995;

- (3) conduct tests or measurements or take samples for testing and also order that samples be delivered to a laboratory for testing or be kept for a period that he shall prescribe, or deal with them in some other manner;
 - (4) enter a place, including an aircraft, a vessel or a motor vehicle, but he shall not enter –
 - (a) a place used for residential purposes, unless it is with a court order;
 - (b) a place occupied by the defense establishment, a prison or a place occupied by the Israel Police – as long as operational activity or hostile activity is in progress in that place when the Supervisor or the inspector enters.
- (b) If suspicion of an offense under this Law arises, then the Supervisor or an inspector may –
- (1) interrogate any person connected to the said offense or who may have information about the said offense; the provisions of sections 2 and 3 of the Criminal Law Procedure (Testimony) Ordinance shall apply to an interrogation under this paragraph, *mutatis mutandis*;
 - (2) seize any object connected to the said offense; the provisions of Chapter Four of the Criminal Law Procedure Ordinance (Arrest and Search) [New Version] 5729-1969 (in this Ordinance: Arrest and Search Ordinance) shall apply, *mutatis mutandis*, to any seizure under this paragraph;
 - (3) petition the court for a search warrant under section 23 of the Arrest and Search Ordinance and carry out the search; the provisions of sections 24(a)(1), 26 to 28 and 45 of the Arrest and Search Ordinance shall apply to a search under this paragraph.
- (c) Where a person refuses to respond to a demand by the Supervisor or an inspector, according to his authority under the provisions of this section, and if there is fear of his escape or if his identity is not known, then the Supervisor or inspector supervisor may detain him until a policeman arrives, and the provisions of section 75(b) and (c) of the Criminal Law Procedure (Powers of Enforcement – Arrest) Law 5756-1996 shall apply to a said detention, *mutatis mutandis*.
- (d) An inspector shall not make use of his powers under this section in respect of places occupied by the defense establishment or by Israel Police, unless he has the appropriate security clearance.

Inspector's identification

44. (a) An inspector shall use the powers vested in him under this Law only when all the following apply:
- (1) he is on duty;
 - (2) he wears an inspector's uniform, of the color and form prescribed for this purpose by the Minister, on condition that it is not misleading by being taken to be a police uniform, and he

- openly wears a tag that identifies him and his position;
- (3) he holds a certificate signed by the Minister, that testifies to his position and powers, which he shall present on request.
- (b) The obligation to identify himself under subsection (a) shall not apply in the following instances:
 - (1) if it is nearly certain that compliance with it is liable to hinder the exercise of the authority;
 - (2) if the Minister confirmed that compliance with it is liable to endanger the safety of the inspector or some other person.
- (c) Where the circumstances that prevented compliance with the obligations under subsection (a) have passed, the inspector shall comply with the said obligations as soon as possible.

Article Two: Orders to Prevent, Reduce or Stop Air Pollution

Administrative order to prevent or reduce air pollution

45. (a) Where the Supervisor is convinced that air pollution is being caused by an act or omission in violation of provisions under this Law, or that there are reasonable grounds to assume that air pollution will be caused, and if no indictment has as yet been brought, then he may, in writing, order the person who caused the said air pollution or is about to do so to stop the activity which causes the air pollution, to abstain from doing it or to undertake the measures necessary to prevent or to reduce the air pollution that was caused or is liable to be caused, or to restore previous conditions, as the case may be.
- (b) Where the provisions of an order made under subsection (a) are not met, the Supervisor or a person he authorized for this purpose may do what the order requires; when done, the person who was ordered but did not comply with the provisions of the order shall be obligated to pay to the Fund double the expenses that were incurred.
- (c) The Supervisor or a person he authorized to implement an order as said in subsection (b) may enter any place in order to implement the order, provided that he enter a place said in section 43(a)(4) only in compliance with the provisions of that section.
- (d) An order made under this section shall be served to the person to whom it was addressed or the emission source holder, in the manner in which a court document is served in a civil proceeding, and if he cannot be located by reasonable efforts, then the order shall be displayed at the place to which it applies.

Administrative order to cease use

46. (a) The Supervisor shall instruct, by means of an order, a stop in use of all or part of an emission source immediately when one of the following applies:
- (1) an order was issued under section 45 to prevent or reduce air pollution from that emission source, and the person to whom the order was addressed did not comply with its provisions;

- (2) the emission source is an emission source that requires a permit and an emission permit was not issued for it;
 - (3) the Supervisor concluded, after consultation with the Director General of the Ministry of Health, that there is fear of real harm to public health, due to the use of the emission source;
 - (4) use of the emission source is related to ongoing or frequently recurring violations of the provisions of this Law.
- (b) The provisions of section 45(b) to (d) shall apply to the implementation of an order under the provisions of this section, *mutatis mutandis*.
 - (c) The validity of an order said in subsection (a) shall be for thirty days from the day on which it was issued; if, at the end of the thirty day period the Supervisor is convinced that the fault with regard to which the order was given has not been repaired, then he may extend the validity of the said order for an additional thirty day period; the validity of the order shall expire at the end of the said periods, unless it was approved by the court that is competent to deal with the offense that is the subject of the order.

Request for cancellation of an order by the court

- 47. (a) If a person deems himself aggrieved by an order made under the provisions of sections 45 or 46, he may present a request to the court competent to deal with the offense to cancel it.
- (b) Submission of a request for the cancellation of an order under the provisions of subsection (a) does not suspend the validity of the order as long as the court has not decided otherwise; if the court decides to suspend the validity of the order *ex parte*, then the request shall be heard as soon as possible in the presence of the parties, and not later than seven days from the day of the decision.
- (c) The court may cancel, approve or change the order.

Judicial restraining order

- 48. (a) (1) A Magistrates Court may, at the request of the Supervisor or prosecutor, as per its meaning in section 12 of the Criminal Law Procedure Law (in this section: the prosecutor) instruct that use of an emission source be stopped, in whole or in part, during a period that it shall set, if the circumstances said in section 46(a) existed or if its use constitutes another offense under the provisions of this Law, and it may also instruct that use in the place be restricted, if it is convinced that there are reasonable grounds to fear that if the order is not given the place will be used to commit an offense under this Law, (in this section: judicial restraining order).
- (2) When the court is about to give a judicial restraining order, it shall consider, *inter alia*, the commission of previous offenses by means of that emission source, the emission source owner's or holder's knowledge of the commission of an offense by

means of the emission source or the intention to commit a said offense in the future, and the extent of harm that the order will cause them.

- (b) (1) The court that gave the judicial restraining order may change the conditions of the order or cancel it at the request of the Supervisor or the prosecutor, or of the person who deems himself aggrieved by the order and who was not summoned to present his arguments.
- (2) The court may reconsider the judicial restricting order that it gave, if it finds this to be justified due to changing circumstances or new facts that were discovered after the order was given.
- (c) The provisions of section 45(b) to (d) shall apply, *mutatis mutandis*, to the implementation of a judicial restraining order.

Motor vehicle inspection and do-not-use notice

49. (a) An inspector or a policeman may detain a motor vehicle in order to test the air pollution emitted from it (in this section: initial test) and implement the said test, on condition that the test is implemented as quickly as possible; detention by an inspector under this section shall be at a place and in a manner coordinated with the Israel Police; in this section, "test" – test by means of an instrument, as prescribed by the Minister.
- (b) If, in consequence of the initial test, suspicion arises that an offense under this Law is being committed and an additional test is required, then the inspector or policeman may detain the vehicle for an additional test, on condition that the additional test is implemented as quickly as possible.
 - (c) Where, in the additional test under subsection (b), the inspector or policeman finds that the vehicle pollutes the air more than is permitted, then he may give the driver of the vehicle a notice that prohibits use of the vehicle until the fault is repaired (in this section: do-not-use notice) and take the vehicle license; the do-not-use notice shall specify the faults found in the test, as well as the obligation to bring the vehicle for a test at a time and place to be prescribed, as the case may be, after repair of the fault; where an inspector or policeman has given a do-not-use notice, he shall so inform the licensing authority; a copy of the do-not-use notice shall be sent to the owner of the vehicle, if it was not given to him when the notice was given; the Supervisor shall, in coordination with the licensing authority and with the head of the Traffic Department of the Israel Police, prescribe procedures for giving notices and taking licenses as said in this section.
 - (d) If a do-not-use notice was given and the license was not taken, then the vehicle owner shall deliver the vehicle license at the time set and to the person prescribed in the do-not-use notice.
 - (e) Where a do-not-use notice has been given, no person shall use the

vehicle for which the notice was given except for driving in order to implement the actions required in order to repair the fault and for its subsequent testing by the licensing authority or by the person it authorized to do so, at a time and place prescribed in the notice.

- (f) (1) Where the licensing authority or the person it authorized for this purpose is convinced, based on a test under subsection (e), that the faults specified in the do-not-use notice have been repaired, it shall cancel the notice and return the vehicle license;
- (2) the licensing authority shall not renew a vehicle license and shall not issue a duplicate license as long as it has not been informed that the vehicle was tested and found in good order, or that the fault specified in the do-not-use notice was repaired, as the case may be.
- (g) an inspector shall exercise the powers under this section only after all the following are complied with:
 - (1) he received additional training, besides his training as an inspector under section 42, for operation of the authority under this section, as the Minister of Internal Security and the Minister prescribed;
 - (2) he identified himself as said in section 44.
- (h) in order to comply with the provisions of this section, an inspector or policeman may require a person who drives a vehicle –
 - (1) to stop the vehicle;
 - (2) to present to him the vehicle license, driver's license, ID card or other official document testifying to his identity, that he must carry under any statute;
 - (3) to give him the vehicle license.
- (i) An inspector shall not use his powers under this section against a vehicle driven by a soldier, policeman or prison guard, and also not by a person in charge of security or a security guard, as defined in the Security Arrangements in Public Bodies Law 5758-1998, in the course of operational activity.
- (j) The provisions of this section shall not derogate from powers vested in a policeman under any statute.

Article Three: Administrative Financial Sanction

Notice of intention to impose administrative financial sanction

50. If the Supervisor has reasonable grounds to assume that a person violated any of the provisions prescribed in section 53 (in this Article: violator), then he may give him notice of his intention to impose on him an administrative financial sanction (in this Article: intention to charge notice); in the said notice the Supervisor shall state, *inter alia*, the following:

- (1) the act that constitutes the violation;
- (2) the amount of administrative financial sanction and the time for its payment;

- (3) the violator's right to present his arguments under the provisions of section 51;
- (4) the amount to be added to the administrative financial sanction in case of an ongoing or recurring violation, according to the provisions of section 55.

Right to present arguments

51. A violator to whom an intention to charge notice was delivered may, within thirty days from the time of delivery of the notice, submit to the Supervisor his written arguments about the intention to impose an administrative financial sanction and about its amount.

Demand for payment

52. (a) After considering the arguments submitted to him under section 51, the Supervisor shall decide whether to impose on the violator an administrative financial sanction, and he may reduce the amount of the administrative financial sanction under the provisions of section 54.
- (b) (1) Where the Supervisor decides under the provisions of subsection (a) to impose an administrative financial sanction, he shall deliver to the violator a demand for payment of the administrative financial sanction (in this Article: demand for payment); in the demand for payment the Supervisor shall note, *inter alia*, the updated amount of the administrative financial sanction, as said in section 57(a), and the date for its payment.
 - (2) Where, under the provisions of subsection (a), the Supervisor decides not to impose an administrative financial sanction, he shall so inform the violator.
- (b) If the violator does not present his arguments under section 51 within thirty days from the day in which the charge notice was delivered to him, then that notice shall, at the end of the said thirty days, be deemed a demand for payment that was delivered to the violator at the said time.

Amount of the administrative financial sanction

53. (a) The amount of the administrative financial sanction shall be NS 400,000, and if the offense was committed by a body corporate – NS 800,000, for the violation of any of the following provisions:
- (1) non-preparation or non-implementation of an action program in violation of the provisions of section 12;
 - (2) installation, operation, maintenance or use of an emission source that requires a permit or authorization for another to do so without an emission permit or in violation of its provisions, in violation of the provisions of section 17(a);
 - (3) Implementation of a significant operational change in an emission source without approval from the Supervisor, in

- violation of the provisions of section 27(a);
- (4) non-compliance with an instruction given under the provisions of section 41(a).
- (b) The amount of the administrative financial sanction shall be NS 200,000, and if the offense was committed by a body corporate – NS 400,000, for the violation of any of the following provisions:
- (1) non-compliance with instructions to establish or operate an air monitoring station, in violation of the provisions of section 7;
 - (2) non-compliance with instructions given under section 8(c)(2);
 - (3) production, import or marketing of a stationary emission source, in violation of the provisions of section 14(a)(1);
 - (4) operation of a stationary emission source or its use, in violation of the provisions of section 14(a)(2);
 - (5) non-implementation of monitoring or sampling, or non-delivery of monitoring or sampling data, in violation of the provisions of section 15;
 - (6) non-compliance with the conditions of a business license or temporary permit under the Licensing of Businesses Law, which were prescribed under section 33;
 - (7) production, import, marketing or sale of a mobile emission source, in violation of the provisions of section 36(a)(1);
 - (8) operation or use of a mobile emission source, in violation of the provisions of section 36(a)(2);
 - (9) production, import, marketing or sale of fuel or a fuel additive, in violation of the provisions of section 40(a)(1);
 - (10) operation of an emission source by means of fuel or a fuel additive or use of fuel, in violation of the provisions of section 40(a)(2).
- (c) The amount of the administrative financial sanction shall be NS 100,000, and if the offense was committed by a body corporate – NS 200,000, for violation of any of the following provisions:
- (1) non maintenance of records or non-reporting to the Supervisor. in violation of the provisions of section 16(a);
 - (2) non-compliance with instructions about testing a motor vehicle, recording the results and reporting them, in violation of the provisions of section 37(a), on the part of a person whom the licensing authority authorized to do so;
 - (3) non-compliance with instructions about an advertisement or notification, in violation of the provisions of section 38.

Reduced amounts

54. (a) The Supervisor may impose administrative financial sanctions in amounts smaller than those prescribed in this Article only under the provisions of subsection (b).
- (b) The Minister may, with the consent of the Minister of Justice, designate instances, circumstances and considerations, due to which it will be possible to impose administrative financial sanctions in

amounts lower than those prescribed in this Article, in amounts that he shall determine.

Ongoing violation and recurring violation

55. (a) In the case of an ongoing violation the administrative financial sanction set for that violation shall be increased by one twentieth thereof for each day on which the violation continues.
- (b) In the case of a recurring violation the administrative financial sanction that could have been imposed, had it been a first violation, shall be increased by an amount equal to the administrative financial sanction; for this purpose, "recurring violation" – violation of one of the provisions specified in section 53 within two years of the previous violation of the same provision, for which an administrative financial sanction was imposed on the violator or for which the violator was convicted.

Time for payment of the administrative financial sanction

56. The administrative financial sanction shall be paid within thirty days of the day on which the demand for payment was delivered, as said in section 52.

Updated amount of administrative financial sanction

57. (a) The administrative financial sanction shall be according to its updated amount on the day of delivery of the demand for payment, and in respect of a violator who did not submit his arguments, as said in section 51 – on the day on which the notice of intention to charge was delivered; if a petition was submitted to the Administrative Affairs Court and the court ordered payment of the administrative financial sanction to be stayed – then the administrative financial sanction shall be according to its updated amount on the day of the decision on the petition.
- (b) The amounts of the administrative financial sanction said in section 53 shall be updated on January 1 of each year (in this subsection: updating day) according to the rate of increase of the index known on the updating day compared to the index that was known on the updating day in the preceding year, and in respect of the first updating day – compared to the index that was known on July 1, 2008; the said amount shall be rounded to the nearest amount that is a multiple of NS 100; in this Law: "index" –the Consumer Price Index published by the Central Bureau of Statistics.
- (c) A notice of the amount of the administrative financial sanction, as updated under subsection (b), shall be published in *Reshumot*.

Linkage differentials and interest

58. If an administrative financial sanction was not paid on time, then linkage differentials and interest shall be added to it for the arrears period, until it is paid; in this section, "linkage differentials and interest" – as defined in the Adjudication of Interest and Linkage Law 5721-1961 (in this Article:

linkage differentials and interest).

Petition

59. (a) Petitioning the Administrative Affairs Court against a demand for payment of an administrative financial sanction under this Article shall not stay payment of the administrative financial sanction, unless the Supervisor agreed or the court so ordered.
- (b) Where a petition said in subsection (a) was accepted after the administrative financial sanction was paid, then the administrative financial sanction shall be refunded with the addition of linkage differentials and interest from the day of its payment until the day of refund.

Publication

60. Where an administrative financial sanction has been charged under this Article, the Supervisor shall instruct the violator to publish in a newspaper or in any other manner that the Supervisor shall decide, the fact that an administrative financial sanction was imposed, the name of the violator, the nature of the violation for which it was imposed, the circumstances and the amount of the sanction, all subject to the provisions of section 21(d)(1).

Saving of criminal liability

61. (a) The payment of an administrative financial sanction shall not derogate from a person's criminal liability for violating a provision enumerated in section 53.
- (b) Where an indictment is brought against a person for an offense, then he shall not be charged for the act that constitutes the offense with payment of an administrative financial sanction, and if he paid it - the amount he paid shall be refunded to him with the addition of linkage differentials and interest from the day of payment to the day of refund.

Temporary guarantee and detaining a polluting vessel

62. (a) Where one of the provisions said in section 53 was violated in a vessel or in connection with it, then the Supervisor may obligate the violator to deposit a temporary guarantee as he shall prescribe, until a decision about the administrative financial sanction is made or until the administrative financial sanction is paid, whichever is later.
- (b) The Supervisor shall set the amount of a temporary guarantee and the time period it shall be valid, and he shall so inform the violator when he sends the notice of the intention to charge; the guarantee shall be in the amount of the administrative financial sanction stated in the notice of the intention to charge.
- (c) Where a notice under subsection (b) is sent in respect of a vessel, then the Supervisor shall instruct the director of the port where the vessel anchors to exercise his powers under the Ports Ordinance [New Version] 5731-1971 and not permit the vessel, in which or in

connection with which the offense was committed, to leave the area of the port as long as the guarantee has not been deposited or the administrative financial sanction paid, whichever was earlier.

Article Four: Penalties

Penalties

63. (a) If a person commits one of the following, he shall be liable to two years imprisonment or to a fine three times the fine said in section 61(a)(4) of the Penal Law, and if the offense was committed by a body corporate – to a fine six times the fine said in section 61(a)(4) of the said Law:
- (1) causes considerable or unreasonable air pollution, in violation of the provisions of section 3;
 - (2) does not comply with instructions issued under section 8(c)(2);
 - (3) installs, holds or operates an emission source that requires a permit or uses it without an emission permit or in violation of its conditions, in violation of the provisions of section 17(a);
 - (4) makes a significant operational change in an emission source without the Supervisor's approval, in violation of the provisions of section 27(a);
 - (5) produces, imports, markets or sells a fuel or fuel additive, in violation of the provisions of section 40(a)(1);
 - (6) does not comply with an instruction given him under the provisions of section 41(a);
 - (7) does not comply with the provisions of an order issued under section 45, 46, 48 or 67, or with a do-not-use notice under section 49, as the case may be.
- (b) If a person commits one of the following, he shall be liable to one year imprisonment or to a fine said in section 61(a)(4) of the Penal Law, and if the offense was committed by a body corporate – to double the fine said in section 61(a)(4) of the said Law:
- (1) produces, imports, markets or sells a stationary emission source, in violation of the provisions of section 14(a)(1);
 - (2) operates or uses a stationary emission source, in violation of the provisions of section 14(a)(2);
 - (3) produces, imports, markets or sells a mobile emission source, in violation of the provisions of section 36(a)(1);
 - (4) operates or uses a mobile emission source, in violation of the provisions of section 36(a)(2);
 - (5) operates an emission source by means of fuel or uses fuel or a fuel additive in connection with an emission source, in violation of the provisions of section 40(a)(2);
 - (6) disturbs the Supervisor or an inspector in the performance of his duty under this Law or does not comply with an obligation imposed on him under this Law to deliver data, information and documents.

- (c) If a person commits one of the following, he shall be liable to six months imprisonment or to half the fine said in section 61(a)(4) of the Penal Law, and if the offense was committed by a body corporate – to the fine said in section 61(a)(4) of the said Law:
 - (1) does not monitor or sample, in violation of the provisions of section 15(a);
 - (2) does not keep records, in violation of the provisions of section 16(a);
 - (3) does not comply with instructions on an advertisement or notification, in violation of the provisions of section 38.
- (d) If a person commits an offense said in subsections (a) or (b) in an aggravated manner or under aggravating circumstances, in consequence of which real environmental pollution is caused or is liable to be caused, then he shall be liable to three years imprisonment or to double the fine that the court had the right to impose on him under the provisions of subsection (a) or (b), as the case may be.
- (e) If the offense is an ongoing offense, then the court may impose an additional fine at the rate of 5% of the amount of fine said in subsection (a) for each day in which the offense continues.
- (f)
 - (1) In respect of an offense that a person committed under this Law, in consequence of which he obtained a benefit or profit, for himself or for another, the court may impose on him, in addition to any other penalty, a fine in the amount of the benefit or profit obtained as aforesaid; for the purposes of this subsection, "benefit" includes an expense that was saved.
 - (2) The provisions of this subsection shall not derogate from the provisions of section 63 of the Penal Law.
- (g) An offense under subsections (a) and (b)(1) to (4) shall be of the category of offenses of strict liability.

Responsibility of an employer and office holder in a body corporate

64. (a) An employer and office holder in a body corporate must supervise and do everything possible in order to prevent the commission of offenses under this Law by any of their employees, by the body corporate or by any employee of the body corporate, as the case may be; whoever violates this provision shall be liable to the fine said in section 61(a)(4) of the Penal Law.
- (b) Where an offense under this Law has been committed by an employee, by a body corporate or by an employee of a body corporate, then it is assumed that the employer or the office holder of the body corporate, as the case may be, violated his obligation under subsection (a), unless he proves that he did everything possible to fulfill his obligation.
- (c) In this section, "office holder in a body corporate" – an active manager of the body corporate, a partner other than a limited partner or a holder of another position in the body corporate who is

responsible, on behalf of the body corporate, for the sphere in which the offense was committed, and also a director in respect of an offense said in section 63(a).

Powers of the court

65. (a) Where an indictment or a complaint is submitted in respect of an offense under this Law, the court may issue a mandatory injunction, a prohibitory injunction and any other remedy, including a judicial restraining order under sections 45 or 48, as it deems proper under the circumstances before it, all in order to prevent or reduce the air pollution that is caused as a result of the commission of the offense or in order to prevent its recurrence.
- (b) The provisions of section 20W(b) to (h) of the Water Law 5719-1959 shall apply, *mutatis mutandis*, to orders that the court issued under subsection (a).
- (c) Where a court convicts a person of an offense under this section, then it may, in the sentence and in addition to any other penalty that it may impose –
- (1) order him to repair or rehabilitate any harm he caused to the environment or to repair or rehabilitate any other environmental nuisance, as the court may order;
 - (2) obligate him to pay the expenses incurred for the repair or rehabilitation of the environment, as said in paragraph (1), if the prosecutor or the person who bore the expense so requested from the court.
- (d) If more than one person was convicted of the offense, then in a decision said in subsection (c)(2) the court may impose the payment of expenses on all or some of them, jointly or severally, or it may divide the payment among them, all as it deems proper under the circumstances.

Provision in respect of vessels

66. (a) Where an indictment for an offense under this Law has been brought for an offense committed in a vessel or in connection with it, then the director of the port where the vessel is found may, when using his powers under the Ports Ordinance [New Version] 5731-1971, not permit the vessel to leave the confines of the port as long as a guarantee for payment of the fine in case of conviction for the offense was not delivered to the director of the port.
- (b) After consultation with the Minister of Transport and Road Safety, the Minister may prescribe provisions about the amount, form, period, conditions and ways of collection of the guarantee.

Judicial order to prohibit use of a vehicle

67. (a) If a person was found guilty of an offense under this Law in connection with a motor vehicle, then the court may, in addition to any other penalty and notwithstanding the provisions of any statute,

make an order that prohibits use of the vehicle in connection with which the offense was committed for a period of not more than 120 days and prescribes the place where the vehicle shall stand during the period of its prohibition of use (in this section: prohibition of use order)

- (b) The court shall give a prohibition of use of order only after the owner of the vehicle was given an opportunity to present his arguments about the prohibition.
- (c) Where a prohibition of use order is given, then no person shall use the vehicle in respect of which the order was made, except for driving for the purpose of implementing the actions necessary to repair the faults, at the places and times stated in the order, and it shall only be transferred from the place where the vehicle was ordered to stand following the written permission of the Supervisor or someone on his behalf.
- (d) The provisions of sections 57C(d) and (f), 57D, 57E, 57F and 57G of the Traffic Ordinance shall apply, *mutatis mutandis*, to the matter of a prohibition of use order and to the appeal against it.

Rates of fines

68. Notwithstanding the provisions of section 221(b) of the Criminal Law Procedure Law, the Minister of Justice may, with the consent of the Minister, prescribe a rate of fine greater than the rate of fine prescribed in the said section for an offense under this Law that was designated a finable offense, and also for an ongoing finable offense committed by the same person, taking into account the type of offense and the circumstances under which it was committed, provided the amount of the fine does not exceed ten percent of the amount of the maximum fine prescribed for that offense; a said fine may be in different amounts or at different rates in respect of bodies corporate, in respect of an ongoing offense and in respect of different circumstances under which the offense was committed.

Complaint

69. (a) For an offense under this Law the persons enumerated below may submit a complaint, as said in section 68 of the Criminal Procedure Law:
- (1) any person – in respect of an offense, which was committed within his private domain or caused him damage;
 - (2) each of the bodies enumerated in the Schedule of the Abatement of Environmental Nuisances (Civil Claims) Law 5752-1992.
- (b) A complaint under subsection (a) shall be submitted only if the complainant gave the Minister notice of his intention to do so and if, within sixty days thereafter, no indictment was brought on behalf of the Attorney General.

CHAPTER NINE: CIVIL CLAIMS

Civil wrongs

70. An act or omission in violation of the provisions of this Law constitutes a civil wrong and the provisions of the Civil Wrongs Ordinance [New Version] shall apply to it, subject to the provisions of this Law.

Bodies concerned with the protection of the environment

71. (a) A complaint for a wrong under this Law may be brought by a body that has the right to bring complaints under section 6 of the Abatement of Environmental Nuisances (Civil Claims) Law 5752-1992, on condition that, if the grounds for the action is an act or omission that harmed a specific person, that person consented.
- (b) In a complaint for a wrong under this Law the court may permit a body said in subsection (a) to have its say in the manner the court shall prescribe.

Liability of an office holder in a body corporate

72. Where a wrong said in section 70 was committed by a body corporate, then a person shall also be liable for that wrong, if at that time he was an active manager in the body corporate, a partner other than a limited partner or a senior employee responsible for the sphere in which the wrong was committed, unless he proved the following two points:
- (1) the wrong was committed without his knowledge;
 - (2) he took reasonable measures under the circumstances to prevent the wrong.

CHAPTER TEN: MISCELLANEOUS PROVISIONS

Assumption in respect of real estate

73. If an act or omission in violation of provisions under this Law was committed from real estate, then the occupant of the real estate or the person who controls or supervises the real estate shall be deemed as if he had committed the act or omission, unless he proves that he did everything possible to prevent its commission.

Assumption in respect of motor vehicles, vessels and aircraft

74. If an act or omission in violation of provisions under this Law was committed from a motor vehicle, a vessel or an aircraft, then the owner of the motor vehicle, vessel or aircraft shall be deemed as if he had committed the act or omission, unless he proves that the vehicle, vessel or aircraft was taken from him without his knowledge and without his consent.

Destination of money

75. A fee, levy, administrative financial sanction or fine imposed under this Law shall be transmitted to the State treasury.

Applicability of the Taxes (Collection) Ordinance

76. The Taxes (Collection) Ordinance shall apply to the collection of fees, levies, administrative financial sanctions, fines and expenses under this Law.

Authority of Customs

77. (a) In respect of the authority of the Customs Authority and of customs officers, import in violation of the provisions of sections 14(a)(1), 36(a)(1) and 40(a)(1) shall be deemed a violation of customs law, and the customs officer shall have the right to seize the goods with which or in respect of which the offense was committed as confiscated goods, as per their meaning in the Customs Ordinance.
- (b) Regulations under sections 13, 35 and 39, in respect of import, shall be made in consultation with the Minister of Finance.

Saving of laws

78. The provisions of this Law shall add to and not derogate from the provisions of any statute and nothing in them shall prevent any authority of the State or any local authority from making provisions within the scope of their lawful authority, in addition to the provisions of this Law.

Applicability to employees

79. Notwithstanding the provisions of section 78, the provisions of this Law shall not apply to the exposure of a worker to air pollution at his work places, for which provisions have been prescribed under the Work Safety Ordinance [New Version] 5730-1970.

Applicability to the State

80. (a) Provisions under this Law shall also apply to the State.
- (b) Notwithstanding the provisions of subsection (a), the Minister may, by order, after consultation with the Prime Minister and the Minister of Defense or the Minister of Internal Security, as the case may be, prescribe that some or all the provisions of this Law shall not apply to activity performed by a body enumerated in the definition of "defense establishment" or by the Israel Police, which the Minister determined to be vital and whose cessation or reduction or other interference with it is liable to cause substantial harm to national security, and whose implementation must be assured.
- (c) An order under subsection (b) shall not be valid for longer than one year and if the Minister concluded that there is no other way of assuring the said activity, then he may extend its validity for one additional period that shall not exceed one year; if the circumstances, because of which the order was made, cease to exist, then validity

shall expire earlier than the time set in it.

- (d) Activity in respect of which an order was made as said in this section shall be implemented, as far as possible, in accordance with the provisions of this Law and according to rules that will be set by each of the defense establishment bodies or by the Israel Police, as the case may be, in consultation with the Supervisor.
- (e) An order under this section and a notice of the expiration of its validity under subsection (c) shall be published in *Reshumot*, unless the Minister determined, for reasons of national security, that all or part of it shall not be published.

Implementation and regulations

- 81. The Minister is charged with the implementation of this Law and he may make regulations on any matter that relates to its implementation

CHAPTER ELEVEN: INDIRECT AMENDMENTS

This Chapter provides for the amendment of various other Laws, as follows:

Section 82: Public Health Ordinance 1940

Section 83: Traffic Ordinance

Section 84: Abatement of Nuisances Law 5721-1961

Section 85: Planning and Building Law 5725-1965

Section 86: Criminal Procedure Law 5742-1982

Section 87: Courts Law 5744-1984

Section 88: Abatement of Environmental Nuisances (Civil Claims) Law 5752-1992

Section 89: Collection of Fines, Fees and Expenses Center Law 5755-1995

Section 90: National Parks, Nature Reserves, National Sites and Memorial Sites Law 5758-1998

Section 91: Administrative Affairs Courts Law 5760-2000

Section 92: Local Authorities (Environmental Enforcement – Authorities of Inspectors) Law 5768-2008

CHAPTER TWELVE: APPLICABILITY AND TRANSITIONAL PROVISIONS

Commencement

- 93. (a) Subject to the provisions of subsection (b), this Law shall enter into force on January 1, 2011 (in this Law: commencement day).
- (b) Section 38 shall enter into force four months after the publication of this Law.

First regulations

- 94. (a) The first regulations under section 38 shall be presented to the Knesset Economics Committee for its approval within three months of the day of publication of this Law.

- (b) The first regulations under sections 6, 18(b) and 19(a) shall be made until July 1, 2010; until the said time regulations under section 30 of this Law shall be presented to the Committee for its approval.

Transitional provisions

95. (a) Notwithstanding the provisions of section 17, if immediately prior to the commencement day a person lawfully operated an emission source in which one of the activities enumerated in Schedule Three was implemented according to a business license under the Licensing of Businesses Law or under an order given to him under section 8(a) of the Abatement of Nuisances Law (in this section: active emission source), he may continue to operate it even without a permit under this Law under the conditions and according to the provisions that applied to it immediately before the commencement day, and the provisions of the Licensing of Businesses Law or of the Abatement of Nuisances Law, as the case may be, shall apply to him, and all until the Supervisor's decision on the permit application or until September 30, 2016, whichever comes first, and on condition that a permit application was submitted until the date specified below in accordance with the type of activity (in this section: the determining date):
- (1) in respect of activity said in items 2.3, 2.4 and 2.5 of Schedule Three – March 1, 2011;
 - (2) in respect of activity said in items 2.1, 2.2, 2.6 and 3 of Schedule Three – March 1, 2012;
 - (3) in respect of activity said in items 5 and 6 of Schedule Three – March 1, 2013;
 - (4) in respect of activity said in items 4.1, 4.2, 4.3, 4.4 and 4.6 of Schedule Three – March 1, 2014;
 - (5) in respect of activity said in items 1 and 4.5 of Schedule Three – March 1, 2015.
- (b) (1) The times said in Article Two of Chapter Four shall be counted from the determining date, even if the application for an emission permit was submitted earlier.
- (2) In respect of an emission source, in which more than one of the activities enumerated in Schedule Three is implemented, the determining date shall be the earliest of the dates set for the activities implemented in it according to subsection (a).
- (3) Notwithstanding the provisions of subsection (a) and of this subsection, the Supervisor may instruct the emission source owner to submit an application for an emission permit earlier than the determining date, if a planning agency decided on a joint procedure under section 23.
- (c) The provisions of subsection (a) shall also apply to an emission source said in item 1.1 of Schedule Three, which is a power station, as defined in the Electricity Sector Law 5756-1996, for which the following two points apply:

- (1) a scheme under the Planning and Building Law, for which an environmental impact statement, including provisions on the prevention and reduction of air pollution, was prepared and was approved and published for granting validity prior to the commencement day;
 - (2) the main source of energy serving the emission source is natural gas or solar energy.
- (d) The provisions of section 24A shall not apply to an emission source said in subsection (c) until the date said in subsection (a).
 - (e) Instructions given under section 8 of the Abatement of Nuisances Law for an emission source that requires licensing under the Licensing of Businesses Law or is enumerated in Schedule Four shall remain valid, as long as they were not changed or canceled, and they shall be deemed as instructions given under sections 34 or 41 of this Law, as the case may be.
 - (f) Notwithstanding the provisions of section 93(a), an application for an emission permit for an emission source which is not an active emission source and for which it was proven, to the Supervisor's satisfaction, that it is expected to begin to operate within one year from the commencement day, may be submitted from January 1, 2010; regulations under sections 18 and 19 made beginning from the said date shall apply to an application said in this subsection; if no regulations were made, then guidelines to be made by the Supervisor shall apply to the application, in line with the principles specified in the said sections; said guidelines shall be published on the Ministry's Internet site.
 - (g) The Minister may instruct that an air monitoring station set up before the commencement day by a local authority or by an emission source owner said in section 7(d) shall be part of the national system.
 - (h) The provisions of section 23 of the provisions of the Planning and Building Law, as formulated in section 85 of this Law, shall not apply to a scheme, in respect of which guidelines were given to prepare an environmental impact statement, or in respect of which it was decided to deposit it or transfer it to District Commissions prior to the commencement day.

Validity of regulations

96. Regulations made under the Abatement of Nuisances Law shall be deemed as if they were made under this Law, and all as specified below:

- (1) Abatement of Nuisances Regulations (Air Quality) 5752-1992 – section 6(a)(2);
- (2) Abatement of Nuisances Regulations (Air Pollution from Premises) 5722-1962 – section 13;
- (3) Abatement of Nuisances Regulations (Air Pollution from Vehicles) 5723-1963 – section 35;
- (4) Abatement of Nuisances Regulations (Air Pollution from Vehicles) (Hartridge Test Standard) 5724-1963 – section 35;

- (5) Abatement of Nuisances Regulations (Air Pollution from Vehicles on the Road) 5761-2001 – sections 35 and 49;
- (6) Abatement of Nuisances Regulations (Air Pollution from Fuel Oil Burners used for Household Heating) 5733-1972 – section 13;
- (7) Abatement of Nuisances Regulations (Prevention of Unreasonable Air and Odor Pollution from Waste Disposal Sites) 5750-1990 – section 13;
- (8) Abatement of Nuisances Regulations (Prevention of Air Pollution and Noise from Quarries) 5758-1998 – section 13;
- (9) Abatement of Nuisances Regulations (Emission of Particulate Matter into the Air) 5733-1972 – section 13;
- (10) Abatement of Nuisances Regulations (Used Oil) 5753-1993 – section 39.

Reporting to the Committee

97. Once every six months, beginning six months after the day of publication of this Law and until the commencement day, the Minister shall report to the Committee about the progress in the Ministry's preparations for the implementation of the provisions of this Law.

SCHEDULE ONE

(Section 6)

O ₃	Ozone
SO ₂	Sulfur dioxide
C ₂ H ₄ Cl ₂	1,2 Dichloro-ethane
CH ₂ Cl ₂	Dichloromethane
C ₇ H ₈	Toluene
C ₂ Cl ₄	Tetrachloroethylene
C ₂ HCl ₃	Trichloroethylene
H ₂ S	Hydrogen sulfide
C ₈ H ₈	Styrene
CH ₂ O	Formaldehyde
CO	Carbon monoxide
NO _x	Nitrogen oxides (as NO ₂)
NO ₂	Nitrogen dioxide
P.A.H.	Polyaromatic hydrocarbons, as benzo(a)pyrene
	C ₂₀ H ₁₂
C ₄ H ₆	1,3 Butadiene
C ₆ H ₆	Benzene
S.P.M.	Suspended particulate matter
P.M.10	Respirable particulate matter smaller than 10 micron
P.M.2.5	Respirable particulate matter smaller than 2.5 micron
SO ₄	Sulfate salts
V	Vanadium (in suspended particulate matter)
Pb	Lead (in suspended particulate matter)
Cd	Cadmium (in suspended particulate matter)
Ni	Nickel (in suspended particulate matter)
Cr	Chromium (in suspended particulate matter)
As	Arsenic (in suspended particulate matter)
Hg	Mercury (in suspended particulate matter)
	Settling dust

SCHEDULE TWO

(Section 2)

Definition of "Mobile Emission Source"

1. motor vehicle
2. vessel
3. aircraft

SCHEDULE THREE

(Section 2)

Definition of "Emission Source that Requires a Permit"

In this Schedule, wherever output, production capacity, quantities or other units

of measurement are determined, these shall be calculated according to the maximum output, production capacity, quantities or other units of measurement that can be achieved by means of the emission source, even if in fact the emission source is operated at a lower output, production capacity, quantities or other units of measurement

1. Energy Industries

- 11 combustion installations with a rated thermal input of more than 50 megawatt;
- 12 mineral oil and gas refineries;
- 13 coke ovens;
- 14 coal liquefaction or gasification plants.

2. Production and processing of metals

- 21 Metal ore (including sulphide ore) roasting and sintering installations (creation of permeable bodies by use of pressure and heat);
- 22 production of pig iron or steel (primary or secondary fusion) including continuous casting, with a working capacity exceeding 2.5 tons per hour;
- 23 Processing of ferrous metals:
 - 23.1 operation of hot rolling mills with a capacity exceeding 20 tons of crude steel per hour;
 - 23.2 operation of smitheries with hammers or presses the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW;
 - 23.3 application of fused metal coats with an input exceeding two tons of crude steel per hour;
- 24 ferrous metal foundries with a production capacity exceeding 20 tons per day;
- 25 processing of non-ferrous metals
 - 25.1 production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical, electrolytic or other processes
 - 25.2 smelting, including the alloyage of non-ferrous metals, including recovered products (refining, foundry casting, etc.) with a melting capacity exceeding 4 tons per day for lead and cadmium, and 20 tons per day for all other metals;
- 26 surface treatment of metals and plastic materials using chemical or electrolytic processes where the volume of the treatment vats exceeds 30 cu.m.

3. Mineral industry

- 31 Cement clinker production in rotary kilns with a production capacity exceeding 500 tons per day, or of lime in rotary kilns with a production capacity exceeding 50 tons per day, or in other furnaces with a production capacity exceeding 50 tons per day;
- 32 production of glass, including glass fiber, with a melting capacity

- exceeding than 20 tons per day;
- 33 melting mineral substances, including the production of mineral fibers with a melting capacity exceeding 20 tons per day;
- 34 production of ceramic products by firing, such as roofing tiles, bricks, tiles, porcelain, with a production capacity exceeding 75 tons per day or in kilns with a volume exceeding 4 cu.m. and with a setting density per kiln exceeding 300 kg per cu.m.

4. **Chemical industry**

Industrial scale production by chemical processing of substances or groups of substances specified below:

- 41 Production of basic organic substances, such as –
 - 41.1 simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
 - 41.2 oxygen-containing hydrocarbons, such as alcohol, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
 - 41.3 sulphurous hydrocarbons
 - 41.4 nitrogenous hydrocarbons, such as amines, nitrous, nitro and nitrate compounds, nitriles, cyanates, and isocyanates;
 - 41.5 phosphorus-containing hydrocarbons;
 - 41.6 halogenic hydrocarbons;
 - 41.7 organometallic compounds;
 - 41.8 basic plastic products (synthetic polymer fibers and cellulose based fibers);
 - 41.9 synthetic rubber;
 - 41.10 dyes and pigments;
 - 41.11 surface active agents and detergents;
- 42 production of basic inorganic substances, such as:
 - 42.1 gases, such as ammonia, chlorine or hydrogen chloride, hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
 - 42.2 acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
 - 42.3 bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
 - 42.4 salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
 - 42.5 non-metals, metal oxides or other inorganic compounds, such as calcium carbide, silicon, silicon carbide;
- 43 production of phosphorous, nitrogen or potassium based fertilizers (simple or complex compounds);
- 44 production of biocides (against microorganisms) and basic products for the protection of plant health;
- 45 production of basic pharmaceutical products, using chemical and

biological processes;
46 production of explosives.

5. **Waste management**

- 51 recovery and disposal of hazardous waste in quantities of more than 10 tons per day;
- 52 thermal treatment of non-hazardous solid waste in quantities exceeding 3tons per hour.

6. **Other activities**

- 61 treatment and processing intended for the production of food products out from vegetable raw materials, with a production capacity greater than 300 tons per day (quarterly average);
- 62 incineration or recycling of animals carcasses and waste with a treatment capacity exceeding 10 tons per day;
- 63 surface treatment of substances, objects or products using organic solvents, in particular for printing, painting, coating, lubricating, cleaning, impregnating and the like, with a solvent consumption capacity of more than 150 kg per hour or 200 tons per year.
- 64 production of hard-burnt coal or electrographite by means of incineration or graphitization.

SCHEDULE FOUR

(Section 41)

Emission Sources for Which Additional Provisions May Be Prescribed

- 1. Hospital
- 2. Laboratory
- 3. Vehicle fleet owner; for this purpose –
"vehicle fleet" – vehicle in the numbers and of the category in paragraph (1), (2) or (3) below, owned, managed, leased, controlled or operated by one person, including said vehicles owned, managed, leased, controlled or operated by a person who controls a said person or is controlled by him, or when he and that person are controlled by the same person:
 - (1) 10 commercial vehicles used for transport service; in this paragraph, "commercial vehicle" and "transport service" – as defined in the Transport Services Law 5757-1997;
 - (2) 50 vehicles of one or several of these categories: public vehicle, commercial vehicle, work vehicle or bus, as defined in the Traffic Ordinance;
 - (3) 100 vehicles of the category private vehicle, as defined in the Traffic Ordinance.
- 4. Railroad, as defined in the Railways Ordinance [New Version] 5732-1972
- 5. Port, as defined in the Ports Ordinance [New Version] 5731-1971.

SCHEDULE FIVE

(Section 22)

**Pollutants to be taken into account when Determining
Emission Values in a Permit**

Sulphur dioxide and other sulphur compounds

Oxides of nitrogen and other nitrogen compounds

Carbon monoxide

Volatile organic compounds

Metals and their compounds

Dust

Chlorine and its compounds

Fluorine and its compounds

Arsenic and its compounds

Cyanides

Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air.

Polychlorinated dibenzodioxins and polychlorinated dibenzofurans