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Environmental Treatment of Electrical and Electronic Equipment and Batteries Law, 5772-2012¹

Chapter One: Objective

Objective

1. The objective of this Law is to establish measures regarding the environmental treatment of electrical and electronic equipment and of batteries and accumulators, in order to encourage reuse of electrical and electronic equipment, to reduce the quantity of waste created from electrical and electronic equipment and from batteries and accumulators, prevent the landfilling of such waste, and mitigate the negative environmental and health related effects of electrical and electronic equipment, of batteries and accumulators and of waste equipment and batteries, *inter alia* by means of each of these –

- (1) Imposing extended responsibility on producers and importers of electrical and electronic equipment and of batteries and accumulators for the performance of approved recycling of waste equipment and batteries, including the setting of obligatory targets for such recycling, and the regulation of accredited compliance bodies which are to act on behalf of said producers and importers.
- (2) Imposing on parties responsible for waste removal the responsibility for the separation and collection of domestic waste equipment and batteries, and prohibition the discarding and removal of waste equipment and batteries other than in accordance with the measures prescribed in this Law.
- (3) Imposing responsibility on seller of equipment and batteries for accepting domestic waste equipment and batteries from buyers.
- (4) Operation of centers for waste equipment and batteries and of facilities for the treatment of waste equipment and batteries.
- (5) Establishing a prohibition on the landfilling of waste equipment and batteries.

Chapter Two: Definitions

Definitions

2. In this Law –

"Party responsible for waste removal" – A local authority, as well as anyone obligated under any statute, , excluding an obligation under a by-law, to collect and to remove waste from a property in its ownership or possession.

"Means of reduction at source" – means that should be taken during the manufacture of equipment and batteries, intended to reduce one or more of the following:

- (1) The quantity of waste equipment and batteries, including through adapting the materials from which the equipment or batteries are made for reuse.
- (2) The negative effects - environmental and health related - of waste equipment and batteries, including adapting the materials or components from which the equipment or batteries are made for recycling or recovery.
- (3) Content of the hazardous substances in the equipment and batteries.

"Accredited compliance body" – A company accredited by the Administrator pursuant to the provisions of section 14.

¹ Sefer HaChukkim (Book of Laws) 2372, 5772 (July 26, 2012), p. 530; Government Bills 675, 5772, p. 686.

"Instructions for environmental treatment of batteries or accumulators" – Written information about components and materials in batteries or accumulators, including the existence and location of hazardous substances within them, as well as instructions on the treatment of waste batteries or accumulators in a safe and environmental manner.

"Instructions for environmental treatment and for preparation for reuse of electrical and electronic equipment" – Written information about components and materials in electrical and electronic equipment, including the existence and location of hazardous substances within such equipment, as well as instructions on the preparation for reuse and the treatment of waste electrical and electronic equipment in a safe and environmental manner.

"Deposit" – The deposit of waste equipment and batteries with a seller as stated in section 30.

"Preparation for reuse" – Activities of examination, cleaning or repair of waste electrical and electronic equipment, enabling its reuse, without need of additional activities.

"Recovery" – The production of energy from waste equipment and batteries or the processing of such waste into material used for the production of energy.

"Approved recovery" – Recovery at a recovery plant licensed under any law.

"Committee" – The Knesset Economics Committee.

"Hazardous substance" – As defined in the Hazardous Substances Law, 5753-1993.

"Companies Law" – The Companies Law, 5759-1999.

"Treatment" – Recycling, recovery or landfilling.

"Importer" – A battery importer or an electrical and electronic equipment importer.

"Battery importer" – A person who as part of his business imports batteries or accumulators for sale or marketing in Israel.

"Electrical and electronic equipment importer" – A person who as part of his business imports electrical and electronic equipment for sale or marketing in Israel.

"Producer" – A battery producer or an electrical and electronic equipment producer.

"Battery producer" – A person who manufactures, himself or through another, batteries or accumulators intended for sale or marketing in Israel.

"Electrical and electronic equipment producer" – A person who manufactures, himself or through another, electrical and electronic equipment intended for sale or marketing in Israel.

"Collection point" – A small dedicated receptacle, or a limited number of such receptacles, for holding domestic waste equipment and batteries, stationed by a party responsible for waste removal for the initial discarding of domestic waste equipment and batteries by residents of the place.

"Recycling" – The processing of waste equipment and batteries into products, materials or raw materials, excluding reuse, preparation for reuse and recovery.

"Approved recycling" – Acceptance for recycling at a recycling plant licensed under any law.

"Treatment facility" – A facility or plant at which the treatment of waste equipment and batteries is carried out.

"Sale" – Including online sales.

"Administrator" – The person appointed as responsible for the field of equipment and batteries at the Ministry, pursuant to section 60.

"Operator" – A person who owns, controls or holds a center for waste equipment and batteries or a treatment facility, and a person who is required to hold a license under any law for the operation of such center or facility.

"Center for waste equipment and batteries" – A collection center, a collection point, a sorting center or a center for preparation for reuse.

"Collection center" – A facility or site intended for initial reception and collection of waste equipment and batteries.

"Center for preparation for reuse" – A site or facility for the preparation of waste equipment and batteries for reuse.

"Sorting center" – A site or facility intended for the sorting of waste equipment and batteries.

"Seller" – A person who sells equipment and batteries and a person who supplies equipment and batteries for distribution, consumption or use in Israel, as part of a commercial activity.

"Ministry" – The Ministry of Environmental Protection.

"Battery or accumulator" – means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable).

"Portable battery or accumulator" – A battery or accumulator, a button battery or a battery pack, sealed and portable by hand, other than an industrial battery or accumulator or a battery or accumulator for a motor vehicle.

"Industrial battery or accumulator" – A battery or accumulator intended for industrial or professional use.

"Battery or accumulator for a motor vehicle" – A battery or accumulator supplying voltage to a motor vehicle for ignition, starting, lighting or propulsion.

"Button battery" – A small round battery with a diameter greater than its height.

"Waste batteries and accumulators" – Batteries or accumulators that were discarded or whose holder intends to discard them or is required to discard them by law.

"Waste electrical and electronic equipment" – Electrical and electronic equipment and any component of electrical and electronic equipment and consumables forming part of electrical and electronic equipment, that was discarded or whose holder intends to discard it or is required to discard it by law, excluding a battery or accumulator forming part of such equipment.

"Waste equipment and batteries" – Waste electrical and electronic equipment and waste batteries and accumulators.

"Harmful waste equipment and batteries" – Waste equipment and batteries the treatment of which could create a health or safety hazard.

"Domestic waste equipment and batteries" – Each of these:

- (1) waste electrical and electronic equipment deriving from private households;
- (2) waste electrical and electronic equipment deriving from products which are also suitable for home use, and having characteristics which owing to its composition, nature and quantity are similar to those of waste electrical and electronic equipment deriving from private households, even if it derives from businesses, institutions or industrial plants.
- (3) portable waste batteries and accumulators.

"Nondomestic waste equipment and batteries" – Waste equipment and batteries other than domestic waste equipment and batteries.

"Electrical and electronic equipment" – Any product, equipment or device dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current, excluding equipment that is designed and intended for installation in other equipment to which this Law does not apply and can fulfill its function only if it is part of that equipment. . In this regard, any equipment or device listed in Annex 1 shall be deemed electrical and electronic equipment.

"Equipment and batteries" – Electrical and electronic equipment, batteries and accumulators.

"Classification category" – Each of the categories of electrical and electronic equipment listed in Annex 1.

"Motor vehicle" – As defined in the Traffic Ordinance, including a motor vehicle propelled by an electric motor.

"Local authority" – A municipality, local council or inter-municipality whose responsibilities include the collection and disposal of waste.

"Reuse" – Additional use of equipment and batteries for the purpose for which they were originally intended.

"Effluents" – Liquids that came in contact with waste equipment or batteries or that derived from such waste.

"Minister" – The Minister of Environmental Protection.

Chapter Three: Provisions Relating to Producers and Importers

Article A: Duties of Producers and Importers with Respect to the Recycling of Equipment and Batteries

Duty to Recycle Waste Electrical and Electronic Equipment

3. (a) An electrical and electronic equipment producer or importer shall perform, in every year, approved recycling of waste electrical and electronic equipment not less than 50 percent of the total weight of electrical and electronic equipment sold by the producer or the importer in that year, after deducting the weight of the waste electrical and electronic equipment that was transferred for reuse in that year (in this section – recycling target for electrical and electronic equipment).

(b) Notwithstanding the provisions of subsection (a), during the period from January 1, 2014 (29 Tevet 5774) to December 31, 2020 (16 Tevet 5781), the recycling target for electrical and electronic equipment shall be as set out below:

- (1) in 2014 – 15 percent;
- (2) in 2015 – 20 percent;
- (3) in 2016 – 25 percent;
- (4) in 2017 – 30 percent;
- (5) in 2018 – 35 percent;
- (6) in 2019 – 40 percent;
- (7) in 2020 – 45 percent.

(c) Where an electrical and electronic equipment producer or importer has performed approved recovery of waste electrical and electronic equipment, the waste so recovered shall be deemed, for purposes of the recycling target for electrical and electronic equipment, to have undergone approved recycling, up to 5% of the total weight of electrical and electronic equipment sold by the producer or the importer in that year, after deducting the weight of the waste electrical and electronic equipment that was transferred for reuse in that year.

(d) In this section, "weight of electrical and electronic equipment" – excluding the weight of batteries or accumulators forming part of such equipment at the time of the sale.

Duty to Recycle Waste Batteries and Accumulators

4. (a) A producer and an importer of batteries or accumulators shall perform, in every year, approved recycling of waste batteries and accumulators not less than the rates set out below, according to the type of battery or accumulator, from the total weight of batteries or accumulators of each type sold by the producer or the importer in that year (in this section – recycling targets for batteries).

- (1) batteries or accumulators containing lead – 30 percent;
- (2) batteries or accumulators containing nickel cadmium – 35 percent;
- (3) other batteries or accumulators – 25 percent.

(b) Notwithstanding the provisions of subsection (a), during the period from January 2, 2014 (29 Tevet 5774) to December 31, 2018 (23 Tevet 5779), the recycling targets for batteries shall be as set out below:

- (1) batteries or accumulators containing lead – 15 percent;
- (2) batteries or accumulators containing nickel-cadmium – 20 percent;
- (3) other batteries or accumulators – 12.5 percent.

(c) In this section, "batteries or accumulators" – including batteries or accumulators forming part of the electrical and electronic equipment sold by that producer or importer.

Article B: Duties of Producers and Importers Relating to Reporting, Keeping Records and Preparing Instructions

Duty to Report to the Administrator

5. (a) An electrical and electronic equipment producer and importer shall make a semiannual and annual report to the Administrator regarding each of these:

- (1) The items of electrical and electronic equipment sold by them – the number, types and weight of the items and the classification category to which they belong, as well as the number and types of batteries or accumulators that were installed in said electrical and electronic equipment;
- (2) The weight of the waste electrical and electronic equipment collected by them, by themselves or through another, as well as details of the parties responsible for waste removal, sellers or another person from whom it was collected.
- (3) The number of items of electrical and electronic equipment, from the waste electrical and electronic equipment collected, that were reused or prepared for reuse, according to types of items, their weight and the classification categories to which they belong, as well as the name of the person to whom they were sold or transferred, his address and identity number, and in the case of a corporation – the type of corporation and its registry number.
- (4) The weight of the waste electrical and electronic equipment recycled or recovered by them, by themselves or through another, as well as details of the manner of recycling or recovery and details of the treatment facility.
- (5) The weight of the waste electrical and electronic equipment exported by them, the country to which the waste was exported, details of the facility to which the waste was transferred in the destination country and the type of waste process performed in that facility.
- (6) Instructions for the environmental treatment and preparation for reuse of electrical and electronic equipment, prepared by them for each item of electrical and electronic equipment during the reporting period.

(b) A producer and an importer of batteries and accumulators shall make a semiannual and annual report to the Administrator regarding each of these:

- (1) The number, weight and types of batteries or accumulators sold by them.
- (2) The weight of the waste batteries and accumulators collected by them, by themselves or through another, as well as details of the parties responsible for waste removal, sellers or another person from whom they were collected.
- (3) The weight of the waste batteries and accumulators recycled by them, by themselves or through another, as well as details of the manner of recycling and details of the treatment facility.
- (4) The weight of the waste batteries and accumulators exported by them, the country to which the waste was exported, details of the facility to which the waste was transferred in the destination country and the type of waste process performed in that facility.
- (5) Instructions for the environmental treatment of batteries or accumulators prepared by them during the reporting period.

(c) A semiannual report under this section shall be submitted to the Administrator within two months from the end of the period in respect of which the report is being submitted, in the format prescribed by the Administrator.

(d) An annual report under this section shall be submitted to the Administrator no later than six months after the end of every fiscal year, audited by an accountant, in the format prescribed by the Administrator.

(e) Notwithstanding the provisions of subsections (a) to (c), where four semiannual reports were submitted to the Administrator by producers and importers, he may direct that the next reports to be submitted to him shall be only annual reports.

(f) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may request a producer or an importer to provide him with any information that was used in the preparation of a report under this section, as well as any information in the possession of the producer or the importer that was used in the preparation of the report under section 21 of an accredited compliance body with which the manufacture or the importer contracted as provided in section 8. Where a producer or an importer has been requested to provide such information, it shall do so within the time and in the manner specified in the request.

(g) If a producer or an importer fails to submit a report it is required to submit under this section, or if it provided such a report but the Administrator has reasonable grounds for assuming that the report is incorrect, the Administrator may, after allowing the producer or the importer an opportunity to present his arguments, determine in a reasoned decision the rates of waste equipment and batteries that were reused, recycled or recovered in an approved manner by the producer or the importer during the reporting period.

(h) For purposes of this section, "semiannual report" – a report on a six-month period from January to June or from July to December of every year.

Producer's and Importer's Duty to Keep Records

6. (a) A producer and an importer shall keep complete and detailed records of the matters included in the reporting duty under section 5.

(b) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may inspect records as stated in this section and receive a true copy thereof.

Instructions for Environmental Treatment and for Preparation for Reuse

7. (a) A manufacture and an importer shall prepare and publish instructions for environmental treatment and for preparation for reuse of electrical and electronic equipment, for each model of electrical and electronic equipment sold by them, and instructions for environmental treatment of batteries and accumulators, for each battery or accumulator sold by them, within a year from the first date of sale of any model of equipment or any battery.

(b) The publication of the instructions as stated in subsection (a) shall be done in an accessible manner to any person engaged in the sorting, preparation for reuse or treatment of waste equipment and batteries.

Article C: Producer's and Importers' Duty to Contract with an Accredited Compliance Body

Duty to Contract with an Accredited Compliance Body

8. (a) For the fulfillment of the duties of producers and importers under this chapter, a producer and an importer shall enter into a contract with an accredited compliance body that received accreditation pursuant to section 14 for treatment of the type of equipment and batteries which that producer or importer manufactures or imports. Where a producer or an importer has contracted with an accredited compliance body, the accredited compliance body shall be responsible for the fulfillment of the producer's or importer's duties as stated, as long as the contract remains in force.

(b) A producer and an importer shall be responsible for funding all the costs of the accredited compliance body with which they contracted as provided in subsection (a), as required for the fulfillment of the duties of producers and importers under this chapter and as detailed in section 17(a), on equal terms, taking into consideration, *inter alia*, their share of all the equipment and batteries manufactured or imported by all the producers and importers that contracted with that accredited compliance body, according to the classification categories and the possibilities of reuse or types of treatment of the waste created from the equipment and batteries manufactured or imported by them.

(c) Without derogating from the provisions of the end of subsection (a), a producer or an importer who contracted with an accredited compliance body shall keep complete and detailed records of the information specified in section 5(a)(1) and (b)(1), and the Administrator or whomever he has authorized in that regard from among the Ministry's employees shall be entitled to inspect such records and to receive a true copy thereof.

(d) If a producer or an importer finds that an accredited compliance body, with which it contracted as provided in subsection (a), is not fulfilling the duties of producers and importers as specified in that subsection, in whole or in part, or it believes there is a likelihood that the accredited compliance body will not fulfill those duties, the producer or the importer shall take all reasonable measures available to it to ensure the fulfillment of such duties by the accredited compliance body.

Exemption from the Duty of Contracting

9. (a) The Administrator may exempt a producer or an importer from the duty of contracting under section 8 (in this Law – exemption from the duty of contracting), if he was persuaded that such producer or importer is able to fulfill its duties under Article A of this chapter with respect to waste equipment and batteries created from the equipment or the batteries sold by it, other than through an accredited compliance body.

(b) An exemption from the duty of contracting, with respect to domestic waste equipment and batteries, shall be granted solely under exceptional circumstances and for special reasons to be noted.

(c) A producer or an importer who received an exemption from the duty of contracting shall be responsible for the performance of all the necessary actions for the fulfillment of its duties under Article A of this chapter, in a manner preventing harm to the environment and in accordance with the provisions of this Law and any other law, including the removal of nondomestic waste equipment and batteries of any holder of such waste as provided in section 34, and shall bear all the costs involved. In this regard, "necessary actions" – including sorting, reuse, preparation for reuse or treatment of all the waste equipment and batteries created from the equipment or batteries sold by him.

(d) In order to assure the compliance of the producer or the importer with its duties under Article A of this chapter, the Administrator may set conditions for granting an exemption from the duty of contracting, and conditions which must be fulfilled during the period of such exemption, and he may modify those conditions, after allowing the producer or the importer an opportunity to present its arguments.

(e) An exemption from the duty of contracting shall be given for a period of up to five years, and the Administrator may extend it for further periods, which may not exceed five years each time.

(f) The Administrator shall publish in Reshumot (Official Government Gazette) and on the Ministry's website a notice regarding the granting of an exemption from the duty of contracting. The notice shall include the date of granting of the exemption, its term of validity and the main reasons for the granting thereof.

Application for Exemption from the Duty of Contracting

10. (a) A producer or an importer seeking an exemption from the duty of contracting shall submit to the Administrator an application including the following details and documents:

(1) In the case of a corporation – the corporation's documents of incorporation.

(2) An action plan for the period of the exemption, including, *inter alia*, each of these:

(a) The planned measures for the collection and removal, preparation for reuse, recycling, recovery and landfilling of the waste equipment and batteries created from the equipment and batteries sold by the applicant.

(b) The planned geographical area of the measures referred to in subparagraph (a).

(c) Schedule for compliance with the annual recycling rates required under section 3(a) and (b) or section 4(a) and (b), as the case may be.

(d) The anticipated costs of implementation of the plan.

(3) Additional details and information as may be determined by the Minister.

(b) The Administrator may request from an applicant for exemption from the duty of contracting additional details and documents as he deems appropriate for the purpose of examining the application.

(c) The Administrator's decision with respect to an application under this section shall be given within three months from the day on which he received the application documents, or from the date of receipt of the details or the documents requested by him pursuant to the provisions of subsection (b), whichever is later.

Revocation of Exemption from the Duty of Contracting

11. (a) The Administrator may revoke an exemption from the duty of contracting, after allowing the holder of the exemption an opportunity to plead his case, upon the fulfillment of one of these:

(1) The exemption was granted based on false or misleading information.

(2) He considers that the holder of the exemption is not complying with his duties under Article A of this chapter.

(3) The holder of the exemption violated any condition of the exemption or any of the provisions of this chapter.

(b) Where an exemption from the duty of contracting has been revoked, the producer or the importer whose exemption was revoked shall, within a month from the notice of revocation, contract with an accredited compliance body, and the submission of an application for a further exemption from the duty of contracting shall not exempt it from the duty of contracting as stated. The Administrator may, in a reasoned decision, defer by an additional month the date for contracting with an accredited compliance body.

Article D: Special Provisions Relating to Producers or Importers of Equipment and Batteries on a Limited Scale

Special Provisions Relating to Producers and Importers of Equipment and Batteries on a Limited Scale

12. (a) The provisions of sections 3, 4, 5, 7 and 8 shall not apply to a producer or an importer who sold in one year equipment and batteries with a weight not exceeding an amount determined by the Minister with the approval of the Committee (in this Law – manufacture or importer on a limited scale). In determining the amount the Minister shall take into consideration, *inter alia*, the environmental and health effects of the equipment and the batteries and of the waste created from them as well as the business turnover of producers and importers of equipment and batteries.

(b) Notwithstanding that stated in subsection (a), a producer or importer on a limited scale shall report to the Administrator at the end of every year (in this section – annual report) the details specified in section 5(a)(1) or 5(b)(1), as the case may be.

(c) An annual report shall be submitted to the Administrator no later than two months after the end of every fiscal year, audited by an accountant, in the format prescribed by the Administrator.

(d) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may request a producer or importer on a limited scale to provide him any information that was used in the preparation of the annual report. Where the producer or the importer has been requested to provide information as stated, it shall do so within the time and in the manner specified in the request.

(e) If a producer or importer on a limited scale fails to submit an annual report, or if it provided such a report but the Administrator has reasonable grounds for assuming that the report is incorrect, the Administrator may, after allowing the producer or the importer an opportunity to present his arguments, determine in a reasoned decision the weight of the equipment and batteries that were sold by the producer or the importer in that year, and he may, if he considers that the weight of the equipment and batteries sold by the producer or the importer in a year exceeds the amount determined by the Minister under subsection (a), determine that the weight of the equipment and batteries set by him as stated shall be the binding weight for purposes of the recycling target required of the producer or the importer under sections 3 and 4.

(f) If it becomes apparent to a producer or importer on a limited scale, at the end of a fiscal year, that it sold during that fiscal year equipment and batteries with a weight exceeding the amount determined by the Minister under subsection (a), or the Administrator has determined pursuant to subsection (e) that the producer or the importer sold in that fiscal year equipment and batteries with a weight exceeding such amount, the producer or the importer shall, within a month, contract with an accredited compliance body for the fulfillment of its duties under sections 3 and 4, with respect to the equipment and the batteries sold by it in that fiscal year. Where a producer or an importer has acted as stated in this subsection, and paid the required costs to an accredited compliance body, he shall be deemed to have complied with his duties under sections 3 and 4. The Administrator may, in a reasoned decision, defer by an additional month the date for contracting with an accredited compliance body.

Levy upon Producers and Importers on a Limited Scale

13. The Minister, with the consent of the Minister of Finance, after consulting with the Minister of Industry, Trade and Labor and with the approval of the Committee, may establish a levy to be imposed upon a producer or importer on a limited scale, and he may set different levy rates for different classification categories, taking into consideration, *inter alia*, the possibilities for reuse, recycling or other treatment of the waste created from the equipment and the batteries, the effect of the levy on the end price of the equipment and the batteries for the consumer as well as, *inter alia*, provisions with respect to linkage of the levy, the manner of its payment, ways of collecting it and reports which a producer or an importer is required to make with respect to the levy.

Chapter Four: Accredited Compliance Bodies

Article A: Accreditation

Accreditation of Accredited Compliance Bodies

14. (a) The Administrator may accredit a company as a compliance body responsible for the fulfillment of the duties of producers and importers who contract with it under this Law, if it fulfills each of these:

- (1) It is a company as defined in the Companies Law.
- (2) Its sole objective is the fulfillment of the producers' or importers' duties under this Law and the performance of the necessary actions for that purpose.
- (3) It is a public benefit corporation, as defined in the Companies Law, or where it was set up for profit – its articles restrict the possibility of distributing profits if it has not met the recycling targets of the producers and the importers for the performance of whose duties it is responsible or if the provisions of section 23(f)(1) are not fulfilled.
- (4) It presented a business plan according to which shortly after the accreditation date it is to provide services to producers and importers selling equipment and batteries of sufficient weight, to the Administrator's satisfaction.
- (5) It possesses sufficient equity, and it provided a bank guarantee in favor of the State or other collateral in favor of the State according to the Administrator's discretion, in sufficient amounts relative to the scope of the company's activity, all to the Administrator's satisfaction, as security for its compliance with the objective as stated in paragraph (2).
- (6) The general manager and controlling shareholder of the company have not been convicted of an offense whose nature, severity or circumstances render the company unfit to be an accredited compliance body. In this regard, "control" – as defined in the Securities Law, 5728-1968.
- (7) The company submitted an affidavit on its behalf according to which it shall not employ someone who is not an Israeli citizen or an Israeli resident, even if it is permissible to do so under the Foreign Workers Law, 5751-1991, and that for the performance of its obligations under this Law it shall contract solely with an operator or a person engaging in the collection and removal of waste who has given his undertaking to employ solely workers as stated for the fulfillment of his obligations under the contract.
- (8) Additional conditions as may be determined by the Minister.

(b) The Administrator may refuse to grant accreditation to an applicant, for reasons to be provided to the applicant and after he has allowed the applicant an opportunity to present his arguments, even where the applicant fulfills the conditions in subsection (a), if he deems that circumstances exist which render the applicant unfit to receive accreditation, or if he considers that there is a real likelihood that granting the applicant accreditation could adversely affect the implementation of the objectives of this Law.

(c) The Administrator may accredit a company as a compliance body with responsibility for the fulfillment of the duties of producers and importers relating to domestic waste equipment and batteries, solely with respect to equipment and batteries of a particular type or from particular classification categories, if he considers that special circumstances exist that warrant this and that the achievement of the recycling targets for all domestic waste equipment and batteries will not be affected thereby.

(d) In order to assure the compliance of an accredited compliance body with the objective as stated in subsection (a)(2), the Administrator may prescribe conditions in the accreditation which must be met during all or a part of the term of validity of the accreditation, including setting the type of electrical and electronic equipment or the type of batteries or accumulators in respect of which the compliance body is permitted to act under the accreditation, and he may modify such conditions, after allowing the accredited compliance body an opportunity to present his arguments.

(e) Accreditation shall be granted for a period of five years (in this chapter – the accreditation period).

(f) The articles of the accredited compliance body and any change therein require the approval of the Administrator.

(g) The Administrator shall publish in Reshumot and on the Ministry's website a notice regarding the accreditation of a company as an accredited compliance body, the type of electrical and electronic equipment or the type of batteries or accumulators or the sector in respect of which it was granted accreditation, the date of the accreditation and the accreditation period.

Accreditation Application and a Decision in the Application

15. (a) A company seeking accreditation shall submit to the Administrator an application including the following details and documents:

- (1) The company's documents of incorporation.
- (2) The type of electrical and electronic equipment or the type of batteries or accumulators in respect of which the accreditation is sought, including the classification categories, and whether the accreditation is sought in respect of domestic waste equipment and batteries, nondomestic waste equipment and batteries, or both.
- (3) A business plan and a budget plan for the accreditation period, including, *inter alia*, the type of equipment and batteries, a plan for compliance with the annual recycling rates required under section 3(a) and (b) or section 4(a) and (b), as the case may be, and the method of calculation of the payments which producers and importers are required to pay it as an accredited compliance body.
- (4) Planned measures for the collection of waste equipment and batteries from sellers and for the separation and removal, preparation for reuse and treatment of the waste equipment and batteries.
- (5) Planned measures for informational activity.
- (6) Planned measures for a trademark for the accredited compliance body, if relevant;
- (7) A sample contract between the accreditation applicant and a producer or an importer.
- (8) A sample contract between the accreditation applicant and a party responsible for waste removal.
- (9) A sample contract between the accreditation applicant and a holder of nondomestic waste equipment and batteries.
- (10) A sample contract between the accreditation applicant and a seller.
- (11) Other details and information as may be determined by the Minister.

(b) The Administrator may request from an accreditation applicant additional details and documents as it deems appropriate, for the examination of the application.

(c) The Administrator shall approve a sample contract between the accreditation applicant and a party responsible for waste removal, as stated in subsection (a)(8), after consulting with the head of the Local Government Administration in the Ministry of the Interior and with the Minister of Industry, Trade and Labor or whomever he has authorized in that regard from among his ministry's employees.

(d) The Administrator's decision in an application under this section shall be given within three months from the day on which he received the application documents, or from the date of receipt of the details or the documents requested by him pursuant to the provisions of subsection (b), whichever is later.

Revocation of Accreditation

16. (a) The Administrator may revoke an accreditation, after allowing the accredited compliance body an opportunity to present its arguments, on the fulfillment of one of the following:

- (1) The accreditation was granted based on false or misleading information.
- (2) The accredited compliance body has ceased to meet any of the conditions for the granting of accreditation under section 14.
- (3) The accredited compliance body violated any of the terms of the accreditation or any of the provisions of this Law or it violated another statutory provision in connection with its activity.
- (4) A temporary liquidation order was issued against the accredited compliance body or a receiver was appointed to it or an application was submitted for either of the above, or it has undergone voluntary dismantling.

(b) The Administrator shall give written notice of his intention to revoke an accreditation to the accredited compliance body, to the producers and importers meeting of that accredited compliance body and to the shareholders of the accredited compliance body who are producers and importers.

(c) Where the Administrator has revoked an accreditation, he may issue to the company whose accreditation was revoked and to any producer or importer who was bound by a contract with it under this Law immediately prior to the revocation, instructions to ensure the continued fulfillment of the producers' or the importers' duties under this Law, including the time and manner in which such producers and importers are required to perform necessary actions for that purpose.

Article B: Duties of an Accredited Compliance Body

Duties of an Accredited Compliance Body

17. (a) An accredited compliance body –
- (1) Shall perform all necessary actions for the fulfillment of the duties of producers and importers as stated in section 8, who contracted with it for that purpose, in accordance with the provisions of this article.
 - (2) (a) Shall dispose of domestic waste equipment and batteries of any party responsible for waste removal who contracted with it as stated in section 27, and shall fund the costs of separation and collection of domestic waste equipment and batteries as stated in section 26, within the area of any party responsible for waste removal who contracted with it in accordance with section 27, provided that the separation and collection costs are reasonable under the circumstances.
(b) The separation and collection costs listed in paragraphs (1), (4) and (6) of the definition of "separation and collection costs" shall be calculated based on the waste equipment and batteries transferred by the party responsible for waste removal to the accredited compliance body with whom it contracted, as stated in section 27(b), and the weight of the waste equipment and batteries transferred as stated.
(c) Where a collection center serves for the discarding or separation of additional types of waste other than waste equipment and batteries, the accredited compliance body shall be responsible solely for funding the separation and collection costs of the waste equipment and batteries.
(d) In this paragraph, "separation and collection costs" – means these costs:
 - (1) Collection from collection points and collection of large electrical appliances pursuant to section 26(b)(1).
 - (2) Purchase and stationing of collection receptacles at collection points and at collection centers.
 - (3) Infrastructure required for the establishment and operation of collection centers, as detailed in paragraphs (1) to (3) in section 35(a), and the fencing thereof.
 - (4) Manpower required for the operation of a collection center.
 - (5) Maintenance of collection receptacles and their replacement due to wear.
 - (6) Maintenance of collection centers.
 - (7) One-half of the costs of publishing the information referred to in section 26(g).
 - (3) Shall dispose of nondomestic waste equipment and batteries of any holder of such waste who contracted with it in accordance with section 34.
 - (4) Shall dispose of waste equipment and batteries of any seller who contracted with it in accordance with section 32, and shall fund the costs of storage, collection from buyers and removal of waste equipment and batteries of sellers arising from the duties of sellers under Article B in Chapter Five, provided such costs are reasonable under the circumstances.
 - (5) Shall carry out sorting, reuse, preparation for reuse or treatment of any and all waste equipment and batteries in its possession or control, in a manner preventing harm to the environment and in accordance with the provisions of this Law and any other law.

(6) Shall hold informational activities for the general public for the implementation of the provisions of this Law on the following subjects:

- (a) The duty to separate waste equipment and batteries from other waste and not to discard it as unsorted municipal waste.
- (b) Permitted options for discarding or returning waste equipment and batteries.
- (c) The importance and benefits of transferring waste equipment and batteries for reuse, recycling or recovery.
- (d) The environmental and health effects of hazardous substances contained in waste equipment and batteries.

(b) An accredited compliance body may, for the fulfillment of the duties of producers and importers under section 3 or 4, hold, dispose of, recycle or recover waste from equipment and batteries sold by producers or importers who did not contract with it.

(c) For the fulfillment of its obligations under this Law, an accredited compliance body may employ solely workers who satisfy the provisions of section 14(a)(7).

(d) An accredited compliance body may, for the fulfillment of the duties of producers or importers under section 3 or 4, request a reduction of weight of domestic waste equipment and batteries, taking into account the weight of the waste equipment and batteries within the area of a party responsible for waste removal who was proven not to have contracted with an accredited compliance body pursuant to section 27(a) or not to have taken enforcement measures pursuant to section 29(b). The request shall be submitted in a format as prescribed by the Administrator. Without derogating from the provisions of section 21(h), the Administrator may approve such a request under special circumstances.

Duty to Contract with Producers and Importers

18. (a) An accredited compliance body shall contract with any producer or importer who turns to it for the fulfillment of its duties with respect to equipment and batteries in classification categories or of types for which it was granted accreditation, on equal terms. The contract shall be made in accordance with the sample contract approved by the Administrator at the time of accreditation and in accordance with the terms prescribed therein.

(b) An accredited compliance body shall report, at least twice a year, in the format prescribed by the Administrator, to each producer and importer with whom it has contracted, on the actions performed by it for the fulfillment of their duties, and *inter alia* on the rate of recycling of waste equipment and batteries carried out by it in the reporting period, out of the recycling targets provided for in section 3 or 4.

Duty to Contract with a Party Responsible for Waste Removal

19. (a) An accredited compliance body that was granted accreditation for domestic waste equipment and batteries shall offer to any party responsible for waste removal to enter into a contract with it for the separation and collection of domestic waste equipment and batteries within its area, on equal terms. The contract shall be made in accordance with the sample contract approved by the Administrator at the time of accreditation and in accordance with the terms prescribed therein.

(b) An accredited compliance body shall contract as stated in subsection (a) with any party responsible for waste removal who turns to it regarding the separation and collection of domestic waste equipment and batteries within its area, with respect to such waste in classification categories or of types for which it was granted accreditation.

(c) An accredited compliance body shall be responsible for the removal of domestic waste equipment and batteries within the area of all the parties responsible for waste removal with which it contracted, in accordance with the terms of the contract and the accreditation terms. Such removal shall be carried out on an equal basis, at a frequency and in a manner ensuring regular and publicly available removal and preventing the accumulation of waste equipment and batteries, all in accordance with the provisions of section 26 and any other law.

Duty to Contract with a Seller and with a Holder of Nondomestic Waste Equipment and Batteries

20. (a) An accredited compliance body shall enter into a contract with any seller who turns to it regarding the removal of waste equipment and batteries held by it, in classification categories or of types for which it was granted accreditation. The contract shall be made in accordance with the sample contract approved by the Administrator at the time of accreditation and in accordance with the terms prescribed therein.

(b) The removal of waste equipment and batteries from a seller, as stated in subsection (a), shall be done on equal terms, at a frequency and in a manner ensuring regular and available removal, so as to prevent the accumulation of waste equipment and batteries at the seller's premises.

(c) An accredited compliance body shall contract with any holder of nondomestic waste equipment and batteries who turns to it regarding the removal of waste equipment and batteries held by it, in classification categories or of types for which it was granted accreditation. The contract shall be made in accordance with the sample contract approved by the Administrator at the time of accreditation and in accordance with the terms prescribed therein.

Duty to Report to the Administrator

21. (a) An accredited compliance body shall make a semiannual report to the Administrator on each of these:

(1) The producers and importers with whom it was bound by a contract in the period in respect of which the report is being submitted.

(2) The details specified in section 5(a)(1) and (b)(1) with respect to each of the producers and importers referred to in paragraph (1).

(3) The parties responsible for waste removal, the sellers and the holders of nondomestic waste equipment and batteries with whom it was bound by a contract in the period in respect of which the report is being submitted.

(4) The details specified in sections 5(a)(2) to (6) and 5(b)(2) to (5), with respect to waste equipment and batteries which it disposed of, recycled or recovered in the period in respect of which the report is being submitted.

(b) A semiannual report under this section shall be submitted to the Administrator within two months from the end of the period in respect of which the report is being submitted, in the format prescribed by the Administrator.

(c) Notwithstanding the provisions of subsection (a), where four semiannual reports were submitted to the Administrator under this section, he may direct that the next reports to be submitted shall be only annual reports.

(d) An accredited compliance body shall make an annual report to the Administrator at the end of every year on each of these:

(1) The matters as stated in subsection (a).

(2) The financial balance sheet of the accredited compliance body for the previous year.

(e) An annual report under subsection (d) shall be submitted to the Administrator no later than six months after the end of the fiscal year in respect of which the report is being submitted, audited by an accountant, in the format prescribed by the Administrator.

(f) An accredited compliance body shall report to the Administrator every year, no later than two months after the end of the fiscal year, in a format prescribed by the Administrator, on the budget plan and the work plan for the following year.

(g) The Administrator or whomever he as authorized in that regard from among the Ministry's employees may request an accredited compliance body to furnish to him any information that was used in the preparation of a report under this section. Where an accredited compliance body has been requested to furnish information as stated, it shall do so within the time and in the manner specified in the request.

(h) If an accredited compliance body fails to submit a semiannual report or an annual report under this section, or if it provided such a report but the Administrator has reasonable grounds for assuming that the report is incorrect, the Administrator may, after allowing the accredited compliance body an opportunity to present his arguments, set in a reasoned decision the rates of waste equipment and batteries that were reused or in respect of which approved recycling or approved recovery was carried out during the reporting period.

(i) For purposes of this section, "semiannual report" – as defined in section 5(h).

Duty to Keep Records

22. (a) An accredited compliance body shall keep complete and detailed records of the matters included in the reporting duty under section 21.

(b) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may inspect records as stated in this section and receive a true copy thereof.

Producers and Importers Meeting

23. (a) An accredited compliance body shall convene, at least once a year, a meeting of producers and importers who are bound by a contract with it and are not shareholders of the accredited compliance body (in this chapter – producers and importers meeting).

(b) A producers and importers meeting shall be an organ of the accredited compliance body, and its resolutions shall bind the accredited compliance body in the matters specified in this section.

(c) At a producers and importers meeting the accredited compliance body shall present the matters that were reported to the Administrator under section 21, excluding the details specified in subsection (a)(2) thereof.

(d) Where a producers and importers meeting finds, based on reports presented to it pursuant to subsection (c), that an accredited compliance body is not fulfilling the duties of the producers and importers connected with it as provided in section 8 and in the contract, or other duties which are imposed on it by law, or that there is a likelihood that it will not fulfill such duties, it may requisition a special meeting of the board of directors of the accredited compliance body, within a period of no less than seven days as determined by it, at which the matters set out in the requisition shall be considered. The requisition shall be reported to the Administrator, and the resolution of the board of directors shall be reported to the producers and importers meeting and to the Administrator.

(e) In an accredited compliance body which is not a public company, two directors who fulfill the conditions of section 240(b) of the Companies Law shall be appointed, as if they were external directors, who shall serve on the board of directors of the accredited compliance body and whose appointment shall require the approval of the producers and importers meeting.

(f) (1) Any resolution of an accredited compliance body regarding a distribution requires the approval of a producers and importers meeting. A producers and importers meeting is permitted not to approve a distribution if it believes there is a real likelihood that carrying out the distribution will adversely affect the ability of the accredited compliance body to fulfill the duties of the producers and the importers as provided in section 8 and in the contract, when the time for their fulfillment arrives.

(2) A producers and importers meeting may cancel a resolution of an accredited compliance body regarding the costs to be funded by producers and importers who have contracted with it under section 8(b), if it finds this amount to be more than reasonably required for the fulfillment of the duties of producers and importers under this Law.

(3) A resolution of a producers and importers meeting with respect to a determination as stated in this subsection may be appealed to a District Court.

(g) Resolutions of a producers and importers meeting shall be determined by a majority of votes of the producers and importers participating in the vote, unless determined otherwise pursuant to subsection (h). An accredited compliance body shall report to the Administrator the resolutions that were adopted at a producers and importers meeting.

(h) The Minister, with the agreement of the Minister of Justice, may establish provisions with respect to this section, including in the matter of procedures for the convening, deliberations and work of a producers and importers meeting, the times of convening, the quorum at meetings, the sending of notices to producers and importers who are permitted to participate in meetings and the manner of voting, including through voting instruments.

(i) The Minister may exempt an accredited compliance body from all or any of the provisions of this section, where he has determined that the articles of association of that accredited compliance body allow any producer or importer bound by a contract with it to be a shareholder thereof, upon reasonable terms in the circumstances of the case, and that a majority of the producers and importers bound by a contract with it are shareholders thereof.

(j) In this section, "public company," "distribution" and "office holder" – as defined in the Companies Law.

Administrator's Representative

24. (a) An invitation to meetings of the board of directors of an accredited compliance body and of committees of the board of directors as well as to producers and importers meetings shall be given to the Administrator, and he may send to every such meeting a representative on his behalf who may participate in the meeting but not be entitled to vote.

(b) The representative referred to in subsection (a) may requisition a meeting of the board of directors or of a committee of the board of directors or a producers and importers meeting, and he may request to include a particular matter on the agenda of a meeting, and he may also examine the documents, records and assets of the accredited compliance body and receive copies, pursuant to sections 98(b)(2) and (d), 99(3) and 265 of the Companies Law, respectively.

Fair Representation of People with Disabilities

25. An accredited compliance body shall act to promote fair representation of people with disabilities among its employees and among the operators with whom it contracts for the fulfillment of its obligations under this Law, in accordance with the provisions of section 9 of the Equal Rights for People with Disabilities Law, 5758-1998.

Chapter Five: Provisions Relating to the Discarding, Collection and Transfer of Waste Equipment and Batteries

Article A: Parties Responsible for Waste Removal

Duties of a Party Responsible for Waste Removal

26. (a) A party responsible for waste removal shall carry out within its area, subject to the provisions of this section and section 67(a)(3), separation of domestic waste equipment and batteries from other waste and collection of domestic waste equipment and batteries.

(b) (1) Separation and collection as provided in subsection (a) shall be done in the following ways:

(a) Establishment of collection points and collection of the waste from them, or establishment and operation of collection centers.

(b) Collection of large electrical appliances that residents have placed outside their homes, at set times.

(2) In addition to the provisions of paragraph (1), a party responsible for waste removal may collect domestic waste equipment and batteries from the homes of residents upon call and by prior arrangement, or in any other way approved by the Administrator.

(c) The bringing and discarding of domestic waste equipment and batteries at a collection center and the collection of large electrical appliances, as provided in subsection (b)(1), by an individual who does not deal in waste as an occupation, shall not involve any payment or demand for reimbursement from the individual.

(d) (1) A party responsible for waste removal shall carry out separation and collection as provided in subsection (a) in a manner ensuring the availability of collection centers and collection points for the general public and collection at a frequency preventing the accumulation of waste equipment and batteries.

(2) The Administrator may publish on the Ministry's website criteria relating to the deployment of collection points and collection centers and to the frequency of collection within the area of a party responsible for waste removal, for the purpose of ensuring availability and frequency as stated in paragraph (1). A notice regarding the publication of such criteria shall appear in Reshumot.

(e) In addition to the provisions of Chapter Six, a party responsible for waste removal shall establish and operate the collection points and collection centers within its area in accordance with these provisions:

(1) At a collection center, electrical and electronic equipment intended for reuse or for preparation for reuse shall be separated from other electrical and electronic equipment.

(2) Waste batteries and accumulators shall be separated from other waste.

(3) The manner of separation and collection shall not affect the possibility of reuse, preparation for reuse or recycling of the waste equipment and batteries and shall prevent the dispersion of hazardous substances or the causation of environmental and health hazards from such waste, and *inter alia* sealed or covered collection receptacles shall be stationed so that the waste equipment and batteries should not get wet.

(4) Collection receptacles for waste equipment and batteries shall be marked conspicuously, including with respect to the types of waste that may or may not be discarded in them.

(5) Signs shall be posted containing clear instructions regarding the discarding of waste equipment and batteries and regarding the prohibition on taking or collecting waste equipment and batteries without authorization.

(6) Entry or access to a collection center or collection point shall be forbidden to any person not authorized in that regard by a party responsible for waste removal, and steps shall be taken to prevent the taking or collection of waste equipment and batteries without authorization from a collection center or collection point.

(f) Harmful waste equipment and batteries shall be separated and disposed of in accordance with instructions as determined by the Minister.

(g) A party responsible for waste removal shall from time to time publish to the public, within its area, information on:

(1) Collection centers and their location, the removal times for large electrical appliances and the possibilities for arranging the pickup from a resident's home as provided in subsection (b).

(2) The possibility of bringing and discarding domestic waste equipment and batteries at collection centers, without any payment or demand for reimbursement from an individual who does not deal in waste as an occupation, as provided in subsection (c).

(3) The markings on collection receptacles for waste equipment and batteries, and the types of equipment and batteries it is permitted or forbidden to discard in those receptacles as provided in subsection (e)(4).

(4) The obligation to separate waste equipment and batteries from other waste and not to discard it as unsorted municipal waste.

(h) For the fulfillment of its obligations under this Law, a party responsible for waste removal may employ solely workers who satisfy the provisions of section 14(a)(7)

(i) In this section, "large electrical equipment" – as defined in item 4 of Annex 1.

Duty to Contract with an Accredited Compliance Body

27. (a) For the fulfillment of the separation and collection duties of a party responsible for waste removal under section 26, a party responsible for waste removal shall enter into a contract with an accredited compliance body that was granted accreditation for domestic waste equipment and batteries.

(b) A party responsible for waste removal shall transfer the waste equipment and batteries separated at the collection centers and collected from collection points, from outside residents' homes or from residents' homes within its area, in accordance with its duties under section 26, to an accredited compliance body with which it contracted. Such transfer shall not involve any payment or demand for reimbursement beyond the funding of the separation and collection as provided in section 17(a)(2) and as prescribed in the contract between the parties.

Duty to Discard Waste Equipment and Batteries at a Collection Center

28. Where a collection center was established or a collection point stationed as provided in section 26(b)(1), and notice thereof was given by the party responsible for waste removal, a person may not discard domestic waste equipment and batteries within the area of the party responsible for waste removal except at the collection center or at the collection point and in accordance with the provisions of section 26, unless he has deposited said waste with a seller as provided in section 30.

Prohibition on Disposing of Waste without the Approval of the Party Responsible for Waste Removal

29. (a) A person may not take domestic waste equipment and batteries from a collection center or from a collection point and may not collect and dispose of such waste within the area of the party responsible for waste removal, except with the approval of the party responsible for waste removal. Such approval shall be given subject to the provisions of section 27(b).

(b) A party responsible for waste removal is obliged to take enforcement measures to ensure compliance with the provisions of this section.

Article B: Sellers

Duty of a Seller to Accept Waste Equipment and Batteries

30. (a) A seller of electrical and electronic equipment that is also suitable for home use, shall allow the buyer or anyone on his behalf to hand over to it, at the time of the sale or at the time of delivery, waste electrical and electronic equipment deriving from similar electrical and electronic equipment, in a quantity or weight similar to that of the sold product, free of debit. In this section, "similar electrical and electronic equipment" – electrical and electronic equipment from the same classification category, intended for a use similar to that of the sold equipment, regardless of the name of the producer or the importer of the electrical and electronic equipment or the trademark appearing on it.

(b) A seller of portable batteries and accumulators shall install at each of its points of sale a dedicated collection receptacle for waste portable batteries and accumulators, and shall allow any individual who does not deal in waste as an occupation to discard into the collection receptacle waste portable batteries and accumulators, free of debit.

(c) A seller shall post at its place of business, in a conspicuous location and in clear and legible letters, a notice regarding the possibility of depositing domestic waste equipment and batteries free of debit, as provided in subsection (a), the location of the area for the deposit of such waste equipment and batteries, which shall be on or near the seller's business premises, and the limitations on the deposit of waste equipment and batteries in accordance with the provisions of this Law. In this section, "place of business" – points of sale, service centers and websites of the seller.

(d) A seller who sells online electrical and electronic equipment that is also suitable for home use or portable batteries or accumulators, shall fulfill its duties as provided in subsections (a) or (b), in the manner in which the equipment or batteries were supplied to the buyer, at the time of the sale of the equipment or the batteries, or in another effective way for the fulfillment of such duties.

(e) Notwithstanding the provisions of subsections (a) to (d), a seller is permitted not to accept harmful waste equipment and batteries.

Storage of Waste Equipment and Batteries

31. A seller shall store waste equipment and batteries in his possession until its removal, in accordance with the provisions of this Law and in accordance with these provisions:

- (1) Waste equipment and batteries shall be stored on an impermeable surface, separately from other types of waste, separated into waste electrical and electronic equipment and waste batteries and accumulators.
- (2) Waste equipment and batteries shall be stored in a manner preventing breakage of the equipment and the batteries and leakage of materials from them.
- (3) No treatment shall be performed on the waste equipment and batteries, including treatment activities as specified in Annex 2.

Contract for the Removal of Waste Equipment and Batteries

32. (a) For the purpose of disposing of the waste equipment and batteries held in its possession or control, a seller shall enter into a contract with an accredited compliance body that was granted accreditation for that type of waste equipment and batteries.

(b) A seller shall transfer the waste equipment and batteries held in its possession or control to the accredited compliance body with which it contracted. Such transfer shall not involve any payment or demand for reimbursement beyond the funding of the waste removal as provided in section 17(a)(4) and as prescribed in the contract between the parties.

(c) Regarding waste equipment and batteries not collected by the accredited compliance body, or at any time when the contract with the accredited compliance body is not in force, the seller shall dispose of the waste equipment and batteries held by it in accordance with the provisions of section 26, and the provisions of sections 28 and 29 shall apply to it.

Keeping Records and Inspection

33. (a) A seller shall keep complete and detailed records of the waste equipment and batteries received by it pursuant to section 30, and disposed of in accordance with section 32, according to weight, classification category and types.

(b) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may inspect records as stated in subsection (a) and receive a true copy thereof, and he may request the seller to furnish to him any information relating to such records. Where a seller has been requested to furnish such information, it shall do so within the time and in the manner specified in the request.

Article C: Holders of Nondomestic Waste Equipment and Batteries

A Holder of Nondomestic Waste Equipment and Batteries

34. (a) Any holder of nondomestic waste equipment and batteries shall enter into a contract with an accredited compliance body that was granted accreditation for such waste, for the removal of the waste equipment and batteries held by him, and shall transfer to it the waste equipment and batteries held by him. Such transfer shall not involve any payment or demand for reimbursement beyond the funding of the waste removal as prescribed in the contract between the parties.

(b) Regarding waste equipment and batteries as stated in subsection (a) not collected by the accredited compliance body, or at any time when the contract with the accredited compliance body is not in force, the holder shall act with respect to such waste in accordance with the provisions of any law.

Chapter Six: Provisions Relating to Centers for Waste Equipment and Batteries and Treatment Facilities

Center for Waste Equipment and Batteries

35. (a) A person may not operate a center for waste equipment and batteries, excluding a collection point, and may not receive or store waste equipment and batteries therein, unless the waste is stored using infrastructures for the prevention of environmental and health hazards, including the infrastructures detailed below:

- (1) Impermeable surfaces.
- (2) A separate system for drainage of effluents from the impermeable surfaces.
- (3) Sealed or covered collection receptacles so that the waste equipment and batteries should not get wet.

(b) An operator of a center for waste equipment and batteries shall accept domestic waste equipment and batteries brought to the center by any individual who does not deal in waste as an occupation, and shall not demand any payment or other consideration for the acceptance thereof.

Prohibition on Treatment at a Center for Waste Equipment and Batteries

36. An operator of a center for waste equipment and batteries may not carry out or allow another to carry out treatment of waste equipment and batteries at that center, including treatment activities as specified in Annex 2.

Transfer of Waste from a Center for Waste Equipment and Batteries

37. Subject to the provisions of sections 27(b) and 32(b), an operator of a center for waste equipment and batteries:

- (1) Shall transfer waste equipment and batteries for reuse or to another center for waste equipment and batteries or to a treatment facility regulated under any law.
- (2) Shall not export waste equipment and batteries, except subject to the provisions of this Law and any other law.

Treatment Facility

38. (a) A person may not operate a treatment facility and may not receive or store waste equipment and batteries therein, unless the waste was stored and treated using infrastructures for the prevention of environmental and health hazards, including the infrastructures detailed below:

- (1) Scales for weighing the waste.
- (2) Impermeable surfaces.
- (3) Covering to prevent the waste equipment and batteries from getting wet.
- (4) Suitable storage means for dismantled spare parts.
- (5) Collection receptacles suitable for different components of waste equipment and batteries, including batteries or accumulators, transformers containing polychlorinated biphenyls (PCB) or polychlorinated triphenyls (PCT), hazardous waste and radioactive waste.
- (6) A separate system for drainage of effluents from the impermeable surfaces.
- (7) A facility for the treatment of effluents.

(b) The treatment of waste electrical and electronic equipment at the treatment facility shall include, at a minimum, the activities listed in Annex 2. The activities listed in Annex 2 shall be carried out in a manner that does not detract from the possibility of proper reuse and recycling of components of electrical and electronic equipment or whole items of electrical and electronic equipment.

Operator's Duties

39. (a) For the fulfillment of its obligations under this law, an operator shall employ solely workers who satisfy the provisions of section 14(a)(7).

(b) An operator shall keep complete and detailed monthly records of the waste equipment and batteries received by it and of waste as stated which it transferred to another, and shall specify therein the weight and manner of treatment of the waste, the number of items according to classification categories and types and the facility to which the waste was transferred, and if the operator has exported the waste – also the weight of the waste exported by it, the country to which the waste was exported and the facility to which it was transferred in the destination country.

(c) The Administrator or whomever he has authorized in that regard from among the Ministry's employees may inspect records as stated in subsection (b) and receive a true copy thereof, and he may request an operator to furnish to him any information relating to such records. Where an operator has been requested to furnish such information, it shall do so within the time and in the manner specified in the request.

(d) An operator shall make a semiannual report and an annual report to the Administrator on all matters specified in subsection (b).

(e) A semiannual report under this section shall be submitted to the Administrator within two months from the end of the period in respect of which the report is being submitted, in the format prescribed by the Administrator.

(f) An annual report under this section shall be submitted to the Administrator no later than six months after the end of every fiscal year, audited by an accountant, in the format prescribed by the Administrator.

(g) Notwithstanding the provisions of subsection (d), where four semiannual reports were submitted to the Administrator under this section, he may direct that the next reports to be submitted to him shall be only annual reports.

(h) For purposes of this section, "semiannual report" – as defined in section 5(h).

Chapter Seven: General Provisions Relating to Equipment and Batteries

Prohibition on the Landfilling of Waste Equipment and Batteries

40. (a) Beginning on January 1, 2021 (17 Tevet 5781), a person shall not bury waste equipment and batteries. The provisions of this subsection shall not prevent the landfilling of byproducts of approved recycling or approved recovery of waste equipment and batteries.

(b) Notwithstanding subsection (a), the Administrator may approve the landfilling in a particular location of waste equipment and batteries before treatment, if he considers in a particular case that no recycling or recovery alternatives are available. Such approval shall be given for a period of no more than one year.

Provisions Relating to Measures for Reduction at Source

41. (a) The Minister, after consulting with the Minister of Industry, Trade and Labor and with the approval of the Committee, may establish provisions relating to measures for reduction at source.

(b) Where the Minister has established provisions pursuant to subsection (a), a person may not manufacture equipment and batteries except in accordance with those provisions, unless the equipment or the batteries are intended for export.

Marking of Equipment and Batteries

42. (a) The Minister, with the agreement of the Minister of Industry, Trade and Labor and with the approval of the Committee, may establish provisions relating to the marking of equipment and batteries, including with respect to the manner of marking, its content, size and placement.

(b) Where the Minister has established provisions pursuant to subsection (a), a producer may not manufacture and an importer or a seller may not sell equipment and batteries except if they have been marked in accordance therewith.

Chapter Eight: Penalties

Penalties

43. (a) A person who did one of the following, shall be liable to a fine as specified in section 61(a)(2) of the Penal Law, 5737-1977 (in this Law – the Penal Law), and in the case of a corporation – to double said fine:

- (1) He discarded waste equipment and batteries not in accordance with the provisions of section 28.
- (2) He did not post at his place of business information in accordance with the provisions of section 30(c).

(b) A person who did one of the following, shall be liable to six months imprisonment or a fine as specified in section 61(a)(3) of the Penal Law, and in the case of a corporation – to double said fine:

- (1) He failed to report to the Administrator or did not furnish information to the Administrator or to whomever he authorized for that purpose, in accordance with the provisions of sections 5, 12, 21 or 39.
- (2) He did not keep complete and detailed records of the matters included in the duty of reporting under sections 5 or 21, contrary to the provisions of sections 6 or 22.
- (3) He did not keep complete and detailed records in accordance with the provisions of sections 33 or 39.
- (4) He did not allow the Administrator or whomever he authorized for that purpose to inspect records or to receive a true copy thereof, contrary to the provisions of sections 6, 22, 33 or 39.
- (5) He did not enter into a contract with an accredited compliance body, contrary to the provisions of section 8(a).
- (6) He did not keep complete and detailed records of the information specified in section 5(a)(1) and (b)(1) or did not allow the Administrator or whomever he authorized for that purpose to inspect such records or to receive a true copy thereof, contrary to the provisions of section 8(c).
- (7) He did not pay a levy he was obligated to pay, contrary to the provisions of section 13.
- (8) He did not comply with a condition prescribed by the Administrator for the grant of an exemption from the duty of contracting pursuant to the provisions of section 9(d), or at the time of accreditation pursuant to the provisions of section 14(d).
- (9) He did not dispose of separated waste equipment and batteries within the area of a party responsible for waste removal with which he contracted in accordance with the provisions of section 19(c).
- (10) He did not separate or collect domestic waste equipment and batteries in accordance with the provisions of section 26.
- (11) He did not enter into a contract with an accredited compliance body, contrary to the provisions of section 27(a).
- (12) He does not transfer waste equipment and batteries to an accredited compliance body, contrary to the provisions of section 27(b).

(13) He took, collected or disposed of domestic waste equipment and batteries within the area of a party responsible for waste removal without the approval of the responsible party, contrary to the provisions of section 29(a).

(15)²He did not accept waste equipment and batteries, contrary to the provisions of section 30.

(16) He manufactured equipment and batteries not in accordance with provisions established by the Minister with respect to measures for reduction at source, contrary to the provisions of section 41.

(17) He manufactured or sold equipment and batteries that were not marked in accordance with the provisions of section 42.

(18) He disclosed or used information, contrary to the provisions of section 65(b).

(c) A person who did one of the following, shall be liable to a year's imprisonment or to a fine as specified in section 61(a)(4) of the Penal Law, and in the case of a corporation – to double said fine:

(1) He did not meet the recycling targets according to the provisions of sections 3 and 4.

(2) He stored waste equipment and batteries not in accordance with the provisions of section 31.

(3) He operated a center for waste equipment and batteries or received or stored waste equipment and batteries without using the necessary infrastructures, contrary to the provisions of section 35.

(4) He carried out treatment or treatment activities on waste equipment and batteries, contrary to the provisions of section 36.

(5) He transferred or exported waste equipment and batteries not in accordance with the provisions of section 37.

(6) He operated a treatment facility or received or stored waste equipment and batteries without using the necessary infrastructures, contrary to the provisions of section 38(a).

(7) He treated waste electrical and electronic equipment not in accordance with the provisions of section 38(b).

(8) He buried waste equipment and batteries, contrary to the provisions of section 40.

Responsibility of an Office holder of a Corporation

44. (a) An office holder of a corporation is obligated to exercise supervision and do everything possible to prevent the commission of offenses under section 43 by the corporation or by any of its employees. A person who violates this provision shall be liable to a fine as specified in section 61(a)(3) of the Penal Law.

(b) Where an offense was committed under this Law by a corporation or any of its employees, it is presumed that an office holder of the corporation breached his obligation under this section, unless he proves that he did everything possible to fulfill his obligation.

(c) In this section, "office holder of a corporation" – an active manager in a corporation, a partner, excluding a limited partner, or any other holder of a position in a corporation who is responsible on its behalf for the area in which the offense was committed, and in the matter of offenses under paragraphs (1), (5), (6), (9), (10), (11), (12), (13), (15) and (17) of section 43(b) and offenses under paragraphs (1), (3), (5), (6) and (8) of section 43(c) – also a director.

Amounts of Fines

45. Notwithstanding the provisions of section 221(b) of the Criminal Procedure Law [Consolidated Version], 5742-1982, the Minister of Justice, with the agreement of the Minister, may set the amount of a fine at more than the amount specified in that section, for an offense under this Law which has been designated as a finable offense, as well as for an additional or continuing finable offense committed by the same person, having regard to the type of offense and the circumstances under which it was committed, provided that the amount of the fine does not exceed ten percent of the maximum fine set for that offense.

² The original section 43(b) did not contain a subsection (14).

Chapter Nine: Financial Sanction

Financial Sanction

46. (a) Where a person has violated any of the provisions of this Law, as set forth below, the Administrator may impose on him a financial sanction in accordance with the provisions of this chapter, of 20,000 New Israeli Shekels, and in the case of a corporation – of 40,000 New Israeli Shekels:

- (1) He discarded waste equipment and batteries not in accordance with the provisions of section 28.
- (2) He did not post at his place of business information in accordance with the provisions of section 30(c).

(b) Where a person has violated any of the provisions of this Law, as set forth below, the Administrator may impose on him a financial sanction in accordance with the provisions of this chapter, of 75,000 New Israeli Shekels, and in the case of a corporation – of 150,000 New Israeli Shekels:

- (1) He violated the provisions of section 8(d). In this regard, a producer or importer who fulfilled his duties under sections 5(f) and 8(a) to (c) is presumed not to have violated the provisions of section 8(d), unless it is proven otherwise.
- (2) He did not enter into a contract with a producer or importer who turned to him in accordance with the provisions of section 18(a).
- (3) He did not enter into a contract with a party responsible for waste removal who turned to him in accordance with the provisions of section 19(b).
- (4) He did not enter into a contract with a seller or a holder of nondomestic waste equipment and batteries who turned to him in accordance with the provisions of section 20.
- (5) He took, collected or disposed of domestic waste equipment and batteries within the area of a party responsible for waste removal without the approval of the party responsible, contrary to the provisions of section 29(a).
- (6) He violated any of the provisions of section 43(b), excluding section 43(b)(11) and (13).

(c) Where a person has violated any of the provisions of section 43(c)(2) to (8), the Administrator may impose on him a financial sanction, according to the provisions of this chapter, of 300,000 New Israeli Shekels, and in the case of a corporation – of 600,000 New Israeli Shekels.

(d) If a party responsible for waste removal failed to contract with an accredited compliance body for the separation of waste equipment and batteries and for the removal of waste equipment and batteries from its area, contrary to the provisions of section 27(a), the Administrator may impose on him a financial sanction in accordance with the provisions of this chapter, of 500,000 New Israeli Shekels.

(e) If a producer, importer or accredited compliance body failed to meet the recycling targets according to sections 3 and 4, the Administrator may impose on it a financial sanction in accordance with the provisions of this chapter, of 3,000 New Israeli Shekels for each ton of waste equipment and batteries on which it did not carry out approved recycling according to those targets. Notwithstanding the above, in the years 2014 to 2016 the amount of the financial sanction which the Administrator is permitted to impose for a violation as stated shall be as set out below:

- (1) in the years 2014 and 2015 – 2,000 New Israeli Shekels;
- (2) in the year 2016 – 2,500 New Israeli Shekels.

(f) In subsections (a)(1) and (b)(5) and in subsection (c), regarding that stated in section 43(c)(8), "waste equipment and batteries" – waste equipment and batteries created due to activity of a corporation or due to activity of a business or an occupation of an individual, excluding an occupation of an individual who is not a seller, carried on in a residential apartment.

Notice of Intent to Debit

47. (a) Where the Administrator has reasonable grounds for assuming that a person has violated any of the provisions of this Law, as provided in section 46 (in this chapter – the violator), and he intends to impose on him a financial sanction under that section, he shall give the violator a notice of intent to impose a financial sanction (in this chapter – notice of intent to debit).

(b) In a notice of intent to debit, the Administrator shall note, *inter alia*, the following:

- (1) The act or omission (in this chapter – the act) constituting the violation.

- (2) The amount of the financial sanction and the period for payment thereof.
- (3) The violator's right to plead his case before the Administrator pursuant to the provisions of section 43.
- (4) The amount of the addition to the financial sanction for a continuing violation or a repeat violation pursuant to the provisions of section 50.

Right to Plead

48. (a) A violator who was given a notice of intent to debit under the provisions of section 47, may plead his case, orally or in writing, before the Administrator, in the manner prescribed by the Administrator, regarding the intent to impose on him a financial sanction and regarding its amount, within 45 days from the date of service of the notice

(b) The Administrator may, in a reasoned decision, extend the period specified in subsection (a) by no more than 45 days.

Administrator's Decision and Payment Demand

49. (a) The Administrator shall decide, after weighing the arguments that were pleaded pursuant to section 48, whether to impose on the violator a financial sanction, and he may reduce the amount of the financial sanction in accordance with the provisions of section 51.

(b) If the Administrator decides, pursuant to the provisions of subsection (a) –

(1) to impose on the violator a financial sanction – he shall serve him a written demand to pay such financial sanction (in this chapter – payment demand), specifying therein, *inter alia*, the final amount of the financial sanction and the period for payment thereof;

(2) not to impose on the violator a financial sanction – he shall serve him a written notice to that effect.

(c) The Administrator shall set out in the payment demand or in the notice under subsection (b) the reasons for his decision.

(d) If the violator failed to plead his case pursuant to the provisions of section 48, within 45 days from the day of service of the notice of intent to debit, or within a longer period where any was set pursuant to section 48(b), said notice shall be deemed, at the end of such period, as a payment demand that was served to the violator on that date.

Continuing Violation and Repeat Violation

50. (a) In a continuing violation, there shall be added to the financial sanction set for that violation one-fiftieth of the amount thereof for each day during which the violation continues.

(b) In a repeat violation, there shall be added to the financial sanction set for that violation an amount equivalent to the financial sanction. In this regard, "repeat violation" – a violation of any of the provisions of this Law as provided in section 46, within two years of a previous violation of the same provision in respect of which a financial sanction was imposed on the violator or of which he was convicted.

Reduced Amounts

51. (a) The Administrator may not impose a financial sanction in an amount lower than the amounts specified in this chapter, except in accordance with the provisions of subsection (b).

(b) The Minister, with the agreement of the Minister of Justice and with the approval of the Committee, may determine cases, circumstances and considerations in respect of which it is permissible to impose a financial sanction in a lower amount than the amounts prescribed in this chapter, at rates to be determined by him.

Adjusted Amount of the Financial Sanction

52. (a) The financial sanction shall be in its adjusted amount as of the day of payment demand, and for a violator who did not plead his case before the Administrator as stated in section 48 – as of the day of service of the notice of intent to debit. If an appeal is submitted to a court under section 55, and the payment of the financial sanction is stayed in accordance with the provisions of that section – the financial sanction shall be in its adjusted amount as of the date of the decision in the appeal.

(b) The amounts of the financial sanction as provided in section 46 shall be adjusted on January 1 of every year (in this subsection – the adjustment day), according to the rate of increase of the known index on the adjustment day over the known index on January 1 of the previous year. Said amount shall be rounded to the nearest amount that is a multiple of ten New Israeli Shekels. In this regard, "index" – the consumer price index published by the Central Bureau of Statistics.

(c) The Director General of the Ministry shall publish in Reshumot a notice regarding the adjusted amounts of the financial sanction under subsection (b).

Time of Payment of the Financial Sanction

53. (a) The financial sanction shall be paid within 45 days from the day of service of the payment demand.

(b) Notwithstanding the provision of subsection (a), the Administrator may defer by 45 days the payment of the financial sanction and he may decide to divide the payment of the financial sanction, provided that the number of payments does not exceed ten monthly installments, all at the request of the violator and by reason of special circumstances existing in regard thereto.

Linkage Differences and Interest

54. If a financial sanction is not paid on time, linkage differences and interest as defined in the Adjudication of Interest and Linkage Law, 5721-1961 (in this chapter – linkage differences and interest) shall be added for the period of arrears up to payment thereof.

Appeal

55. (a) An appeal may be submitted to the Magistrate's Court against a payment demand and against any other decision of the Administrator, in which the President of the Magistrate's Court shall preside. Such an appeal shall be submitted within 30 days from the day of service of the payment demand (in this chapter – appeal against a payment demand).

(b) The submission of an appeal against a payment demand shall not stay the payment of the financial sanction or the publication of the decision, unless the Administrator has agreed thereto or the court has so directed.

(c) If the court decides to accept an appeal against a payment demand after the financial sanction has been paid in accordance with the provisions of this chapter, the financial sanction shall be refunded, with the addition of linkage differences and interest from the date of payment to the date of the refund.

Publication

56. (a) If a financial sanction is imposed by the Administrator under this chapter, the Administrator shall publish on the Ministry's website the details set out below, in a manner ensuring transparency with respect to the exercise of his discretion in deciding on the imposition of a financial sanction:

(1) The fact of the imposition of the financial sanction.

(2) The nature of the violation in respect of which the financial sanction was imposed, and its circumstances.

(3) The amount of the financial sanction that was imposed.

(4) If the financial sanction was reduced – the circumstances owing to which the financial sanction was reduced, and the rates of the reduction.

(5) Details of the violator, as relevant.

(6) The name of the violator, except if he is an individual; however, the Administrator may publish the name of a violator who is an individual if he considers this necessary for warning the public, and the financial sanction was imposed owing to a violation connected with the provision of a service to the public by the violator.

(b) The Minister may prescribe additional ways for the publication of the details set out in paragraphs (1) to (6) of subsection (a).

(c) Where an appeal has been submitted against a payment demand, the Administrator shall publish the fact of the submission of the appeal and its results.

(d) Notwithstanding the provisions of this section, the Administrator shall not publish details constituting information which a public authority is precluded from providing under section 9(a) of the Freedom of Information Law, 5758-1998, and he is permitted not to publish details under this section constituting information which a public authority is not obligated to provide under section 9(b) of the above law.

(e) Publication as stated in subsection (a) regarding a financial sanction that was imposed on a corporation shall be for a period of four years, and in the case of a financial sanction imposed on an individual – two years.

(f) The Minister of Justice, in consultation with the Minister and with the approval of the Committee, shall establish provisions regarding publication under this section, in order to prevent, as far as possible, viewing of the details published under subsection (a) at the end of the period of publication provided for in subsection (e).

Financial Sanction for a Violation under This Law and under Another Law

57. For one act that constitutes a violation of any of the provisions of this Law enumerated in section 46, and of any provision of another law, not more than one financial sanction shall be imposed.

Saving of Criminal Liability

58. (a) The payment of a financial sanction under this chapter shall not derogate from the criminal liability of a person due to the violation of any of the provisions of this Law, as enumerated in section 46, which constitute an offense.

(b) Notwithstanding the provision of subsection (a), where the violator paid a financial sanction due to a violation as stated in said subsection, no indictment shall be filed against him for the same act, unless new facts or evidence are uncovered that warrant this. Where the violator paid a financial sanction and an indictment was filed against him in the circumstances specified in this subsection – he shall be refunded the amount paid by him, with the addition of linkage differences and interest from the date of payment to the date of refund thereof.

(c) Where an indictment was filed against a person due to a violation constituting an offense as provided in subsection (a), the Administrator shall not institute proceedings against him under this chapter for the same violation.

Chapter Ten: Miscellaneous Provisions

Fees

59. The Minister, with the agreement of the Minister of Finance and the approval of the Committee, may set fees as set out below:

- (1) A fee for the submission of an application for exemption from the duty of contracting with an accredited compliance body under section 10.
- (2) A fee for the submission of an application for accreditation as an accredited compliance body under section 15.
- (3) An annual fee payable by a producer, an importer and an accredited compliance body towards the Administrator's actions to implement the provisions of this Law, and the Minister may set different fee amounts for a producer or importer on a limited scale.

Appointment of the Administrator

60. The Minister shall appoint, from among the Ministry's employees, an Administrator to be responsible for the area of equipment and batteries at the Ministry, whose functions shall be in accordance with the provisions of his Law.

Collection

61. (a) The collection of a fee, fine, levy or financial sanction under this Law shall be subject to the Taxes (Collection) Ordinance.

(b) A fine or financial sanction that was imposed on an accredited compliance body under this Law and not paid by it (in this section – debt), may be collected from any producer or importer who was bound by a contract with that accredited compliance body at the time of commission of the act constituting the offense or the violation in respect of which it was imposed. The amount collectable from any producer or importer under this subsection shall be equal to double the amount of its share of the debt, based on its proportion in the total weight of the equipment and batteries manufactured or imported by all the producers and importers that contracted with that accredited compliance body.

Bylaws

62. (a) A local authority may enact a bylaw in any matter as necessary for the implementation of the provisions of this law within its area, and it may deviate in such bylaw from the provisions established under section 67(a)(3) with respect to the manner of performance of the separation and collection of waste equipment and batteries.

(b) The powers given to the Minister of the Interior with respect to bylaws under section 258 of the Municipalities Ordinance, under section 22 of the Local Councils Ordinance and under section 41 of the Conurbations Law, 5716-1955 shall also vest in the Minister with respect to a bylaw established by a party responsible for waste removal being a local authority in accordance with the provisions of this Law.

Limitation on Application

63. (a) This Law shall not apply to the items set out below, including their spare parts:

- (1) Electrical and electronic medical equipment that is contaminated or intended for a use in the course of which it is expected to become contaminated.
- (2) Electronic medical devices intended for implantation.
- (3) Filament bulbs.
- (4) Equipment intended to be sent into space.
- (5) Large scale stationary industrial equipment.
- (6) Large scale fixed installations, excluding fixed lighting systems.
- (7) Non-road mobile machinery.
- (8) Equipment specifically designed for the purposes of research and development purposes, sold or marketed to businesses solely for business uses.
- (9) Motor vehicles.
- (10) A battery or accumulator for motor vehicles.
- (11) Equipment and batteries regarding which the Prime Minister, the Minister of Defense or the Minister of Public Security, as the case may be, with the agreement of the Minister, has determined by order that the provisions of this Law shall not apply to them, wholly or partly, for reasons of harm to the security of the state or its foreign relations or public security and wellbeing; an order as stated is not required to be published in Reshumot.

(b) In this section –

"Large scale fixed installations " – large installations consisting of several systems or components, intended for fixed use in a defined location, as part of a structure, and assembled, installed and dismantled by professional entities, such as rigs, conveyors and elevators.

"Non-road mobile machinery" – machines with an independent power source, whose operation requires mobility or continuous or semi-continuous movement between fixed work points while work.

"Large scale stationary industrial equipment " – large installations including machinery, equipment or components that function together for a specific purpose, permanently installed in industrial manufacturing facilities or in research and development facilities, and which are installed, operated and dismantled by professional entities.

Application to the State

64. (a) This Law shall apply to the State.

(b) Requests, documents and any other information which the security establishment is required to provide to the Administrator under the provisions of this Law (in this section – information), and which are classified, shall be provided solely to an Administrator with appropriate security clearance and in accordance with the accepted information security rules of the relevant body from among those listed in the definition of "security establishment," and if the Administrator does not have appropriate security clearance as stated – to the Director General of the Ministry, or to a senior employee who is directly subordinate to him, provided he has appropriate security clearance.

(c) A person may not publish information the publication of which could harm state security.

(d) In this section –

"appropriate security clearance" – security clearance within its meaning in section 15 of the General Security Agency Law, 5762-2002.

"security establishment" – each of these:

- (1) The Ministry of Defense and its auxiliary units.
- (2) The Israel Defense Forces.
- (3) The General Security Agency and the Institute for Intelligence and Special Operations.
- (4) The Nuclear Research Center under the responsibility of the Nuclear Energy Commission and the Biological Institute.
- (5) Suppliers and enterprises developing or manufacturing defense equipment on behalf of any of the bodies listed in paragraphs (1) to (4), (6) and (7), about which the Minister of Defense has notified the Administrator. In this regard, "defense equipment" – as defined in the Defense Corporations (Protection of Defense Interests) Law, 5766-2005
- (6) The Israel Police and the Israel Prisons Service.
- (7) The Israel Witness Protection Authority.

Prohibition on the Disclosure of Information

65. (a) The Administrator or anyone on his behalf may not disclose reports or information as stated in sections 5(a)(1) and (b)(1) and 21(a)(1) and (2), (d)(2) and (f), unless one of the following is fulfilled:

- (1) Disclosure of the information is required for the implementation of the provisions of this Law.
- (2) The information is to be disclosed to a public body that requires the information for the performance of its functions under any law.

(b) An accredited compliance body or anyone on its behalf may not disclose or use in any way reports or information which it received from a producer or an importer by virtue of this Law, unless one of the following is fulfilled:

- (1) Disclosure of the information is required for the implementation of the provisions of this Law.
- (2) The information is to be disclosed to a public body that requires the information for the performance of its functions under any law.

(c) For purposes of this section, "public body" – government offices and other state institutions.

Saving of Laws

66. The provisions of this Law are meant to add to the provisions of any other law and not to detract from them, save only the provisions of the Collection and Removal of Waste for Recycling Law, 5753-1993.

Implementation and Regulations

67. (a) The Minister is in charge of the implementation of this Law, and he may enact regulations in any matter pertaining to its implementation, and *inter alia* in the following matters:

- (1) Raising the rates of the recycling targets and changing the maximum rate of approved recovery deemed as approved recycling under the provisions of sections 3 and 4.
- (2) Manner of exporting waste equipment and batteries for recycling and recovery, and determination of the type of waste equipment and batteries and the rate thereof that will not be approved for purposes of compliance with the recycling targets out of the waste equipment and batteries exported for recycling and recovery.

- (3) Measures for the separation and collection of waste equipment and batteries.
- (4) Deposit of waste equipment and batteries with sellers, storage thereof with them and removal thereof, including determination of the minimum size of a business to which the duty of acceptance of waste equipment and batteries applies, as provided in section 30.
- (5) Separation, collection and removal of harmful waste equipment and batteries.
- (6) Establishment and operation of centers for waste equipment and batteries and treatment facilities.
- (b) (1) Regulations under subsection (a) in all that pertains to local authorities shall be enacted with the agreement of the Minister of the Interior.
- (2) Regulations under paragraph (2) of subsection (a) shall be enacted with the agreement of the Minister of Industry, Trade and Labor, and regulations under paragraph (5) of the same subsection in all that pertains to the safety and health of workers – in consultation with him.
- (c) Regulations under paragraphs (1), (2) and (4) of subsection (a) require the approval of the Committee.

Modification of Annex 1 and Annex 2

68. The Minister may modify by order Annex 1 and the Annex 2.

Reporting to the Knesset

69. The Minister shall report to the Committee, once a year, on the implementation of the provisions of this Law, including on the recycling and recovery targets that were achieved in the year before the reporting date. Such report shall be published on the Ministry's website.

Amendment of the Administrative Courts Law – No. 75

70. In the Administrative Courts Law, 5760-2000, in Annex 1, in item 23, after paragraph (10), the following shall come:

"(11) A decision of an authority under the Environmental Treatment of Electrical and Electronic Equipment and Batteries Law, 5772-2012."

Amendment of the Local Authorities (Environmental Enforcement – Inspectors' Powers) Regulations – No. 6

71. In the Local Authorities (Environmental Enforcement – Inspectors' Powers) Regulations, 5768-2998, in the Annex, after item 18, the following shall come:

"19. Offenses under section 43(a)(1) and (2), (b)(13), (15) and (17) and (c)(8) of the Environmental Treatment of Electrical and Electronic Equipment and Batteries Law, 5772-2012, and an offense under section 44 of said law with respect to those offenses."

Amendment of the Environmental Protection (Supervision and Enforcement Powers) Law – No. 2

72. In the Environmental Protection (Supervision and Enforcement Powers) Law, 5771-2011, in the Annex, after item 24, the following shall come:

"5. The Environmental Treatment of Electrical and Electronic Equipment and Batteries Law, 5772-2012."

Effective Date and First Regulations

73. (a) Subject to the provisions of subsections (b) and (c), the effective date of this Law is January 1, 2014 (29 Tevet 5774) (hereinafter – the effective date), provided that by that date regulations have been enacted under sections 12(a) and 67(a)(4). If no regulations as stated have been enacted by then, the Minister, with the approval of the Committee, shall defer by order the effective date by a period of no more than six months each time.

- (b) The effective date for sections 1, 2, 14 to 16, 23, 24 and 26(d)(2) is January 1, 2013 (19 Tevet 5773).

(c) The effective date for Chapter Nine is the effective date, provided that by that date regulations have been enacted under section 51(b). If no regulations as stated have been enacted by then, the Minister, with the approval of the Committee, shall defer by order the effective date of Chapter Nine by a period of no more than six additional months each time.

(d) First regulations under sections 12(a) and 51(b) shall be submitted for approval to the Committee within six months from the date of publication of this Law.

Transitional Provision

74. With respect to equipment and batteries sold immediately prior to the effective date, the effective date shall be deemed the first date of sale for purposes of section 7.

Annex 1

(Section 2 – Definitions of "electrical and electronic equipment" and "classification category")

1. Temperature exchange equipment –
Refrigerators, freezers, equipment which automatically delivers cold products, air conditioners and air-conditioning equipment, vapor devices, dehumidifying equipment, heat pumps, heating devices.
2. Screens, monitors and equipment containing screens having a surface greater than 100 square centimeters.
Screens, televisions, digital photo frames, monitors and portable computers.
3. Lamps –
Fluorescent lamps (straight, compact and others), high intensity discharge (HID) lamps, including pressure sodium lamps and halide metal lamps, low pressure sodium lamps and LED lamps.
4. Large electrical equipment, with at least one side more than 50 centimeters, and not included in categories 1 to 3 –
 - (1) Appliances used for cooking or heating food, such as electric hot plates, electric ovens, electric stoves, microwave devices.
 - (2) Washing machines, laundry dryers and dishwashers.
 - (3) Large communication and information technology equipment, such as large computers, servers, fixed network devices, large printing machines, photocopiers.
 - (4) Large equipment for leisure and sports; large slot machines.
 - (5) Devices and equipment used for recording or playing sounds, and musical instruments.
 - (6) Large devices for the production or conductance of an electric current, such as generators, converters, UPS systems, inverters.
 - (7) Large medical devices.
 - (8) Large monitoring and control devices.
 - (9) Large automatic devices for the automatic dispensing and vending of products and services, such as ATMs.
5. Small equipment, in which none of the sides is more than 50 centimeters and which are not included in categories 1 to 3 –
 - (1) Small devices used for cooking or other processing of food, such as toasters, electric hot plates, electric knives, electric kettles, microwave devices.
 - (2) Small cleaning devices, such as vacuum cleaners, carpet cleaners, irons.
 - (3) Fans, air purifiers and other ventilation equipment.
 - (4) Clocks and wristwatches.
 - (5) Small body care devices, such as shavers and hair driers.
 - (6) Cameras, such as video cameras.
 - (7) Electrical consumption products, such as radio sets, amplifiers, DVD players, video devices.
 - (8) Musical instruments and sound equipment, such as amplifiers.
 - (9) Small lighting devices and other small equipment used for lighting or for lighting control.
 - (10) Electrical or electronic toys.
 - (11) Sports equipment, such as computers for biking, diving, running, rowing.
 - (12) Small tools, such as gardening equipment, drills, electric saws, pumps and lawnmowers.
 - (13) Sewing machines.
 - (14) Small medical devices, including veterinary devices.
 - (15) Small monitoring and control devices, such as smoke detectors, heat controllers, heat regulators, motion detectors, remote control devices.
 - (16) Small measurement devices, such as scales.
 - (17) Small automatic devices for dispensing or vending products.
 - (18) Small devices with integrated photovoltaic panels.
6. Small IT and telecommunication equipment, in which none of the sides is more than 50 centimeters –
Personal computers, printers, calculators, telephones, mobile phones, satellite navigation devices and routers.

Annex 2
(Section 38(b))

Activities for the Treatment of Electrical and Electronic Equipment

1. The following substances, mixtures and components have to be removed from electrical and electronic equipment and treated in accordance with the provisions of any law:
 - (1) Transformers³ containing polychloride biphenyls (PCB).
 - (2) Components containing mercury (e.g. electricity switches or bulbs).
 - (3) Batteries and accumulators, and after their removal they should be sorted according to type.
 - (4) Printed circuit boards in mobile radio telephone devices, within their meaning in the Communications (Telecommunications and Broadcasts) Law, 5742-1982, and other devices if the area of the printed circuit board is greater than 10 square centimeters.
 - (5) Toner cartridges for printing.
 - (6) Plastic containing brominated fire retardants.
 - (7) Asbestos-containing components.
 - (8) Cathode ray tubes.
 - (9) Chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC), hydrofluorocarbons (HFC), hydrocarbons (HC).
 - (10) Gas discharge bulbs.
 - (11) LCD monitors with of a surface greater than 100 square centimeters and all back-lit monitors.
 - (12) External electric cables.
 - (13) Components containing refractory ceramic fibers (RCF).
 - (14) Components containing radioactive substances whose overall activity is above the exemption level set in Table II of the latest edition of the International Basic Safety Standards for Protection Against Ionizing Radiation and for the Safety of Radiation Sources – IAEA, including its annexes and comments.
 - (15) Electrolytic capacitors with a length of more than 25 millimeters and a diameter of more than 25 millimeters or with a proportionately similar volume.
2. These components of waste electrical and electronic equipment have to be treated in the manner specified below, in accordance with the provision of any law:
 - (1) Cathode ray tubes – the fluorescent coating has to be removed.
 - (2) Equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15 (e.g. gas found in foamed materials and in cooling systems) – the gas should be extracted.
 - (3) Gas discharge bulbs – the mercury should be removed.

Binyamin Netanyahu
Prime Minister

Gilad Erdan
Minister of Environmental
Protection

Shimon Peres
President of the State

Reuven Rivlin
Chairman of the Knesset

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³ Appears as "capacitors" in the EU Directive