

<u>English term</u>	<u>Hebrew term</u>
Readiness	מוכנות
Preparedness	היערכות
Home Front Preparedness of the Home Front for emergencies	המרחב האזרחי היערכות המרחב האזרחי לחרום
State of emergency in the civil sector	מצב חירום במשק
Vital Administration	משק חיוני
Vital emergency administration	המשק החיוני לחירום
Preparedness of the civil sector for emergency	היערכות המשק לחירום
The economy economic bodies	המשק גופי המשק
Vital enterprises	מפעלים חיוניים
Supreme Committee for Emergency Readiness (SCER)	ועדת מוכנות המשק העליונה
District Committee for Emergency Readiness (DCER)	ועדת מוכנות מחוזית
Local Committee for Emergency Readiness	ועדת מוכנות מקומית
Supreme Emergency Administration Committee	וועדת מל"ח עליונה (ע"פ החלטת ממשלה 1617)
Local Emergency Administration Committee	ועדת מל"ח מקומית (ע"פ החלטת ממשלה 1617)
Continuous functioning	רציפות תפקודית
Activity domain	תחום פעילות
Realm of responsibility	תחום אחריות

Legislative Bill: Preparedness of the Home Front for States of Emergency, 5776-2016

A. Name of the Proposed Law:

Preparedness of the Home Front for States of Emergency, 5776-2016

B. The Proposed Law: Purpose and Need

Since its establishment, the State of Israel has faced threats accruing from hostile activities by various agents – both threats concerning conventional wars and threats accruing from hostile terrorist activities. In recent years, there has been a clear and growing trend toward the shifting of the theater of combat, at least in part, from the front line to the home front of the state; military operations held in recent years have also entailed the involvement of the civilian population more than in the past.

During military operations such as Protective Edge and Cast Lead, as well as during the Second Lebanon War, a growing tendency was identified on the part of the terror organizations to divert their war effort to the Israeli home front, against the civilian population and civilian infrastructures. This reality of the concentration of the terrorist and war effort against the state's home front requires the proper preparation of the civilian theater for the possibility of future combat events.

However, the dangers to which the citizens and residents of the state are exposed are not confined to those accruing solely from acts of combat. The State of Israel is located in a geologically-sensitive region and has in the past experienced significant earthquakes; moreover, the Mediterranean region is one of the regions prone to the emergence of tsunamis; global warming is leading to increasingly extreme weather, creating the risk of serious incidents of massive wildfires; the phenomenon of the opening of borders and globalization, along with its many positive ramifications for the state's economy, also brings risks that must be confronted – including exposure to epidemics and pandemics – among both animals and humans. These risks, which accrue from events other than combat events, are also liable to have a strong influence on the routine life of the state and its residents, the functioning of the economy, and the functioning of state institutions.

All these risks – both those of a “bellicose” nature and those accruing from natural and other phenomena – require the proper preparedness of state institutions and of the economy.

Readiness means creating a mechanism that will ensure the proper preparation of state institutions and of the economy for states of emergency, in order to enable them to function in extreme situations and to maintain a reasonable routine life even in an emergency.

The Proposed Law: Readiness of the Home Front for States of Emergency in the civil sector establishes mechanisms for identifying and profiling risks liable to cause a state of emergency in the territory of the state, or in part thereof. The proposed law creates a structured mechanism for the preparation of a preparedness plan for states of emergency and for ensuring its implementation, including the division of functions and tasks between the responsible bodies (state institutions, local authorities, rescue bodies, and economic bodies). The proposal also includes the arrangement of mechanisms for coordination and inspection and the granting of special powers, including the power to order to storage of strategic stocks enabling the functioning of the home front in an emergency. In addition, the proposed law enables the relevant bodies to issue binding instructions in an emergency in order to maintain routine life and proper levels of service for the population.

The proposed law defines the function of the Ministry of Defense and its head, as those on the front line of preparations for states of emergency and as a central partner in the activation of the economy during an emergency. In order to realize these functions, it is proposed that a National Emergency Management Authority (NEMA) be established by law within the Ministry of Defense; that the existing mechanism of the Emergency Economy Committee (EEC) be elaborated; and that a hierarchical structure of emergency bodies be created, including the definition of functions and obligations for each body.

The proposed law divides the relevant bodies for the preparation of the home front and the civil sector for an emergency into several categories and determines the relations between these categories. The two main categories in the proposed law are appointed bodies (mainly government ministries) and responsible bodies subordinate to the latter (such as local authorities, rescue bodies, infrastructure companies, etc.). An additional category includes emergency suppliers, selected from among the vital suppliers declared in accordance with the Work Service in an Emergency Law, 5727-1967 (hereinafter “the Work Service Law.”) These are economic bodies that fill an important function in the supply of services and products that are vital in order to ensure routine life in an emergency.

Alongside NEMA, the proposed law also imposes coordination and guidance functions on the Preparedness Committees, which operate on three levels – the Supreme Committee for Emergency Readiness (SCER), the District Committee for Emergency Readiness (DCER), and the Local Committee for Emergency Readiness (LCER).

It should be clarified that the proposed law does not apply to matters regulated in the Civil Protection Law, 5712-1951 (hereinafter: “the Civil Protection Law,”) and which fall under the authority of the Home Front Command in its capacity as the Civil Defense Service.

C. Salient Features of the Law and Explanatory Notes on Its Sections

Sections 2-4

The point of departure for preparedness for a state of emergency is the definition of the risk for which preparations are to be made. The finite resources available to the state, as well as the need to manage the risks it faces, require a procedure for the examination of the different threats, the formulation of a professional recommendation, and thereafter the taking of a decision concerning threats for which preparations are to be made. The proposed legislation structures the professional procedure for the evaluation of risks accruing from these threats and defines the manner of decision taking regarding preparedness for certain threats. This evaluation is implemented in two stages:

In the first stage, the government approves the aggregate reference threat, which is defined in the proposal as **“potential events liable to create a state of emergency in all the territory of the state, or in part thereof, regarding which the government has decided to make preparations in accordance with this law.”**

In the second stage, the government approves the aggregate reference scenario, constituting **“the possible profile of situations deriving from the aggregate reference threat liable to disrupt the functioning of the vital economy.”** The reference scenario is presented to the government by the Minister of Defense for its approval, following its formulation by NEMA in cooperation with the IDF and additional bodies.

It should be emphasized that although the formulation of the aggregate reference threat and the scenario derived therefrom (the aggregate reference scenario) are founded on a professional evaluation based on the analysis and evaluation of data, the decision as to which scenarios are to be prepared for entails responsibility on the national level. Accordingly, it is proper that the authority for accepting this should rest with the government.

The provisions of sub-section 3(B) and section 4 of the Proposed Law are devoted to the formulation of the National Master Plan. Following the approval of the aggregate reference scenario, NEMA is charged with the preparation of a plan for confronting this scenario, viz. the National Master Plan. The National Master Plan is a comprehensive plan providing a foundation for preparedness for emergency by government ministries, local authorities, and the other bodies (both emergency bodies and emergency suppliers – as defined in the proposal). The plan has statutory status and its provisions are binding on all the emergency bodies.

The scope and special status of the National Master Plan require a comprehensive and rigorous preparatory procedure. Accordingly, the proposed law enables its formulation over a period of 12 months from the date of approval of the aggregate reference scenario by the government; the Minister of Defense is entitled to shorten this period.

The preparation of the National Master Plan is based on information furnished to NEMA by the emergency bodies and by other economic bodies ; the evaluation of the preparedness of the civil sector for the occurrence of the emergency event corresponding to the aggregate reference scenario; findings of audits of the emergency

bodies, and so forth. The Minister of Defense is empowered to demand the furnishing of additional information required for the preparation of the National Master Plan.

The content of the National Master Plan is defined by the character of the threat approved by the government. Sub-section 4(C) establishes which matters are to be regulated in the National Master Plan – matters that will be included therein for each type of threat. These issues include – the determination of rules and guiding principles for preparedness for a state of emergency (emergency policy); standards for the provision of services in the emergency (service levels); the resources required in order to secure the emergency preparedness objectives; the objectives themselves (strategic stock); etc.

The government approves the National Master Plan; the period of preparedness to which the plan relates is ten years. The government is entitled to shorten or to extend this period.

Section 5

In light of the special importance of emergency preparedness and of the National Master Plan, which establishes the required manner of preparedness, provisions have been established relating to the obligation to ensure the availability of the budgetary basis for its realization. Accordingly, it has been established that the government must undertake an evaluation of the budget required for the implementation of the National Master Plan.

NEMA will prepare a budgetary evaluation regarding the scope of the budget required for the implementation of the National Master Plan for each year, and the government will act to approve the annual budget required for this purpose, with attention to the evaluation prepared by NEMA and taking into consideration the positions of the relevant government ministries.

A special budget will be determined for each government ministry for emergency preparedness; it will not be possible to use this budget for any purpose other than emergency preparedness in accordance with the National Master Plan and for the implementation of the ministerial work plan approved in accordance with the provisions of the law. The transfer of a sum exceeding five percent of the total ministerial emergency budget for other purposes will be conditioned on approval by the government.

Sections 6-7

These sections establish two vital procedures for monitoring the preparedness of the home front for an emergency – reporting on the preparedness of the civil sector for an emergency and the periodic inspection of the National Master Plan and the aggregate reference scenario. The inspection of the aggregate reference scenario and the National Master Plan is to be undertaken by NEMA at least once every three years; insofar as the need is found to update all or part of the plan or the scenario, these updates will be

presented to the government in the same manner in which the aggregate reference scenario and the National Master Plan are presented to it in accordance with the law.

The report on the state of preparation of the home front for an emergency is forwarded to the government by the Minister of Defense. The report will include details on the compliance of government ministries with their obligations in accordance with the National Master Plan and recommendations concerning steps to be taken to ensure such compliance. The Minister of Defense is entitled to bring before the government a proposal for additional actions to improve the preparation of the home front for an emergency.

Section 8

This section establishes an arrangement enabling the government to decide on preparedness for an exceptional situation, defined in the law as a natural disaster or event liable to cause significant threat to human life, property, or public order, but whose scope or severity do not constitute a state of emergency in the civil sector. Such situations (such as fires on a significant scale, snowstorms or other extreme weather, etc.) have the potential to disrupt routine life in the state, though the damage they are liable to cause does not constitute a state of emergency.

Insofar as the government takes a decision regarding preparedness for an exceptional situation, it will determine the ministry responsible for the said preparedness, the resources required for this purpose, and the manner of preparation and approval of the preparedness plan. The Minister of Defense is entitled to charge NEMA with assisting the ministry given responsibility of preparing for the exceptional situation. If NEMA is charged with the responsibility as stated, it will be given all the powers granted to it in the performance of its functions for the preparation for a state of emergency in the civil sector or in a state of emergency in the civil sector.

Section 9

The major part of preparedness for the state of emergency is imposed in accordance with the law on emergency bodies. Emergency bodies are the government ministries, local authorities, rescue bodies, infrastructure companies, etc. The law establishes a hierarchical relationship between these bodies, consolidated on two levels – **appointed bodies** and **responsible bodies** within their areas of responsibility. Appointed bodies are responsible for preparing themselves for an emergency and for ensuring the preparation of the responsible bodies, emergency suppliers, and vital enterprises within their realm of responsibility.

The appointed bodies and the responsible bodies are defined in an addendum to the law and the Minister of Defense is entitled, with the approval of the government, to add or remove emergency bodies from the addendum.

Articles 10-11

The functions of the emergency bodies in preparing for an emergency and during an emergency are established in the National Master Plan. Section 10 determines the principal obligations of the emergency bodies. In accordance with the section, an emergency body is obliged to appoint an emergency director – a senior employee in the body (see section 12 below) who bears responsibility for the preparation of a work plan for emergency preparedness, for assembling the means needed for its functioning in the emergency, and for participation in emergency drills; insofar as the National Master Plan establishes an obligation to maintain strategic stock, it will be maintained by the relevant emergency bodies.

Section 11 imposes an obligation on the emergency body to consider the inclusion of special conditions in its contracts of association with various suppliers in order to ensure the preparedness of the emergency body. Part of the preparedness of the governmental bodies for an emergency is already based on a contractual system with private bodies and on their ongoing supply of products – including supply in an emergency. The provisions of this section bind the emergency body to consider the formulation of the association in such a manner as to ensure supply even in an emergency, and in such manner that the stock required for the supply as stated will be created in advance, during routine time.

Section 12

An emergency body must appoint an emergency director. In accordance with the provisions of this section, an employee with senior ranking is to be appointed to this position. The expectation is that the person holding this position will be as closely accountable as possible to the director of the body. The functions and responsibility imposed on the emergency director require the above-mentioned definition, and also require ensuring continuous functioning; it is determined that in the event that the emergency director ceases to serve in the position, and no replacement is appointed, or in the event that no emergency director is appointed, the powers and functions of the emergency director will be imposed on the executive director of the body or on its head, as the case may be.

This section establishes a mechanism for reporting on the appointment of the emergency director: appointed bodies are required to report on the said appointment to the head of NEMA, while responsible bodies report to the minister who heads the appointed body responsible for the said responsible body (the appointed minister) and to the emergency director in the said appointed body.

Section 13-15

These sections relate to the content and manner of approval of the work plan of the emergency bodies. The work plan of each emergency body must be consistent with the National Master Plan.

The work plan of an appointed body is brought before the Minister of Defense for approval, while the work plan of a responsible body is brought before the emergency director of the responsible appointed body for approval. These bodies are defined as the approving bodies. If the emergency body fails to prepare a work plan, or refrains from submitting it to the approving body, the approving body must note the obligation of the emergency body to prepare the plan. The additional obligation of the approving body is to ensure that the emergency body's work plan is consistent with the National Master Plan.

NEMA and the emergency directors in the appointed bodies are responsible for monitoring the submission of the work plans and their consistency with the National Master Plan. NEMA must report to the Supreme Committee for Emergency Readiness regarding the work plans of the appointed bodies. The emergency directors in the appointed bodies must report to the Minister of Defense, through NEMA, on the work plans of the responsible bodies.

The work plan of an emergency body constitutes the implementation of the National Master Plan on the level of a specific emergency body. It determines the manner of implementation of the National Master Plan in the emergency body, including methods for coping with the ministerial reference scenarios; ensuring continuous functioning; and compliance with the service levels in accordance with the National Master Plan. In addition, the emergency bodies are to include and detail in the work plan the actions and means required in order to ensure continuous functioning, training and drills to be held, and so forth. An appointed body charged with auditing the responsible bodies in its realm of responsibility must detail the procedures for the audit. Every emergency body must specify in its work plan the manner in which it will coordinate its operations with the other emergency bodies active in adjacent domains.

Emergency bodies that are government ministries bear a heightened obligation to prepare for an emergency. Accordingly, this section establishes that prior to the preparation of the work plan, the ministry must present a ministerial reference scenario to NEMA, constituting a possible outline of situations derived from the aggregate reference scenario liable to disrupt the functioning of the vital administration in areas for which the ministry is responsible.

Sections 16-17

Section 16 grants the emergency director the authorities of an internal auditor, including the authorities detailed in section 8 of the Internal Audit Law, 5752-1992, namely the authority to demand any document held by the body, the authority to enter the body's properties or to access any database therein.

Section 17 addresses the routine reporting of the emergency bodies in the implementation of their work plans. The reporting arrangements are subject to the general hierarchical structure of the emergency bodies: the appointed bodies must report to the Minister of Defense, while the responsible bodies submit relevant reports to the

emergency directors in the appointed bodies. The section establishes binding dates for the submission of the reports, as well as their content. The date for the submission of the reports of the responsible bodies is determined in such a manner as to enable the responsible appointed bodies to address the findings that emerge from these reports in their own report to the Minister of Defense, in order to create a reliable picture of the preparedness of the civil sector for an emergency.

Sections 18-19

These sections empower NEMA to audit the preparedness of the emergency bodies. This authority constitutes one of the most important components of the authorities granted to NEMA in section 46. The section delineates the aspects to be addressed by the audit, such as the manner of implementation of the work plans and compliance with the objectives established therein; training the employees of the emergency body; holding emergency drills; the presence of procedures regulating the operations of the emergency body in a state of emergency, and so forth.

The granting of the authority to NEMA to audit the emergency bodies does not derogate from the obligations of the appointed bodies to audit the responsible bodies within their realm of responsibility; section 19 grants to the appointed bodies the authorities granted to NEMA with regard to all emergency bodies, including the authority to demand a report on emergency preparedness and the authority to enter the properties of the audited body.

Sections 20-23

An important component of the preparedness of the home front for an emergency is the integration in the procedure for preparedness of the different economic bodies responsible in routine times for the supply of services and goods to the civilian population and to the economy – viz. the emergency suppliers.

An emergency supplier is a vital enterprise declared as such in accordance with the provisions of the Labor Service Law, and which is not one of the emergency bodies included in the addendum to the law. Section 21 establishes that insofar as the appointed minister is of the opinion that, for the purpose of emergency preparedness or for the purpose of the functioning in an emergency of the appointed body, or of a responsible body in the realm of responsibility of the appointed body, a vital enterprise is required to hold goods, supply services, or take another action – he is entitled to declare this enterprise a vital supplier. Such a declaration is made after consultation with the Minister of Defense and is subject to the obligation to grant a hearing.

The order issued as stated establishes the actions the emergency supplier is required to take; as required, and insofar as the appointed minister saw special need therefore, after consultation on the matter with the Minister of Defense, he is also permitted to impose on the emergency supplier certain obligations that apply to a responsible body,

including the obligation to prepare for an emergency, submit a work plan, or appoint an emergency director.

In light of the ramifications of the declaration of a commercial body as an emergency supplier, section 23 establishes the obligation incumbent on the appointed body to pay due compensation to the emergency supplier on account of expenses it incurs for the purpose of the said preparedness. Compensation as stated will be paid from the emergency budget determined in accordance with section 5 of the law.

Section 24

There is a close interface between the provisions of the Labor Service Law and the arrangement established in accordance with the proposed law. As stated, the emergency suppliers are selected from the list of declared vital enterprises in accordance with the provisions of the Labor Service Law. Section 20 of the proposed law enables the Minister of Defense to propose to the minister responsible for the implementation of the Work Service Law that a given body be declared a vital enterprise, insofar as this is required for the implementation of the National Master Plan.

Section 24 empowers the Minister of Defense to order vital enterprises that are ordinarily required to mandate the presence of personnel in an emergency to maintain certain means as part of their emergency preparedness, such as stocks of raw materials, fuel for the operation of an independent electricity production system, and so forth. The taking of steps as stated is intended to ensure the regular function of the vital enterprises even in an emergency.

Section 25

This section defines the obligation incumbent on the emergency directors in the emergency bodies to warn of failure to implement the actions required for implementation in accordance with the work plan. This is another norm intended to enhance oversight on implementation of the work plan and to ensure the body's emergency preparedness. The section also empowers the Minister of Defense to indicate to the emergency director and the executive director of the appointed body the need to adhere to the plan. Sub-section (E) empowers the Minister of Defense in a similar instance to order the performance of a function or the execution of an action with regard to a responsible body.

Sections 26-28

These sections include special arrangements regarding the preparation of the local authorities for an emergency.

Section 26 obliges the Minister of the Interior to undertake inspection and monitoring of the preparedness of the local authorities. The underlying assumption of this section is the Ministry of the Interior will serve as the appointed body with regard to the local authorities. This is the natural function of the Ministry of the Interior, and the execution

of inspection and monitoring in this field reflects the general obligations of the Ministry of the Interior in accordance with any law, such as approving the budgets of the authorities, approving by-laws, and so forth.

Section 27 defines the functions of the local authority. Sub-section (A) imposes on the head of the authority the liability for the preparedness of the local authority for an emergency in its area of jurisdiction. Sub-section (B) details this provision, establishing the obligations incumbent on the local authority, including the preparation and approval of an earmarked budget for emergency preparation (in addition to the budget in accordance with the Civil Defense Law), training the authority's employees, preparing public shelters, and arrangements to absorb an evacuated population, insofar as this function is imposed on the authority in accordance with the National Master Plan.

Section 28 imposes on the local authority the provisions pertaining to the area of "emergency preparedness" in government ministries, so that the transfer of a sum exceeding five percent of the total ministerial emergency budget for other purposes will be conditioned on approval by the Minister of the Interior.

Sections 30-39

The third chapter of the proposed law addresses the manner of declaration of a state of emergency in the civil sector and the granting of special authorities to the Minister of Defense and the appointed ministers, as well as the definition of NEMA's functions in an emergency. The proposed law does not relate to the management of the event, nor to the operative actions of the bodies charged with civil defense; rather, it is concerned with creating the conditions for maintaining routine life, ensuring a proper standard of service, and the continuous functioning of the emergency bodies.

Section 30 regulates the manner of declaration of a state of emergency in the civil sector, defined as a situation in which any or all of the normal operations of the vital administration are significantly compromised (viz. – means of production, resources, services and products vital for the survival of the population, for the state economy, and for the IDF's operations), or there is a risk thereof.

The proposed law further establishes that in the presence of situations of the types defined, the imposition of provisions concerning a state of emergency in the civil sector will not require a special decision. Thus, declaration of war, declaration of a special situation on the home front, or a mass disaster event also constitute the declaration of a state of emergency, automatically causing the imposition of the provisions of the law relating to a state of emergency. The underlying assumption of this provision is that the declaration of the said events inevitably causes the disruption of routine life in the state, or in part thereof, and there is a high probability that maintaining routine will require the activation of the authorities granted to the relevant officials.

Section 31 establishes three foundations for the operations of the emergency bodies in a state of emergency. Firstly, it is established that the basis for the operations of the

emergency bodies – including the government ministries – following the declaration of a state of emergency in the civil sector is the National Master Plan. Secondly, the section defines an additional obligation incumbent on the appointed ministers: to act to ensure the coordinated operations of all the emergency bodies and emergency suppliers under their responsibility. In order to ensure such coordinated operations, the section empowers the appointed minister to order use of strategic stock stored during the period preceding the declaration of a state of emergency in the civil sector – whether stock held by the responsible bodies or stock held by the emergency suppliers.

In order to ensure the coordinated use of strategic stock, the section establishes that an instruction regarding the use thereof will be granted after consultation with the Minister of Defense; however, in urgent cases, the use of stock may be ordered without the said consultation, while forwarding notification to the Minister of Defense within 48 hours from the granting of the instruction.

Section 32 – the Minister of Defense is charged with overall responsibility for acting to ensure the regular and coordinated operations of the appointed bodies. The appointed bodies are required, as stated, to act to ensure the coordination of the operations of the responsibility bodies within their realm of responsibility. In addition to this general authority, the Minister of Defense is empowered to grant instructions to any responsible body and to any emergency supplier concerning the exploitation of the strategic stock, in cases when he has found that the appointed minister has refrained from so doing, or in cases when the instruction granted does not meet the existing needs at that time.

The instruction granted by the Minister of Defense as stated overrules the instruction of the appointed minister; the appointed minister is entitled to appeal against the instruction before the government.

The Minister of Defense is entitled to instruct by order the establishment of temporary infrastructures for various purposes required in order to confront the state of emergency – such as sites for the intake of the evacuated population, storage facilities, temporary facilities for energy production, temporary cemeteries, and so forth. The establishment of these temporary facilities is exempt from the provisions of the Planning and Building Law, 5725-1965; however, the proposed law limits the “lifespan” of the said infrastructures to one hundred and eighty days. The District Planning and Building Committee is entitled to approve the extension of the validity of the order for an additional period of one hundred and eight days.

The Minister of Defense is entitled to grant any instruction which the appointed minister is empowered to grant in accordance with section 34 of the proposed law, insofar as the Minister of Defense is of the opinion that the granting of the said instruction will ensure the functioning of the emergency bodies. The granting of an instruction as stated is conditioned on consultation with the appointed minister, except in urgent cases. As with the authority defined in sub-section 32(B)(1), the appointed minister is entitled to appeal against the decision of the Minister of Defense before the government.

Sections 34-35

The local authorities are a key governmental function in the interface between the citizen and the state, and in a state of emergency they are charged with functions relating to attention to the population within their area and, in the instances defined in the law – outside this area. The proposed law charges the local authorities with responsibility for coordinating between the emergency bodies active in their area. The section specifies the concrete functions of the local authority: ensuring the supply of services and vital products and, as necessary, coordinating their supply with other emergency bodies; providing information for the population of the local authority; and assisting the other local authorities.

Section 34 empowers the Minister of the Interior to suspend a head of local authority insofar as the local authority is not, in his opinion, performing the functions imposed thereon. The activation of the authority is subject to an obligation to grant a hearing. If a suspension decision as stated has been made, the Minister of the Interior is entitled to appoint a special director for the local authority, who will serve as the head of the authority and is granted all the authorities granted to the suspended head of the authority, or to impose the duties of the local authority in the execution of the demand it has failed to execute on another body. The section establishes that the said actions will be undertaken after consultation with the head of NEMA, unless particularly urgency renders this impossible.

Section 36 empowers the head of water and sewage corporations in the Government Water Authority with identical authority to that of the Minister of the Interior with regard to the water and sewage corporations.

Section 37 grants authority similar to that of the Minister of the Interior regarding the suspension of the head of a local authority to any appointed minister regarding the responsible bodies within their realm of responsibility, as well as regarding the emergency suppliers. The exercising of the said authority is subject to the approval of the Minister of Defense.

Sections 38-39 address NEMA's functions in an emergency. NEMA's principal function is to formulate a picture of the reality in the home front enabling the Minister of Defense and the appointed ministers to take decisions. NEMA bears the function of coordinating public outreach activities and for operations relating to the intake of international aid.

In order to perform its functions, and particularly in order to formulate the above-mentioned picture of reality, NEMA is entitled to open a National Operation Center in which representatives of the emergency bodies will participate in accordance with the instruction of the head of NEMA.

Section 40

In light of the multiple tasks filled by the government, it is entitled to form a special Ministerial Committee to replace it in all its functions, with the exception of those relating to the declaration of a state of emergency – including the authorities to hear appeals against the decisions of the Minister of Defense. The Ministerial Committee will be headed by the prime minister, with the Minister of Defense serving as his standing deputy.

Sections 41 through 46

The fifth chapter of the proposed law addresses the establishment of NEMA, the appointment of the head of NEMA, and its functions.

Section 41 determines that NEMA is established within the Ministry of Defense, while section 45 complements this provision by establishing that NEMA will operate on the basis of an independent budget. Sections 42 through 44 address the means of appointment and status of the head of NEMA. The sections establish that the head of NEMA will be appointed by the government on the recommendation of the minister, and will serve in the position for five years. Sub-section 42(E) determines that certain positions in NEMA will be exempt from the obligation of tender and will constitute “positions of trust;” the government will establish the scope of the said positions.

Section 44 determines conditions and special protections regarding the cessation of service of the head of NEMA. In addition to resignation and to conviction of an offense which, due to its character or gravity, requires the cessation of service, the section determines that the government will be entitled to remove the head from service for a period of six months or to dismiss him if he fails to perform his function properly, as determined by the Minister of Defense. Prior to taking such a decision, the government must obtain the opinion of the Attorney General.

Section 46 determines NEMA’s functions and authorities. NEMA’s principal functions are defined as acting to promote the preparedness of the emergency bodies, emergency suppliers, and the vital emergency administration; professional guidance in the field of emergency preparedness; assisting the Minister of Defense, the emergency bodies, and the emergency suppliers in an emergency; and performing any function imposed on it in accordance with this law or a government decision.

In concrete terms, NEMA is charged with functions relating to the formulation of the aggregate reference threat and the aggregate reference scenario; preparing the National Master Plan; preparing reports to the government on the readiness of the emergency bodies for a state of emergency in the civil sector; professional guidance for the emergency bodies; determining criteria for measuring readiness in the emergency bodies, and so forth.

An additional group of provisions relating to NEMA’s operations is included in sub-section (C), which relates to the granting of authority to issue instructions. These are instructions on the matters defined in the section, including the furnishing of

information, the holding of emergency drills, the manner of coordination of the plans and functions between the emergency bodies and the emergency suppliers, and arrangements for auditing the vital enterprises. The Minister of Defense is entitled to establish in regulations additional matters in which NEMA will be able to issue instructions. NEMA's instructions are binding on the emergency bodies and the emergency suppliers and require the approval of the Minister of Defense.

Sections 47 through 49

Sections 47 through 49 in the sixth chapter of the proposed law address the statutory formalization of the Supreme Emergency Administration Committee, which has hitherto been defined in Government Decisions 1716 and 1080 from 1986 and 2000, as well as the expansion of its functions into additional areas. It is proposed that the committee, which according to the proposed law is called the Supreme Emergency Administration Committee, will comprise the director-generals of the government ministries, representatives of the General Staff, the Israel Police, the Home Front Command, the Comptroller General, representatives of the local authorities, etc. The committee serves as a platform for "horizontal" discussions between all the relevant bodies and as a round table facilitating discussion of diverse issues relating to emergency preparedness, as well as a platform for coordination between the different emergency bodies. Section 50 defines its principal function as acting to ensure the coordinated operations of the emergency bodies during the period of preparation for an emergency and during the emergency.

The committee's key functions are detailed in section 49, which determines that it will discuss the following matters: lessons drawn from emergency drills; reports from the head of NEMA; reports to be submitted to the committee by the District Committee for Emergency Readiness, and so forth. The committee is empowered to recommend to the Minister of Defense means for improving the preparation of the home front for an emergency, with reference, inter alia, to the results of the audits and drills held.

In an emergency, the committee's central function is to ensure the coordinated operations of the responsible bodies. It should be recalled that the coordinating functions addressed by various provisions in the law are distributed among the appointed ministers, who are responsible for coordination between the responsible bodies in the realms of responsibility; the Minister of Defense, who bears overall responsibility for coordinating the operations of the appointed bodies; and the committee, which addresses coordination between responsible bodies under the responsibility of various appointed bodies, including by means of the district committees for emergency readiness.

The committee is entitled to recommend to the Minister of Defense and the appointed ministers priorities for the allocation of national resources and the manner of use of the strategic stock, as part of the decision-making process in accordance with sections 31 and 32 of the proposed law. For the purpose of performing its functions, the committee enjoys authorities to summons representatives of the emergency bodies.

Sections 50 through 53 address the composition and functions of the District Committee for Emergency Readiness, which constitutes the “field unit” of the Supreme Committee for Emergency Readiness and the Local Committee for Emergency Readiness.

The district Committee for Emergency Readiness is comprised of the district directors of the government ministries in the district and representatives of the Israel Police and the IDF. The committee’s functions include holding discussions on the work plans of the emergency bodies relating to that district, coordination between bodies within the district, coordinating audits, and summarizing the lessons from the emergency drills.

The committee serves as a liaison between the Supreme Committee for Emergency Readiness and the local committee and, accordingly, the protocols of the discussions and decisions of the district readiness committee are forwarded to the local committees for emergency readiness and to NEMA. The proposed law determines that the district committee for emergency readiness is to convene at least four times a year.

Section 53 formalizes the status of the local readiness committee, which operates on the level of the local authority and replaces the Local Emergency Administration Committee established under section 149A(A) of the Municipalities Ordinance [Revised].

Sections 53-55

This section establishes that the failure to obey certain instructions of the Minister of Defense or the appointed minister will constitute a criminal offense. Sections 54 and 55 establish provisions concerning the criminal liability of corporations and employers.

Sections 56-62

This chapter includes various provisions regarding the delegation of authority, transitional provisions, and the enactment of regulations by the Minister of Defense who is responsible for the implementation of the law, and so forth.

Section 56 establishes the extra-territorial application of the law in the Judea and Samaria Area, and establishes that the provisions of the law also bind responsible bodies in the Area.

D. Impact of the Proposed Law on Existing Law:

Enactment of a new law.

E. Impact of the Proposed Law on the Budget and on the Administrative Aspect:

The proposed law addresses the regulation of the work of the government ministries in the field of the preparation of the home front for states of emergency, on both the national and local levels, as well as the regulation of the relations with the suppliers of vital services and products. At this stage, it is not possible to quantify the budgetary ramification for these bodies. This will be determined by the discrepancy between the

current preparation of each body and the requirements it faces following the enactment of the law. It is worth emphasizing that regarding a significant portion of the bodies, the law effectively regulates the current practice in legislation, without any practical discrepancy.

F. The following is the wording of the law:

Bill proposed by the government:

Legislative Bill: Preparedness of the Home Front for States of Emergency, 5776-2016

Chapter One: Purpose and Definitions

- Purpose of the law** 1. This Law is intended to regulate the preparedness of the public authorities and the vital emergency administration for a state of emergency in the civil sector by establishing realms of responsibility, imposing obligations, granting authorities, and defining means of action and coordination, all in order to ensure the ongoing operations of the Vital Administration, as defined in this Law.
- Definitions** 2. In this Law –
- “State of emergency in the civil sector” – as understood in section 30 of the Law;
 - “Aggregate reference threat” – possible events liable to create a state of emergency in all or part of the country for which the government has decided to prepare in accordance with this Law;
 - “Responsible body” – a body stipulated in the Second Addendum to the Law;
 - “Rescue body” – as understood in section 90A of the Police Ordinance [Revised], 5731-1971, with the exception of a local authority;
 - “Emergency body” – a body stipulated in the First Addendum to the Law;
 - “Emergency preparedness” – except in matters regulated in the Civil Defense Law;
 - “Continuous functioning” – the functioning of an emergency body or an emergency supplier in a manner ensuring compliance with the service level determined in accordance with this Law;
 - “Ministerial Committee” – a Ministerial Committee for the Preparation of the home front for States of Emergency, appointed in accordance with section 40 of the Law;
 - “Local Committee for Emergency Readiness” – a Local Emergency Administration Committee as understood in section 149A(A) of the Municipalities Ordinance [Revised];¹
 - “Civil Defense Law” – the Civil Defense Law, 5711-1951;²
 - “Labor Service Law” – the labor Service in an Emergency Law, 5727-1967;³

¹ Laws of the State of Israel No. 8, 9 Aug. 1964, p. 197;

² SB 5711 No. 71, 21 Mar. 1951, p. 78;

“Emergency preparedness policy” – the rules and guiding principles for preparedness for emergencies, for the purpose of ensuring the ongoing operation of the vital administration as defined in this Law;

“Strategic stock” – goods, including raw materials and agricultural and industrial products, held in order to ensure the ongoing operation of the vital administration in a state of emergency in the civil sector;

“Vital enterprise” – as understood in the Emergency Labor Service Law;

“Exceptional situation” – one of the following, provided that it is not a state of emergency in the civil sector:

- 1) A natural disaster;
- 2) An event liable to significantly endanger human life, property, or public order, but which, due to its scope or severity, does not constitute a state of emergency of the civil sector.

“Home front” – emergency bodies, public authorities, emergency suppliers, and vital enterprises;

“Vital Administration” – means of production, resources, services, and products essential for the survival of the population, for the country's economy, and for the operation of the Israel Defense Forces in states of emergency;

“Ministry” – a unit in the civil service headed by a minister;

“Emergency supplier” – as understood in section 21 of the Law;

“NEMA” – the National Emergency Management Authority established in accordance with section 41 of this Law;

“Public authority” – an authority as defined in the Administrative Affairs Courts Law, 5760-2000;⁴

“Service level” – a quantitative or qualitative criterion for the provision of essential services in a state of emergency in the civil sector;

“The Minister” – the Minister of Defense;

“Appointed minister” – a minister heading a ministry that is an appointed body;

“Work plan” – an annual plan of an emergency body establishing the manner of preparedness of the emergency body for a state of emergency in the civil sector, its functioning in a state of

³ SB 5724 No. 503, 20 July 1967, p. 86;

⁴ SB 5760 No. 1739, 11 June 2000, p. 190;

emergency in the civil sector, and the realization of the National Master Plan in the areas for which it is responsible;

“Aggregate reference scenario” – the possible profile of situations deriving from the aggregate reference threat liable to disrupt the functioning of the vital administration;

“Ministerial reference scenario” – the possible profile of situations deriving from the aggregate reference threat liable to disrupt the functioning of the vital administration in the areas for which a ministry constituting an emergency body is responsible.

Chapter Two: Emergency Preparedness

Part A – National Master Plan

Aggregate reference scenario

3. (A) The aggregate reference scenario will be prepared by NEMA and presented to the government by the Minister.
- (B) If the government approves the scenario, NEMA will prepare a National Master Plan for addressing this scenario by the home front (hereinafter – “the National Master Plan.”)
- (C) The National Master Plan and the work plan will be consistent with the aggregate reference scenario.

National Master Plan

4. (A) The National Master Plan will be presented to the government by the Minister within twelve months from the date of approval of scenarios in accordance with section 3(B), unless the Minister has established a different period for the preparation of any or all of the National Master Plan.
- (B) The National Master Plan will be formulated, among others, on the basis of the following aspects :
- (1) Information provided by the emergency bodies and the emergency suppliers;
 - (2) The scenario approved by the government;
 - (3) An evaluation of the preparation of the home front for a state of emergency in the civil sector;
 - (4) The findings of audits conducted in the emergency bodies and in bodies under their responsibility, and the lessons drawn from emergency drills and from the routine operations of the emergency bodies;
- (C) The National Master Plan will establish all the following aspects, among others:
- (1) Emergency preparedness policy;
 - (2) The service levels;
 - (3) Goals and objectives to be met by the emergency bodies in order to perform their functions in a state of emergency in the civil sector, including for the

purpose of ensuring their continuous functioning, if so required;

- (4) The strategic stock required for the purpose of the operations of the vital administration in a state of emergency in the civil sector;
- (5) Responding plans for coping with the different states of emergency in the civil sector.

- (D) The National Master Plan will determine the manner of emergency preparedness for a period of ten years, unless the government has determined a different period.
- (E) The Minister is entitled to demand that an emergency body, an emergency supplier, and a public authority furnish him with any information and any document required for the purpose of determining the aggregate reference threat and the aggregate reference scenario, in order to formulate and implement the National Master Plan.

Emergency preparedness budget

- 5. (A) If the government approves the National Master Plan, it will state the budget required for its implementation for the period of its validity.
- (B) Not later than the 1st of July each year, the head of NEMA will present to the government the budget required for the purpose of implementing the National Master Plan over the next budget year.
- (C) As part of the approval of the state budget in accordance with the Budget Foundations Law, 5745-1985 (in this section – “the Budget Foundations Law,”) the government will determine the annual budget for the purpose of implementing the National Master Plan in that budget year, inter alia with attention to the information presented to it by the head of NEMA in accordance with sub-section (B) and the position of the relevant ministries.
- (D) The annual budget of every ministry constituting an emergency body will include an earmarked activity domain for financing its preparedness for a state of emergency in the civil sector in accordance with the work plans and the National Master Plan. The activity domain will be termed “Emergency preparedness.”

In this sub-section, “activity domain” is as understood in the Budget Foundations Law.
- (E) Subject to the provisions of any law, no sum exceeding five percent of the activity domain mentioned in sub-section (C) above will be transferred to another activity domain, unless and until the government has granted its approval therefore.

Reporting to the government

- 6. (A) At least once a year, not later than the thirty-first of March, the Minister will submit to the government a report on the

preparation of the home front for an emergency and on the implementation of the National Master Plan, and will be entitled to recommend additional actions to be taken for the purpose of preparedness for a state of emergency in the civil sector.

- (B) The report will include, inter alia, all the following:
 - (1) The preparation of the home front for an emergency, with attention to the aggregate reference scenario;
 - (2) Compliance of the emergency bodies with the National Master Plan;
 - (3) Recommendations concerning steps to be taken to ensure compliance with the National Master Plan.
- (C) If a report has been submitted as stated in sub-section (A), the government will hold a discussion thereon within ninety days of the date of its submission.

Periodic examination and discussion

- 7. (A) At least once every three months, the head of NEMA will examine whether the aggregate reference scenario and the National Master Plan are to be updated, in part or as whole.
- (B) The provisions of sections 3 and 4 will apply, mutatis mutandis, to the update of the aggregate reference scenario or the National Master Plan.

Preparation for an exceptional situation

- 8. (A) The government is entitled to decide on preparedness for an exceptional situation, in accordance with the recommendation of the Minister, another minister, or on its initiative.
- (B) If the government decides to prepare for an exceptional situation, the ministry responsible for preparedness for that exceptional situation will determine the manner of its preparation and the resources required therefore.
- (C) The Minister will be responsible for charging NEMA with assisting the ministry bearing responsibility to prepare for an exceptional situation in accordance with sub-section (B), or the ministry within whose domain of responsibility attention rests in accordance with any law, and for determining arrangements for the said assistance.
- (D) If the Minister instructs as stated in sub-section (C), NEMA will hold all the authorities in accordance with this Law for the purpose of emergency preparedness or for the purpose of its operations in a state of emergency in the civil sector, as the case may be, mutatis mutandis and with such changes as will be determined in the matter by the Minister.

Part B- Emergency Bodies

Appointed bodies and

- 9. (A) The appointed bodies will prepare themselves for an emergency, and will also act in the manner determined in

**responsible
bodies**

this Law, in the National Master Plan, and in NEMA's instructions to ensure the preparation for an emergency of the responsible bodies, emergency suppliers, and vital enterprises within their realm of responsibility (in this Law – "bodies in the realm of responsibility.")

- (B) The responsible bodies will prepare themselves for an emergency, and will also act in the manner determined in this Law, in the National Master Plan, in accordance with the instructions of the appointed bodies, and in NEMA's instructions to ensure the preparation for an emergency of the emergency suppliers and vital enterprises within their realm of responsibility.
- (C) The Minister is responsible, with the approval of the government, for adding or deleting emergency bodies in the Addendums to this Law.

**Preparation for
an emergency**

10. An emergency body will perform all the following:

- (A) Appoint an emergency director to be empowered in accordance with the regulations;
- (B) Prepare a work plan;
- (C) Maintain the means required for the purpose of ensuring continuous functioning and compliance with the service levels as determined in the National Master Plan;
- (D) Take part in emergency drills;
- (E) Maintain a strategic stock in accordance with the National Master Plan.

**Emergency body
contracts**

11.

- (A) An emergency body that wishes to associate in a contract concerning a product or service also to be supplied in a state of emergency in the civil sector will, insofar as necessary, establish conditions for securing the emergency preparedness of the body with which it associates (in this section – "conditions of association.")
- (B) If an emergency body finds that it is necessary to include conditions of association in a contract, any or all of the following conditions will be included:
 - (1) Details of the goods or services whose holding or supply is required;
 - (2) The duration of time for which the holding or supply is required;
 - (3) The manner of supply;
 - (4) Additional provisions for the purpose of ensuring the body's continuous functioning.
- (C) The emergency body that associates as stated in this section will consider recommending to the minister appointed for the implementation of the Work Service Law

that the body with which it is forming an association as stated be declared a vital enterprise.

**Emergency
director**

12. (A) An emergency body will appoint a senior office holder as an emergency director, not later than ninety days after the date of enactment of this Law.
- (B) If the emergency director ceases to serve, an emergency director will be appointed in his place not later than thirty days after the date on which the emergency director terminated his function.
- (C) An emergency body that operates by means of districts will appoint an emergency preparedness monitor in each district, accountable to the emergency director.
- (D) The appointed minister will furnish notification to the head of NEMA on the appointment of an emergency director and the cessation of his office in an appointed body.
- (E) The director-general of a responsible body will furnish notification to the appointed minister and to the emergency director in the appointed body on the appointment of an emergency director in the said responsible body.
- (F) If an emergency director is not appointed, or if he has ceased to serve and no other emergency director has been appointed in his place, the following provisions will apply:
- (1) In an emergency body that is a ministry, the functions and obligations of an emergency director will be imposed on the director-general;
- (2) In an emergency body that is not a ministry, the functions and obligations of an emergency director will be imposed on the head in accordance with any law.
- (G) The Minister is entitled to exempt an emergency body from the obligation to appoint an emergency director.

**Work plan of an
appointed body**

13. (A) Every year, not later than the first of December, each appointed body will submit a work plan for the following year for the Minister's approval.
- (B) The work plan will be prepared by the emergency director and approved by the appointed minister or by the head of the body, as the case may be, prior to submission to the Minister in accordance with sub-section (A).
- (C) If the Minister finds that the work plan is inconsistent with the National Master Plan or cannot ensure the preparedness of the appointed body for an emergency, he will indicate the need to the appointed minister to amend the plan; if the minister indicates as stated, the appointed minister will instruct the submission of an amended plan within 30 days from the date of issuing of the instruction.

- (D) If no work plan or amended work plan for the appointed body is submitted to the Minister in accordance with this Law, or if it is not amended as stated in sub-section (C), the Minister will notify the appointed minister and the government thereof.
- (E) The head of NEMA will report to the Supreme Committee for Emergency Readiness, as understood in chapter six of this Law, on bodies that have failed to submit a work plan or to amend it in accordance with the Minister's instructions.
- Work plan of a responsible body** 14. (A) Every year, not later than the first of December, each responsible body will submit a work plan for the following year for the approval of the emergency director in the appointed body responsible therefore.
- (B) (1) The provisions of sub-sections 13(B) and 13(C) will apply, mutatis mutandis, to the work plan of a responsible body; instead of the Minister, it shall read "the appointed minister, on the recommendation of the emergency director in the appointed ministry."
- (2) If no work plan or amended work plan for the responsible body is submitted to the emergency director in the appointed body by the date determined in accordance with this Law, the emergency director in the appointed body will inform the appointed minister thereof.
- (3) The emergency director in an appointed body will furnish notification to the Minister, through the head of NEMA, not later than the first of February each year regarding the approval of the work plans in the responsible bodies within his realm of responsibility.
- Content of the work plan** 15. (A) The work plan will determine the manner of implementation of the National Master Plan in the emergency body and the details required for its implementation, including methods for confronting the ministerial reference scenarios, ensuring continuous functioning, and compliance with the service levels in accordance with the National Master Plan.
- (B) The work plan of an emergency body will include all the following points, among others:
- (1) Preparedness and readiness for the ministerial reference scenarios;
- (2) Actions and means required for the purpose of ensuring continuous functioning;
- (3) In an appointed body – arrangement for auditing in the responsible bodies, emergency suppliers, and vital enterprises in its realm of responsibility;
- (4) Training programs and drills to be held;

- (5) The manner of inspection of stock levels, including the strategic stock it holds;
 - (6) Coordination of operations with other emergency bodies.
- (C) An appointed body that is a minister will formulate the work plan after NEMA has approved the ministerial reference scenario in accordance with section 46(B)(2).
- Monitoring the implementation of the work plan** 16. The emergency director will monitor the implementation of the emergency body's work plan, and for this purpose will be granted the authorities granted to an internal auditor in accordance with the Internal Audit Law, 5752-1992, mutatis mutandis.
- Report of the emergency bodies** 17. (A) Not later than the first of February every year, any appointed body will submit a report to the Minister concerning the realization of the work plan over the preceding year, in such manner as will be determined in the regulations.
- (B) Not later than the fifteenth of January every year, any responsible body will submit a report to the emergency director in the appointed body therefore concerning the realization of the work plan over the preceding year.
- (C) A report as stated in sub-sections (A) and (B) will address all the following points, among others:
- (1) The manner of execution of the work plan and the extent of compliance with the objectives determined therein;
 - (2) The realization of the budget in the "emergency preparedness" activity domain;
 - (3) Training programs and drills held;
 - (4) Lessons drawn from the emergency drills and steps taken to implement these;
 - (5) Outcomes of audits undertaken by the emergency body;
 - (6) The strategic stock held by the body.
- NEMA audit** 18. (A) In an audit in an emergency body in accordance with section 46(B)(16), NEMA will examine all the following points, among others:
- (1) The manner of implementation of the work plans and compliance with the objectives determined therein;
 - (2) The presence of the means required for the implementation of the work plan;
 - (3) Training of the employees of the emergency body;
 - (4) The presence of procedures regulating the operations of the emergency bodies in a state of emergency in the civil sector;
 - (5) The holding of emergency drills, participation therein, their lessons and the manner of

implementation thereof.

- (B) For the purpose of preparing the audit, NEMA is entitled to enter the premises of the emergency body and to demand a report on its emergency preparedness in accordance with this Law.

Audit by an appointed body

- 19. An emergency director in the appointed body will hold an audit in the responsible bodies, emergency suppliers, and vital enterprises in its realm of responsibility, and the provisions detailed in section 18 will apply for this purpose, mutatis mutandis.

Part C – An Emergency Supplier

Declaration of a vital enterprise

- 20. If an appointed minister finds that, for the purpose of compliance with the National Master Plan, it is necessary to declare an enterprise as a vital enterprise, he will present a request to the minister appointed for the implementation of the Work Service Law for a declaration as stated.

Declaration of an emergency supplier

- 21. If an appointed minister finds that, for the purpose of the implementation of the work plan of the appointed body or of a responsible body within its realm of responsibility, or in order to ensure compliance with the service levels established in the National Master Plan, a vital enterprise that is not an emergency body is required to take an action, supply a service, or hold or supply goods, he is entitled, after consulting the Minister and after allowing the body that is the subject of the order to make its claims, to declare it an emergency supplier by order, in accordance with the provisions of this part (in this part – “the order.”)

The content and execution of the order

- 22. (A) The order will detail the means and services whose holding or supply is required and the manner or holding or supply, as the case may be.
- (B) After consultation with the Minister, the appointed minister will be entitled to instruct in an order that the emergency supplier will bear any or all of the obligations incumbent on a responsible body, as understood in this Law.
- (C) If the appointed minister finds that an emergency supplier is failing to comply with any or all of the provisions of the order, he is entitled, after enabling the emergency supplier to state his claims, to instruct him to execute an action required for the purpose of the execution of the order.

Compensation

- 23. (A) An emergency supplier regarding whom an order is granted is entitled to compensation on account of the expenses it incurs in connection with its execution.
- (B) The compensation in accordance with sub-section (A) will be paid by the appointed body, in accordance with rules to be established by the Minister, after consultation with the Minister of Finance, on account of expenses borne by the emergency supplier.

Obligations of the vital enterprises 24. The Minister is entitled, in consultation with the head of NEM and with the minister appointed for the implementation of the Work Service Law, to establish in regulations that vital enterprises in general, or of particular types, will maintain means or take actions for the purpose of compliance with their function in accordance with the Work Service Law.

Part D – Special Provisions

Special provisions 25. (A) If the emergency director in an appointed body finds that the appointed body is not taking the necessary actions for the purpose of implementing the work plan, he will warn the director-general of the body and the Minister thereof.

(B) If the emergency director in a responsible body finds that the responsible body is not taking the necessary actions for the purpose of implementing the work plan, he will warn the executive director of the body and the emergency director of the appointed body.

(C) If the Minister finds that an appointed body is not implementing the work plan, he is entitled, after enabling the emergency director and the executive director of the body to state their claims, to indicate to the emergency director or the executive director of the appointed body the need to perform a function or execute an action in accordance with the work plan.

(D) The provisions of sub-section (C) will apply to a responsible body, mutatis mutandis, except that instead of “Minister,” it shall read “the appointed minister, after consultation with the emergency director in the appointed ministry.”

(E) Without derogating from the provisions of sub-section (D), if the Minister finds that a responsible body is failing to take the necessary actions for the purpose of implementing the work plan, and that this is liable to impair its preparedness or the preparedness of other emergency bodies for an emergency, he is entitled, after enabling the emergency director in the said body to state his claims, to order the performance of a function or the execution of an action in accordance with sub-section (C) above.

The function of the Minister of the Interior 26. The Minister of the Interior will maintain inspection and control and will act within the framework of his authorities in accordance with any law for the purpose of ensuring compliance with the functions and obligations imposed on the local authorities in accordance with this Law, including the preparation and implementation of the work plan.

The functions of a local authority 27. (A) The head of a local authority is responsible for the preparedness of the local authority for an emergency in its area and will head the Local Committee for Emergency

Readiness;

- (B) Notwithstanding the provisions of this Law and the provisions of any law, the local authority shall perform all the following:
 - (1) Take all actions required for the purpose of ensuring the performance of its functions in an emergency, including holding equipment and means enabling the ongoing provision of vital services for the supply of which the local authority is responsible in accordance with any law;
 - (2) Prepare a proposed budget for the purpose of preparing for an emergency and submit this to the Minister of the Interior, in accordance with the provisions of section 248A(B) of the Municipalities Ordinance [Revised].
 - (3) Act to train and undertake drills for the employees of the local authority and employees of the corporations under its ownership;
 - (4) Prepare for the intake of evacuated population and for the provision of basic municipal services to the evacuating population, in accordance with the National Master Plan;
 - (5) Act to strengthen community resilience;
 - (6) Provide information for the residents in all matters relating to emergency preparedness;

Local authority budget 28. The provisions of section 5 will apply, mutatis mutandis, to the budget of a local authority, except that in place of “the government” it shall read “the Minister of the Interior.”

Granting of the authorities of the appointed minister 29. Regarding an authority established in law that is an emergency body, the authorities of the appointed minister in accordance with this Law will be granted to the head of the authority in accordance with the law in accordance with which it was established.

Chapter Three: State of Emergency in the civil sector

Declaration of a state of emergency in the civil sector 30. (A) If the government finds that the proper operations of any or all of the vital economy has been significantly prevented, or that there is a danger thereof, it is entitled to declare a state of emergency in the civil sector.

(B) Without derogating from the provisions of sub-section (A), any of the following shall be considered a declaration of a state of emergency in accordance with this Law:

- (1) The declaration of “war” as defined in section 40 of the Basic Law: The Government;⁵
- (2) The declaration by the government of a “special situation on the home front,” as understood in section

⁵ SB 5761, p. 158;

9C of the Civil Defense Law;⁶

(3) The declaration by the government of a “mass natural disaster,” as understood in section 90A of the Police Ordinance [Revised], 5731-1971.⁷

(C) If the Minister finds that circumstances pertain justifying the declaration of a state of emergency in the civil sector and the government has not yet declared such a state, he is entitled to declare a state of emergency in the civil sector. A declaration as stated will be subject to the provisions of section 9C(B) of the Civil Defense law, mutatis mutandis.

Functions in a state of emergency in the civil sector

31. (A) In a state of emergency in the civil sector, an appointed minister, an emergency body, and an emergency supplier will act in accordance with the National Master Plan and in accordance with any instruction or guideline issued to them in accordance with any law.
- (B) Without derogating from the provisions of sub-section (A), in a state of emergency in the civil sector an appointed minister will act to ensure the regular operations of the responsible bodies and of the emergency supplies under his ministry's responsibility, in accordance with the National Master Plan and the orders as understood in section 21, and he shall be responsible for issuing orders to them for the purpose of fulfilling these obligations.
- (C) After consultation with the Minister, an appointed minister will instruct regarding the manner of use of strategic stock held by an appointed body, a responsible body, or an emergency supplier within his realm of responsibility, or on the manner of production or supply of products or services produced or supplied by an emergency supplier.
- (D) If it is not possible to undertake the consultation in accordance with sub-section (C) due to the urgency of the matter, the appointed minister is entitled to issue the instruction without consultation, and notification thereof will be furnished to the Minister within 48 hours from the time of its granting.

The Minister's functions in a state of emergency

32. (A) In addition to the provisions of any law, in a state of emergency in the civil sector the Minister will act to ensure the regular and coordinated operations of the appointed bodies.
- (B) For the purpose of performing his functions, the Minister is entitled to do all the following:
- (1) To supervise the exploitation of the strategic stock

⁶ SB 5711, p. 78;

⁷ Laws of the State of Israel, Revised 17, p. 390;

and to issue instructions regarding its exploitation subject to all the following:

- (A) If the appointed minister has not instructed as stated in section 31(C), has issued an instruction in accordance with section 31(D), or has found that use is to be made of the strategic stock otherwise than in accordance with the guidelines of the appointed minister, he is entitled to order the manner of use of the strategic stock; if the Minister has issued an instruction as stated, they will act in accordance therewith.
 - (B) The appointed minister is entitled to appeal to the government against the Minister's decision in accordance with sub-section (A).
 - (C) The submission of an appeal in accordance with sub-section (B) will not delay the execution of the Minister's instruction.
- (2) (A) To instruct by order regarding the establishment of emergency infrastructures for the purpose of confronting the state of emergency in the civil sector, The order will detail the area to which it applies, the infrastructures to be established in accordance therewith, and its date of expiry. If no date of expiry is determined in the order, the order will expire after one hundred and eight days from the date of its granting, whichever is the earlier; if the order has expired, the temporary infrastructures will be dismantled, unless the District Planning and Building Committee has approved the extension of the order by an additional period not exceeding one hundred and eighty days.

In this sub-section –

“Emergency infrastructures” – buildings and temporary facilities, including tents, water infrastructures, and temporary sewage, electricity, and communications intended to serve the population in a state of emergency, temporary cemeteries, preparation of an area for the purpose of the passage of vehicles and pedestrians and for the establishment of buildings and infrastructures as stated.

“District Planning and Building Committee” – as understood in the Planning and Building Law, 5725-1965 (in this section – “the Planning and Building Law.”)

(B) The execution of work or establishment of a building in accordance with an order granted as stated in sub-section (A) will not be subject to the provisions of the Planning and Building Law.

(3) (A) To grant any instruction, after consultation with an appointed minister, that the said minister is entitled to grant in accordance with any law to an emergency body or an emergency supplier, in order to ensure its functioning in a state of emergency in the civil sector and its compliance with the provisions of the National Master Plan or the manner of production or supply of products or services produced or supplied thereby; If it is not possible to undertake the consultation due to the urgency of the matter, the Minister is entitled to issue the instruction without consultation, and notification thereof will be furnished to the appointed minister within 48 hours from the time of its granting.

(B) The appointed minister will be entitled to appeal to the government against the Minister's instruction, and the provisions of sub-section (B)(1)(B) will apply, mutatis mutandis.

Deliveries of notification

33. Notification will be furnished to the head of NEMA by the emergency director in the emergency body regarding the taking of actions in accordance with sections 31(C) and 32(B)(3).

Appointment of a director in a local authority

34. (A) If the Minister of the Interior finds that a local authority is failing to meet in a state of emergency in the civil sector an obligation or function imposed on it in accordance with this Law or in accordance with any law, he is entitled to demand that the local authority meet the obligation or execute the function by such date as he shall determine.

(B) If the local authority fails to meet the demand, the Minister of the Interior is entitled, after consultation with the head of NEMA and after granting the head of the authority an opportunity to make his claims:

(1) To appoint a person to act in the place of the head of the authority in a state of emergency (in this section – the director); if a person is appointed as stated, he will be granted all the authorities of the head of the local authority in accordance with any law, unless otherwise determined by the Minister of the Interior.

(2) To charge another local authority with executing the demand; if a local authority has been charged with

executing a demand as stated, it, the head of the authority and other functionaries therein will be granted all the authorities by law required for the purpose of executing the said demand, unless otherwise determined by the Minister of the Interior.

- (3) Notification of the appointment of a director or the imposition of functions and obligations on another local authority as stated will be published on the website of NEMA and the Ministry of the Interior.
- (4) The appointment of a director and the imposition of a function or obligation on another local authority will be for such period as determined by the Minister of the Interior.

(C) The director's salary will be paid by the state and collected from the local authority for whose management he was appointed.

(D) If a function or obligation has been imposed on another local authority, the expenses of execution will be borne by the local authority whose functions or obligations were executed by the other local authority.

(E) If the Minister of the Interior finds that circumstances pertain preventing consultation with the head of NEMA or the granting of the right to make claims to the head of the local authority, he will be entitled to instruct as stated in sub-section (B)(1) or (B)(2) without consultation or right of hearing as stated, provided that the right of hearing will be granted not later than seven days after the date of the decision.

(F) The provisions of this section do not derogate from the authorities of the Minister of the Interior or the District Head in the Ministry of the Interior in accordance with any law.

Functions of a local authority in a state of emergency

35. (A) In a state of emergency in the civil sector, a local authority will act to ensure the coordination operations of all the emergency bodies active in its area, in order to ensure proper attention to the civilian population and the regular supply of vital products and services; as part thereof, it will contact the appointed minister for the purpose of granting instructions to an emergency body and to any other body or authority within its realm of responsibility that operate in the area of the local authority.
- (B) In addition to its functions as stipulated in section 31 of this Law, and without derogating from the content of sub-section (A), a local authority will be required in a state of emergency in the civil sector to act to ensure all the following:
- (1) The supply of vital products and services for whose

- (2) supply it is responsible in accordance with any law;
- (2) Coordination with the emergency bodies of the supply of vital products and services to the residents of the authority;
- (3) The intake of an evacuated population and the provision of basic municipal services to an evacuating population in accordance with the National Master Plan;
- (5) The provision of information to the population regarding changes in the supply of products and services;
- (6) The provision of assistance to other local authorities in providing a response to the state of emergency, in accordance with the provisions of section 233A of the Municipalities Ordinance [Revised];
- (7) Assistance to the emergency bodies operating in the authority's area.

(C) A local authority will collate and forward to NEMA a picture of the state of the vital administration in its area.

Applicability to water and sewage corporations

36. The provisions of section 35 will apply to a water and sewage corporation established in accordance with the Water and Sewage Corporations Law, 5761-2001 (in this Law – the Water and Sewage Corporations Law), mutatis mutandis, except that in place of “Minister of the Interior” it shall read “director of the Government Water and Sewage Authority.”

Applicability to other bodies and emergency suppliers

37. (A) The authority granted to the Minister of the Interior in section 35 will be granted to any appointed minister regarding the responsible bodies and emergency suppliers under the responsibility of the appointed body, mutatis mutandis, except that in place of “Minister of the Interior” it shall read “the appointed minister,” and in place of “a local authority” it shall read “a responsible body and an emergency body in its realm of responsibility.”
- (B) The appointed minister will exercise his authority in accordance with sub-section (A) solely with the Minister's approval.

NEMA's functions in a state of emergency

38. (A) Without derogating from the provisions of section 46 below, NEMA's functions in a state of emergency in the civil sector will be:
- (A) To formulate a picture of the home front and present this to the Minister and the government;
 - (B) To coordinate informational activities for the public and the provision of information for the public regarding services provided for the population;
 - (C) To coordinate the necessary operations for the intake of international aid;
 - (D) To make recommendations to the Supreme

Committee for Emergency Readiness (hereinafter “SCER”) on the following issues:

- (1) The response to developing states of emergency;
- (2) The need to initiate use of strategic stock;
- (E) To monitor the implementation of the Minister’s decisions;
- (F) To perform any function imposed on it by the Minister.

**National
Operation
Center**

- 39. (A) If a state of emergency in the civil sector has been declared, the head of NEMA is entitled to activate and direct a National Operation Center (in this Law – Operation Center) that will help perform NEMA’s functions in a state of emergency in the civil sector.
- (B) The Operating Center will operate on an ongoing basis through the end of the state of emergency in the civil sector, or until the Minister’s decision on the cessation of its operation, whichever is the earlier.
- (C) The head of NEMA will determine the emergency bodies whose representatives will participate in the Operation Center.
- (D) The head of NEMA will determine the working arrangements at the Operation Center and is entitled to instruct emergency bodies regarding whom he has not determined as stated in sub-section (C) above to appoint a representative to the Operation Center, and to exempt a representative of an emergency body from attendance.

Chapter Four: Ministerial Committee

**Ministerial
Committee**

- 40. (A) The government is entitled to appoint a Ministerial Committee that will act on its behalf in any matter relating to emergency preparedness, with the exception of regarding the declaration of a state of emergency in the civil sector.
- (B) The Prime Minister will serve as the chairperson of the committee, and its members will include the Minister, who will serve as the Prime Minister’s deputy in his absence, the Minister of Finance, the Minister of Energy and Water, the Minister for Internal Security, the Minister of Health, the Minister for the Environment, the Minister of Education, the Minister of Economy, the Minister of the Interior, the Minister of Welfare and Social Services, the Minister of Transport and Road Safety, and the Minister of Communications.

Chapter Five: National Emergency Authority

Establishment of

- 41. The National Emergency Authority is hereby established in the

NEMA

Ministry of Defense, to serve as a national headquarters for preparing the home front for an emergency.

Appointment of the head of NEMA

42. (A) The head of NEMA will be appointed by the government in accordance with the Minister's proposal.
- (B) The appointment of the head of NEMA will not be subject to the obligation of tender in accordance with section 19 of the Civil Service Law (Appointments), 5719-1959 (hereinafter – "the Civil Service Law (Appointments).")
- (C) The period of office of the head of NEMA will be five years. The government is entitled to extend his office by one additional period of five years.
- (D) The salary and conditions of employment the head of NEMA will be the same as the salary and conditions of employment of a director-general of a ministry.
- (E) The government will determine the positions in NEMA that will be exempt from the obligation of tender, appointment to which will be by the Minister, after consultation with the head of NEMA.

Conditions of office

43. (A) A person meeting all the following is competent to be appointed head of NEMA:
- (1) The person is a citizen of Israel;
 - (2) The person holds a recognized academic degree from an institution for higher education recognized in accordance with section 9 of the Council for Higher Education Law, 5718-1958;
 - (3) The person has expertise and experience in realms relating to emergency preparedness.
- (B) A person to whom any of the following apply will not be appointed head of NEMA:
- (1) The person was convicted of an offense which, due to its character, severity, or circumstances means that he cannot perform his function, and ten years have not yet passed since his conviction;
 - (2) The person was declared bankrupt in accordance with the Bankruptcy Ordinance [Revised], 5760-1980, and has not yet been absolved.
- (C) The government will decide on the location proceedings for candidates to serve as head of NEMA.

Cessation of office

44. (A) The head of NEMA will cease to serve in his function prior to the end of the period of office if one of the following pertains:
- (1) The head resigned by delivering a letter of resignation to the Minister;
 - (2) The head was convicted of an offense which, due to

its character, severity, or circumstances means that he cannot perform his function as head of NEMA;

- (3) He is prevented permanently, or for a period exceeding six months, from performing his function, and the government has decided, in accordance with the Minister's recommendation, to remove him from his position;
- (4) The government has decided, in accordance with the Minister's recommendation, that he is not performing his function properly.

- (B) The government will decide on the removal of the head of NEMA from his position as stated in sub-sections (A)(3) and (A)(4) only after obtaining the opinion of the Attorney General.

NEMA budget

- 45. NEMA's operations will be funded from the state budget; NEMA's budget will be established in a separate budget item in the annual budget law.

NEMA's functions and authorities

- 46. (A) NEMA will act to promote the emergency preparedness of the emergency bodies, emergency suppliers, and the vital administration; serve as a professional guide in the realm of emergency preparedness; act in a state of emergency in the civil sector in order to assist the Minister, the emergency bodies, and the emergency suppliers; and perform any function imposed on it in accordance with this Law or in accordance with a government decision.
- (B) Without derogating from the content of sub-section (A), NEMA will perform all the following:
 - (1) Prepare and present to the government for approval, through the Minister, the aggregate reference threat and the aggregate reference scenario;
 - (2) Approve the ministerial reference scenarios, after these are presented to the SEEC in accordance with section 49(A)(1) and approve the service levels of the appointed bodies in accordance with the service levels established in the National Master Plan;
 - (3) Prepare the National Master Plan and present it to the government for approval;
 - (4) Prepare an annual report on the emergency preparedness of the appointed bodies and additional bodies, to be presented to the government in accordance with section 6;
 - (5) Guide the emergency bodies in all matters relating to preparedness and emergency;
 - (6) Establish criteria for the preparation of emergency bodies for the different reference scenarios;
 - (7) Establish rules and criteria concerning the holding of strategic stock by the emergency bodies and emergency suppliers, and maintain control of the

- levels of the strategic stock;
- (8) Hold emergency preparedness drills (in this Law – “emergency drills”) and order their holding by the emergency bodies;
 - (9) Determine rules concerning the training and accreditation of functionaries in the realm of emergency preparedness and response;
 - (10) Hold training programs for functionaries involved in emergency preparedness;
 - (11) Coordinate information for the public in the field of emergency preparedness;
 - (12) Initiate and coordinate research and development actions in the field of emergency preparedness, and coordinate information in this field;
 - (13) Promote cooperation with international bodies and organizations for the purpose of emergency preparedness and for the mutual provision of assistance in states of emergency; NEMA will be entitled to participate in activities outside Israel relating to emergency preparedness or the management of states of emergency;
 - (14) Control and monitor the implementation of the National Master Plan and the work plans of the appointed bodies; NEMA is entitled to hold audits in any emergency body and emergency supplier.
- (C)
- (1) The head of NEMA will establish guidelines (hereinafter – “the NEMA guidelines”) for the preparation of work plans of the emergency bodies, and is entitled to establish guidelines concerning the furnishing of information, the holding of emergency drills, the manner of coordination of the plans, and the functioning of emergency bodies and emergency suppliers, the holding of audits in vital enterprises in accordance with any law, and additional matters as determined in the regulations.
 - (2) The emergency bodies and emergency suppliers will act in accordance with the NEMA guidelines.
 - (3) The NEMA guidelines will not require publication in the Official Records and will be published on NEMA’s website, unless the Minister has established that the publication of the instructions is liable to endanger state security or the public wellbeing.
 - (4) The NEMA guidelines require the Minister’s approval.

Chapter Six: Supreme Committee for Emergency Readiness

- Establishment of the SCER** 47. (A) A Supreme Committee for Emergency Readiness (in this chapter – “the Committee”) will be established with the function of ensuring the coordinated operations of the

emergency bodies in emergency preparedness and in a state of emergency.

- (B) The Minister will serve as the head of the Committee and the head of NEMA will serve as his standing deputy.
- (C) The Committee will convene at least twice a year, and in a state of emergency it will convene as determined by the Minister.
- (D) The Committee's working procedures will be determined by the Minister in the regulations. The head of NEMA will be entitled to establish additional working arrangements on any matter not determined in the regulations.

Composition of the Committee

48. The following are the members of the Committee:
- (A) The head of NEMA;
 - (B) The director-generals of the government ministries that are appointed bodies;
 - (C) The head of the National Security Council or his deputy for Domestic and Home Front Security;
 - (D) A police officer with a rank of deputy commissioner to be appointed by the general commissioner;
 - (E) A senior representative of the Israel Defense Forces to be appointed by the chief-of-staff;
 - (F) The heads of the Civil Defense Service;
 - (G) The Comptroller General in the Ministry of Finance;
 - (H) The head of Budgets in the Ministry of Finance;
 - (I) The Inspector of Banks;
 - (J) Two heads of local authorities to be appointed by the Minister of the Interior;
 - (K) Additional members from among the emergency bodies in accordance with the Minister's decision.

Committee's functions and authorities

49. (A) For the purpose of performing its function, the Committee will undertake all the following actions, among others:
- (1) Discuss the proposed aggregate reference scenario before it is brought for the government's approval and the ministerial reference scenarios;
 - (2) Discuss the proposed National Master Plan before it is brought for the government's approval;
 - (3) Discuss the lessons drawn from the emergency drills;
 - (4) Discuss the emergency preparedness of the home front, inter alia with reference to the discussions and decisions of the District Committee for Emergency Readiness;
 - (5) Monitor the implementation of the National Master Plan;
 - (6) Discuss the outcomes of audits undertaken in the

- emergency bodies;
- (7) Discuss the report of the head of NEMA in accordance with section 13(E);
 - (8) Recommend to the Minister ways to improve the emergency preparedness of the home front, with reference, inter alia, to the outcomes of the audits and emergency drills undertaken;
 - (9) Make recommendations to the Minister regarding the addition or removal of emergency bodies in accordance with section 9(C);
 - (10) Discuss the reports submitted to the Committee by the District Committee for Emergency Readiness, established in accordance with section 50, at least twice a year, and guide them as required.
- (B) In a state of emergency in the civil sector, the Committee will perform all the following:
- (1) Act to ensure the coordinated operations of the responsible bodies.
 - (2) Make recommendations to the Minister concerning the priorities for the allocation of national sources; the Committee is entitled to make recommendations to the Minister and to the appointed ministers concerning the use of the strategic sticks in accordance with sections 31(C) and 32(B)(1)(A).
 - (3) Bring before the Minister the recommendations of the head of NEMA, presented to it in accordance with section 38(D).
- (C) The Committee will perform any other function imposed on it by the government or the Minister.
- (D) The Committee will be entitled to summons representatives of the emergency bodies; if an emergency body receives a summons as stated, it will act in accordance therewith.
- District Committee for Emergency Readiness 50. (A) In each district, a District Committee for Emergency Readiness will be established (hereinafter – DCER), with the following composition:
- (1) The district director of NEMA will serve as the chairperson of the DCER;
 - (2) The members of the DCER shall be:
 - (A) The district directors of the government ministries in the area of the district, to be appointed by the director-generals of the ministries;
 - (B) Representatives of government ministries that are appointed bodies and do not have permanent representatives in the district;
 - (C) Representatives of the Israel Police;

- (D) The district commander of the Civil Defense Service;
 - (E) A representative of the Israel Defense Forces.
- (3) The chairperson of the Committee will be entitled to invite to the DCER's discussions representatives of other bodies, and when a representative as stated is invited, he will be obliged to attend.
- (B) The DCER will convene at least four times a year.
- DCER's functions**
51. (A) The DCER will attend to all the following:
- (1) The work plans of emergency bodies relating to the district;
 - (2) Coordination between the emergency bodies and their operations in the area of the district;
 - (3) Monitoring the implementation of the work plans in the emergency bodies in the area of the district;
 - (4) Coordination of audits and drills in the local authorities in the district;
 - (5) Drawing lessons from the drills held and ways to implement these;
 - (6) Additional issues brought before the Committee by the SCER and the chairperson of the DCER;
 - (7) Discussion of the reports submitted to it by the local committees in its area, at least twice a year, and guidance thereof insofar as required.
- (B) The minutes of the discussions and the decisions will be forwarded to NEMA, to the local preparation committees, and to additional bodies as determined by the chairperson of the DCER.
- (C) In a state of emergency in the civil sector the DCER will operate in accordance with the instructions of the SCER for the purpose of performing its tasks in accordance with any law.
- Local Committee for Emergency Readiness**
52. (A) The Local Committee for Emergency Readiness will act to promote preparedness for the states of emergency in the local authority, in accordance with the National Master Plan and in accordance with the provisions of any law.
- (B) The Local Committee for Emergency Readiness will convene at least four times a year; the minutes of the discussions and the committee's decisions will be forwarded to the DCER and to additional responsible bodies as determined by the chairperson of the committee.
- Chapter Seven: Penalties**
- Penalties**
53. (A) A person who contravenes an instruction granted by the Minister or by the appointed minister in accordance with sections 4(E), 22(C), 24, and 25(E) will be liable to six

months' imprisonment.

- (B) A person who violates instructions of the Minister or of an appointed minister in a state of emergency in the civil sector will be liable to two years' imprisonment.

Liability of a corporation 54. If an offense has been committed in accordance with section 53 by a corporation, any person who, at the time of the commission of the offense, was a director, executive director, partner (excepting limited partner), or senior employee responsible for that area will also be prosecuted for the offense, unless he has proved that the offense was committed without his knowledge, and that he took all reasonable means to ensure the observance of this Law.

Liability of an employer and an authorized person 55. If an offense has been committed in accordance with this Law by an employee in the course of his employment with his employer, or by an authorized person acting in the domain of his functions, his employer or authorized shall also be accused of the offense, unless he has proved that the offense was committed without his knowledge, and that he took all reasonable means to ensure the observance of this Law.

Chapter Eight – Sundry Provisions

Applicability in the Area 56. (A) In this section –
“Area” – Judea and Samaria, excluding the areas of the Palestinian Council;

(B) For the purposes of this Law, a responsible body in the Area will be tantamount to a responsible body in Israel.

Execution 57. (A) The Minister will be responsible for the execution of this Law and is entitled to enact regulations for the execution of its provisions.

(B) Without derogating from the content of sub-section (A), the Minister is entitled to enact regulations on the following matters:

- (1) The means of declaration of an emergency supplier and the payment of compensation to an emergency supplier that incurred expenses in connection with a declaration;
- (2) The preparation of a work plan in emergency bodies;
- (3) The holding of strategic stock by emergency bodies and emergency suppliers, including the manner of supply of stock in an emergency;
- (4) The capacity and accreditation of the emergency directors;
- (5) Rules concerning the continuous functioning of the emergency bodies and emergency suppliers;
- (6) The submission of a report on the implementation of the work plan.

State law 58. The provisions of this Law shall apply to the state.

- Preservation of laws** 59. This Law does not derogate from the provisions of any law, but adds thereto.
- Transitional provisions** 60. (A) NEMA will prepare the aggregate reference scenario within 6 months from the date of enactment of this Law.
- (B) Notwithstanding the content of this Law, pending the appointment of a person responsible for preparation for emergency in the emergency bodies, the following will serve as emergency directors:
- (1) In a ministry – the director-general of the ministry or the head of the authority, as the case may be;
 - (2) In a local authority – the executive director, and in the absence of an executive director – secretary;
 - (3) In a rescue body – the head of the body;
 - (4) In any other responsible body – the executive director.
- (C) Pending the enactment of regulations in accordance with section 10(A), the appointment of an emergency director in an emergency body will not be conditioned on accreditation by NEMA; the head of NEMA will be entitled to establish in the guidelines provisions concerning the training obligation of the emergency director.
- Delegation of an authority and appeal** 61. (A) The Minister will be entitled to delegate his authorities in accordance with sections 4(E), 13, and 25 to the head of NEMA,
- (B) If the Minister delegates an authority as stated in sub-section (A), then in sub-section 13(D), instead of “will notify the appointed minister and the government thereof,” it will read “will notify the Minister, the appointed minister, and the government thereof.”
- (C) Notwithstanding the provisions of this Law, if an authority of the Minister is delegated in accordance with this section, any person who considers himself to have been injured by the decision of the head of NEMA may appeal against his decision to the Minister.
- Legislative amendments** 62. (A) In the Municipalities Ordinance [Revised], in section 149A(A), the words “Local Emergency Administration Committee” will be deleted, and in their place it will read: “Local Committee for Emergency Readiness.” The title of the section will be deleted, and in its place it will read: “Local Committee for Emergency Readiness.”
- (B) In the Local Councils Ordinance [Revised], after section 13F, will come:
- | | | |
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| “Applicability of provisions – State of emergency in | 13(G) | The provisions of sections 149A and 248A of the Municipalities Ordinance will apply, mutatis |
|--|-------|--|

the civil sector

mutandis, to a local council.”

First Addendum

A ministry, as defined in section 2;

The Public Services Authority – Electricity, established in the Electricity Economy Law, 5746-1986;

The Government Water and Sewage Authority, established in the Water Law, 5719-1959;

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Second Addendum

A local authority;

The rescue bodies;

The Israel Electric Company Ltd.;

Water and sewage corporations, as understood in the Water and Sewage Corporations Law, 5761-2001;

The Israel Airports Authority, established in accordance with the Israel Airports Authority Law, 5737-1977;

Israel Railways Ltd.;

Netivei Israel - National Transport Infrastructure Company Ltd.;

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