

*This is an unofficial translation. The binding version is the official Hebrew text.
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.*

Hazardous Substances Regulations (Import and Export of Hazardous Substances Waste), 5754 – 1994

By the power vested in me pursuant to section 10, 12, 13, and 17 of the Hazardous
Substances Law, 5753 – 1993 (hereafter – the Law), and following consultation with
the Minister of Health, the Minister of Agriculture, the Minister of Labor and Social
Welfare, and the Minister of Industry and Trade, I make the following Regulations:

Definitions	1. In these Regulations – “Convention” - an international convention, or part thereof, involving the transboundary movement of hazardous substances, to which Israel is party;
Amendment 5768 – 2008	“Reclamation” - one or more of the actions listed in the First Schedule;
Amendment 5768 – 2008	“Supervisor” - the person that the Minister of Environmental Protection authorized for the purpose of all or part of these Regulations;
Amendment 5768 – 2008	“Disposal” - one or more of the actions listed in the Second Schedule provided they do not include reclamation; “Hazardous substances waste” - material of any kind or form that contains a hazardous substance as defined in the Law, intended for disposal or reclamation.
Restriction of import and export Amendment 5768 – 2008	2. A person shall not import to Israel or export from it hazardous substance waste except in accordance with a permit certificate from the Supervisor and in accordance with its conditions, and after it is

proven to the satisfaction of the Supervisor that –

(1) The import or export is done from a country that is a party to a convention or to such a country, as the case may be;

(2) Regarding import –

(a) All these are met:

(1) the hazardous substances waste is intended for recovery;

(2) the person applying for the permit has the information required regarding the type of hazardous substances waste and its composition;

(3) the import of hazardous substances waste to Israel, its transfer, storage, maintenance, use and handling do not endanger public health or the environment in accordance with the precautionary principle;

(4) the import of hazardous substances waste to Israel, its transfer, storage, maintenance, use and handling is done in a manner that does not cause harm to public health or environmental quality;

(b) In issuing a permit certificate for import under subparagraph (a), the Supervisor shall consider, *inter alia*, the quantity of hazardous substances waste that will remain or be created following the reclamation that will be done with the hazardous substances waste that is the subject of the permit, and also its nature and anticipated impact on public health and environmental quality;

(3) Regarding export – the competent authority in the target country, in accordance with the convention, consented in writing to receive into its jurisdiction the hazardous substances waste being exported, and the export is carried out in accordance with the

established conditions or requirements and in accordance with the convention.

Conditions in
the permit
certificate

Amendment
5768 – 2008

3. (a) (1) The Supervisor may stipulate conditions with respect to a permit for which a certificate has been given as stated in regulation 2;

(2) Where the Supervisor finds that the requirements and conditions under subsection (a) (1) are no longer met, he may revoke the permit at any time.

(b) Without derogating from the aforesaid generality in subsection (a), every permit certificate for import shall include these conditions:

(1) a bank guarantee or other suitable bond that the Supervisor shall specify to ensure compliance with the conditions of the permit certificate; if a recipient of the permit certificate breaches any of its conditions, the Supervisor may confiscate the bond within 10 days from the day he so decides, provided that he gave the recipient suitable opportunity to make his arguments;

(2) third-party liability insurance by an insurer authorized to operate in Israel, which insures the import of hazardous substances waste to Israel, its transfer, storage, maintenance, use and handling against risks to third persons that are liable to result from them, in the limits of responsibility that the Supervisor shall determine.

Reporting

Amendment 5768
– 2008

4. A person holding a permit certificate for import or export of hazardous substances waste, as stated in these Regulations, shall report to the Supervisor the quantity of the waste imported or exported, in accordance with the demand of the Supervisor.

Penalties

Amendment

5. (a) A person who does one of these is liable to imprisonment for a

5768 – 2008 term of six months or a fine as specified in section 61(a)(1) of the Penal Law, 5737 – 1977 (hereafter – the Penal Law);

(1) imports to Israel or exports from it hazardous substances waste without a permit or in breach of its conditions in contravention of the provisions of regulation 2;

(2) does not comply with the conditions that the Supervisor stipulated in the permit pursuant to his authority under regulation 3.

(b) A person who does not report the quantity of the imported or exported waste in contravention of the provisions of regulation 4 shall be liable to a fine as specified in section 61(a)(1) of the Penal Law.

(c) An offense under these Regulations is one of strict liability.

Annual report
Amendment 5768
– 2008

5A. The Minister of Environmental Protection shall submit to the Internal Affairs and Environmental Protection Committee of the Knesset an annual report on the permit certificates that were given under these Regulations, which shall include, *inter alia*, reporting on the hazardous substances waste that was imported or exported, its type, quantity and reclamation actions that were carried out with the said imported waste.

Commencement

6. These Regulations shall enter into force six months from the date of their publication.

Amendment 5768
– 2008

First Schedule

(Section 1 – Definition of “recovery”)

1. Use as a fuel (other than in direct incineration) or other means to generate energy
2. Solvent reclamation/regeneration
3. Recycling/reclamation of organic substances which are not used as solvents
4. Recycling/reclamation of metals and metal compounds
5. Recycling/reclamation of other inorganic materials
6. Regeneration of acids or bases
7. Recovery of components used for pollution abatement
8. Recovery of components from catalysts
9. Used oil re-refining or other reuses of previously used oil
10. Land treatment resulting in benefit to agriculture or ecological improvement

Amendment 5768
– 2008

Second Schedule

(Section 1 – Definition of “disposal”)

1. Deposit into onto land (e.g., landfill)
2. Land treatment (e.g., biogradation of liquid or sludgy discards in soils)
3. Deep injection (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, and the like)
4. Surface impoundment (e.g., placement of liquid or sludge discards into pits, ponds, or lagoons, and the like)
5. Specially engineered landfill (e.g., placement into lined discrete cells that are capped and isolated from one another and the environment, and the like)

6. Release into a water body except seas/oceans
7. Release into seas/oceans including sea-bed insertion
8. Biological treatment not specified elsewhere in this Schedule that results in final compounds or mixtures that are discarded by means of any of the operations in the section
9. Physicochemical treatment not specified elsewhere in this Schedule that results in final compounds or mixtures that are discarded by means of any of the operations in this section (e.g., evaporation, drying, calcination, neutralization, precipitation, and the like)
10. Incineration on land
11. Incineration at sea
12. Permanent storage (e.g., emplacement of containers in a mine, and the like)
13. Blending or mixing prior to submission to any of the operations in this Schedule
14. Repackaging prior to submission to any of the operations in this Schedule
15. Storage pending any of the operations in this Schedule