

Syrian Arab Republic
Ministry of Agriculture and Agrarian Reform

Order NO. 12/T

The Minister of Agriculture and Agrarian Reform,

In accordance with law No. 1 for 1985,
In accordance with the provisions of Legislative Decree
No. 30 for 1964, and, in particular, Article 24 thereof,

In accordance with the provisions of Order No. 64/T for
1987 defining the Directorates of Central Administration,

In accordance with the provisions of Order No. 79/T, dated
3.8.1987, defining the duties of the Department of Fish
Resources, the Directorate of Animal Production,

On a proposal by the Directorate of Animal Production, the
Department of Fish Resources,

On the strength of the two reports signed by the representatives
of the appropriate Ministries on 22.5.1989 and 4.11.1990
respectively, and

In the exigencies of public interest

orders as follows:

Article 1:

The Ministry of Agriculture and Agrarian Reform shall, without prejudice to the Law of Local Administration, the Regulations passed for the implementation of the said Law and any amendments thereto, grant licenses for the construction and installation of private, cooperative and mixed fish farms of such descriptions as shown hereunder upon such procedures and conditions as set out for each of such farms.

First: Conventional Farm:

a) Definition:

An earth or a cement pond or battery of ponds constructed and installed on land with a fresh water supply for the production of aquatic faunae and florae in inland water.

b) **Licensing Conditions:**

- 1) The site on which the farm is intended to be constructed and installed shall be at a radial distance of 1000 meters from the boundaries of the endorsed master plan and boundaries of construction expansion or the belt of city planning of the seats of Muhafazats (Provinces), 500 meters from the boundaries of towns, 100 meters from the boundaries of municipalities and villages or such local units that may replace them.
- 2) There shall be available a water source into which neither untreated human nor industrial wastes that emit toxic or petroleum residues shall flow for a minimum distance of 2 kms. from the water supply point of the farm in stagnant water, or for a distance of 2 kms. before the supply point in running water. Otherwise, there shall be sought from the Directorate of Health in the Muhafazat an approval to be given with reference to the nature of the pollutants and the volume of pollution in proportion to the volume of the water catchment.
- 3) There shall be available an appropriate water flow with a minimum estimate of:
 - * 2 lit/s/hectare of flooded area of the earth farm in flooded and marshy land and of cement farm;
 - * 2 lit/s/hectare of flooded area of the earth farm in other type of land.

The maximum shall be estimated at 1 lit/s/cubic meter of the volume of water in pond.

- 4) The main drainage of the farm shall be at a distance of not less than 1 km. from the intake of another existing fish farm with a water supply from the same drainage canal except with the approval of the proprietor of the existing farm. The person applying for license shall undertake to discontinue rearing in case of any damage to the production of the existing farm or to find any other means for drainage.
- 5) water intake of the farm intended to be constructed and installed shall be at a distance of not less than 1 km. from the main drainage of an existing fish farm except if the person applying for license undertakes not to claim any loss or damage that may be caused by the drainage of the existing farm.

The dimension in this clause and the preceding clause shall represent the distance along the water streams between the two determined points, irrespective of the radial distance. The distance in both shall be reduced to one half as regard such farms with water supply and drainage to a water stream permanently running with a flow not less than 5 m³/sec.

- 6) The drainage of the water of the farm shall not cause either the pollution of drinking water or damage to neighboring farms.

- 7) The construction and installation of the farm shall not necessitate the falling down of the existing trees.

C) Licensing Procedure:

1) The person applying for license shall submit to the Directorate of Agriculture and Agrarian Reform in the Muhafazat an application to which he shall attach the following:

- * A real estate record transcript to show the ownership of the real estate on which the farm is intended to be constructed and installed or the link such as a final court judgment confirming the ownership of the real estate, a usufruct certificate from the Department of Agrarian Reform, a duly certified lease or partnership agreement, an approval from both the Ministry of Irrigation and the Ministry of Tourism for the construction and installation of the farm on such lands expropriated by the said two Ministries, or an approval from the Ministry of Agriculture and Agrarian Reform for the construction and installation of the farm on State somains.
- * An approval from the Ministry of Irrigation to allocate to the farm such a quantity of water as required from the water source as specified in the application estimated in litter/second.

The valid license to install a pumping system shall be considered as an approval referred to above within the limits of the quantities allowed to be pumped.

2) A joint technical committee composed of representatives of:

- * The Directorate of Agriculture and Agrarian Reform in the Muhafazat;
- * The Directorate of technical Services in the Muhafazat;
- * The Union of Farmers in the Muhafazat.

Shall conduct a preliminary physical inspection to verify the satisfaction of the administrative and technical conditions as are provided for in clause (b) -First- of Article 1 and shall draw up a report in form G/KM1.

3) The preliminary approval for the construction and installation of the farm shall be granted in form G/MM1.

Second - Floating farm:

A) Definition:

A floating farm is one or more than one floating construction carrying ropes and supports or a net pocket hanging in water for rearing sea aquatic and inland water aquatic faunae and florae. The floating farms are classified into two categories, namely:

- 1) A protected farm: small floaters put in protected bays or in small water flats or in a water stream.
- 2) A free: Large floaters or flexible floaters resistant to waves and winds serviceable in open water (large lakes and seas).

B) Licensing Conditions:

1) Protected Floating Farms:

- * There shall be available a water flat protected from strong winds and waves in which the depth of water is at least 2 meters greater than that of the light cages (boxes) or there shall be available a water stream with a maximum speed of 40 cm/sec in which the depth of water is 1 meter greater than that of the cages (boxes) provided that the presence of cages (boxes) shall not impede the running of water.
- * The proposed site shall be at a radial distance not less than 2 kms. from the nearest industrial source of pollution that emits toxic or petroleum residues before the site of the cages (boxes) on the water stream. Otherwise, there shall be sought from the Directorate of Health in the Muhafazat an approval to be given with reference to the nature of the pollutants and the volume of pollution in proportion to the volume of the water catchment.
- * The farm shall be at a distance of 1 km. from the nearest licensed floating farm except where there is a head extending from land to separate completely the two farms.
- * There shall be observed and complied with such conditions as may be added by the Ministry of Irrigation or its deputy in the Muhafazats as regard the farms that are constructed and installed in the reservoirs of dams provided that they shall not be allocated for drinking water compatibly with site data for the safety of the constructions thereon.

2) Free Floating Farms:

- * There shall be observed and complied with such conditions as may be determined by the Ministry, the Department of Fish Resources, on the strength of the technical study of the farm and in the light of the joint inspection conducted along with the appropriate authorities.
- * There shall be observed and complied with such conditions as may be added by the Ministry of Irrigation or its deputy in the Muhafazats as regard the free floating farms in inland water or as may be added by the Command of the Naval Force and the General Directorate of Seaports as regard the floating farms in sea.

C) Licensing Procedure:

1) The person applying for license shall submit an application along with a technical and economic feasibility study of the farm to show the construction drawings and the proposed sites of such constructions.

2) The application with its enclosures shall be referred to the Ministry of Agriculture and Agrarian Reform, the Department of Fish Resources, for study and proposal of such amendments as may be deemed necessary in the light of the physical inspection by a committee to include representatives of:

- * The appropriate department in the Ministry;
- * The Directorate of the Basin Irrigation in the Muhafazat as regard floating farms in inland water or the command of Naval Force and the General Directorate of Seaports as regard sea floating farms;
- * The Directorate of Technical Services in the Muhafazat;
- * The Administrative of Municipal Unit;
- * The Union of Farmers in the Muhafazat.

An inspection report shall be drawn up in form KM2 as regard inland water farms and in form KM3 as regard sea farms.

3) The preliminary approval for the construction and installation of the farm on the site that satisfies the conditions in form MM2.

4) Such measures as may be necessary shall be taken to let to the person applying for license such a water space as may be necessary with the surrounding area.

5) Such measures as may be necessary shall be taken to let to the person applying for license the land as may be required for the erection of the constructions appurtenant to the farm thereon if and when necessary .

Third- Coastal Farm:

a) Definition:

A coastal farm is a farm constructed and installed on land by shore with sea supply for the production of sea fishes as well as fresh water and sea water fishes.

b) Licensing Conditions:

- * The farm shall be exempt from the master plan boundaries distance conditions provided that this shall not be detrimental to the residential compounds as the joint inspection committee may deem appropriate provided that this distance shall not exceed one half of such a distance as prescribed for conventional farms.
- * There shall be observed and complied with such technical conditions as determined by the appropriate department in the Ministry jointly with the General Directorate of Seaports on the strength of the technical study of the farm.

c) Licensing Procedure:

1) The person applying for license shall submit an application to the Directorate of Agriculture and Agrarian Reform to which there shall be attached:

- * A title deed or the like in accordance with the provisions of article 1 of this order.
- * A technical study of the farm to show the construction drawings, the sites of such constructions, the different equipment of the farm, the species of aquatic faunae and flora intended to be produced and the production capacity of the farm.

2) The application with its enclosures shall be referred to the Ministry of Agriculture and Agrarian Reform, the Department of Fish Resources, for study and such amendments as may be seemed necessary in the light of physical inspection by representatives of the following:

- * The appropriate department in the Ministry;
- * The General Directorate of Seaports;
- * The Command of Naval Force;
- * The Directorate of technical Services;
- * The Union of Farmers in the Muhafazat;
- * The Administrative or Municipal Unit concerned.

3) The preliminary approval shall be given in form MM2.

Fourth - Covert Farm:

a) Definition:

A covert farm is a covert space for breeding fish in high density in ponds or cylinders and the drainage of which may be re-used in whole or in part after purification in a closed or a semi-closed circuit. A covert farm is either a coastal farm or an inland water farm.

b) Licensing Condition:

- 1) The covert farm shall be exempt from the residential compounds distance condition.
- 2) Without prejudice to Clause (1) the inland water covert farm shall be governed by such conditions as prescribed for the convential farm and the coastal covert farm shall be governed by such conditions as may be determined by the Ministry on the strength of the technical study of the farm.

c) Licensing Procedure:

The same procedure as prescribed for the coastal farm shall apply. A pumping license or an approval from the Ministry of Irrigation shall be obtained for the inland water covert farm. An inspection report shall be drawn up in form KM1 for the inland water farm and in form KM2 for the coastal farm. The preliminary approval for the construction and installation of the farm shall be given in form MM2.

Fifth - Sea Farm:

a) Definition:

A sea farm is a farm constructed and installed by the shore in the sea to encompass a part of sea surface bottom or both for the production of sea aquatic faunae and flora.

b) Licensing Conditions:

- 1) The farm shall be at a minimum distance of 2 kms. from the drainage of industrial facilities that emit untreated toxic or petroleum residues and of 400 meters from the domestic sanitary sewage provided that this distance may be extended to reach 2 kms. in the light of the discharge of the sewage system and its germ load.
- 2) The farm shall not impede the sailing and anchoring of vessels and boats on coast.

3) There shall be observed and complied with such other conditions as may be determined by the General Directorate of Seaports for safe and free sea operations.

4) There shall be observed and complied with such conditions as may be added by the Command of Naval Force.

C) Licensing Procedure:

The same procedure as prescribed for the floating farm shall apply. An inspection report shall be drawn up in form KM3 attached and the preliminary approval shall be given in form MM2 attached.

Article 2:

The building licensing authority in the Muhafazats, districts and sub-districts shall issue the building license for the erection of the constructions for fish farms, if and when necessary, on the strength of the joint preliminary inspection that satisfies the conditions in such annexed forms.

Article 3:

The Directorates of Agriculture and Agrarian Reform in the Myhafazats shall give the preliminary approval for the construction and installation of the conventional farm and the Department of Fish Resources in the Ministry shall give the preliminary approval for the construction and installation of floating farms, coastal farms, covert farms and sea farms on the strength of the supporting documents as set out in Article 1 and of the preliminary inspection that satisfies the conditions.

Article 4:

The person applying for license shall be issued on the strength of the building license to be accompanied by the preliminary approval a quota of the different building materials by OMRAN Establishment in such quantities to meet the requirements as indicated on the building drawings.

LICENSE

Article 5:

The license shall be given by the Ministry of Agriculture and Agrarian Reform, the Directorate of Animal Production, the Department of Fish Resources, upon the completion of the constructions in accordance with the prescribed technical conditions, if and when the following documents are on record in the license file:

- 1) The supporting documents prescribed for the issue of the preliminary approval.
- 2) The preliminary approval which shall be valid
- 3) A partnership contract entered into by the persons who benefit from the final license duly approved and certified by the appropriate responsible authorities if and when there is a partnership.
- 4) A lease to enter into the water space as regard strictly floating farms and sea farms.
- 5) An undertaking to arrange for a technical supervision in the attached form, if and when required by the provisions of article 9 of this order, endorsed by the Directorate of Agriculture in the Muhafazat as regard conventional farms and by the Assistant minister as regard other farms.
- 6) A final inspection report drawn up by the authority granting the preliminary approval jointly with the appropriate authorities participating in the preliminary inspection to show in such forms made for this purpose:
 - a) That the farm satisfies the administrative and technical conditions;
 - b) That the farm is situated within the boundaries of the real estate or site allocated therefor in the final inspection.
 - c) That the farm satisfies the prescribed technical specifications and meets the anticipated production capacity.

Article 6:

The Directorate of Agriculture in the Muhafazats shall have the powers to grant licenses for production of fishes in water tanks for plants irrigation constructed and installed on wells, irrespective of the administrative and technical conditions of the site, on the strength of a final inspection conducted by the Directorate of Agriculture and Agrarian Reform in the Muhafazat upon an application accompanied by a real estate record transcript or the like in accordance with article 1 of this order provided that the tank holding capacity shall be for not more than 0.25 (quarter) dunum (Inspection from KN4 and License form KhS4).

PRODUCTION CAPACITY

Article 7:

The anticipated production capacity shall be determined in the final license of the fish farm in the light of water rationing, flooded area, technical data as shown in the final inspection report and additional equipment that would augment production. The production capacity shall be calculated as follows:

First- Conventional Farms:

a) Carp, Meshet (Comb-like) and Warm Water Fish in General Farms:

- 1) Water flow shall be calculated by liter/second for unit of area: hectare
- 2) Production per hectare shall be estimated, depending on water flow as calculated in (1), shall be estimated as follows:
 - * Minimum production: 5 tons per water flow as set in article 1, first, B, for 3 hectares
 - * Production: 0.75 ton per liter in excess of above limit up to 10 lit/s/hectare
 - * Production: 0.50 ton per liter in excess of above limit up to 20 lit/s/hectare
 - * Production: 0.35 ton per liter in excess of above limit up to 50 lit/s/hectare
 - * Production: 0.20 ton per liter in excess of above limit up to 120 lit/s/hectare
 - * Production: 0.15 per liter in excess of 120 lit/s/hectare.
- 3) If and when means of ventilation are available and used: air injectors, water mixing turbines, sprinklers, etc. the production capacity per hectare or 4.50% per mechanical HP/hectare, ventilation motor HP.
- 4) The production capacity of the farm shall be calculated in the light of production estimate per unit of area as in 1,2 and 3 of this Clause and the flooded area of the farm.
- 5) If and when the pond drainage is re-used in an open rotating system, the production capacity of the farm would be raised by 20%. The excess in water flow by reason of the re-introduction of drainage into the main water supply would not in this case be taken in the calculation of the production capacity of the farm.

b) Trout Farms:

Irrespective of area, the production capacity per 1 liter/sec. shall be estimated at 85 kgs. provided that there shall be a minimum pond water volume of 1 cubic meter per 1 liter/sec.

Second- Inland Water Floating Farms:

a) The useful volume of boxes shall be calculated as follows:

Net length x net width x depth of submerged net x $\frac{85}{100}$ x number of boxes.

b) Production per cubic meter of useful volume shall be estimated:

1) For boxes in small lakes and reservoirs of dams at 40 kgs.

2) For boxes in waters of running rivers at 60 kgs.

c) The production capacity of a floating farm shall be calculated on the basis of the useful volume of the boxes and production per cubic meter.

Third- Irrigation Water Tanks:

The production capacity of coastal farms, sea floating farms, sea farms and covert farms shall be left for the Department of Fish Resources in the Ministry to estimate with reference to the technical study of the farm.

Article 8:

The appropriate directorate in the Ministry shall have the powers to propose the modification of the criteria for the calculation of the production capacity of farms in the light of actual production as taken from the records of fish farms after the lapse of at least two full production seasons as from the date of the coming into force of this order.

TECHNICAL SUPERVISION

Article 9:

Fish farms shall be subject to technical supervision in the following cases:

First: - A farm specialized in production of fingerlings with a production capacity of one half or more than one half of fingerlings.

Second- A farm specialized in fattening fishes with a production capacity of more than 2.50 tons.

Third- A farm with a flooded area over 5 dunums

Fourth- All sorts of covert, irrespective of their production capacity.

Article 10:

A technical supervisor shall hold any of the following qualifications:

- A high degree in pisciculture.
- A diploma in animal production, apart from a practical training period or service in the field of fish culture for a minimum period of 6 weeks.
- A university degree or an intermediate institute certificate, major: animal production, apart from a practical training period or service in the field of fish culture for a minimum period of 3 months.
- A university degree or an intermediate institute certificate, general department, apart from a practical training period or service in fish culture for a minimum period of 6 months.
- A secondary agricultural certificate of education, apart from a practical training period or service in the field of fish culture for a minimum period of one full year.

Article 11:

A supervisor shall submit a certificate of his qualifications to serve as a supervisor as hereunder as the case may be:

- 1) A certified copy of the academic qualifications;
- 2) A training certificate issued by the Directorate of Training in the Ministry of Agriculture and Agrarian Reform or by its directorates in the Muhafazats;
- 3) A certificate of service in the field of fish culture issued by the body with whom he served.

Article 12:

There shall be exempted from the technical supervision clause the license issued in the name of an agricultural technician who satisfies the qualifications of a technical supervisor.

DUTIES OF SUPERVISOR

Article 13:

The technical supervisor shall assume the following duties under the pain of the cancellation of his supervision:

- 1) To exercise actual field supervision of the operations for the transportation, cultivation, hatching, care, marketing and wintering of fishes in the farm.
- 2) To prepare the records of the farms in such forms as made by the Ministry for this purpose.
- 3) To refer a copy of the records of the farm together with a report on the farm general position and his proposals for its development to the Ministry at the end of each season through the Directorate of Agriculture and Agrarian Reform.

GENERAL PROPOSITIONS

Article 14:

A floating farm shall not be allowed to be transferred from one site to another except with a prior approval from the appropriate directorate in the Ministry on the strength of a physical inspection to establish that the new site satisfies the conditions and the final license shall be amended to be compatible with the new data.

Article 15:

The final license of a floating farm in natural and artificial lakes shall be strictly valid for a period of 4 years as from the date of its issue or as from the date of its amendment under article 14 of this order. Within the term of the lease made for this purpose, the lease may be renewed on the same site for further periods after the lapse of an obligatory rest period of one full year. A technical inspection shall be definitely conducted before the renewal of the license.

Article 16:

The appropriate directorate in the Ministry shall have the powers to suspend the issue of licenses to floating farms or to renew the rest period for a further period of one year in a given water site, if and when the said directorate finds that the load of the said

site has reached a limit that is not allowed to pass on a proposal with reasons by the Department of Fish Resources with approval by the Minister.

Article 17:

The preliminary approval shall be considered automatically canceled after the lapse of 2 months as from the date of its issue as regard conventional farms or the lapse of 24 months as regard other farms if the holder of the approval has failed to complete the execution of the constructions necessary to commence production provided that he shall definitely commence execution within 9 months as from the date of obtaining the preliminary approval.

Article 18:

The farms of cows, sheep, poultry and other non-aquatic agricultural animals shall be exempt from fish farms distance condition and the orders governing the construction and installation of the farms of these animals shall be automatically considered amended to be consistent with the provisions of this article.

Article 19:

Fish breeders shall be allowed to breed ducks and geese on fish ponds or to construct and install enclosures for poultry above such ponds in so far as this is not contrary to the orders governing the breeding of poultry in the country.

Article 20:

Any new expansion of the licenses farms shall be governed by the same conditions as set out in this order. The Directorates of Agriculture in the Muhafazats shall have the powers to give approvals for expansion if and when all licensing conditions are satisfied. A final license of the new capacity shall be given after completion of expansion.

Article 21:

Licenses shall be given to cooperatives, organizations and clubs for the construction and installation of fish farms upon the same conditions provided that this shall not be contrary to their very nature.

Article 22:

A license shall not be allowed to be divided among the partners. Further a license shall not be allowed to be given a member who has withdrawn from a cooperative unless the emerging farms satisfy all such governing conditions as set out in this order.

Article 23:

The license of a fish farm may be transferred from one operator to another by sale, inheritance or assignment provided that this shall be consistent with the conditions of ownership as set out in article 1 of this order on condition that the first licensee shall obtain a release of liability from the Branch of the Agricultural Bank in the district. The amendment of the final license shall be issued in the name of the new owner.

Article 24:

The import of fingerlings and fertilized eggs or nets shall be allowed only with prior approval from the Ministry of Agriculture and Agrarian Reform provided that the person applying for import shall have obtained a preliminary approval or license or shall be a member of a cooperative specialized in fish culture. Approval for import may be given to proprietors of offices licensed to import according to the Syria's needs.

Article 25:

A licensed or a non-licensed shall be suspended from production or shall be closed down pending the cessation of the reason in the following cases by an order from the Minister of Agriculture and Agrarian Reform:

- 1) If the farm is used for purposes other than the purposes for which it has been constructed and installed;
- 2) If the farm is found to be a source of harm to health or a disease to others. The said cases referred to above shall be determined on the strength of an inspection conducted by a standing technical committee set up to this purpose by the Ministry of Agriculture and Agrarian Reform as follows:

- * The Director of Animal Production or his deputy;
- * The Director of Animal Health or his deputy;
- * The Director of Agriculture and Agrarian Reform in the Muhafazat or his deputy;
- * President of the Union of Farmers in the Muhafazat;
- * A representative from the Directorate of Health in the Muhafazat.

The committee shall have the powers to seek the assistance of those the committee may deem necessary.

- 3) If technical supervision has been interrupted for a period of 3 months on a proposal by the Directorate of Animal Production.

Article 26:

The preliminary approval and license shall be canceled by the Ministry of Agriculture and Agrarian Reform in any of the following cases:

- 1) If the proprietor of the farms violates any of the clauses or provisions of this order;
- 2) If the proprietor of the fish farm joins the membership of a cooperative specialized in fish production when his affiliation entails the expansion of the license of the cooperative;
- 3) If he deliberately acts to prejudice of the projects of the public sector, cooperative sector, mixed sector and private sector;
- 4) If he suspends operation for a period of not less two consecutive years or three consecutive years intermittently unless such interruption is attributable to force majeure or by reason of instructions issued by the public authorities concerned.

Article 27:

If there is a water shortage in general or a water shortage in a given water pond, a proportional reduction in the areas stocked with fishes in a certain season may be made provided that the order in this respect shall be definitely prior to the stocking season within such a time by the end of March at the latest each year and this shall be made in coordination between the Ministry of Agriculture and the Ministry of Irrigation.

Article 28:

The preliminary approval or final license issued by the Ministry of Agriculture shall not exempt the holder from his obligations and responsibilities towards other state official authorities.

Article 29:

The licenses granted under the provisions of this order shall be considered licenses to exercise the profession of fish culture and shall not give the holders the right to property in the land on which the farms are constructed and installed or the right to pump underground water.

Article 30:

The provisions of article 29/T for 1982 apply as regard the conduct of inspection as are provided for in this order.

Article 31:

The personnel of the Department of Fish Resources in the Ministry and its departments in the Muhafazats shall have the right to enter into any farm to inspect the running of work, to give advice and technical directions, and to control records.

TRANSITORY PROVISIONS

Article 32:

All fish farms preliminary licensed and actually operated prior to the coming into force of this order shall be considered to be statutory and shall be finally licensed on the strength of their preliminary licenses and final inspections to establish their present conditions. Applications for this purpose shall be submitted within a maximum period of one year as from the date of the coming into force of this order. Any formality received after the lapse of this time limit shall be handled and considered in accordance with the provisions of this order.

Article 33:

The existing and operated fish farms without a license at the date of the coming into force of this order shall be exempt from certain licensing conditions provided that this shall not be contrary to the state policy in the field of agriculture, irrigation and drinking water. This shall be left for the appropriate public authorities to determine as the case may be.

Article 34:

All legal provisions and orders contrary to this order shall be repeated.

Article 35:

The forms annexed to this order shall be considered as an integral part thereof and shall not be amended except by an order.

Article 36:

This order shall be published and notified to whom so ever necessary. This order shall come into force as from its date.

Damascus, 3.6.1991
Reform

Minister of Agriculture and Agrarian

Mohammad Ghabbash