**Draft of Regulations**

1. **Name of Proposed Regulations**

Protection of Public Health Regulations (Food) (Food that is an Intoxicating Beverage) 5780-2019

1. **Purpose of Proposed Regulations and the Need Thereof**

The purpose of these regulations is to regulate the production, importation and inspection procedures for intoxicating beverages pursuant to the power given to Israel’s Minister of Health under the Protection of Public Health Law (Food), 5776-2015 (hereinafter – Law). Until now, the importing and marketing procedures for intoxicating beverages in Israel were enforced by Israel’s Ministry of Economy and Industry, due to the power given to it by Director General’s Provision 2.5 “Import of Intoxicating Beverages”, the provisions of the Free Import Order, 5774-2014 and the Standards Law, 5713-1953. With regard to production, the responsibility for the granting of a production license fell on the Ministry of Health under the Services and Products Supervision Order (Food Trade, its Production and Sales), 5721-1960, where the supervision is done from the aspect of the sanitation of the plant.

When the law was passed, it was decided to transfer the powers presently given to the Minister of Economy and Industry to the Minister of Health in a manner that will ensure the safety and compliance of the imported beverages as well as public confidence in those dealing in the production, import and marketing of these beverages

1. **Below is the text of the proposed draft regulations:**

**Draft Regulations of the Ministry of Health:**

**Draft of the Protection of Public Health Regulations (Food) (Food that is an Intoxicating Beverage) 5780-2019**

Under the powers pursuant to Articles 3, 19(A), 49, 54(B), 57, 116(1)-(4),(6),(8),(9), 170(C) and 312 of the Protection of Public Health Law (Food) 5776-2015[[1]](#footnote-1) (hereinafter – Law), in consultation with the Minister of Economy pursuant to Articles 54(B), 57 and 116, and with the approval of the Labor, Welfare and Health Committee of the Knesset pursuant to Articles 3, 49, 170(C)(1) as well as pursuant to Article 2(B) of the Penal Code, 5737-1977[[2]](#footnote-2), I am implementing these Regulations:

**Chapter A: General**

Definitions 1. In these regulations –

“Pre-approval of the importation of food that is an intoxicating beverage”, “pre-approval of importation” – approval under Regulation 10 for the importation of food that is an intoxicating beverage given to a registered importer;

“Approval of a shipment of food that is an intoxicating beverage”, “approval of transport” – verification given by an approved laboratory for testing food that is an intoxicating beverage under Regulation 23(D);

“Confirmation of compliance with the requirements of the Food Service Administration”, “compliance confirmation” – online confirmation given on the basis of a confirmation of a shipment of food that is an intoxicating beverage, under Regulation 23;

“Procedure instructions” – Food Service Procedure Instructions Number 0640711 of 10 Adar A 5771 (14 February 2011) ‘prior to manufacturer license’ published on the website of the Ministry of Health, which under Article 321(D) of the Law are seen as listed in the regulations under Paragraph (1) of the “food legislation” definition;

“Recommendation of the Ministry of Agriculture” – a written recommendation given by the Ministry of Agriculture and Rural Development up to the date these regulations began to a winery or to a winery in the area, according to which there is a feasibility of receiving a building permit;

“Direct importation of an intoxicating beverage”, “direct importation” – the importation of food that is an intoxicating beverage by an importer who has a connection with the producer of the beverage, whether direct or via a supplier who has a direct connection with the producer of the beverage;

“Winery in the arrangement” – a place in which wine is produced, the area of which does not exceed 500 sq.m. and the producer of which holds a recommendation from the Ministry of Agriculture but which does not have a production license;

“Food Service Administration” – the National Food Service Administration or anyone authorized by it;

“Laboratory approved for testing food that is an intoxicating beverage” – a laboratory to which the Food Service Administration has given approval for the testing of a food that is an intoxicating beverage under Regulation 3 and is authorized to issue a test certificate and delivery certification under Regulation 35;

“Unique and quality intoxicating beverage” – food that is an intoxicating beverage which meets one of the criteria detailed in the First Annex;

“Test certificate of an intoxicating beverage”, “test certificate” – a test certificate from a laboratory approved for the testing of food that is an intoxicating beverage as required in Regulation 10(A)(2) in order to receive pre-approval for the importing of food that is an intoxicating beverage;

2. The provisions of the Law will apply to the production and marketing of food that is an intoxicating beverage, including Chapters 10 and 11 therein, with the changes and under the terms and conditions detailed in these Regulations.

Application with changes of the provisions of the Law

Application with changes of the provisions of the Law in the matter of production – temporary provisions

Restriction to the obligation of a production license

**Chapter B – Application with Changes of the Provisions of Chapter C of the Law in the Matter of the Production of Food that Is an Intoxicating Beverage**

3. For a period of one year from the starting date of these Regulations (hereinafter – Starting Date) the provisions of Chapter C of the Law will apply in the matter of the production of food that is an intoxicating beverage, subject to the provisions detailed in Regulations 4 and 5.

4. (A) For a period of six months from the Starting Date –

 (1) Despite what is stated in Article 21 of the Law, a person may produce food that is an intoxicating beverage without holding a valid production license for the food production site, on condition that the production site is a winery in the arrangement;

 (2) Despite what is stated in Article 126 of the Law, a marketer may receive food that is an intoxicating beverage from a winery in the arrangement without its holding a valid production license;

 (3) Article 127 of the Law in the matter of the production of food that is an intoxicating beverage will not apply.

 (B) From the period between the end of the six months from the Starting Date until the end of one year from the Starting Date –

 (1) Despite what is stated in Article 21 of the Law, a person may produce food that is an intoxicating beverage without holding a valid production license for the site of the food production, on condition that the production site is a winery in the arrangement and the producer possesses a confirmation of the filing of an application to receive a production license for an intoxicating beverage as stated in Regulation 5.

 (2) In the matter of Articles 126 and 127 of the Law, the confirmation mentioned in Regulation 5 will be seen as a valid production license in the matter of food that is an intoxicating beverage.

Confirmation of the filing of an application to receive a production license

5. Confirmation of the filing of an application to receive a production license will be given to an applicant if all of the following exist:

 (A) The applicant has filed an application to receive a production license under the provisions of the procedure; the application to receive a license as stated will be filed no later than three months from the Starting Date; the Administration may extend said period for an additional period of two months.

 (B) In addition to what is stated in the provisions of the procedure, a recommendation from the Ministry of Agriculture will be attached to the application.

 (C) The application will be submitted to the person giving the production license in the district health bureau within the jurisdiction in which the winery in the arrangement is located.

**Chapter C – Application with Changes of the Provisions of Chapter D of the Law in the Matter of the Importation of Food that Is an Intoxicating Beverage**

6. (A) The provisions of Chapter D of the Law in the matter of the importation of food that is an intoxicating beverage will apply with the changes and under the terms and conditions stated in this chapter.

Application with changes of the provisions of the Law in the matter of importation

 (B) In the matter of Chapter D of the Law, food that is an intoxicating beverage will not be deemed ordinary food, with regard to it the provisions of Chapter D of the Law regarding ordinary food will not apply to it, and instead the provisions of these regulations will apply.

**Paragraph A: Obligations of an Importer of Food that is an Intoxicating Beverage**

Importation of food that is an intoxicating beverage

7. A person will not import food that is an intoxicating beverage unless –

 (1) He holds a pre-import certificate for food that is an intoxicating beverage under Regulation 10, and he has fulfilled the requirements detailed in the pre-importing certificate;

 (2) He is importing the food pursuant to the provisions in the matter of an intoxicating beverage in this chapter.

**Paragraph B: Pre-Import Certificate for Food that Is an Intoxicating Beverage**

Pre-import certificate for food that is an intoxicating beverage

Non-application of Sections 64 to 66 of the Law

8. The provisions of Paragraph C of Chapter D of the Law will apply in the matter of food that is an intoxicating beverage with changes and under the terms and conditions stated in this paragraph, and said food will be deemed in the matter of this paragraph as ordinary food.

9. (A) Despite what is stated in Regulation 8, Articles 64, 65 and 66 of the Law, will not apply to food that is an intoxicating beverage, and instead, Regulations 10, 11 and 12 respectively will apply.

 (B) In the matter of the importation of food that is an intoxicating beverage, the filing of an application under Regulation 10 will be seen as the filing of an application under Article 64 of the Law, and the documents and details required under Regulation 10(A)(2) will be seen as the documents and details required under Article 64(A)(2) of the Law.

Terms and conditions for receiving a pre-import certificate for food that is an intoxicating beverage

10. (A) A pre-import certificate for food that is an intoxicating beverage will be given by the person providing the certificate, as defined in Article 63 of the Law, to an applicant who has fulfilled all of the following:

 (1) He is a registered importer, unless he is exempt under Article 57 of the Law;

 (2) He has delivered the test certificate he received from an approved laboratory for the testing of food that is an intoxicating beverage and all the documents and details stated in Regulation 36(B) or (C) and if it is a unique and quality intoxicating beverage, the documents required under Regulation 13(A), as applicable;

 (3) Despite what is stated in Paragraph (2), an importer who imports samples of food that is an intoxicating beverage not intended for commercial purposes is exempt from submitting a test certificate, on condition of:

 (a) A sale account detailing the type of beverages, on condition that the quantity of the samples in the shipment does not exceed 15 kg;

 (b) An undertaking by the importer regarding non-use of the samples for a commercial purpose.

 (B) A pre-import certificate will not be given to an importer, and such a certificate will not be renewed, for food that does not comply with the requirements pursuant to the food legislation.

Obligation to report a change in the documents

11. If a change has occurred in any of the documents or details delivered by the importer under Regulation 10(A)(2), the importer will report the change in writing to the person granting the certificate as soon as possible, and no later than seven work days.

Determination of professional obligations in a pre-import certificate for an importer of food that is an intoxicating beverage

12. The person granting the certificate may order the importer in the pre-import certificate that the shipment of food that is an intoxicating beverage be tested in an approved laboratory for testing of food that is an intoxicating beverage in Israel upon its arrival at the quarantine station, with the types of tests detailed in the certificate, and that an organoleptic test be executed, and he is also authorized to determine additional professional instructions required, inter alia, taking note of the arrangements customary in developed countries in the food sector; in this matter, “organoleptic test” – a test of odor, appearance, texture and taste”.

Terms and conditions for receiving a pre-import certificate for food that is a unique and quality intoxicating beverage

13. (A) The provisions of Regulation 10(A)(2) will not apply to the importation of food that is a unique and quality intoxicating beverage on condition that the applicant has filed the documents below and that the terms and conditions in Sub-Regulation (B) exist:

(1) A specification from the producer and the results of the test executed by the producer on the beverage;

(2) A sale account which details the types of beverages and their price and quantity, subject to what is stated in Sub-Regulation (B);

(3) A certificate from the producer showing that the intoxicating beverage complies with one of the criteria detailed in the First Annex.

 (B) The quantity of the beverage does not exceed 90 liters, and in the matter of a unique and quality intoxicating beverage of the whiskey type imported in oak barrels – the quantity does not exceed 10 barrels with a capacity of 250 liters.

**Paragraph C: Confirmation of Compliance for the Release of Food that Is an Intoxicating Beverage from Customs Supervision**

Non-applicability of Paragraph E of Chapter D of the Law and determination of alternative provisions

14. Paragraph E of Chapter D of the Law will not apply to food that is an intoxicating beverage, and instead of it, the provisions in this paragraph will apply in the matter of release of food that is an intoxicating beverage; however, Article 83 of the Law will apply in the matter of food that is an intoxicating beverage with the changes detailed in Regulations 18 and 19.

Prohibition of release of a shipment of food that is an intoxicating beverage from a port without a quarantine station

15. (A) A shipment of food that is an intoxicating beverage will not be released at a port which does not contain a quarantine station.

 (B) Details of a list of ports containing a quarantine station will be published at the website.

Compliance certificate for release of food that is an intoxicating beverage from supervision of the Customs Authority

16. An importer will not remove a shipment of food that is an intoxicating beverage from the quarantine station unless he has received a certificate of compliance with the requirements of the Food Service Authority.

Prohibition of giving a compliance certificate for food that is an intoxicating beverage which does not comply with the requirements of the food legislation

17. A compliance certificate will not be given for food that is an intoxicating beverage which does not comply with the requirements under the food legislation.

Application for receipt of a compliance certificate

18. The provisions of Article 83 of the Law regarding sensitive food will apply in the matter of food that is an intoxicating beverage; however in any case, instead of a “release certificate” it will be called a “confirmation of compliance certificate”.

Application for receipt of a compliance certificate – temporary provisions

19. In addition to what is stated in Regulation 18, during a period of five years from the Starting Date of these regulations, Article 83 of the Law in the matter of food that is an intoxicating beverage will be read with this change: at the beginning, the words “and no sooner than the working day prior to the day on which the food shipment arrived in Israel” – will not be read.

20. An application to receive a compliance certificate for food that is an intoxicating beverage will include the following details and documents:

Details of the application for receipt of a compliance certificate

(1) Details of the registered importer certificate of the importer submitting the application;

(2) Details of the food shipment, including details of the shipment account, the port of arrival and the means of transportation in which the shipment is arriving; in importing which is not direct importing – a list of all the batches present in the shipment;

(3) A pre-import certificate for an intoxicating beverage in the shipment and the name of the laboratory which issued the test certificate, pursuant to Regulation 10(A)(2).

Giving the compliance certificate for the intoxicating beverage

21. A compliance certificate for an intoxicating beverage shipment will be given online, and no later than two work days after the submission of the application under Article 83 of the Law with the changes detailed in Regulations 18 and 19, except –

(1) With regard to a shipment of food that is an intoxicating beverage requiring a test under Regulation 12 or under Regulation 22, as appropriate;

(2) During a period in which the online system is not active or working, the certificate will be given as soon as possible;

(3) If the shipment does not comply with the requirements for granting the confirmation of compliance, as detailed in Regulation 17.

Initiated test of food that is an intoxicating beverage as a condition for granting the compliance certificate

22. As a condition for the granting of a compliance certificate, the Food Service Administration is authorized to order an initiated test of a shipment of food that is an intoxicating beverage, as stated in Article 86(B)(1) of the Law or to announce, in a notice published on the website, a special initiated test of the type of food as stated in Article 86(B)(2) of the Law, as appropriate.

Test of an intoxicating beverage shipment by a recognized laboratory as a condition for receipt of a compliance certificate

23. (A) An intoxicating beverage shipment, in all or in part, will be tested by an approved laboratory for testing food that is an intoxicating beverage as detailed in this regulation, as a condition for the granting of a compliance certificate.

(B) The recognized laboratory will examine the suitability of the documents attached to the application for receipt of a compliance certificate under Regulation 20 for a pre-import certificate for an intoxicating beverage in the shipment, subject to Sub-Regulation (C).

(C) If a test under Regulation 12 or an initiated test under Regulation 22 is required, the laboratory will execute the tests as detailed below:

(1) A test of the identity and verification of the beverage in the shipment against the information provided in the documents submitted by the importer under Regulation 20;

(2) Sampling of the beverage in the shipment for the purpose of conducting laboratory tests pursuant to the provisions of Regulation 36(A);

(3) With regard to an intoxicating beverage in importing which is not direct importing – in addition to what is stated in Paragraphs (1) and (2), an examination of the marking of details of the batch of the beverage on the container label or other prominent location on the container will be executed; in a shipment containing more than one batch, one sample will be taken from each batch, and no more than three samples from all the batches for the type of intoxicating beverage;

(4) The types of tests will be determined with regard to the type of intoxicating beverage in the shipment as detailed in the Second Annex.

(D) If the recognized laboratory has found that the terms as stated in Sub-Regulation (B) have been complied with, the tests done under Sub-Regulation (C), if they need to be done, are correct, and the shipment complies with the requirements of the food legislation, a certificate for the shipment will be transmitted to the Administration; the certificate will include the details stated in Regulation 37(2);

(E) If the laboratory has found that the beverage in the shipment does not comply with the requirements of Sub-Regulation (D), it will immediately notify this online to the Food Service Administration.

A delay in granting of compliance certificate due to the need to execute tests

24. A compliance certificate will not be given if the Food Service Administration has ordered a test under Regulation 12 or 22, and said test has not yet been executed; however, the Food Service Administration may order the execution of the test after the granting of a compliance certificate and subject to the terms to be determined in the compliance certificate, including in the matter of the execution of the test.

A delay in the granting of a compliance certificate for food the importing of which is prohibited under another law

25. If the Food Service Administration has seen that an application has been filed to receive a compliance certificate with regard to food that is an intoxicating beverage and a suspicion has arisen that this is food the importing of which is prohibited under legislation which is not pursuant to the food legislation, it will notify the customs collector, as this is defined in the Customs Ordinance, immediately upon being informed of this, without delay, and he may, in exceptional cases, delay the handling of the application until the confirmation of the customs collector that the person responsible for the enactment regarding the matter has agreed to this.

Granting of a compliance certificate on the condition that the requirements will be completed prior to the removal of the food that is an intoxicating beverage from the warehouse

26. (A) An importer may complete the demands of the provisions regarding the suitability of the marking and the documents for food that is an intoxicating beverage, pursuant to Article 15 of the Law, prior to its removal from the warehouse registered in his registered importer certificate, unless otherwise determined in the pre-import certificate or in a compliance certificate regarding the requirements of the Food Service Administration.

 (B) Nothing in this regulation derogates from the obligation of the importer to comply with marking requirements which are not under the food legislation.

Powers of the Food Service Administration to grant a compliance certificate for food that is an intoxicating beverage which does not comply with certain requirements

27. Despite what is stated in Regulation 17, the Food Service Administration may give a compliance certificate to a shipment of food that is an intoxicating beverage even if it does not comply with the requirements under the food legislation in the matter of marking or packaging if the breaches are misspellings or misprintings or negligible, are not connected with substantial characteristics of the food, its identification or the identity of the producer of the food, and they do not endanger public health or create a suspicion of a significant deception of the consumer, and the correction of the breach imposes a significant burden on the importer, and he is authorized to determine terms and conditions in said confirmation.

Powers of the Food Service Administration regarding food containing a defect

28. If a confirmation of compliance has not been given to food that is an intoxicating beverage due to a failure to comply with the requirements stated in Regulation 17, these provisions will apply:

 (1) If the Food Service Administration has found that the defect in the intoxicating beverage is not substantial and can be corrected to its satisfaction in a manner which will not endanger public health or the safety of the intoxicating beverage, it will order the granting of a compliance certificate on condition that in the certificate, it establishes terms and conditions which ensure the correction of the defect in said manner, including a requirement to have the intoxicating beverage undergo a test after the correction, prior to the removal of the shipment from the warehouse.

 (2) If the Food Service Administration has found that the defect in the intoxicating beverage is substantial or it cannot be corrected, it may permit the shipment to be returned to the port of origin or to have it sent to another destination outside Israel, at the choice of the importer, in accordance with the terms and conditions it determines; nothing stated derogates from the authority to order its destruction pursuant to law.

Guarantee of compliance with conditions or requirements

29. The conditions for ensuring the completion of the requirements as stated in Regulation 24, 26(A), 27 and the conditions to ensure the correction of the defect as stated in Regulation 28(1) may include, inter alia, a demand for giving a guarantee of compliance with the requirements determined and compliance with the conditions.

**Paragraph D: Registration of an Importer**

Application with changes of Paragraph G of Chapter D of the Law

30. Paragraph G of Chapter D of the Law will apply to food that is an intoxicating beverage with the following changes:

 (1) Despite what is stated in Article 102 of the Law, the registry for intoxicating beverage importers will be in a separate section;

 (2) An application for the registration of an importer in the registry of intoxicating beverage importers will include, in addition to what is stated in Article 103(B) of the Law, the manner of the contractual connection of the importer with an approved laboratory for testing food that is an intoxicating beverage which includes the address of the laboratory, the person responsible for it and his contact information.

**Chapter D – Application with Changes of the Provisions of Chapter G of the Law in the Matter of a Producer, an Importer and Marketer of Food that Is an Intoxicating Beverage**

**Paragraph A: Prevention of Danger to Public Health from Food**

Application with changes of Paragraph C of Chapter G of the Law

31. The provisions of Paragraph C of Chapter G of the Law will apply in the matter of food that is an intoxicating beverage with this change: the provisions of Article 167(E) of the Law will apply as well when the food for which a destruction order must be given is an intoxicating beverage.

**Paragraph B: Miscellaneous Provisions in the Matter of a Producer, an Importer and a Marketer**

Application with changes of Paragraph D of Chapter G of the Law

32. The provisions of Paragraph D of Chapter G will apply in the matter of a producer, importer and marketer of food that is an intoxicating beverage with the changes and under the conditions stated in this paragraph and with this change: in every place, instead of “approved laboratory”, the following will be read: “an approved laboratory for testing food that is an intoxicating beverage”.

Non-application of Article 170(A) of the Law

33. Section 170(A) of the Law will not apply in the matter of food that is an intoxicating beverage, and in its place, Regulation 34 will apply.

Recognition of a laboratory as an approved laboratory for testing food that is an intoxicating beverage

34. The Food Service Administration may recognize an approved laboratory as this is defined in Articles 12(A)(1) and 12(A)(2) of the Standards Law, 5713-1953[[3]](#footnote-3) as an approved laboratory for testing an intoxicating beverage and will give it a certificate of approval in the form appearing in the Third Annex.

Modes of action of an approved laboratory and its obligations

35. (A) The approved laboratory for testing food that is an intoxicating beverage will act pursuant to the provisions of these regulations, in accordance with the terms and conditions stated in the certificate of approval and will issue this approval or certificate:

 (1) A test certificate for an intoxicating beverage, as required in Regulation 10(A)(2) for receipt of a pre-import certificate for food that is an intoxicating beverage;

 (2) A delivery certification for an intoxicating beverage, as required in Regulation 23(D) for receipt of a compliance certificate.

(B) The approved laboratory will not use a power involved in the use of discretion given to the Food Service Administration under law.

(C) The approved laboratory will not execute a test of food that is an intoxicating beverage for the purpose of giving a delivery certification unless a test certificate has been given to that intoxicating beverage for the purpose of receiving a pre-import certificate.

(D) The approved laboratory will provide the Food Service Administration with an annual report on the activity of the approved laboratory in giving test certificates and delivery certifications; the report will be delivered online to the communications systems and the computerized data of the national food service by means of a certified electronic certificate no later than 31 January of the year following the year of the report.

Delivery of samples and documents for receipt of a test certificate

36. (A) An importer who applies to receive a test certificate with regard to an intoxicating beverage will deliver samples of the intoxicating beverage to the laboratory in their original packaging as intended for marketing to consumers, as detailed below:

(1) For a beverage with a volume of up to 330 ml – 4 units;

(2) For a beverage with a volume between 330 and 500 ml – 2 units;

(3) For a beverage with a volume in excess of 500 ml – one unit.

 (B) An importer who imports an intoxicating beverage by direct importation will attach to the samples as stated in Sub-Regulation (A) an importer registration certificate and produce documents containing the following details:

 (1) A laboratory test carried out by the producer of the intoxicating beverage;

 (2) A specification from the producer containing details of the name of the beverage, the composition of the beverage including an indication of the percentage of alcohol, the types of food supplements used in the production of the beverage and their international identification numbers, including colors and preservatives of all kinds and their quantities;

 (3) A description of the production process;

 (4) Original labels in the original language and the Hebrew version of the labels;

 (5) A document indicating the direct connection between the importer and the producer of the intoxicating beverage or by means of whose supplier there is a direct connection with the producer, as appropriate;

 (6) For a beverage of the wine type – details will also be given of the growing region and the composition of the varieties of grapes used in the production of the wine; if on the label the name of a particular growing region appears, the importer will produce a certificate of origin proving the production of the wine under the aforementioned conditions;

 (7) For beverages of the whiskey, brandy, tequila, cognac, ouzo and fruit distillate types – a declaration of the producer will be attached as well detailing the starting ingredients, including the aging period;

 (8) For unique and quality intoxicating beverages – a bill of sale will be attached which details the type of intoxicating beverage being imported and its price.

 (C) An importer who imports an intoxicating beverage by indirect importation will attach to the samples mentioned in Sub-Regulation (A) an importer registration certificate and the following documents:

 (1) An original label of the intoxicating beverage as marked by the producer as well as the Hebrew version of the label which is identical to the version of the label of the intoxicating beverage imported by an importer who imports the beverage by direct importation;

 (2) A document from the supplier from whom he purchased the intoxicating beverage which includes full details regarding the supplier and the producer, the full address, telephone number and any additional identifying detail in his possession; documents written in a foreign language will be submitted in a translation into Hebrew or English which has been certified by a notary;

 (3) In the matter of a beverage of the wine type – the details listed in Sub-Regulation B(6).

Details of test certificate and delivery certification

37. A test certificate or delivery certification will be given to an applicant from an approved laboratory and will include the details listed below:

 (1) In the matter of a test certificate –

 (A) The name of the test applicant, his address, date of delivery of the samples and a mark to identify the beverage;

 (B) The name of the beverage, its composition, the name of the producer of the beverage, the supplier;

 (C) The findings of the test carried out by the laboratory including details of permitted deviations according to the standard applying to the beverage in accordance with what is detailed in the Fourth Annex;

 (D) In the matter of food that is an intoxicating beverage regarding which the last date for its use is shown – the laboratory will indicate whether its expiration date has passed or is about to pass within six months from the date of completion of the test; with regard to beer brought in barrels – the laboratory will indicate whether the expiration date is about to be reached within three months of the date of completion of the test;

 (E) In importation which is not direct importation of food that is an intoxicating beverage, the laboratory will indicate the findings of the comparison executed between the original beverage and the beverage imported by the importer by indirect importation;

(2) In the matter of a delivery certification –

 (A) The details listed in Paragraph (1)(A) as well as a detail of quantities of the intoxicating beverage in the shipment and an indication of customs details appropriate to it;

 (B) Findings of the tests in accordance with what is detailed in the Second Annex;

 (C) Compliance of the shipment with the terms and conditions in Regulation 23;

Non-application of Article 172(C) of the Law

Cancellation, limitation or suspension of approval

38. Article 172(C) of the Law will not apply in the matter of an approved laboratory for testing food that is an intoxicating beverage, and in its place, Regulation 39 will apply.

39. (A) The Food Service Administration may cancel approval of an approved laboratory for testing food that is an intoxicating beverage, to limit it or to suspend it, if it has found that one of the following exists, and after it has been given the opportunity to make its contentions:

 (1) The approved laboratory is not fulfilling or has ceased to fulfill the obligations imposed on it, in all or in part, under Regulation 35;

 (2) The approved laboratory has prevented the entry of a supervisor or has disturbed the activity of the supervisor in using his powers under the Law;

(B) If the Food Service Administration has cancelled approval, as stated in Sub-Regulation (A), a notice to this effect will be published on the website.

Cancellation, delay or suspension of a test certificate or delivery certification

40. (A) The Food Service Administration may cancel a test certificate or delivery certification given by an approved laboratory, delay their being given or suspend them conditionally until the conclusion of its examination or until the conditions it fixed have been complied with, after the importer has been given the opportunity to make his contentions, if it has found that one of the following exists:

(1) The certificate or certification was given on the basis of false, partial, incorrect or misleading information, and if the correct and complete information had been in its possession when giving the certificate or certification, it would not have given the certificate or certification;

 (2) A suspicion has arisen with regard to the reliability of the certificate or certification, including due to a breach of the provisions of the Law or food legislation by the importer who received the certificate or certification.

(B) Despite what is stated in Sub-Regulation (A), if the Food Service Administration believes that there is an urgent necessity to cancel a certificate or certification, to delay its being given or to suspend it conditionally due to a suspicion of immediate harm to the completeness, health or safety of the public, it may cancel, delay or suspend the certificate or the certification even without having given the importer an opportunity to make his contentions, on condition that it gives him such a possibility as soon as possible after giving the order, and no later than 14 business days from the date said order was given.

 (C) If the Food Service Administration has decided on the cancellation of a compliance certificate, its suspension or its stipulation under this regulation, it will notify the Customs Authority of the cancellation, suspension or stipulation.

**Chapter F: General Provisions**

Prohibition on importing food for which incorrect details have been delivered

41. A person will not import food regarding which he has delivered incorrect details in the documents submitted under Regulations 10(A)(2), 13, 20, 30(2) or 36(B) or (C).

Application

Temporary provisions

42. These regulations will be applicable \_\_\_ days from the date of their publication.

43. (A) An importer who was registered in the Importer Registry of the Ministry of Economy and Industry just prior to the start of these regulations who possesses a pre-import certificate will be deemed a registered importer in the matter of these regulations for a period of six months from the starting date of the regulations, and he may file an application to receive a compliance certificate under Regulations 18 and 19.

 (B) If an importer possesses a pre-import certificate, the certificate will continue to be valid until the date stated therein, and said certificate will be deemed the pre-import certificate for an intoxicating beverage required when filing an application to receive a compliance certificate under Regulation 20(3).

 (C) In the matter of this regulation, a “pre-import certificate” is a certificate given to an importer pursuant to the orders of the General Manager of the Ministry of Economy and Industry – “General Manager Order 2.5 – Import of Intoxicating Beverages” as was customary just prior to the commencement of these regulations.

**First Annex**

**(Regulation 1)**

**Unique and Quality Intoxicating Beverage**

A unique and quality intoxicating beverage is a beverage which meets one of the following criteria:

1. Wine marked with the words “Protected Geographical Indicators (PGI)”, which testifies to its production in a specific geographical location;
2. Wine marked with the words “Protected Designation of Origin (PDO)”, which defines the quality and unique characteristics as a result of a natural and human environmental influence.
3. An intoxicating beverage aged for at least 12 years, including whiskey, cognac and rum;
4. Whiskey imported in oak barrels the price of which is no less than 1,000 Euros or an equivalent price in another currency in the country of production;
5. An intoxicating beverage the purchase price of a 750 ml bottle of which is not less than 15 Euros or an equivalent price in another currency in the country of production;

**Second Annex**

**(Regulations 23(C)(4) and 37(2)(B))**

**List of Tests Executed in an Approved Laboratory for Testing Food that Is an Intoxicating Beverage as a Condition for Giving a Shipment Confirmation**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Type of Test with Regard to the Type of Intoxicating Beverage Tested** | **Beer****IS 407** | **Wine****IS 1318** | **Liqueurs****IS 1572** | **Other Intoxicating Beverages with Low Alcohol Less than 15%** | **Other Intoxicating Beverages****IS 1572** | **Ethyl Alcohol****IS 309** |
| Test of ethyl alcohol level | + | + | + | + | + | + |
| Test of SO2 level | + | + |  |  |  |  |
| Test of Methanol level and volatility profile |  |  | + |  | + | + |

\* “+” – types of test to be executed according to type of beverage.

**Third Annex**

**(Regulation 34)**

**Certificate of Approval of a Laboratory as an Approved Laboratory for Testing an Intoxicating Beverage**

1. I approve the laboratory: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as an approved laboratory for testing an intoxicating beverage.

2. Validity of the approval until: ………………………..

3. Conditions of the approval:

* The laboratory is an approved laboratory pursuant to Articles 12(A)(1) and (2) of the Standards Law;
* An approved laboratory for testing food that is an intoxicating beverage will act pursuant to the provisions of the regulations;
* The certificate of approval is not transferable to anyone else in any manner whatsoever;
* This certificate is valid for the laboratory at the address detailed above.

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of manager: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Fourth Annex**

**(Regulation 37(1)(C))**

**List of Tests Being Executed in the Recognized Laboratory as a Condition for Granting a Test Certificate**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Type of Test with Regard to the Type of Intoxicating Beverage Tested** | **Beer****IS 407** | **Wine****IS 1318** | **Liqueurs****IS 1572** | **Other Intoxicating Beverages with Low Alcohol Less than 15%** | **Other Intoxicating Beverages****IS 1572** | **Ethyl Alcohol****IS 309** |
| Ethyl alcohol  | + | + | + | + | + | + |
| SO2  | + | + |  |  |  |  |
| Methanol  |  |  | + |  |  | + |
| Volatile acidity |  | + |  |  |  |  |
| Citric acid |  | + |  |  |  |  |
| Sugars |  |  | + |  |  |  |
| Sorbic acid |  | + |  |  |  |  |
| If declared, preservatives (benzoate-sorbate) |  |  |  | + |  |  |
| Methanol and volatile substance profile |  |  | + |  | + | + |
| Labeling including IS1145 | + | + | + | + | + |  |
| Heavy metals (arsenic and lead) | + |  |  |  |  |  |
| General requirements typical flavoring | + | + | + | + | + |  |

\* “+” – types of tests to be executed according to the type of beverage.

Hebrew date: \_\_\_\_\_\_\_\_ 5780 Gregorian date: \_\_\_\_\_\_\_\_\_\_\_ 20\_\_

 (3-\_\_5898\_\_חמ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [signature]

 Minister of Health

1. Law Book 5776, p. 90 [↑](#footnote-ref-1)
2. Law Book 5737, p. 226 [↑](#footnote-ref-2)
3. Law Book 5713, p. 30. [↑](#footnote-ref-3)