

Control on Exports of Animals and Animal Products Law, 5717-1957

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Law and Economy - commerce - Export - Animals and animal products export

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Control on Exports of Animal Products

1. Should the Minister of Agriculture find necessity to impose controls on the export of animals, their parts or produce, canned animal products or products obtained from animals, so as to ensure that these commodities are fit to compete in foreign markets, he may, by a notice in the Official Gazette, declare any type of these commodities to be animal products for the purpose of this Law.

Appointment of a Director

2. The Minister of Agriculture will appoint a Director of control Services for the purpose of this law by notice in the Official Gazette (hereinafter – the "Director").

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Appointment of Inspectors

3. The Minister of Agriculture will appoint a Inspector or Inspectors for the purpose of this Law (hereinafter – "Inspector").

Prohibition of Export without Inspection

4. One may not export animal products unless delivered them for inspection by an Inspector and the Inspector had given them a written certification as fit for export according to the regulations enacted pursuant to this Law, and the exporter has complied with the conditions of the certification.
 - a. An Inspector may be assisted in the inspection process by others, be they civil servants, professional or scientific examination institutions, or individuals who are not engaged in the manufacture, trade or export of the products which are to be inspected or of similar products.
 - b. Should the Inspector refuse to give certification to the animal products as fit for export, he shall provide the exporter with a document stating the reasons for the refusal.
 - c. The Minister of Agriculture shall establish in the regulations orders regarding the appointed times within which a Inspector is required to give notice of his decision as to approval of animal products under this Section.
 - d. Should the Inspector fail to give notice within the specified time, the products will be considered certificated.

Revocation of Certification

5. In a case that after the granting of the certification the animal products undergone changes making them unfit for export according to this Law, an Inspector who was authorized by the Director may revoke the approval, revocation of the approval shall be deemed to be the same as refusal to grant approval.

Authority to Supervise and to Issue Instructions

6. The Director and any Inspector may supervise the collection, sorting, packing, pasteurization, sterilization, disinfection, storage, transport, canning and manufacture of animal products destined for export. Moreover, they may enter at any reasonable time any place where animal products are located, accept for a

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private residence, for the purpose of any act they have been authorized to do, and to give instructions to anyone in charge of the products in order to fulfil this Law and the regulations enacted thereto.

Refusal to Examine Products

7.
 - a. Where an Inspector has determined that a regulation or other inspection under this Law has not been fulfilled regarding the animal products, he may notify the owner of the products, in a written notice setting out the reason therefor, that the products are unfit for inspection; and where such a notice has been given, any Inspector may refuse to inspect the products, unless no change occurred in the products due to the no fulfillment, or a change did occur but was reversed and the regulation or order has been fulfilled and notice in this regard given to the Inspector within a reasonable time.
 - b. Where the Director or a Inspector was not allowed, upon demand, a reasonable opportunity to impose their authority and inspect the product under this law with respect to certain products, an Inspector may give the owner of the products a notice as stated in [article a](#). Where such notice had been given, any Inspector may refuse to inspect the products, unless the owner notified the Inspector or the Director in writing, within a reasonable time, that he is prepared to allow him the opportunity of imposing his authority, as stated, and such opportunity was granted immediately following a request in this regard.
 - c. A notice by a Inspector according to this Section shall be given as soon as practicable after the occurrence of the event which served as grounds for giving the notice; and if the event did not occur in the Inspector's presence – after he learned of it following an inspection or visit at the site.
 - d. For the purpose of this Section, "owner of animal products" includes anyone who had control of the products at the relevant time.

Appeals Committee

8. The Minister of Agriculture shall, by notice in the Official Gazette, appoint a three member Appeals Committee for the purpose of this Law. At least one

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member of the committee shall be a public representative, and no more than one member shall be a person who is subordinate to the Minister of Agriculture. The quorum in meeting of the Appeals Committee shall be two; in case of a tie, the Chairman shall have the deciding vote.

Appeal against a Inspector's Decision

9.
 - a. In a case that the Inspector refused to approve animal products as fit for export, or stipulated approval, as stated, on conditions which appear unjustified to the applicant, or notified the owner of the product that it is unfit for inspection as provided in [article 7](#), the applicant or the owner of the products may appeal the Inspector's decision before the Director, who shall decide in the matter of the appeal within forty eight hours from the time of its submission.
 - b. Should the Director reject the appeal, he shall refer it immediately to the Appeals Committee, unless the applicant has issued a written waiver in this regard.
 - c. Should the Appeals Committee fail to reach a decision within seven days from the time the appeal was submitted to the Director, the appellant shall be deemed to have won his appeal.
 - d. The Director and the Appeals Committee may endorse the Inspector's decision, revoke it or modify it, with or without conditions.
 - e. The appellant is entitled to be present, in person or by proxy, at the hearing of the appeal by the committee. The Director shall notify the appellant of the date of the hearing, within a reasonable time in advance thereof.
 - f. The Appeals Committee shall determine for itself its deliberation and work procedures.

Appeals Fee

10. For an appeal under this Law, a fee shall be paid in the amount prescribed in the regulations, which shall not exceed IL 50, and it shall be refunded to an appellant who has won his appeal.

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Advisory Committees

11.
 - a. The Minister of Agriculture shall appoint Advisory Committee for the purpose of this law. One half of the members of every such committee shall be representatives of the manufacturers or exporters of animal products.
 - b. An Advisory Committee may be general or specific for a particular type of animal product.

Regulations

12. Should the Minister of Agriculture deem it necessary to ensure that animal products are fit to compete in foreign markets, he may enact regulations in all matters pertaining to supervision of the quality of animal products intended for export, whether to general effect or with reference to a particular type of animal-product; specifically, he may enact regulations which:
 - a. Determines the qualities of animal products for export;
 - b. prohibit any activities with regard to the packing of animal products or working with them without a license, determine condition for receipt of the license based on an examination, the manner of examination and the conditions for receipt of the license and revocation thereof;
 - c. Specify the nature and form of packing materials used for animal products;
 - d. Regulate, with respect to anyone engaged in the export of animal products, the collection, sorting, packing, marking, sterilization, pasteurization, disinfection, storage, transport, canning and manufacture thereof, as well as the handling of the products and their packing, and methods of performing these actions.
 - e. Regulate supervision of the work of packers of animal products;
 - f. Establish the methods and procedure for inspection of animal products;
 - g. Prohibit or restrict the export of animal products in certain seasons or from certain regions or breeding areas, for reasons having to do with the nature of the products or with related diseases or epidemics;

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- h. Set conditions for maintaining the health of animal products in their breeding place, in packing houses, in warehouses, in factories and on means of conveyance, and require disinfecting of animal products and their packing materials and taking other measures to protect them from disease and spoilage.

Additional Regulations

- 13. The Minister of Agriculture may establish in regulations –
 - a. Places and times for the inspection of animal products by a Inspector, and the manner of their presentation for such inspection;
 - b. The time at which animal products must be removed from the inspection place, and what must be done with the products if they are not removed at the stipulated time, including the sale or destruction thereof and debiting of the owner of the animal products, or the person requesting the inspection, the incurred expenses;
 - c. The conditions upon which animal-based products may be re-inspected, the manner of such inspection and repacking of the products, and relevant procedures.

Powers of the Director and the Inspectors

- 14. The Minister of Agriculture may establish in regulations the powers of the Director and of the Inspector with respect to the implementation of regulations pursuant to this Law, including the taking of samples without consideration, their examination in a laboratory and handling thereof in another manner.

Fees

- 15. The Minister of Agriculture may enact regulations concerning fees for a service provided by a public servant pursuant to the orders of this Law, including licenses, permits and approvals, and for applications for the order of such a service.

Exemption of Trial Shipments

- 16. Where the Minister of Agriculture is of the opinion that this shall not harm the competitiveness of animal products in foreign markets, he may, in regulations,

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exempt animal products, which are being exported solely on a trial basis, from any or all of the orders of this Law.

Consulting with an Advisory Committee

17. The Minister of Agriculture shall not enact regulations pursuant to [article 12](#) through 16, without having first consulted with an Advisory Committee appointed pursuant to [article 11](#).

Exemption of Exports to Certain Countries

- 18.
- a. The Minister of Agriculture may, by a notice in the Official Gazette, exempt exports of animal products, or any type thereof, to the countries specified in the notice from any or all of the orders of this Law.
 - b. Within seven days from the date of publication of the notice under [article a](#), anyone engaged in the export of animal products may request the Advisory Committee appointed under [article 11](#) to study the exemption which was granted, and the Advisory Committee may on this basis recommend that the exemption be modified or revoked.

Exemption of Parcel Post

19. Exports of animal products by parcel post, pursuant to the Post Office ordinance, are exempted from the orders of this Law.

Offenses and Penalties

20. Whomever done any of the following:
- a. Exported animal products without the certification of an Inspector under this Law, or in contravention of the conditions of such and approval;
 - b. Obtained an approval for exporting animal products under this Law by means of fraud or by deliberation concealing import details bearing on the matter;
 - c. Disclosed something which came to his knowledge by virtue of his duties under this Law, and such disclosure was not made for the purpose of fulfilling such duties or in the course of fulfilling a duty imposed on him by another law;

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shall be liable for six months' imprisonment or to a fine of IL 5.000,00 and the court may order the forfeiture of anything which served in the commission of the offense.

Liability of an Association of Persons

21. Where an offense under this Law was committed by a corporation or by another association of persons, any person who was at the time a manager, partner, bookkeeper or other responsible officer in that corporation or association of persons and he may be put on trial and punished if he is unable to prove that the offense was committed without his knowledge or that he took reasonable precautions to prevent its commission.

Seizure

- 22.
- a. An Inspector may seize anything which he may reasonably assume served in the commission of an offense under this Law, or that could facilitate the uncovering of an offense, as stated, or serve as evidence in a trial in regard thereto.
 - b. Where something was seized pursuant to [article a.](#), and no complaint regarding an offense under this Law was filed in court within fourteen days from the date of the seizure, it shall be returned to the person from whom it was seized.
 - c. A magistrate's court may extend the period specified in [article b.](#) up to six months from the date of the seizure.

Selling things which were seized

23. Where an Inspector seized, by virtue of [article 22](#), something which he may assume served in the commission of an office under this Law, and that thing is an animal or a commodity which, in the Director's opinion, is liable to spoil if not sold immediately, whether due to its special nature or another cause, the Director may order the thing to be sold in a tender whose conditions shall be determined by the Minister of Agriculture in regulations. The proceeds of the sale shall be deposited with the Director, and the following conditions shall apply thereto:

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- a. If a criminal action was filed against a person for an offense which he committed in relation to the thing seized, the proceeds of the sale shall be disposed of according to the instructions of the court.
- b. If no criminal action was filed, as stated, within the time stipulated in this regard in Section 22 or pursuant thereto, the proceeds of the sale shall be paid to the person from whom the thing was seized.

Consideration of animal protection in authority enforcement

23. a. Whoever is given the authority according to this law may, when enforcing his or her authority, consider means to reduce the damage done to the animals' welfare as they are defined in The Animal Welfare Act 1994, and in order to support the goals of that act.

Preservation of Validity

24. This Law shall not derogate from powers accorded under any other law.

Notices

25. Service of a notice or other document by the Director or a Inspector, pursuant to this Law or the regulations hereunder, shall be deemed lawful service if the notice or document was sent by registered mail to the intended recipient at his usual place of residence or his last place of residence or his usual place of business or his last place of business, or it was prominently displayed on the premises to which the notice or document relates or where the thing to which the notice or document refers is located.

Instructions considering a meat factory that exports meat and a factory that exports animal products

25 a. In the case of a meat factory as defined in Public Health Protection (food) Law 5776-2015, that exports meet and a factory that exports meat products this law will be applied but,

- i. In any place of the document, instead of The Minister of Agriculture will be The Minister of Health.
- ii. Regulations, Ordinances, official orders, notifications and conditions for export certifications that were given before this law will continue to be

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valid and acted upon considering a meat factory that exports meat and a factory that exports meat products until orders will be stated to substitute them according to the law. Export certifications that were given before the law's effective date will be valid until their due date.

Implementation

26. The Minister of Agriculture shall be in charge of implementing this Law.

Yitzhak Ben-Zvi
President of State

David Ben-Gurion
Prime Minister

Kadish Luz
Minister of Agriculture