

*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.*

## Water Law, 5719-1959

### Chapter One: Preface

Water sources and their purpose

1. The water sources in Israel are the property of the public. They are controlled by the State and are intended to fulfill the needs of the population and the development of the country.

What are the water sources

2. For the purpose of this law, the water sources are the springs, streams, rivers, lakes and other currents and water reservoirs - whether above or below the ground, whether natural or whether regulated or installed, whether water gushes or flows or stands in them, at all times or intermittently, including drainage water and sewage water.

The individual's right to water

3. Any individual is entitled to receive water and to use it, in accordance with the provisions of this law.

The link between the land and the water

4. A person's right in any land does not confer on him any right over a water source that is situated in that land, or that passes through it or in its borders, but the provision of this section does not derogate from the right of any individual under Section 3.

A water source should not be depleted

5. A person's right to receive water from a water source is valid as long as its receipt does not lead to its salination or depletion.

Linkage between right and purpose

6. Any right for water is linked to one of the water purposes that are listed below; the right to water ceases upon the cessation of the purpose; and these are the water purposes -

- 1) Domestic needs;
- 2) Agriculture;
- 3) Industry;
- 4) Labor, trade and services;
- 5) Public services;

(Amendment no.19)  
5764-2004

6) Protection and restoration of nature and landscape values, including springs, rivers and wetlands (in this law – “nature and landscape values”).

Applicability

7. For the purpose of this law, it shall be immaterial whether a right to water was established by law – including this law – or by agreement, or custom or any other way, and whether it was established before this law entered into force or afterwards.

## **Chapter Two: Regulation of Water Use**

### Article A: Preservation of Water

Definitions

8. In this Chapter –

“Depletion of a water source” – includes the lowering of the water level – whether above or below the ground – and the impairment of the possibility to raise the water above ground or to transport it from place to place.

(Amendment no.5)  
5732-1971

“Water pollution” – (omitted)

Rules for water  
preservation

9. Every person must –

- 1) Handle the water he receives in an efficient and economic manner.

(Amendment no.5)  
5732-1971

- 2) Maintain his water facilities in a proper condition, in order to prevent waste of water.

(Amendment no.5)  
5732-1971

- 3) Refrain from the blockage and depletion of water sources.

(Amendment no.5)  
5732-1971

- 4) Prevent the blockage and depletion of the water source from which he produces water.

(Amendment no.5)  
5732-1971

10. (Repealed)

Powers of the  
Director of the  
National Water  
Authority

(Amendment no.22)  
5766-2006

11. Where the Director of the National Authority for Water and Sewage, appointed under Section 124S (hereafter – “Director of the National Authority”) sees that any of the provisions of Section 9 is not met – he may:

- 1) Order any person who is obligated to comply with the provision to rectify the condition, in accordance with the order; and if not rectified within a reasonable time – to take any required action in order to rectify it, and order the cessation of water production, supply or consumption, or their reduction, as the circumstances require, until the said condition is rectified.
- 2) Take measures to prevent immediate serious damage to the water source, if damage cannot be prevented in another way.

Charging of costs  
(Amendment 22)  
5766-2006

12. The Director of the National Authority may, by order, charge the expenses he incurred for the purpose of action under Section 11, to the person who was obligated to comply with the provisions of Section 9, and upon so doing, the said expenses shall be collected as if they were a tax to which the Tax Ordinance (Collection) – except Section 12 – applies.

Appeal

13. A person who considers himself aggrieved by an order under Section 11, or by the charge of expenses under Section 12, may appeal to a tribunal established under Section 140 (hereafter – “the tribunal”). The appeal does not delay the execution of the order unless it is so ordered by the tribunal, but no expenses shall be charged under Section 12 until the tribunal gives its verdict on the appeal.

The dimensions of  
protective strips  
(Amendment no.22)  
5766-2006

14. The Council of the National Authority, which was established under Section 124P (hereinafter – “Council of the National Authority”), may make rules regarding the width and area of protective strips, and if so done, the Director of the National Authority shall not establish a protective strip save within the scope of these rules and not beyond what is necessary to fulfill the purpose for which the protective strip was determined.

Establishment of  
protective strips  
(Amendment no.22)  
5766-2006

15. Where the Director of the National Authority deems it necessary to do so for the purpose of preserving water, a water source, a water plant or an installation for the supply of water, their storage or transport, he may, by order, establish a protective strip around or at the sides of that source or installation, entry to and passage through which shall be prohibited, except by permit from the Director of the National Authority and in accordance with the permit’s conditions.

Appeal  
(Amendment no.22)  
5766-2006

16. A person who considers himself aggrieved by the establishment of a protective strip, by the refusal of the Director of the National Authority to grant him a permit under Section 15, or by the permit’s conditions, may appeal to the tribunal.

Right of entry,  
inspection, etc  
(Amendment no.22)  
5766-2006

17. The Director of the National Authority, or any person so authorized by him in writing, may enter any place after giving written advance notice to the holder of the place, and carry out any act required for the supervision of a water source and for the protection of water; and he may also take action to expose water sources, measure their output and characteristics, and inspect the soil, the flora and other local conditions, in order to determine water consumption.

Compensation  
(Amendment no.22)  
5766-2006

18. Any person to whom damage has been caused by the establishment of a protective strip or by any action under Section 17, is entitled to compensation from the State Treasury, under rules to be determined by the Council of the National Authority regarding the eligibility for compensation, its rate and payment conditions; a person who claims that he was not compensated in accordance with the said rules may appeal to the tribunal.

Water damage event  
(Amendment no.22)  
5766-2006

- 18A.
  - a) For the purpose of this Section –  
“Water damage event” – An event that is causing or which is liable to cause substantial damage to the supply of water designated for drinking, the quality of water or the ability of a water source and water infrastructure which are designated for drinking to be used for their intended purpose.  
  
”Water infrastructure” – As defined in Section 35A (a).
  - b) The Director of the National Authority may declare a water damage event and, once so declared, he may order any relevant person to take every necessary measure to deal with the event, prevent it, stop it, restore it to its previous condition and prevent its recurrence, and to regulate the water supply for consumers that were harmed by the event, for a period of time and under conditions that he shall prescribe in the order; and all according to the rules that are provided in sub-section (c).
  - c) The Council of the National Authority shall make rules regarding the declaration of a water damage event, the means of treating such an event, the means of preventing it, stopping it, restoring the previous condition and preventing its recurrence and regulating water supply for consumers that were

harmed by the event.

- d) Where a person does not comply with the provisions of an order that is given to him, under sub-section (b), within the time period specified in the order, the Director of the National Authority may carry out what is required in the order, and once done, the person who was ordered to comply with the provisions of the order and did not do so, shall be liable for the expenses incurred; the Taxes Ordinance (Collection) shall apply to the collection of expenses incurred under this sub-section, with the exception of its Section 12.
- e) The provisions that are specified in this section do not derogate from the powers of the Minister of Environmental Protection, under Article A1 and under the Hazardous Substances Law, 5753-1993.
- f) The provisions that are specified in this section do not provide the Council of the National Authority with powers that are already vested in others under the Public Health Ordinance, 1940.

Depleted water source  
(Amendment no.22)  
5766-2006

19.

- a) Where the Director of the National Authority sees that a water source is becoming depleted to an extent that its production, under regular production, is not sufficient for the provision of a its regular amount of water supply, the Director may, in accordance with the rules made by the Council of the National Authority, order the water producer to reduce production from that source, or to regulate the production, or to take other emergency measures in order to assure the supply of water, as he deems fit, under the circumstances.
- b) (Repealed)
- c) Where the order is not complied with within a reasonable time as determined in it, the Director of the National Authority may, after written warning, do whatever is required of him, and after so doing –collect the incurred expenses from the person to whom the order was directed. The Taxes Ordinance (Collection) shall apply to the collection of the expenses

(Amendment no.22)  
5766-2006

(Amendment no.22)  
5766-2006

incurred under this sub-section, – with the exception of its Section 12.

Unutilized water  
conduit  
(Amendment no.22)  
5766-2006

20. Where the Director of the National Authority sees that a water source of a supplier or a producer has become depleted, or that the use of a source or of its installations was damaged to an extent that its production is not sufficient for the supply of the regular amount of water from them, then he may obligate an owner of a pipeline, canal or any other type of installation for the conduit of water which is unutilized by him to transport water for the supplier or producer that were impacted as aforementioned or for the consumers of that supplier; where the parties fail to reach an agreement regarding the amount of water, their transport conditions and related payments, these issues shall be determined by the Director of the National Authority.

(Amendment no.5)  
5732-1971

### **Article A1: Prevention of Water Pollution**

Definitions

20A. In this Article –

“Water pollution” – a change in the physical, chemical, organoleptic, biological, bacteriological, radioactive or other properties of water in a water source or a change that causes the water to become a risk to public health or likely to harm fauna or flora, or less suitable for the purpose for which it is used or intended to be used.

“Water source” – as per its meaning in Section 2, including open or closed water conduits, water reservoirs and drainage canals.

“Polluting factor” – an industrial or agricultural plant, a building as per its meaning in the Planning and Building Law, 5725-1965, an installation, including a sewage installation, a machine or a vehicle, whose location, construction, operation, maintenance or use cause or are liable to cause water pollution.

(Amendment no.7)  
5751-1991

“Article A1” – including the regulations that were made and the orders that were issued under it.

Prohibition of

water pollution  
(Amendment no.5)  
5732-1971

20B.

- a) A person must refrain from any action that causes or may cause water pollution, whether directly or indirectly, immediately or after some time; and it shall be immaterial whether or not the water source was already contaminated prior to this action.
- b) A person shall not throw or discharge into a water source or in its vicinity any liquid, solid or gas substances, nor shall he place them there or in the vicinity.

Prevention of water  
pollution in  
water installations  
(Amendment no.5)  
5732-1971

20C. A person who has in his possession an installation for water production, supply, transport, storage or recharge to the subsoil must undertake every reasonable measure in order to prevent the installation or its operation from causing water pollution.

Regulations for  
the prevention of  
water pollution  
(Amendment no.5)  
5732-1971  
(Amendment no.7)  
5751-1991  
(Amendment no.22)  
5766-2006

20D.

- a) In order to prevent water pollution and to protect water sources, the Minister of Environmental Protection may, following consultation with the Council of the National Authority, make regulations which determine, among other things, restrictions, prohibitions, conditions and other provisions regarding –
  - 1) The location and the establishment of polluting factors, which will be specified; these regulations require the approval of the Knesset Economic Affairs Committee.
  - 2) The use of certain substances or certain methods during the production processes, the operation and the use of the polluting factor, including agricultural cultivation processes



as well as fertilization and spraying; these regulations shall be made in consultation with the Minister of Health.

- 3) The production, import, distribution and marketing of certain substances and products; these regulations shall be made in consultation with the Minister of Trade and Industry and shall be brought to the prior knowledge of the Knesset Economic Affairs Committee.
  - 4) The regulation of the movement and stay of vehicles and their use, on water sources or in their vicinity; these regulations shall be made with the consent of the Minister of Transport.
- b) Regulations under this section do not derogate from the obligations provided in Sections 20B and 20C.

Sewage disposal from  
a polluting factor  
(Amendment no.5)  
5732-1971  
(Amendment no.22)  
5766-2006

20E.

- a) A person in whose possession there is a polluting factor, the operation or use of which require the disposal of sewage from it, must, by order issued by the Director of the National Authority, submit for his approval a plan which specified the manner of disposal of the sewage, their quality and quantity, their chemical, physical and biological composition, and any other detail that is required by the Director of the National Authority in this matter; the Director of the National Authority may refrain from approving the plan, or may change it or may stipulate conditions for it that he deems fit.
- b) Where a person is ordered to submit a plan, as aforementioned in sub-section (a), the sewage shall not be disposed of so long as the plan has not been approved, but the Director of the National Authority may issue directions for a temporary method of sewage disposal, until approval of the plan.
- c) Where the sewage disposal plan is approved, sewage shall only be disposed according to the approved plan.

(Amendment no.22)  
5766-2006

(Amendment no.22)  
5766-2006

- d) Where a person was ordered to submit a plan, as  
aforementioned in sub-section (a), and he does not do so within  
the time prescribed in the order, or where his plan was not  
approved, or he didn't implement the changes in the plan as  
demanded from him, or he did not comply with the conditions  
that were stipulated in the plan, the Director of the National  
Authority may prepare for him a sewage disposal plan, and  
upon so doing, the person to whom the order was directed shall  
be liable for the costs of the plan's preparation; The Taxes  
Ordinance (Collection) shall apply to the collection of these  
expenses, with the exception of its Section 12.

(Amendment no.22)  
5766-2006

- e) The Director of the National Authority shall not use the power  
that is vested in him under sub-section (d), before one month  
elapses from the date that was determined for the plan's  
submission, the implementation of the changes or the  
fulfillment of the conditions, as the case may be.

(Amendment no.22)  
5766-2006

- f) A person for whom the Director of the National Authority  
prepared a plan, as aforementioned in sub-section (d), shall not  
dispose sewage from the polluting factor save in accordance  
with the prepared plan.

(Amendment no.22)  
5766-2006

- g) In every matter relating to the exercise of his powers under this  
section, the Director of the National Authority shall hold a  
preliminary consultation with whoever was authorized for that  
purpose by the Minister of Health.

Conditions on the  
prevention of water  
pollution

(Amendment no.5)  
5732-1971

(Amendment no.7)  
5751-1991

(Amendment no.22)  
5766-2006

20F. The Minister of Environmental Protection or the Director of the  
National Authority, as the case may be, may stipulate conditions regarding  
the prevention of water pollution, in approvals, licenses and permits that  
are issued under this law, or under the Drainage and Flood Control Law,  
5718-1957.

Remedial actions  
(Amendment no.5)  
5732-1971  
(Amendment no.22)  
5766-2006

20G.

- a) Where the Director of the National Authority sees that water pollution was caused, he may order whoever caused the pollution to do everything necessary to stop the pollution of water, to restore the condition that existed prior to the pollution and to prevent the recurrence of the water pollution; all as shall be specified in the order.

(Amendment no.22)  
5766-2006  
(Amendment no.25)  
5768-2008

- b) Where the provisions of the order that is described in subsection (a) are not complied with within a reasonable period of time, as stated in the order, the Director of the National Authority may carry out all the provisions that are specified in the order and once done, the person who was ordered and failed to fulfill the provisions of the order shall be liable to double the expenses incurred; the Taxes Ordinance (Collection) shall apply to the collection of these expenses – with the exception of its Section 12.

Cease and desist order  
(Amendment no.5)  
5732-1971  
(Amendment no.22)  
5766-2006

20H.

- a) The Director of the National Authority may, following a warning, order a person that caused water pollution, or did not comply with an instruction given to him under the provisions of this Article, or violated any of the said provisions or any regulation or order under it, to cease the production, supply or consumption of water or to reduce them or to refrain from allocating it (henceforth – cease and desist order), provided that drinking water shall not be denied to him thereby.

(Amendment no.22)  
5766-2006

- b) A cease and desist order shall remain in force as long as the pollution has not stopped, the condition which existed prior to the causing of pollution was not restored and measures were not taken to prevent recurrence of water pollution; but the

Director of the National Authority may revoke the order, subject to conditions or unconditionally, if it is proven to him that the person to whom the order was directed is doing everything necessary to stop the water pollution, restore the previous condition and prevent the recurrence of water pollution, or if the person to whom the order was directed provides him with a satisfactory guarantee for the execution of the said actions within a reasonable time.

(Amendment no.22)  
5766-2006

- c) Where a cease and desist order may harm the consumers of a supplier to whom the order is directed, the order shall be issued only after the Director of the National Authority arranges for a proper water supply to these consumers, for as long as the order is in force and under his conditions.

Cease and desist order in  
special cases  
(Amendment no.5)  
5732-1971  
(Amendment no.22)  
5766-2006

20I. Where the Director of the National Authority finds that water pollution was caused by circumstances beyond human control, or that there is a risk of such pollution, and that the situation requires, *inter alia* the issuance of a cease and desist order, the order shall not be given until after the Director of the National Authority arranges, as far as possible and under conditions he prescribes, normal water supply, for as long as the order is in force, to anyone whose water supply was stopped or reduced as a result of the cease and desist order.

Emergency powers  
(Amendment no.5)  
5732-1971  
(Amendment no.22)  
5766-2006

20J. Where the Director of the National Authority is convinced that severe water pollution has been or is likely to be caused and that this requires, *inter alia*, an immediate cessation or reduction of water production, supply or consumption from a particular water source, he may take all measures he deems appropriate under the circumstances in order to stop or prevent the water pollution or its effects, and for this purpose, he may exercise force to the extent necessary for the matter.

Authorizing order  
(Amendment no.5)  
5732-1971

(Amendment no.22)  
5766-2006

20K.

- a) Where the Director of the National Authority is convinced, following consultation with the person authorized for this purpose by the Minister of Health, of one of the following:

(Amendment no.22)  
5766-2006

- 1) That a particular action is intended for the melioration of water, the improvement of its quality, its disinfection, its dilution, the prevention of risk to the public or the like or for the passage of substances in the water for a purpose that was approved by the Director of the National Authority in advance;
- 2) That the circumstances of the matter leave no choice but to enable discharge of sewage into a particular water source, for a defined period of time to be specified.

(Amendment no.22)  
5766-2006

Such action or the sewage disposal shall not be deemed water pollution within the meaning of the Article if performed in accordance with an authorizing order that was issued for this purpose by the Director of the National Authority.

(Amendment no.22)  
5766-2006

- b) The Director of the National Authority may prescribe in the authorizing order conditions, restrictions and limitations, whether at the time of its issuance or at a later date, and upon doing so, the person to whom the order was issued shall be obligated to act in accordance with the order's conditions, restrictions and limitations.

(Amendment no.22)  
5766-2006

- c) For the purpose of sub-section (a) (2), an authorizing order shall be personal and well reasoned and shall be in force for a period of one year, but the Director of the National Authority may extend it from time to time, for reasons to be specified.

(Amendment no.22)  
5766-2006

- d) The Director of the National Authority may, following consultation with whoever was authorized for this purpose by the Minister of Health, revoke the authorizing order, or change

its conditions, restrictions and limitations, if the circumstances have changed, or if he find that the public interest requires this, or if he sees that the order or its conditions, restrictions or limitations were violated.

(Amendment no.22)  
5766-2006

- e) The Director of the National Authority shall report to the Knesset Economic Affairs Committee about the authorizing orders he issued, at the times prescribed by the Economic Affairs Committee, but at least once a year.

(Amendment no.22)  
5766-2006

- f) The list of authorizing orders that were issued by the Director of the National Authority shall be available for public scrutiny, free of charge.

Conferment of  
powers

(Amendment no.5)  
5732-1971

(Amendment no.7)  
5751-1991

(Amendment no.14)  
5761-2001

(Amendment no.22)  
5766-2006

20L.

- a) The Minister of Environmental Protection or the Director of the National Authority, as the case may be, may confer powers under this Article or any part of it, except the power to make regulations with legislative effect and the power to issue cease and desist order or authorizing orders, to a water authority, drainage authority, local authority, association of towns or company – as per its meaning in the Water and Sewage Corporation Law, 5761-2001 (hereinafter, for the purpose of this section – “authority”), in order to prevent water pollution within their jurisdiction.
- b) Authorities, as provided in sub-section (a) that have a common interest to prevent water pollution within their jurisdiction, may combine in a corporation, with a view to its being granted the powers to prevent water pollution within the jurisdiction of the said authorities.

(Amendment no.14)  
5761-2001

- c) The conferment of powers, as aforementioned in sub-sections (a) or (b) shall be with the consent of the authority to which the

powers are conferred, and in the case of conferment of powers to a local authority, an association of towns, a company – as per its meaning in the Water and Sewage Corporation Law, 5761-2001 – or a corporation of authorities as aforementioned in sub-section (b), which includes a local authority or an association of towns – also with the consent of the Minister of the Interior.

(Amendment no.7)

5751-1991

(Amendment no.22)

5766-2006

- d) When powers are conferred, as aforementioned in sub-sections (a) or (b), the Minister of Environmental Protection or the Director of the National Authority, as the case may be, shall, by order, prescribe the powers to be conferred.
- e) Where a certain power is delegated to an authority, as aforementioned in sub-section (a), or to a corporation of authorities, as aforementioned in sub-section (b), the authority or the corporation shall be authorized to act for the implementation of that power, notwithstanding any limitation existing under law or otherwise.

Provisions regarding  
water quality

(Amendment no.5)

5732-1971

(Amendment no.7)

5751-1991

(Amendment no.22)

5766-2006

20M.

- a) The Minister of Environmental Protection may, following consultation with the Council of the National Authority, make regulations regarding the quality of water for different purposes, including flood water and sewage, but excluding the sanitary quality of drinking water, as per its meaning in the first part of the Public Health Ordinance, 1940.
- b) Regulations under in sub-section (a), in so far as they relate to public health, shall be made following consultation with the Minister of Health.

(Amendment no.22)

5766-2006

- c) Where regulations are made, as described in sub-section (a), the Director of the National Authority shall not permit the

production, supply and consumption of water, for the different purposes and uses, save in accordance with the said regulations and he may prohibit the production, supply and consumption of water not in compliance with the said regulations, or change the purpose of the water, provided that it is suitable for that purpose.

Saving of obligations  
(Amendment no.5)  
5732-1971

20N. The provisions of this Article shall be in addition to any other statutory provisions relating to water pollution and shall not derogate from them.

General and  
special orders  
(Amendment no.5)  
5732-1971

20O. An order according to this Article may be general or to a particular person, to a class of persons, to a particular polluting factor, to a type of polluting factors or a part of a polluting factor, if not otherwise stated in this Article.

Area of application  
(Amendment no.5)  
5732-1971

20P. Regulations and orders under this Article may apply to the entire area of State or part of it, or to a particular water source, all as specified in the regulations or orders; advance notice shall be given to the Knesset Economic Affairs Committee of an order that was applied to part of the area of the State.

Actions regarding  
drinking water  
(Amendment no.5)  
5732-1971

20Q. The provisions of this Article shall not derogate from the provisions of Part 1 of the Public Health Ordinance, 1940, as to anything relating to drinking water.

Right to appeal  
(Amendment no.5)  
5732-1971  
(Amendment no.7)  
5751-1991  
(Amendment no.22)



5766-2006

20R.

- a) A person who deems himself aggrieved by the exercise of the powers of the Minister of Environmental Protection or the Director of the National Authority, under the provisions of this Article, or by their refusal to exercise these powers, or by the exercise of power that was conferred on a certain authority or corporation of authorities, as per their meaning in Section 20L, or by a refusal to exercise that power, may appeal to the tribunal within twenty one days from the day he is informed about the exercise of power or the refusal to do so.
- b) The submission of an appeal under this Article shall not delay the implementation of the action appealed against, unless the tribunal orders its delay; however, where collection of expenses is permitted under this Article, their collection shall be delayed until after the tribunal rules on the appeal, and in accordance with the results of this ruling.
- c) The provisions of sub-section (b) shall not derogate from the provisions of Section 153.

Transition period

(Amendment no.5)

5732-1971

(Amendment no.7)

5751-1991

(Amendment no.22)

5766-2006

20S.

- a) When exercising their power under this Article, the Minister of Environmental Protection or the Director of the National Authority, as the case may be, may take account of the period that is needed in their opinion, according to the circumstances of that case, in order to allow every person, including a person who is in possession of a polluting factor, to adapt his actions or the polluting factor in his possession to the circumstances created by the publication of this Article.
- b) The period stated in sub-section (a) shall not exceed six months from the day in which this Article enters into force.

Duty to report

(Amendment no.5)

5732-1971

(Amendment no.22)

5766-2006

20T. The Director of the National Authority shall provide the Knesset Economic Affairs Committee with an annual report on the state of water pollution and the actions that were taken for its prevention.

Penalties in the  
matter of Article A1  
(Amendment no.7)  
5751-1991  
Order 5763-2002  
(Amendment no.25)  
5768-2008

20U.

a) A person who contravenes any of the provisions of Article A1 is liable to one year imprisonment or to a fine of 350,000 New Shekels, and if the violation continues – seven days of imprisonment and an additional fine of 23,200 New Shekels for every day in which the violation continues after he has been warned in writing by whoever was authorized for such purpose by the Minister of Environmental Protection, and in accordance with the date that is determined in the warning.

(Amendment no.25)  
5768-2008

b) An offense under this section is a strict liability offense.

(Amendment no.25)  
5768-2008

c) A person who commits an offense, as aforementioned in subsection (a) in an aggravating manner or circumstances, as a result of which damage or substantial harm was caused or may be caused to the environment, shall be liable to three years imprisonment or double the fine that the court was authorized to impose on him under the provisions of this section, for the offense of which he was convicted, and if the offense is committed by a corporation, it shall be liable to a fine that is four times higher than the court was authorized to impose on it under the provisions of this section.

(Amendment no.25)  
5768-2008

d)

1) Where a person commits an offense under sub-sections (a) or (c) 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.

- 2) For the purpose of this sub-section, “benefit” – includes an expense that was saved.
- 3) The provisions of this sub-section do not derogate from the provisions of Section 63 in the Penal Law, 5737-1977.

Responsibility of  
position holders  
in a corporation  
(Amendment no.7)  
5751-1991

20V. Where an offense under Section 20U is committed by a corporation, any person who was, at the time the offense was committed, a manager, partner, except for a limited partner, or a senior employee in that corporation, responsible for the matter in question, shall be indicted as well, unless he can prove that the offense was committed without his knowledge and that he took all reasonable measures to prevent or stop the offense.

Powers of the court  
(Amendment no.7)  
5751-1991

20W.

- a) Where there is a suspicion that an offense under Section 20U was committed, the court may, at the request of the prosecutor, issue a temporary order, even prior to the submission of an indictment, against a person who is suspected or accused of causing water pollution, as it deems fit under the circumstances to prevent, stop or reduce the water pollution; for the purpose of sub-sections (a) to (d), “court” – the court that is authorized to hear the offense.
- b) A court shall not issue an order, as aforementioned in sub-section (a) before giving the suspected or the accused offender, as the case may be, an opportunity to present their arguments; if the suspected or the accused offender fails to attend the hearing about the request for an order, although he was lawfully summoned, the court may decide on the request in his absence.

(Amendment no.25)  
5768-2008

- c) The validity of a order that is issued as aforementioned in sub-section (a) shall be for the period determined by the court, and it may persist until the end of the proceedings; where an order is issued before the submission of an indictment, its validity shall expire within 30 days of the day of issuance, unless an

indictment is submitted within that period.

- d) If new facts have come to light or if the circumstances have changed and these are likely to cause the court to change its previous decision, a suspect, accused and prosecutor may apply to the court and request it to reconsider its decision on the request according to sub-section (a).
- e) A suspect, accused and prosecutor may appeal against the court's decision regarding a request under sub-section (a), or against the court's decision regarding a request for reconsideration; the appeals court shall hear the appeal with one judge.
- f) An application for reconsideration or appeal shall be submitted in writing, shall contain a summary of arguments and shall be accompanied by copies of previous decisions on the matter.
- g) During reconsideration or appeal, the court may confirm, change or revoke the decision that was appealed against or replace it with another decision.
- h) For the purpose of this section –

“Order” – a mandatory order or a prohibitory order;

“Prosecutor” –

- 1) As defined in Section 12 of the Criminal Procedure Law [Consolidated Version] 5742-1982;
- 2) A complainant, as described in Section 20Y – after he has filed a complaint.

Charging of expenses  
and cleanups  
(Amendment no.7)  
5751-1991

20X. A court which has convicted a person for an offense under Section 20U, may, in its sentence, in addition to any other penalty that it may impose, obligate that person:

- 1) To pay for the necessary expenses that were incurred for cleaning the water and anything else that was contaminated due to the offense, if an application for the payment of these expenses was submitted to the court by the person who

incurred them; where more than one person was convicted of the offense, the court may impose the payment of expenses on all or some of them, jointly or severally, or may divide this sum between them, and all as it deems fit under the circumstances of the matter.

- 2) To undertake the required measures in order to –
  - (a) Stop, reduce or prevent the continuation of the water pollution.
  - (b) Clean the water and anything polluted as a result of the offense.
  - (c) Restore the situation to its previous condition.

Complaints  
(Amendment no.7)  
5751-1991

20Y.

- a) Any of the following may file a complaint as stated in Section 68 of the Criminal Procedure Law [Consolidated Version] 5742-1982 with regard to an offense under Article A1:
  - 1) Any person – for an offense as a result of which he was directly injured.
  - 2) A local authority – for an offense committed within its jurisdiction.
  - 3) Any of the public and professional bodies that are specified in the First Schedule – for any offense under this Article; the Minister of Environmental Protection may amend the First Schedule, in consultation with the Minister of Justice and with the approval of the Knesset Economic Affairs Committee.
- b) A complaint shall not be filed under sub-section (a) unless the complainant notifies the Minister of Environmental Protection about his intent to do so, and provided that an indictment by the Attorney General was not submitted within sixty days of that notice.

(Amendment no.10)  
5755-1995  
(Amendment no.24)  
5767-2007

Applicability to the State  
(Amendment no.7)  
5751-1991

20Z. Article 1A shall apply to the State.