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***Deliverable T1.3.1.***

***Common Guidelines for aquaculture entrepreneurs in Greece, Romania,  
Turkey and Ukraine***

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## 1. INTRODUCTION

Aquaculture is increasingly contributing to the world's production of aquatic food, given that, in the case of most wild fish stocks; the limits of sustainable exploitation are now almost reached or even exceeded. In the EU, aquaculture is an important economic activity in many coastal and continental regions. Each of the partner countries aim to develop aquaculture business within the country according to their water potential, geography, climate and other ecosystem characteristics.

Greece and Romania try to develop aquaculture sector inline with the EU strategies, Common fishery Policy principles and funding mechanisms, while Turkey and Ukraine as non-member countries, try to support the sector by their national policies, either after alignment of their national legislation to EU acquis or developing new policies and strategies to increase aquaculture production.

There are also big differences on the legal and institutional framework in Romania and Ukraine comparing Greece and Turkey coming from their historical background. Therefore adaptation to free market rules, competitive investing to use national resources by the most rational ways and environmental friendly approach is very important.

In all partner countries, the main aim is to provide high-quality products, following strict standards of environmental sustainability, animal health and consumer protection. Excellent quality of aquaculture products should be an important competitive advantage for national aquaculture production both in domestic and international markets.

However, in many countries capture fish production has decreased or remain stagnated while demand is always increasing. Though capture fishery has seasonality, aquaculture has an advantage of continuous supply to the markets.

Aquaculture is one of the important components of the blue growth strategy of EU and FAO with the objectives sustainability, food security, growth and employment. An improved aquaculture framework will help increase fish and seafood production and supply to the markets, reduce dependence on fish imports and boost the development of rural and coastal areas.

The EU Commission, in cooperation with Member States, has introduced strategic guidelines for aquaculture to address the challenges facing this sector and to identify areas (eg administrative simplification, spatial planning, market organization, better labelling and information) in which could help the market unlock the EU aquaculture sector potential. 2013 was marked by the long-awaited reform of the Common Fisheries Policy (CFP). The reforms present a solid action plan that places greater emphasis on social, economic and environmental sustainability. The aim is to support long-term growth in the fisheries sector, create jobs in coastal areas and, ultimately, supply EU citizens with fish in a healthy and sustainable way. While Greece and Romania are benefiting such legal, technical and financial initiatives, Turkey, as an accession country, and Ukraine are also make progress on the similar fields during harmonization process in the past, present and future considerations.

The Common Fisheries Policy (CFP) reform aims to promote aquaculture through an open method of coordination: a voluntary process of cooperation based on strategic guidelines and multi-annual national strategic plans that identify common objectives and, where possible, indicators that to



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measure progress in this direction. In order to achieve these goals, the active participation of all relevant actors is needed: authorities, industry, traders, consumer associations, as well as civil society representatives.

## 2. GREECE

### 2.1. Background information

Aquaculture is a very important and integral part of Greece. It covers the breeding of aquatic organisms, marine and fresh water, such as fish, molluscs (oysters, mussels), crustaceans (shrimp, crayfish) and plants. It is an activity that is in full swing, being one of the most important sectors of the primary animal production sector; it presents significant prospects for job creation and meets real demand from consumers. Indicatively, in 1980 only a 2% of the domestic supply of fishery products came from aquaculture (2,000 tons) and the remaining 98% from commercial or traditional fishing (105,651 tons). This ratio began to change and according to the latest available data from the FAO for 2017, it is estimated that 62% of the fishery products' domestic production came from aquaculture and the remaining 38% came from commercial fishing.

Having experienced a decade of slow development and a slight decline in production, Greek aquaculture is now on a developing path. In Greece, since 1981, when the first experimental units were created, the industry reached, in 2018, to hold on the first place worldwide for the breeding of Mediterranean fish. More specifically, in the Greek seas, Mediterranean species are bred, mainly gilthead seabream and European sea bass, but also species such sharp snout seabream, seabream, meagre, common dentex etc.

Shell farming is also an important pillar of Greek aquaculture. This activity takes place mainly in areas of Northern Greece. The first grant for mussel farming was recorded in 1955 and concerned a staggered system unit in the NE bay of Thessaloniki. In 1970, more systematic mussel farming began, in parts of the Loudia and Axios rivers and then expanded to Pieria, Imathia and Kavala. Initially, the staggered system was used, which is suitable for shallower waters, and then in 1985 the long line was used for deeper waters, resulting in a large increase in the number of units from 70 to 600. In addition to marine aquaculture (fish and shellfish), a special position is held by the aquaculture of inland waters, developed in a small area adequate for the purpose, mainly in Epirus and Western Macedonia, being the main or complementary employment for the inhabitants of the mountainous and remote mainland areas.

On a business level, throughout Greece there are currently 63 companies operating with 320 units. Most of them are family, small and medium-sized enterprises, while there are also larger groups with vertical companies which, apart from breeding fish, they also produce spawn, food and fixed equipment.

In terms of competition, it is still becoming more and more intense due to the rapid increase in the production of third countries, mainly Turkey. On a European level, there has been an increase in the production of both species (gilthead sea bream, European sea bass) for all Mediterranean countries, yet this doesn't seem to affect the Greek sales. The Mediterranean fish industry's outward orientation covers the 80% of the production exported and the remaining 20% is available in the local



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market. Greek fish farming products are available in 32 countries worldwide. However, the main markets are in the E.U. where traditionally Italy, Spain and France absorb almost most of the Greek production (59% in 2018).

## 2.2. Common Guidelines for Aquaculture Business in Greece

### 2.2.1. Institutional framework

The Ministry of Rural Development and Food is responsible for aquaculture in Greece. It defines the National Water Strategy, distributes production quotas and, through EU funding programs, manages all national and Community funds available in the sector. On a local level, the Prefectures are licensing aquaculture activities and provide coastal and marine areas for farming. The regional veterinary services are responsible for hygiene and safety issues and regularly monitor the operating procedures and hygiene conditions of aquaculture.

Marine fish farmers are affiliated with the Federation of Greek Maricultures, which accounts for about 70% of total Greek production. The smaller producers are represented by the PanHellenic Association of Medium-sized Fish Farmers.

### 2.2.2. Legal Framework

The framework for the common spatial planning for aquaculture provides guidelines and criteria for the development of aquaculture and ensures the protection of the environment and the competitiveness of the sector<sup>1</sup>. Giving specific guidelines for each type of practical aquaculture, the framework also explains legal and administrative changes to the action plan in the future.

In 2014, the law on the development of aquaculture was passed in order to simplify the complex administrative procedures. The National Aquaculture Council was established to advance the water cultivation priorities, to simplify the access to public land and water, and the procedures for the establishment of aquaculture by imposing of sanctions on violators. The National Council of Aquaculture (NCA) inform the Minister of Rural Development and Food on policy issues. In particular, it advises on:

- The formation and implementation of the National Program for the Development of aquaculture.
- The institutional reforms required to support the sector's development strategy, through development-financial programs, as well as for any other institutional regulation.
- Any other matter assigned to it by the Minister of Rural Development and Food.

The legislation governing aquaculture in Greece is the following:

- Law N.4282/2014 (ΦΕΚ 182/A/2014) "Aquaculture development and other provisions"  
[http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/%CE%A6%CE%95%CE%9A%20182%20CE%91%20CE%BD4282%20\\_2014.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/%CE%A6%CE%95%CE%9A%20182%20CE%91%20CE%BD4282%20_2014.pdf)

<sup>1</sup> Joint Ministerial Decision No. 31722/2011, Government Gazette 2505, ratified on November 4, 2011



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- Law N.Δ.420/70 “Fisheries Code” (Government Gazette-GG) 27/A/31-1-1970 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/70\\_0027A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/70_0027A.pdf)), as supplemented and replaced by the provisions of Law N. 1740/1987 (GG 221/A/14-12-1987 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/87\\_0221A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/87_0221A.pdf)) and Law N. 2040/1992 (GG 70/A/23-4-1992 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/92\\_0070A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/92_0070A.pdf)).
- Decree B.Δ 142/1971, Article 1 “Fishing for aquatic organisms ... and their protection” (GG 49/A/12-3-1971 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/71\\_0049A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/71_0049A.pdf) ).
- Law N. 1845/1989, article 32, par. 7 (a), on “leasing of water areas” (GG 102/A/26-4-1989 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/89\\_0102A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/89_0102A.pdf) ).
- Law N. 3208/2003 Article 19, paragraph 11, (GG 303/A/24-12-2003 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/03\\_0303A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/03_0303A.pdf) ).
- Ministerial Decision 140476/2004 “Defining the concession procedure... and the granting of the license for the establishment and operation of units” (GG 357/B/19-2-2004 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/04\\_0357B.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/04_0357B.pdf) ).
- Ministerial Decision 9232.1/1/11/11-01-2011 “Regulation of licensing of marine and fish farms” (GG 136/B/09-2-2011 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11\\_0136B.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11_0136B.pdf) ).
- Law N. 3199/2003 on “Water protection and management - Harmonization with Directive 2000/60 / EC of the European Parliament ...” (GG 280/A/9-12-2003 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/03\\_0280A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/03_0280A.pdf) ).
- Law N. 4014/2011 on “Environmental licensing of projects and activities ...” (GG 209/A/21-9-2011 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11\\_0209A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11_0209A.pdf) ).
- Presidential Decree 28/2009 on "Sanitary requirements for aquaculture animals and their products... in accordance with Council Directives 2006/88 / EC and 2008/53 / EC of the EU Commission (GG 46/A/16-3-2009 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/09\\_0046A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/09_0046A.pdf) ).
- Ministerial Decision K.Y.A 31722/4-11-2011 on “Approval of a Special Framework for Spatial Planning and Sustainable Development for Aquaculture ...” (GG 2505/B/4-11-2011 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11\\_2505B.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/11_2505B.pdf) ).
- Law N. 3852/2010 “New Architecture of Local Government and Decentralized Administration - Kallikratis Program” (GG 87/A/7-6-2010 [http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/10\\_0087A.pdf](http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/2-Ydat/10_0087A.pdf)).
- Ministerial Decision 521/53656/16-05-2015 K.Y.A. " Terms, conditions and scoring process for the lease of marine and lake water areas..." (GG 1780/B/23-05-2015

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<http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/%CE%A6%CE%95%CE%9A%201780%20%CE%92%202017.pdf>) as corrected by Government Gazette 2069/B/15-06-2017  
<http://www.alieia.minagric.gr/sites/default/files/basicPageFiles/%CE%A6%CE%95%CE%9A%202069%20%CE%92%202017.pdf>.

### 2.2.3. Aquaculture business development procedures in Greece

Greek fish farms are funded and the relevant subsidies are immediately absorbed. Greece is the second in EU subsidies. The most important competitors of the European Union, as a whole, are those of Asia and Latin America. For Greece, the biggest challenge comes from the neighbouring Turkey. The European Commission is working to establish a vision for sustainable development of aquaculture. The goals are to promote competition, encourage sustainability and highlight the products of fish farming.

The adoption of cage farming technologies by the salmon industry, the increased market demand for these species and the natural conditions provided by the Greek climate as well as the extensive coastline have made the country a choice for the development of the sector. Major aid programs from the European Union and private entrepreneurs have led to a rapid increase in production and Greece has become the largest producer of these species in the world. (*Μπασιούλη, 2014*).

In 2014, with the enactment of the Law 4282 on the "Development of aquaculture", a process of modernization of the institutional framework for the establishment and operation of units began because it was complex and bureaucratic, creating ambiguities and overlapping responsibilities between the services involved and the grant of a license could last up to two years. In 2016, the processing of the Ministerial Decision of L.4282 continued, authorizing provisions that are pending. The legal framework, which was applicable until 2016 and concerned the establishment and operation of the units, was complex and bureaucratic, creating ambiguities and overlapping responsibilities among the Services involved. The main problems were the increased number of licenses required to set up a unit, the involvement of many services, the non-compliance with the deadlines, the heavy administrative burden on services and the significant financial burden on investors to conduct studies and sampling required in various stages of licensing of units. According to the available data from the G.A. of Fishing, the average time to complete the licensing process is twenty-five (25) months and varies depending on the region and the species. During the period of 2007 to 2013, a total of 72 applications were submitted for the granting of new licenses, out of which the 25% were finally fully satisfied (*ΣΕΘ, 2017*).

Based on the Government Gazette 2284 05/07/2017, the required documents issuing the issuance, renewal or modification of a license for the establishment and operation of aquaculture units are determined. These include:

#### 1. Pre-approval of lease of water area

the interested party submits to the competent Directorate of Rural Affairs of the relevant Decentralized Administration:

- a. Application of the individual or legal person





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- b. Short technical and economic report
  - c. Map of the wider area on a scale of 1: 50,000, where the location of the requested water area will be noted
  - d. Topographic diagrams of the requested water area as well as the location and layout of the facilities by a qualified mechanical member of TEE.
2. The Directorate of Agricultural Affairs of the Decentralized Administration, submit the file for opinion to the competent services.
3. After the issuance of the pre-approval decision for lease, the interested party submits to the Directorate of Rural Affairs of the relevant Decentralized Administration a file with the following supporting documents, for the granting of a license for the establishment and operation of a floating aquaculture unit:
  - a. Application of the interested individual or legal person.
  - b. An Environmental Impact Study (EIA) accompanied with the necessary supporting documents (including the issuance of a Decision approving Environmental Terms). Prior to the submission of the EIA, the process of opinion may be optionally followed by the submission of a file for the Preliminary Determination of Environmental Requirements (PPPA). In the case of installation and operation within a protected area of the NATURA 2000 network, the provisions of Article 10 of Law 4014/2011 shall also apply.
  - c. A statement of the designer or of the interested body with the necessary supporting documents, as these are specialized in the joint ministerial decision No. 50129/1392 / 26.9.2013 (B '2405).
  - d. The supporting documents concerning the water use permit, where required. in the case of the use of seawater and / or in the case of extraction of water from the sea, regardless of the distance from the shore no water use permit is required. For the land units which serve as support facilities, a certificate of ownership or a lease contract or a decision to grant real estate or a relevant contract for the use of third party facilities is submitted on a case-by-case basis. Building permit or similar approval from the urban planning, if required, is submitted after the issuance of Approving Decisions of Environmental Terms.
  - e. In cases of land areas that fall under the forest legislation, the provisions of Law 998/1979 (A '289) and of the decision no. 15277/2012 (B' 1077) are applied.
  - f. If the boundary lines of the seashore and the beach have not been determined in the area of establishment of the unit, the interested body shall submit a copy of the relevant application for their determination, which would have been previously submitted for this purpose. If the seashore and the beach have been already pre-determined, the Official Gazette of their publication is submitted.
  - g. For the construction of greenhouses for the of aquaculture and / or for the above-ground tanks regardless of their construction materials, a certificate of deviation from the building standards is needed.
  - h. Documents relating to health control for livestock-fish and their products.



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4. In order to grant a license for the establishment and operation of a water farming unit exclusively in land breeding facilities, the interested party submits to the Directorate of Agricultural Affairs of the relevant Decentralized Administration a file with the following supporting documents.
- a. Application of the individual or legal person.
  - b. A certificate of ownership or a lease agreement or a decision to grant real estate as well as a building permit or similar approval from the competent urban planning, are required. The building permit or similar approval is submitted after the issuance of AEPO. Especially in the case of forest areas, an act of characterization of the area where the installation of the project is proposed (as well as its conclusive), or determination of the forest form of the area, according to the current provisions of the forest legislation for these concessions. In such cases (forest areas) the provisions of law 998/1979 (A '289) and of the decision no. 15277/2012 AEPO (B'1077), as applied.
  - c. If the boundary lines of the seashore and the beach have not been determined in the area of units' establishment, the interested body shall submit a copy of the relevant application for their determination, which has been previously submitted for this purpose. If the seashore and the beach have been pre-determined, the Official Gazette of their publication is submitted.
  - d. For the construction of greenhouses for the aquaculture and / or for the above-ground tanks for fish farming, regardless of their construction materials, a certificate of deviation from the building standards.
  - e. Short techno economic report.
  - f. Map of the wider area on a scale of 1: 5,000, where the location of the land area of the facilities will be noted.
  - g. A site layout plan on a scale of 1: 200 to 1: 1,000 with illustration of the proposed projects and installations by a qualified mechanical engineer of TEE.
  - h. An environmental Impact Study (EIA) with the necessary supporting documents, for category A 'units of Law 4014/2011 (A' 209), in which the issuance of a Decision for the Approval of Environmental Terms is required. Prior to the submission of the EIA, the process of opinion may be optionally followed by the submission of a file for the Preliminary Determination of Environmental Requirements (PPPA), in accordance with the provisions of Law 4014/2011.
  - i. The relevant statement of the designer or the interested body with the necessary supporting documents, for water cultivation units of category B 'of law 4014/2011, which are subject to Standard Environmental Commitments (PPD).
  - j. The requiring documents concerning the water use permit, if necessary. No water use permit is required in the case of the use of seawater and / or in the case of extraction of water from the sea, regardless of the distance from the shore.
  - k. The documents relating to health control for the livestock-fish and their products.
  - l. Travel permit or certificate of closed installation by the Fisheries Service of the relevant Regional Unit, concerning the cases of using species unfamiliar to the local environment. (In order to secure this document, the interested party submits a



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- relevant request, with a technical report file to the Fisheries Service of the relevant Regional Unit.
5. The Directorate of Rural Affairs of the Decentralized Administration shall formally fill officially the file of the supporting documents with the pre-approval of the lease of the water area and by turn forward it to the competent services.
  6. Having all permits/ approvals issued and the interested party submitted the construction permit or the appropriate approval of the competent urban planning and as well the proof of the process of the seashore and beach determination, **the Directorate of Rural Affairs propose to the Secretary General Decentralized Administration the issuance of the license for the establishment and operation of the aquaculture unit.**
  7. The Directorate of Agricultural Affairs of the Decentralized Administration transmits the file of supporting documents to the competent services.

The procedure currently in force for the issuance of a license for the establishment and installation of aquaculture in Greece includes the submission of the requiring documents to the Directorate of Rural Affairs, the submission of a file for the Preliminary Determination of Environmental Requirements, the use of a mechanical engineer, the issuance of Approving Decisions of Environmental Terms, the requiring documents related to the health control for aquaculture species and their products, act of area's characterization where the installation of the project in case of forest areas, the application for determination of the boundaries of the seashore and the beach, the movement permit or a certificate of closed installation by the Fisheries Service of the relevant Regional Unit for the cases of using foreign species, and others, are proposed.

To expand the activity and productive innovation of the industry, it is necessary to simplify the administrative procedures, by giving emphasis on the simplification of licensing procedures and the reduction of the required time and cost. It is therefore proposed a one-stop shop at the Directorate of Rural Affairs of the relevant Decentralized Administration which will be responsible for obtaining the necessary supporting documents from the competent construction service and the Fisheries Service, as well as for obtaining the necessary justifications. Also, the Identification of the Environmental Requirements, the water use permit, the issuance of Approving Decisions of Environmental Terms, the act of characterization of any forest area, and the determination of the shoreline and the beach boundaries. The supporting documents for the approval of the lease of water area and for the granting of a license for the establishment and operation of the aquaculture unit will be submitted simultaneously to the Directorate of Rural Affairs.

1. Approval of the water area's lease: the interested party submits to the competent Directorate of Agricultural Affairs of the relevant Decentralized Administration:
  - a. Application of the interested individual or legal person.
  - b. Short technicoeconomic report
  - c. Map of the wider area on a scale of 1: 50,000, where the location of the requested water area will be noted
  - d. Site layout plan of the requested water area as well as the location and layout of the facilities by a qualified mechanical engineer.

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2. The Directorate of Agricultural Affairs of the Decentralized Administration, transmits the file for opinion to the competent services.
3. After the issuance of the pre-approval decision for lease, the interested party submits to the Directorate of Rural Affairs of the relevant Decentralized Administration a file with the following supporting documents, for **granting a license for the establishment and operation of a floating aquaculture**
  - a. Application of the individual or the legal person.
  - b. Environmental Impact Assessment (EIA) with the necessary supporting documents.
  - c. Designer's relevant statement of the interested body with the necessary supporting documents, as they are specialized in the joint ministerial decision No. 50129/1392 / 26.9.2013 (B '2405).
  - d. For the land support facilities of the unit, a certificate of ownership or a lease contract or a decision to grant real estate or a relevant contract for the use of third-party facilities is submitted on a case-by-case basis. Construction permit or similar approval from the competent construction service, if required, is submitted after the issuance of AEPO.
  - e. In cases of land areas that are subject to the forest legislation, the provisions of Law 998/1979 (A '289) and of the decision no. 15277/2012 as valid
  - f. For the construction of greenhouses for the farming of aquatic organisms and / or above-ground tanks for the farming of the aquatic organisms, regardless of their construction materials, a certificate of deviation from the construction provisions.
  - g. Documents relating to health control for aquatic animals and their products.
4. In order to grant a license for the establishment and operation of a water farming unit exclusively in land breeding facilities, the interested party submits to the Directorate of Agricultural Affairs of the relevant Decentralized Administration a file with the following requiring documents:
  - a. Application of the individual or legal person.
  - b. Certificate of ownership or lease agreement or decision to grant real estate as well as a construction permit or similar approval from the competent construction service, if required.
  - c. For the construction of greenhouses for the aquatic organisms' farming and / or above-ground tanks for the aquatic organisms' farming, regardless of their construction materials, a certificate of deviation from the construction
  - d. Short techno-economic report.
  - e. Map of the wider area on a scale of 1: 5,000, where the location of the land area of the facilities will be noted.
  - f. Site layout plan of the requested water area as well as the location and layout of the facilities by a qualified mechanical engineer.
  - g. Environmental Impact Study (EIA) accompanied with the necessary documents, for category A 'units under the Law 4014/2011 (A' 209), in which the issuance of a Decision for the Approval of Environmental Terms is required



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- h. Urban planning layout of a scale of 1: 200 to 1: 1,000 with illustration of the proposed projects and installations by a qualified mechanical engineer.
  - i. Relevant statement of the designer or the interested body with the necessary supporting documents, for water farming units of category B 'of law 4014/2011, which are subject to Standard Environmental Commitments (PPD).
  - j. Documents relating to health control for aquatic animals and their products.
5. The Directorate of Rural Affairs of the Decentralized Administration shall formally fill in the file of the documents with the pre-approval of the lease of the water area and forward it to the competent services.
6. After the issuance of all permits / approvals, and after the interested party submits the construction permit or the appropriate approval of the competent construction service and the receipts for the determination of the seashore and beach (if required), **the Directorate of Rural Affairs proposes to the Secretary General of the Decentralized Administration that the permit for the establishment and operation of the aquaculture unit be issued.**
7. The Directorate of Agricultural Affairs of the Decentralized Administration submits the file to the competent services.

#### 2.2.4. Financial instruments for aquaculture business

##### 2.2.4.1. National funding

The development of aquaculture companies in Greece through funding is promoted by the following National Programs:

- **National Aquaculture Development Program:**

A national development program is being implemented in the field of aquaculture, which is referred to as the National Aquaculture Development Program (NADP). The NADP, in the framework of the Common Fisheries Policy of the European Union (EU), includes the national development objectives, in accordance with the directions of the urban spatial planning plan. The NADP is approved by the Minister of Rural Development and Food decision, following the opinion of the National Council of Aquaculture (NCA) of the article 3. The priorities of the NADP are:

- a. The sustainable development of aquaculture, so as to be a key lever for the development of the primary sector and the Greek economy in general, by improving the productivity of the existing aquaculture units, expanding their activity and promoting innovation.
- b. Establishing relationships with other users, especially in the coastal zone, to eliminate the conflict of interest phenomenon and make an effective use of land.
- c. The simplification and the update of the institutional licensing framework, the control of activity and the relationships between administrative and production bodies, for the efficiency's enhancement and for the creation of a friendly environment to attract new private investment.
- d. The stimulation of research and innovation
- e. The promotion of social equality and cohesion through:



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- i. encouraging the involvement of all stakeholders (management, aquaculture, wholesalers, retailers and consumer associations) in the decision-making process regarding the development policy of the
- ii. the production based on high standards and nutritional value, which meet the modern nutritional needs of consumers and
- iii. the increase of the job vacancies for scientists and labor, especially in border areas and remote islands (LAW 4282 / Government Gazette A 182 / 29.08.2014).

- **Maritime & Fisheries Operational Program 2014-2020<sup>2</sup>**

The vision of OP focuses on the strengthening of the environmentally sustainable, efficient in terms of resources, innovative and competitive fishing and aquaculture, as well as on the promotion of blue growth and marine skills in Greece. Objectives of the OP form:

- a. The improvement of the competitiveness of aquaculture and the processing industries.
- b. The sustainability of marine fishing and the sustainable development of areas traditionally dependent on fishing.
- c. The protection and the restoration of the marine environment and of the living resources, the control of fishing activities, the collection of fishing data and the improvement of the awareness for the marine environment's conditions

- **Innovation in aquaculture of the Maritime & Fisheries Operational Program<sup>3</sup>**

The Program is addressed to research organizations (HEIs, ATEI, Research Centers, Technological bodies) according to the Law 4310/2014 and the Law 4386/2016 as in force, and to aquaculture companies for the projects' implementation aimed at:

- a. developing technical, scientific or organizational knowledge concerning aquaculture farms, which will specifically reduce the impact on the environment, will reduce the dependence on fishmeal and fish oils, will strengthen a sustainable use of water resources, will facilitate or improve livelihoods or will facilitate to the new sustainable innovative production method.
- b. developing or introducing to the market new types of aquaculture with good market prospects, new or significantly improved products, or improved management and organization systems
- c. investigating the technical or economic feasibility of innovations, products or processes.

#### 2.2.4.2. Private funding

Business and private equity financing is relatively underdeveloped in Greece. There are 21 mutual fund ventures in Greece (members of the Hellenic Capital Funds Association<sup>54</sup>) with about € 1.2 billion under management, but only a few of the funds are currently open for investment. However,

<sup>2</sup> <https://www.espa.gr/el/pages/staticOPMaritimeFisheries.aspx>

<sup>3</sup> <https://www.espa.gr/el/pages/ProclamationsFS.aspx?item=3535>



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investment in business capital in Greece was close to 0% of GDP in 2016 and, despite the emergence of a vibrant entrepreneurship and of the ecosystem technology's financing over the past five years, mutual funds remain extremely low compared to those of other European countries (*European Investment Bank, 2018*)

As part of the private funding, there are institutions that promote the development of aquaculture companies. Indicatively, the following are mentioned:

1. Blue Hackathon: Patra's science Park, with the support of the Blue Innovation Hub, organizes the Blue Hackathon for the development of ideas in the fields of Blue Development, such as aquaculture, fishing, coastal and maritime tourism, etc. The Blue Hackathon can be attended by young people, students, new teams - startup companies or in general those who are interested in developing pilot applications in the fields of Blue Development. The awards include the ability for businesses to join a pre-incubator phase and to use the co-working space and the workshop for 2 months<sup>4</sup>.
2. Blue Growth Marine Challenge: The maritime and water economic activities in order to make full use of their potential, synergies, innovation and sustainability principles are needed. The Blue Growth Marine Challenge is looking for original innovative business ideas for any products and services within the frame of Information and Communication Technologies, Environmental Protection and Energy Saving, Fisheries, Sustainable Maritime Tourism, Water Use, Transportation & Logistics. The awards include business services worth 5,000 euros and free admission to an incubation / acceleration program<sup>5</sup>.

In addition, banking institutions in Greece provide financial instruments to aquaculture companies.

#### 2.2.4.3. European grant funding

The development of aquaculture companies in Greece realized through the European funding is promoted via the Operational Program "**Competitiveness, Entrepreneurship and Innovation**" with **Special Actions in "Aquaculture" - "Industrial materials" - "Open innovation in culture"**<sup>6</sup>. The action "Aquaculture" is co-financed by the European Regional Development Fund (ERDF) in the framework of the OP "Competitiveness, Entrepreneurship and Innovation (EPANEK)" of the NSRF.

### 3. ROMANIA

#### 3.1. Background Information

The presence on the Romanian territory of a uniformly distributed hydrographic network favored aquaculture development. In lowlands, where the ambient temperature is high and the summers are long, carp and some species adapted to these environmental conditions are practiced in aquaculture farms, and in mountainous areas, where the temperatures during the summer are average and those during very low winters, salmonids are raised on salmonid farms.

<sup>4</sup> <https://bluehackathon2019.weebly.com/>

<sup>5</sup> <http://www.bluegrowth.gr/>

<sup>6</sup> [www.espa.gr/el/Pages/ProclamationsFS.aspx?item=3473](http://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=3473)



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In the aquaculture of Romania, cypriniculture and salmonid farming are the most important branches in aquaculture field. Between 1960 -1990 were built many farms to increase ciprinidae in lowlands and hills and a small number of salmonid farms in mountain areas. Thus, in the counties of Constanța and Brăila, significant areas of salted lands, poorly productive for agriculture, degraded pastures, cyprinid farms were built in.

At the end of 1989, the areas destined for fish farming amounted to approximately 100,000 ha, of which 15,500 ha were nurseries, 84,500 ha were farms where about 37,000 tons of fish for consumption and about 7,000 tons of broods were produced.

Of the 100,000ha used in aquaculture in 1989, approximately 60,000 ha of water gloss were under the coordination of the Central Fish Production and Industrialization, Bucharest (CPIP) and approx. 40,000 ha were located in the Danube Delta and were coordinated by the Danube Delta Station, Tulcea. In both cases, the aquaculture farms were organized according to the structure of state-owned enterprises.

In 1990, the state fishing enterprises that belonged to CPIP Bucharest were transformed into joint stock companies, establishing a number of 34 companies with an area of approximately 63,000 ha, on which were located the aquaculture farms and land related to them. The majority shareholder was the State Property Fund with 70% of the shares and SIF (FPP) Transilvania with 30% of the shares. Until the year 2000, no company was privatized due to the land's legal status lack of clarification on which the aquaculture farms were located.

In 2001, the aquaculture farms were exploitation of both of the fish companies (approximately 99%), but also of the IAS type ones that had besides the agricultural and zoo-technical farms and some ponds, or even aquaculture farms.

At the establishment of the State Domains Agency (ADS), by Law 268/2001, the packages of shares and lands in the exploitation of fishing companies and those of IAS type, passed into ADS administration for privatization through the sale of shares and land concession.

The commercial/trading companies with fish profile exploited an area of 63,671.68 ha, and those of IAS type had in operation 2512.58 ha.

During this period, some of the companies were privatized and the land leased to shares or assets buyers, another part remaining so far, not privatized. Many of the companies mentioned above have entered insolvency proceedings, bankruptcy, thus being removed from the trade register. Aquaculture farms were bought from liquidators and by the direct assignment method, the owners of assets such as pier, dams, canals, hydrotechnical installations, leased land from the Romanian state or have files submitted to the National Agency for Fisheries and Aquaculture (ANPA), some of them still waiting for their solution.

In 2003, by Law 192/2001, the National Fisheries Fund Management Company (CNAFP) was established, which took over a number of approx. 40 aquaculture farms and the lands on which they were located, with an area of approximately 18,000 ha, from fish companies that were not yet privatized in Constanța, Tulcea, Brăila counties.





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In 2004, by OUG no. 69/2004, CNAFP took over from ADS, the privatization and concession contracts, the share packages and the lands under water luster exploited by the commercial companies with fishing profile and from IAS type agricultural companies.

During the CNAFP administration period, 70% of the aquaculture farms taken over in 2003 were privatized and the lands on which the aquaculture farms were located were leased by means of direct award method.

By OUG no. 23/2008, CNAFP was dissolved, and the lands under water luster and the companies with fish profile passed again in the administration of ADS, so that in 2010, by Law 317/2009, to be transferred to the ANPA administration and portfolio.

At the time of takeover, ANPA was subordinated to the Ministry of Agriculture and Rural Development, but subsequent legislative changes transferred this institution in 2012 to the Ministry of Environment and Climate Change - Department of Water, Forests and Fisheries.

At the end of 2014, ANPA is again transferred to MADR, where it is currently located.

A brief overview of the Register of Aquaculture Units data shows that only half of the aquaculture farms built during the 60s and 90s, works in accordance with current legislation, and some have expired licenses due to the change of owner, which results in the impossibility farmers to invest in aquaculture farms, including by accessing European funds for aquaculture.

### **3.2. Common Guidelines for Aquaculture Business in Romania**

#### **3.2.1. Institutional Framework**

The current administrative framework provides for the involvement of the following two main institutions, responsible for the development and implementation of the national strategy and regulations on fisheries, aquaculture, processing and market organization of fishery products, fisheries and aquaculture structures, namely:

- National Agency for Fisheries and Aquaculture (NAFA/ANPA)
- Danube Delta Biosphere Reserve Administration (DDBRA/ARBDD)

Side bodies involved in issuing documents (authorizations) underlying aquaculture licensing are:

1. National Administration of Romanian Waters (ANAR)
2. National Agency for Environmental Protection (ANPM)
3. National Sanitary Veterinary and Food Safety Authority (ANSVSA).

The overall responsibility for the design and for the development and implementation of the fisheries policy falls under the auspices of the National Agency for Fishing and Aquaculture (NAFA), which is a public institution entirely financed from the state budget. NAFA is part of the Ministry of Agriculture and Rural Development.

NAFA delegates part of its duties related to the management of fisheries resources in the Danube Delta Biosphere Reserve to the Administration of the Danube Delta Biosphere Reserve; part of the duties related to mountain waters are delegated to the Ministry of Environment and Forests.



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NAFA draws-up the strategy and the legal framework for fisheries in Romania. NAFA is also responsible for the technical implementation of measures and for the control of regulations and activities in fisheries and aquaculture.

In order to achieve its objectives, NAFA has the following main tasks:

- To draw-up the strategy for the development of the fisheries, aquaculture and marketing operations, according to the government's economic policies.
- To act as a Managing Authority for the structural policies in the field of fisheries and aquaculture.
- To regulate the specific legal framework.
- To control and inspect.

In order to implement its functions, NAFA has two Directorates (Strategy, Regulation and Structural Policy, Control and Inspection) and nine regional branches. The Strategy, Regulation and Structural Policy Directorate has the following main duties:

- To draft laws.
- To draft development programmes including the EFF OP.
- To collect data on the fishing, aquaculture and fish processing activities.
- To provide the database and statistical reports for internal and international institutions.
- To manage the Fishing Vessel Register.
- To manage the Aquaculture Production Units Register.
- To manage the Processing Units Register.
- To maintain the satellite VMSTo strengthen the control system conducted by the territorial inspectors within the Control and Inspection Directorate within NAFA.

### 3.2.2. Legal Framework

#### 3.2.2.1. EU level

Due to being members of EU, Greece and Romania are applying similar legislations prepared by different aspects of CFP, Environment, health and welfare, consumer rights etc. So effective policies and legal instruments at EU level are:

- **The Common Fisheries Policy (CFP):**

The CFP aims to ensure that fishing and aquaculture are environmentally, economically and socially sustainable and that they provide a source of healthy food for EU citizens. Its goal is to foster a dynamic fishing industry and ensure a fair standard of living for fishing communities over four main policy areas; fisheries management, international policy, market and trade policy, and funding of the policy European Maritime and Fisheries Fund (EMFF) 2014-20207.

<sup>7</sup> [https://ec.europa.eu/fisheries/cfp\\_en](https://ec.europa.eu/fisheries/cfp_en)



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- **Strategic Guidelines for the sustainable development of EU aquaculture (COM/2013/0229 final)<sup>8</sup>:**

In the context of the reform of the Common Fisheries Policy, the European Commission published in 2013 a series of strategic guidelines on the common priorities and general objectives at European level for the sustainable development of aquaculture in the EU. Four priority areas were identified in consultation with all relevant stakeholders:

- Simplify administrative procedures;
- Securing sustainable development and growth of aquaculture through coordinated spatial planning;
- Enhancing the competitiveness of EU aquaculture;
- Promoting a level playing field for EU operators by exploiting their competitive advantages.

According to the document, EU countries have been asked to set up multiannual plans to promote aquaculture and operational programs covering the period 2014-2020, identifying the actions they intend to finance through the European Maritime and Fisheries Fund EMFF.

The European Commission has also been designated to facilitate cooperation, coordination and exchange of good practices between Member States.

Through the same document, it was proposed to set up the Aquaculture Advisory Council which should allow the Commission and the Member States to benefit from the knowledge and experience of all stakeholders.

- **Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013<sup>9</sup>**

The Regulation establishes common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and lays down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repeals Council Regulation (EC) No 1083/2006.

- **Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, with subsequent amendments<sup>10</sup>:**

The Regulation establishes provisions on the Common Fisheries Policy, amends Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repeals Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

- **Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013, with subsequent amendments<sup>11</sup>:**

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1477555805378&uri=CELEX%3A52013DC0229>

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1398847168566&uri=CELEX%3A32013R1303>

<sup>10</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1380-20190814>



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The Regulation establishes provisions on the common organisation of the markets in fishery and aquaculture products, amends Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repeals Council Regulation (EC) No 104/2000.

- **Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014<sup>12</sup>:**

The Regulation establishes provisions on the European Maritime and Fisheries Fund and repeals Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council and presents the objectives, the fields of application, the implementation of the programs at national level, measures financed from the European Maritime and Fisheries Fund. In case of aquaculture European Maritime and Fisheries Fund (EMFF) contributes to the following aquaculture objectives:

- (a) promoting competitive, environmentally sustainable, economically viable and socially responsible aquaculture;
- (c) promoting a balanced and inclusive territorial development of aquaculture areas;

Articles 45-57 presents the types of operations in the aquaculture sector that can be financed through EMFF, respectively:

- Innovation;
- Productive investments in aquaculture;
- Management, relief and advisory services for aquaculture farms;
- Promotion of human capital and networking;
- Increasing the potential of aquaculture sites;
- Encouraging new aquaculture farmers practicing sustainable aquaculture;
- Conversion to eco-management and audit schemes and organic aquaculture;
- Aquaculture providing environmental services;
- Public health measures;
- Animal health and welfare measures;
- Aquaculture stock insurance.

Articles 58-69 mentions that EMFF supports the sustainable development of fisheries and aquaculture areas through the implementation of local development strategies under the responsibility of the community, elaborated and implemented by the Local Action Groups in the field of fisheries.

The objectives related to aquaculture, which can be financed under the local development strategies placed under the responsibility of the community, are the following:

- adding value, creating jobs, attracting young people and promoting innovation at all stages of the supply chain of fishery and aquaculture products;

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<sup>11</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R1379-20150601>

<sup>12</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2014.149.01.0001.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.149.01.0001.01.ENG)



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- supporting diversification inside or outside commercial fisheries, lifelong learning and job creation in fisheries and aquaculture areas;
  - enhancing and capitalizing on the environmental assets of the fisheries and aquaculture areas, including operations to mitigate climate change;
  - promoting social well-being and cultural heritage in fisheries and aquaculture areas, including fisheries, aquaculture and maritime cultural heritage;
  - strengthening the role of fisheries communities in local development and the governance of local fisheries resources and maritime activities.
- **Environmental issues:** EU Water Framework Directive<sup>13</sup>, Environmental Impact Assessment – EIA<sup>14</sup>, Provisions on Invasive Alien Species in the EU<sup>15</sup>
  - **Health and welfare:** Animal health conditions of aquaculture animals and products<sup>16</sup>, Provisions on live animals<sup>17</sup>, Provisions on animal feed including hygiene and medication<sup>18</sup>, Medicinal products for veterinary use<sup>19</sup>, Animal welfare<sup>20</sup>, Provisions on food hygiene and food-borne diseases<sup>21</sup>
  - **Trade:** Exporting from the EU<sup>22</sup>, Import into the EU<sup>23</sup>
  - **Consumer information:** Labelling, presentation and advertising of foodstuffs<sup>24</sup>, The common organisation of the markets in fishery and aquaculture products<sup>25</sup>

### 3.2.2.2. National Level

There are also several national legislations regulating aquaculture business in Romania:

- **Government Urgency Ordinance no. 23 dated March 5 regarding fishing and aquaculture with further modifications and completions<sup>26</sup>:**

This urgency ordinance regulates protection, preservation, administration and exploitation of aquatic living resources, aquaculture activity, processing and trading of products obtained from fishing and aquaculture, when such activities are performed on the Romanian territory.<sup>27</sup>

<sup>13</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32000L0060&from=EN>

<sup>14</sup> <https://ec.europa.eu/environment/eia/eia-legalcontext.htm>

<sup>15</sup> [https://ec.europa.eu/environment/nature/invasivealien/index\\_en.htm](https://ec.europa.eu/environment/nature/invasivealien/index_en.htm)

<sup>16</sup> [https://ec.europa.eu/food/animals/animalproducts/aquaculture\\_en](https://ec.europa.eu/food/animals/animalproducts/aquaculture_en)

<sup>17</sup> [https://ec.europa.eu/food/animals/live\\_animals/aquaculture\\_en](https://ec.europa.eu/food/animals/live_animals/aquaculture_en)

<sup>18</sup> [https://ec.europa.eu/food/safety/animal-feed\\_en](https://ec.europa.eu/food/safety/animal-feed_en)

<sup>19</sup> [https://ec.europa.eu/food/animals/health/veterinary-medicines-and-medicated-feed\\_en](https://ec.europa.eu/food/animals/health/veterinary-medicines-and-medicated-feed_en)

<sup>20</sup> [https://ec.europa.eu/food/animals/welfare\\_en](https://ec.europa.eu/food/animals/welfare_en)

<sup>21</sup> [https://ec.europa.eu/food/safety/biosafety/food\\_borne\\_diseases/tse\\_bse\\_en](https://ec.europa.eu/food/safety/biosafety/food_borne_diseases/tse_bse_en)

<sup>22</sup> <https://madb.europa.eu/madb/indexPubli.htm>

<sup>23</sup> <https://ec.europa.eu/trade/import-and-export-rules/import-into-eu/>

<sup>24</sup> [https://ec.europa.eu/food/safety/labelling\\_nutrition/labelling\\_legislation\\_en](https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en)

<sup>25</sup> <https://ec.europa.eu/fisheries/cfp/market/consumer-information>

<sup>26</sup> <http://legislatie.just.ro/Public/DetaliiDocument/90207>

<sup>27</sup> <http://legislatie.just.ro/Public/DetaliiDocument/93609>



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The implementation of the actions provided by this ordinance is done by the National Agency of Fisheries and Aquaculture. According to the ordinance, aquaculture includes all activities of animal or vegetal production within the aquatic environments and should be developed taking into account the following issues:

- Aquaculture is performed in arranged aquaculture farms and aquatic ecosystems, with their owner/administrator consent, and only in designated, natural identified ecosystems, under the terms set by order of the Ministry of Agriculture and Rural Development, upon proposal of the National Agency for Fisheries and Aquaculture, on the basis of the multiannual national strategic Plan for aquaculture.
- Aquaculture development aims diversity of quantity and quality offer for fish and other aquatic creatures highlighting all fisheries, irrespective of their owner.
- Using water for aquaculture activity within fisheries is done under the applicable terms of law for waters.
- The period for concession is set by the concession provider on the basis of an opportunity study, in order to ensure legal safety and predictability of any kind of contracts regarding the aquaculture activity for any purpose, as well as to stimulate investments in aquaculture.
- Public institutions, as well as trading companies mostly with state owned capital, that own fisheries, have the obligation to communicate on yearly basis, by the 30th of November, to the National Agency for Fishing and Aquaculture, the inventory of fisheries of any kind that are used or can be used for aquaculture activities, according to this Urgency Ordinance.
- The level of royalty/rent required for fisheries will take into account the categories of fisheries creditworthiness existing in Romania, established on the basis of some studies issued by specialized institutions in the fisheries sector. On the basis of such studies, the level of royalty/rent required for aquaculture activity will be established according to the provisions of art. 4 in the Government Urgency Ordinance no. 54/2006 regarding the status of concession agreements for public property goods, approved with modifications by Law no. 22/2007.

Aquaculture development is performed by the following actions:

- encouraging the extensive and semi-intensive aquaculture which creates environmental values;
- improvement of trading and consumers information system;
- training of aquaculture producers;
- implementing good practices actions in technological processes in order to ensure bio-safety and food safety of aquaculture products;
- insurance of aquaculture production for force majeure events;
- aquatic environment and biodiversity safety;
- development of research and technological progress;
- protection and encouragement of aquaculture producers through specific regulations;
- homologation/certification/approval of fishing nurseries.



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The actions for aquaculture development aim:

- upgrading of processes for reproduction and culture of fish species and other aquatic creatures, in relation with the environment safety norms;
- ensuring the access to waters and space for operators in aquaculture, under the terms of law;
- setting quality indicators and ecological, economic and social sustainability indicators;
- proper use of fisheries;
- marine and continental aquaculture development, under the conditions of ensuring animal health and welfare;
- ensuring long-term employment in aquaculture, especially in fishing-dependent areas;
- other actions required by the aquaculture development needs.

The Register of Aquaculture Units of administrative kind, including all production capacities, is set within the National Agency for Fisheries and Aquaculture. Any modification related to the change of the owner or administrator, as well as modifications related to change of production capacity and cultured species should be communicated to the National Agency for Fisheries and Aquaculture, in order to update the Register of Aquaculture Units and issue a new aquaculture license, as applicable.

The production units in aquaculture are registered in the Register of Aquaculture Units and receive aquaculture licenses, issued by the National Agency for Fisheries and Aquaculture.

The registration in the Register of Aquaculture Units and the issue of aquaculture licenses are done under the terms set by the Ministry of Agriculture and Rural Development, approved by Order of the Ministry of Agriculture and Rural Development, upon the proposal of the National Agency for Fisheries and Aquaculture.

Partial or total change of production capacities destination in aquaculture is done on the basis of some assessment studies on environmental impact and will be approved by Order of the Ministry of Agriculture and Rural Development.

The introduction of exotic or locally absent species in culture in open system fisheries is made with the approval of the Ministry of Agriculture and Rural Development and the Ministry of Environment, Waters and Woods, on the basis of some studies establishing also the terms for quarantine and control in order to avoid escapes into natural environment.

Recovery of assets and fisheries located on the state public/private domain is done, if applicable, by concession, lease, rent or other forms provided by law.

Marine aquaculture is performed in fish wells located in natural aquatic environments.

Marine aquaculture is done through concession of the marine water surface area and the access to it, by the administrative authority responsible for waters management, for a 10 years period, with possibility for extension, under the terms of law.



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The terms and conditions for issuing and withdrawal of the approval for marine aquaculture are set by Order of the central public authority that is responsible for fishing and aquaculture, through the National Agency for Fisheries and Aquaculture.

The introduction of fish species and other cultures into marine fisheries, irrespective of their origin, is made with approval from the central public authority in charge with fisheries and aquaculture and the central public authority in charge with the environment.

- **Market organization for fishery products**

Upon proposal of the National Agency for Fisheries and Aquaculture, the Ministry of Agriculture and Rural Development sets actions regarding the trading and processing of products obtained from fisheries and aquaculture, especially for:

- compliance with quality standards for fishery products during the entire trading process period in order to ensure transparency on the market and to make the proper information of consumers possible, especially regarding the origin of the products;
- compliance with the norms related to trading of products resulted from fishery and aquaculture, according to the norms for preservation and safety of living aquatic resources;
- encouraging and support of fishery products processing;
- quality improvement and promoting of fishery products;
- increasing the extent of use and added value for the raw material obtained from fisheries and aquaculture.

- **Trading of fishery products**

It is forbidden to trade fishery obtained products, of any origin or source, which has a lower size or weight than the one provided by the applicable regulations or their obtaining manner is not according to the established norms or is against the sanitary-veterinary norms.

- **Liabilities and penalties**

Failure to comply with the dispositions of this urgency ordinance by natural or legal persons results in administrative, civil, or criminal liability, if applicable.

In order to ensure the compliance with the laws in the field of fisheries, aquaculture, processing, transport, trading of fishery products and other related activities, the National Agency for Fisheries and Aquaculture organizes permanent actions of inspection and control through fishery inspectors.

The persons who are subject to control have the obligation to allow access to the headquarters and branches of the controlled units, to all fishing ships/crafts, fishing tools and installations, aquaculture farms and installations, annex-buildings, vehicles, processing, trading and public feed units and to provide for the personnel with rights for inspection and control all the documents and means needed to fulfill their inspection and control function and also to provide statistical data according to the activities provided by community statistic programs and legal documents in the fishery sector.

Order no 332 dated May, 24, 2008 of the Ministry of Agriculture and Rural Development, regarding the registration of the aquaculture production units in the Register of Aquaculture Units and the





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issuing of the aquaculture license, with further modifications and completions<sup>28</sup>: The Order stipulates the operation of the Register of Aquaculture Units (RUA), within the National Agency for Fisheries and Aquaculture, having administrative kind and including all production capacities.

The aquaculture production units are registered in the Register of Aquaculture and receive a license for aquaculture issued by the Agency.

As per the Order, the aquaculture license is not transmittable and is issued for non-determined period.

Any modification regarding the change of owner/administrator, production capacities and cultured species will be communicated to the Agency within 30 days after occurrence, in order to update the Register of Aquaculture Units and issue a new aquaculture license, if applicable.

Upon proposal of personnel with rights for inspection and control, the aquaculture license is cancelled/suspended for a 90 days period, in case the economic operator does no longer comply with the conditions that were the basis of releasing the aquaculture license or uses the production capacity for other purposes than the ones declared.

The production units in aquaculture for which the aquaculture licenses were cancelled will be excluded from the Register of Aquaculture Units.

- **Romanian Government Decision no. 1016 dated September, 3, 2008 regarding the amount of the fees for licensing and approval in fisheries and aquaculture<sup>29</sup>:**

This decision sets the amount of fees charged by the Romanian State for the approval of fisheries and aquaculture activity, for issuing of permits, licenses and approvals by the National Agency for Fisheries and Aquaculture. A fee amounting to 150 lei (approximately 31 euro) is paid by the administrator or approved representative for the issuing of an aquaculture license.

- **Romanian Government Decision no. 748 dated September, 20, 2018 regarding the set-up of a state aid scheme for reducing the excise duty on gas oil used in aquaculture, with further modifications and completions<sup>30</sup>:**

This Decision sets up a state aid scheme for enterprises that perform their activity in production, processing and trading of products obtained from aquaculture. This scheme is applied on the entire Romanian territory. Scheme beneficiaries may be small and medium-sized enterprises that perform their activity in aquaculture, respectively:

- certified natural persons, individual and family type enterprises, established according to the provisions of the Government Urgency Ordinance no. 44/2008 regarding the performance of economic activities by certified natural persons, individual and family type enterprises, approved with modifications and completions by Law no. 182/2016;
- legal persons.

<sup>28</sup> <http://legislatie.just.ro/Public/DetaliuDocument/93609>

<sup>29</sup> <http://legislatie.just.ro/Public/DetaliuDocument/97179>

<sup>30</sup> <http://legislatie.just.ro/Public/DetaliuDocument/205095>



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The state aid scheme means reduction of excise duty that is granted as reimbursement. The amount of reduced excise duty for gas oil used for activities in aquaculture is 99 498 lei/1 000 litres (approximately 20 728 euro/1 000 litres).

In order to access the state aid scheme, the beneficiaries provided in art. 3 should meet all the following eligibility criteria:

- are recorded in the Register of Aquaculture Units;
- provide ANPA with statistic data regarding surfaces and achieved production, according to the activities provided in European statistic programs and legal documents for fisheries sector.

Law no. 28 dated 2019 regarding the approval of the Program for supporting the producers in the fisheries and aquaculture sector<sup>31</sup>: The law sets up a state aid scheme aiming the implementation of the Program for supporting the producers in the fisheries and aquaculture sector, in order to improve the performance and sustainability level of the aquaculture farms, through production improvement.

The state aid is granted to beneficiaries producers in the fisheries and aquaculture sector, as follows:

- certified natural persons, individual and family type enterprises, established on the basis of Government Urgency Ordinance no. 44/2008 regarding the performance of economic activities by certified natural persons, individual and family type enterprises, approved with modifications and completions by Law no. 182/2016;
- legal persons.
- The eligible expenses needed to make investments based on the provisions of this law are:
- building of reproduction centres for fish species used in aquaculture or species that are about to be introduced;
- upgrading and/or extending of existing centres for fish reproduction;
- purchasing or leasing of machinery and equipment;
- general costs related to investments provided at letters a)-c), such as fees for specialists and consultants, fees for counseling regarding environmental and economic sustainability, including feasibility studies;
- purchasing or development of software;
- investments aiming to decrease the negative impact or increase the positive effects upon the environment and increase the efficient use of resources;
- investments resulting in a considerable decrease of the impact of aquaculture enterprises on water use and quality, by reducing the chemicals, antibiotics and other drugs used or by improving the resulted water quality, including by using multitrophic aquaculture systems.

(1) The extent of the state aid for the eligible expenses provided above is 40% of the total eligible expenses.

(2) The intensity of the state aid can be increased by 20%, but not more than 90%, for the eligible expenses provided at letters a)-f), for:

- farmers who have worked for at least 5 years in aquaculture and young farmers;

<sup>31</sup> <http://legislatie.just.ro/Public/DetaliuDocument/209956>



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- investments that are done in areas facing natural or other specific restraints;
- members of aquaculture producer organizations.
- **Order of the Ministry of Agriculture and Rural Development no. 267 dated April, 9, 2019, for the approval of the eligibility conditions, eligible expenses, the manner of funding, as well as the manners of verification and control on the application of the provisions of Law no. 28/2019 regarding the approval of the Program for supporting the producers in the fisheries and aquaculture sector<sup>32</sup>:**

The Order sets up the eligibility conditions, eligible expenses, the way of funding, as well as the manner of verification and control on the application of the provisions of Law no. 28/2019 regarding the approval of the Program for supporting the producers in fisheries and aquaculture sector.

- **Order of the Ministry of Agriculture and Rural Development no. 171 dated April, 19, 2002 regarding the approval of the commercial names of fish species and other aquatic living creatures that can be exploited on the Romanian territory, with further modifications and completions<sup>33</sup>:**

The Order sets up the commercial names of fish species and other aquatic living creatures that can be exploited on the Romanian territory. Economic Agents trading fish species and other aquatic living creatures have the obligation to comply with the commercial names provided by this order.

- **Order of the Ministry of Agriculture and Rural Development no. 772/2007 regarding the criteria for the recognition of producer organizations in fisheries and aquaculture sector, with further modifications and completions<sup>34</sup>:**

The fishing areas and the minimum volume of annual production, measured in tons reached/number of members/represented trading fishermen, that are required to recognize producer organizations in aquaculture produces minimum 30% in weight from the total production for a species or group of species in aquaculture, at national level as provided.

Although the framework is created at the level of the EU, Romania is still struggling with operationalization of the opportunities aroused in the sector. Different business was created by the private investors and also different research projects were realized by the research institutes but the gap between those two types of initiatives still exists. Therefore, the starting of the POPAM program <https://www.ampeste.ro/> came as a starting and sustainability tools for the future business development in the aquaculture in Romania.

### 3.2.3. Procedures to establish fish farms

#### 3.2.3.1. Main procedures

According to art. 2 of the Government Emergency Ordinance no. 23/2008 on fishing and aquaculture, with subsequent amendments and completions, aquaculture is the activity of growing or cultivating

<sup>32</sup> <http://legislatie.just.ro/Public/DetaliiDocument/212930>

<sup>33</sup> <http://legislatie.just.ro/Public/DetaliiDocument/36064>

<sup>34</sup> <http://legislatie.just.ro/Public/DetaliiDocument/86176>



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aquatic animals with techniques designed to increase over the natural capacity of the environment of the production of aquatic organisms, these being the property of an individual or legal person.

Aquaculture production units are registered in the Register of aquaculture units and receive an aquaculture license, issued by the National Agency for Fisheries and Aquaculture.

The conditions regarding the registration in the Register of aquaculture units and the issuance of the aquaculture license were established by the Ministry of Agriculture, Forests and Rural Development, by Order of the Minister of Agriculture, Forests and Rural Development no. 332/2008, at the proposal of the National Agency for Fisheries and Aquaculture.

For the registration in the Register of aquaculture units and for the issuance of the aquaculture license, the applicants must submit to the territorial branches of ANPA the following documents:

- application form;
- aquaculture production unit sheet;
- concession / lease / association contract and other documents certifying the ownership / administration in order to carry out the aquaculture activity;
- the sketch and the plan for framing in the area of the aquaculture unit;
- copy of the identity document of the owner / administrator and / or copy of the statute of the company that manages the production unit, from which to show that it has aquaculture in the object of activity;
- copy of the fiscal registration certificate;
- copy of the environmental permit, for the working point for which the aquaculture license is requested;
- copy of the water management authorization, for the working point for which the aquaculture license is requested;
- sanitary-veterinary registration;
- ascertaining certificate with the declaration of the working point issued by the trade register office;
- the consent of the legal owner of the accumulation lake, from which it may result that he may carry out aquaculture activities;
- proof of payment of the licensing fee.

According to the Order of the Minister of Agriculture, Forests and Rural Development no. 240/2009 for the amendment and completion of the Order of the Minister of Agriculture and Rural Development no. 332/2008 on the registration of aquaculture production units in the Register of aquaculture units and the issuance of the aquaculture license, it is issued for an INDEFINITE period.

The licensing fee is established in accordance with the provisions of Government Decision no. 1016/2008 on the amount of licensing and authorization fees in fisheries and aquaculture (in force since 08.09.2008).



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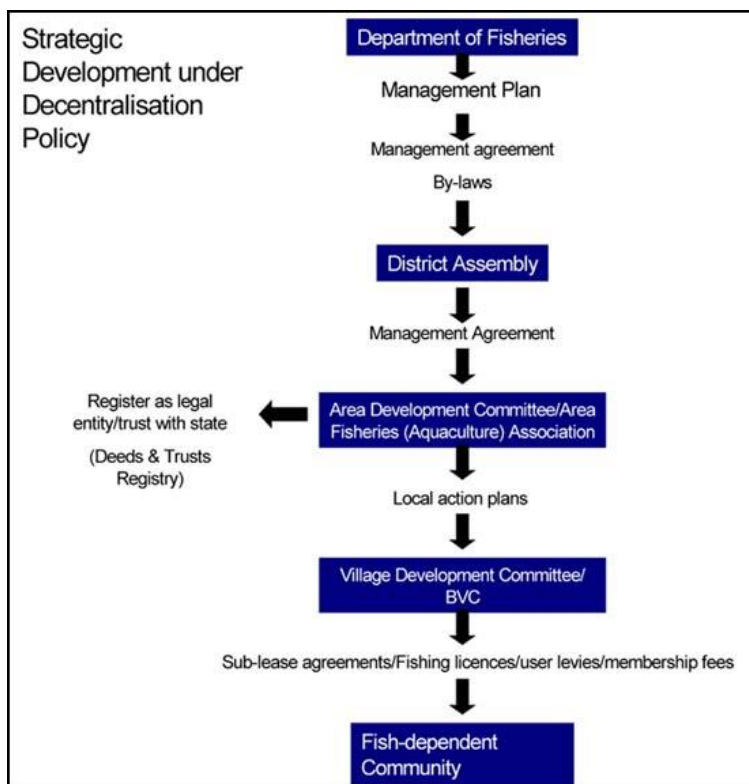
### 3.2.3.2. Procedure and administrative acts of secondary authorities engaged in aquaculture activity

According to Order no. 332/2008, applicants must attach to the application for the aquaculture license the following documents, in original or in copy according to the original:

- a) the water management authorization, for the working point for which the aquaculture license is requested;
- b) the environmental permit, for the working point for which the aquaculture license is requested;
- c) sanitary-veterinary registration.

### 3.2.3.3. Business plan example - According to Annex 1.

Proposal regarding designing the one stop aquaculture licensing as tool for sustainable aquaculture business (<http://www.fao.org/3/a0038e/a0038e06.htm>):



## 3.2.4. Financial instruments for aquaculture business

### 3.2.4.1. National funding

According to the Operational Programme for Fisheries and Maritime Affairs for the period 2014-2020, allocated funding from the European Fisheries and Maritime Affairs granted to Romania for the 2014-2020 of EUR 168 421 371<sup>35</sup>

<sup>35</sup> <https://www.ampeste.ro/>



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#### **3.2.4.2. Private funding**

The private own business represents the only private funding operational in Romanian at this moment. Although different financial instruments such as: business angels are developing currently, aquaculture is not yet an area in which this type of investment to be found. Aquaculture business found a new opportunity in setting up different association that are developing new projects for funding and sustained the aquaculture sector such as: ARIAP-an independent association for innovation in aquaculture and fishery from Romania<sup>36</sup>

#### **3.2.4.3. European grant funding**

- Operational Program for Fisheries and Maritime Affairs 2014-2020
- Integrated territorial intervention (ITI Danube Delta)
- "HORIZON 2020" program
- European Union Program for Employment and Social Innovation (EASI)
- European Union Solidarity Fund (EUSF)
- LIFE +

#### **3.2.4.4. International grant funding**

#### **3.2.4.5. Others**

Starting from the current problems of aquaculture, specific to the sustainable development of the sector, in line with the European Union's economic and social policy, whose main objective is to reduce disparities and reduce development gaps between regions, investments have been promoted since 2007 through public and private participation. Restructuring and modernization processes were imposed because in the area of aquaculture, the main added value of the primary sector (aquaculture) at the level of all the regions of the country was lower than that of the secondary sector (the fish processing industry). Primary sector values reflect the very low level of labour productivity due to poor equipment and equipment, excessive fragmentation of privatization and poor management of some private aquaculture farms. Another phenomenon present in current aquaculture is the growing population/ repopulation of aquaculture farms, as owners are interested in turning traditional aquaculture farms into recreational / sport fishing. Thus, many artificial breeding stations of cyprinids have lost their activity. This situation was also determined by the lack of capital for the annual purchase of predeveloped larval and brood and market orientation towards imports.

Promoting environmentally sustainable aquaculture and ecological aquaculture ensures the protection, conservation and restoration of biodiversity in aquatic ecosystems, and conversion from traditional aquaculture to ecological aquaculture, requiring financial support and compensation for losses during conversion to organic aquaculture. The competitiveness of aquaculture is also ensured by the quality of human capital involved in the relevant activities of this field. In this regard, the

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<sup>36</sup> <http://www.ariap.ro/>



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strategy envisages a sustained intervention to increase the qualities and professional competencies of all categories of staff working in this important fisheries area which target specialized education activities organized within the fisheries, zoo technical education units and / or of veterinary medicine, as well as continuous training for all categories of staff. Given that the financial availability of aquaculture operators and those wishing to develop a business in this sub-area is in most cases limited in order to ensure co-financing of investments in aquaculture, it is intended to facilitate access to financial resources complementary banking through financial engineering techniques. The key condition for financially supporting the development of the aquaculture sector is strict compliance with relevant national and EU regulations. The European Commission has committed itself to implementing a coordinated management plan at different levels without compromising the objectives of the Birds and Natura 2000 Directives, which also protect fish stocks and aquatic ecosystems. It is envisaged: -the numerical increase of the aquaculture farms, respectively the afforested area, implementing additional environmental measures; -support by granting compensation to aquaculture farms located in and around Natura 2000 sites; -support for aquaculture farms providing social and environmental services, ecological tourism, recreational / sport fishing, educational activities related to knowledge, protection and conservation of aquatic biodiversity, improvement of water management; -the use of multispecies populations that increase the quality of production; -periodic maintenance and hygiene of aquaculture basins (discoloration). The sustainable development of aquaculture is one of the main priorities of the EMFF. The money allocated to this priority may include: -innovative equipment investments, upgrading to improve productivity, to limit negative environmental impacts and maximize positive effects; -farm management and consultancy services; -training and certification of staff; -identifying and mapping appropriate aquaculture areas to improve territorial planning; -support for new farmers entering the sector -consultancy and support for conversion into environmental management schemes; -the provision of additional environmental services in favour of revenue growth based on production; -eradication of diseases and schemes to improve the health and welfare of animals. Although, for 2014-2020, approximately 20% of the European Fisheries Fund and Maritime Fund (FEPAM) funding was planned to be invested in the aquaculture sector and each Member State has developed an operational program adopted by the Commission, there are still gaps in addressing strategic priorities for sustainable jobs and growth in the aquaculture sector, in line with multi-annual strategic plans.

#### 4. TURKEY

##### 4.1. Background information

Aquaculture business was started with trout farming in ponds at the end of 1960s in Turkey. Later, it was followed by the fattening of eels collected in lagoons in soil ponds. Carp culture in old river beds became popular after 1970's. Aquaculture in the sea begun with the on-growing of the fish collected from nature in the 1980s in cages and soon after it was forbidden by Law in order to protect fish populations in nature. There was significant relationship between capture fisheries and aquaculture.

When the fish was abundant in the nature and harvested products sufficient for the nutrition of the citizens and supplied with considerably low prices, any attempts for fish farming failed due to incompatible prices or remained on trial base; especially on the species under thread in the nature



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since 1970's. In addition there were very limited cold storage facilities and marketing chains resulting mainly fresh consumption and low prices if the supply is over the demand. Due to environmental pollution, impact of invasive species, climate change and over fishing fish production by capture fisheries declined sharply at the end of 1980's, aquaculture investments and production have started to increase. Today, extensive aquaculture farms, converted to semi-intensive or intensive farms to produce large quantities.

Turkey, at present, has a comprehensive experience on aquaculture and application procedures due to early investments started since 1971 with the implementation of Fisheries Law (No 1380). Initial regulations were prepared according to the articles related with aquaculture in the Law. There are very big differences between the procedures in the early years and at the present time, oriented by the problem based solutions in the mean time. Main developments are provided due to harmonization process to EU legislations on aquaculture, water and meat quality, environmental conditions, establishment of fish farmer producer organisations which is very effective to provide communication between fish farmers and central administration. On the other hand demand from domestic and international markets is another driving factor for the development in the sector by simplifying and standardizing all the procedures starting from first application till the implementation and marketing phases. In order to reach this target strong corporation has been provided between government, relevant ministries, applicants, NGO's, universities and research institutions.

In this text, all procedures are given in details for who intend to invest for fish farming in Turkey.

## **4.2. Common guidelines to start fish farming**

### **4.2.1. Institutional framework**

Designated authority on aquaculture sector is the Ministry of Agriculture and Forestry. Directorate of Aquaculture under DG Fisheries and Aquaculture is the main responsible unit in the organization of the Ministry. Other supporting units are Directorate of Resource Management and Fisheries Infrastructures, Directorate of Statistics and Information Systems and Directorate of Administrative Affairs and Coordination.

Directorate of Livestock and Aquaculture Research of General Directorate of Agricultural Research and Policies is responsible to determine agricultural research and development strategies and priorities in line with national development plans, to prepare, or order to prepare, implement and order to implement projects, to develop and register races and varieties, and to produce their core materials, to protect and develop domestic gene resources, to provide access to gene resources and to share their benefits, work on authorizing, monitoring and auditing works, to make researches for the development and rational use of soil and water resources, to determine the research targets of the research institutions affiliated to the Ministry and to supervise these organizations, to conduct research on vaccines, serum, biological and chemical substances and protection drugs used in animal and plant diseases, and effective and auxiliary substances included in their composition, to carry out scientific researches about aquatic organisms in seas and inland waters and to support them, to carry out research and development activities in national and international platform and support projects within this scope.





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General Directorate of State Hydraulic Works is efficient when farms are going to be established in dam reservoirs and when water intake is necessary from the dam. This DG is responsible to determine the area and the place of cage farming in dam reservoirs and permits water intake from the surface or water discharge to the fish farms.

Effects of farms to the environment or environmental problems affecting water resources are the main scope of Ministry of Environment and Urbanization. Ministry aims to monitor, inspect and take essential measures to reduce such effects by General Directorate of Environmental Management (Marine and Coastal Management Department and Climate Change and Adaptation Department).

Turkish Statistical Institute (TURKSTAT) is responsible to collect, compile and announce data regarding aquaculture sector; production by species, years, export, import volumes and values by cooperating with the DG Fisheries and Aquaculture.

#### 4.2.2. Regulatory framework

- **Fisheries Law, No: 1380<sup>37</sup>**

Main Act is the Fisheries Law, No: 1380, enacted in 1971. More details are given in Fisheries Regulation to be used to manage all kind of implementations, services, operations and precautions. As the aquaculture sector grows this regulation could not be able to cover all aspects of aquaculture sectors; therefore aquaculture regulation has been updated when/where needed.

Law is about 50 years old and amended several times due to update the contents in line with the changes by international conventions, FAO fisheries management principles (Code of Conduct), harmonization with EU Common fisheries Policy after 2000 and other international initiatives (marine pollution, climate change, biodiversity, invasive species, etc.). The last update was done on 06/11/2019 to be active on 01,01,2020 with the Law 7191.

Fisheries Law is formed by 9 chapters and 39 articles. First chapter defines the scope and aim of the Law and some of the terms mentioned in the related articles to prevent any possible confusions. Second Chapter regulates fishing activities: certification, renting public sites for fishing and aquaculture (short and long term, to be detailed in aquaculture regulation), procedures to clarify the borders of aquaculture site, measures need to be protecting natural habitats (determined by MAF). Article 4 and 13 regulates aquaculture investments more briefly:

“The areas in the sea and inland waters needed to be used for aquaculture either owned by the Treasury or the General Directorate of State Hydraulic Works, or under the jurisdiction of the State, for the construction of the farms on land or inland waters, or other aquaculture investments to be made on the basis of the project by rehabilitating these areas, the leasing method and technical conditions, duration and annual costs of the aquaculture permissions in the sea and inland waters are determined by the Ministry of Agriculture and Forestry, taking into account the characteristics of the production sites, These places can be leased by the Ministry of Agriculture and Forestry, to real or legal entities, incomes to be transferred to Provincial Special Administrations, and to the Office of Investment Monitoring and Coordination if they are absent”.

<sup>37</sup> <https://www.resmigazete.gov.tr/arsiv/13799.pdf>; <https://www.resmigazete.gov.tr/eskiler/2019/11/20191122-1.htm>



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The lease transactions of the terrestrial areas that will be needed for the investments to be made with a project, within the framework of the provisions of this article; If the immovable is registered, it is made by the owner of the property, and if it is among the areas that are under the terms of the State, and by the units of the General Directorate of National Real Estate.

Appropriate opinion is obtained from the Ministry of Environment and Urbanization and the Ministry of Culture and Tourism when determining aquaculture areas on land by taking water from sea and inland waters or from these places; if no response is given within sixty days, appropriate opinion is deemed to have been given.

The procedures and principles regarding the commercial, amateur, recreational hunting and fish farming activities to be carried out in the areas where the right of lease is rented, and the types that are rented out, are determined by the regulation issued by the Ministry of Agriculture and Forestry.

Chapter 3 is focused on development, incentives and protection, In order to increase production, investors are encouraged by the MAF, if they are involve in research and development activities for the new species, or subsidized in order to support business to increase production sites and capacities.

- **Fisheries Regulation<sup>38</sup>**

This regulation has been prepared by the Ministry on the basis of Article 13 of the Fisheries Law No, 1380, and published in the Official Gazette Dated: 29,06,2004, No: 25507, The purpose of the Regulation is to use potential of water resources of Turkey with the most productive way ensuring sustainability in aquaculture, by protecting the environment and providing aquaculture investments in a planned way for quality / safe food supply, and effective inspection and monitoring during production processes.

It covers wide range of aquaculture investments to be established in seas, inland waters and adjacent localities, site selection, implementation method and evaluation process of demands, preliminary permit, project approval (final permission), project cancellation, project changes, trial production, mandatory site changes, establishment of integrated facilities, project transfers to third parties. Bluefin tuna fattening farms, organic seafood culture, certification process for aquaculture farms, import of egg, juveniles and brood fish, employment of technical staff, health and sanitation issues, environmental impacts, and protection and control issues.

- **Aquaculture Regulation (Dated 29.06.2004, OJ No: 25507)<sup>39</sup>**

Regulation is prepared for the sustainable use of water resources to produce fish and other aquatic organisms within sustainability principles. Regulation aims to reduce bureaucracy to the minimum level, to encourage citizens to invest in aquaculture sector, to guide investors how to start, implement, operate and market farm products. There are many details in the Regulation; therefore Directive on the Implementation of Aquaculture Regulation (2006/1) had been announced to give

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<sup>38</sup><https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=4988&MevzuatTur=7&MevzuatTertip=5>

<sup>39</sup> <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5217&MevzuatTur=7&MevzuatTertip=5>



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more clear instructions to the investors in relation with the Amended Regulation on the Fish Farm Implementation dated 15.10.2005, OJ No: 25967. Some articles of the Directive have been reorganized and the procedures and principles regarding implementation are given more briefly.

- **Directive on the Implementation of Aquaculture Regulation<sup>40</sup>**

This Directive has legal basis on amended Fish Farm Implementation Regulation dated 15.10.2005, No: OG 25967. Some articles of the Directive have been reorganized and the procedures and principles regarding implementation are given more clearly.

- **The regulation on the aquatic animals for health conditions and diseases against diseases<sup>41</sup>**

This regulation aims:

- to regulate the health conditions to be applied for aquatic animals or their products while they are imported, or transit process and presented to the market.
- to increase the awareness of the competent authority, fish farmers and parties in the processing industry regarding minimum preventive measures,
- to take inimum control measures in case of suspect to any fish diseases or carry out the protocols if any diseases occur.

Scope of the regulation covers the registry of fish farms, species, processing plants and their activities; measures to control fish diseases, health conditions for fish and products to be applied in farm, processing plant, in market and imports. Other aquaculture activities such as production of ornamental fish, animals raised in non-commercial aquariums, wild aquatic animals collected or caught directly from the nature such as pets kept in pet stores, garden ponds, commercial aquariums or wholesalers, in establishments without direct contact with the country's natural waters or in enterprises with a waste treatment system that reduces the risk of disease contamination to natural waters to an acceptable level, are not covered by this regulation.

This Regulation is based on the Veterinary Services, phytosanitary, food and feed Law No. 5996 dated 11/6/2010; The European Union Council Directive on the Animal Health Requirements and the Prevention and Control of Specific Diseases in Aquatic Animals and Animal Health Requirements for Aquatic Animals and Products dated 24/10/2006 and numbered 2006/88 / EC; In parallel with the Commission Decision dated 12/12/2008 and numbered 2008/946 / EC on the Requirements for Quarantine Aquatic Animals.

- **Regulation on the requirements of fish wholesale and retail sales<sup>42</sup>**

This Regulation has been prepared in order to ensure that the fishery products are supplied to the consumer in fast and reliable manner in accordance with the hygiene, quality and standards in free competition conditions.

<sup>40</sup> [https://www.tarimorman.gov.tr/Belgeler/Mevzuat/Genelgeler/2006\\_1genelge.pdf](https://www.tarimorman.gov.tr/Belgeler/Mevzuat/Genelgeler/2006_1genelge.pdf)

<sup>41</sup> <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=15854&MevzuatTur=7&MevzuatTertip=5>; <https://www.tcmevzuat.com/normlar/yonetmelik/su-hayvanlarinin-saglik-kosullari-ile-hastaliklarina-karsi-korunma-ve-mucadele-yonetmeligi/#>

<sup>42</sup> [https://www.tarimorman.gov.tr/Belgeler/Mevzuat/Yonetmelikler/suurunleri\\_toptanveparekende\\_satisyerleri\\_yonetmeligi.pdf](https://www.tarimorman.gov.tr/Belgeler/Mevzuat/Yonetmelikler/suurunleri_toptanveparekende_satisyerleri_yonetmeligi.pdf)



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Its scope is to cover the minimum requirements on general, technical, hygienic, physical and infrastructure conditions to be complied with in the wholesale markets and retail shops to be established by municipalities and / or natural and legal persons, and the establishment, their operation, management and the procedures and principles regarding the conditions that employees in the sales places should have, and the matters of control and inspection. This Regulation has been prepared on the basis of Articles 23 and 26 of the Fisheries Law No. 1380, amended by Law No. 3288 (OJ dated 19/06/2002, NO:24790).

- **Circular on Granting Work Permit to Fish Processing Plants<sup>43</sup>**

It is very important today to establish fish processing facilities in accordance with technical and hygienic conditions, to carry out the processing process within the framework of these conditions, and to supply quality and safe seafood products suitable for human consumption to the market. In order to ensure these, aquaculture plants must firstly meet the infrastructure, technical and hygiene conditions specified in the fisheries legislation. If the facilities are in compliance with the required conditions and will work within these conditions, it is documented with the facility work permit. Accordingly, the circular has been prepared in order to enable the processing facilities to start working before they become operational, to determine the procedures to be followed with the work permit, and to clarify the procedures to be performed in this direction for the operating facilities and to provide unity in practice (Circular No. 2002/17).

- **Environment Law<sup>44</sup>**

Environment Law (No: 2872) enacted in 1983 (OJ dated 11/8/1983, No: 18132) aims to protect the environment, which is the common asset of all living things, in line with the principles of sustainable environment and sustainable development. Inland and marine waters, soil, air and water pollution, pollutants, ballast waters, invasive species, treatment, biodiversity, habitat and habitat conservation, special protected and marine protected areas are the components of Environment Law.

- **Regulation on water pollution monitoring<sup>45</sup>**

Aim of this Regulation is to determine the legal and technical principles necessary to achieve the prevention of water pollution in line with sustainable development objectives, in order to protect the country's potential for underground and surface water resources and to ensure its best use.

This Regulation covers the quality classifications and uses of water environments, planning principles and prohibitions for the protection of water quality, the principles of wastewater discharge and discharge permits, the principles regarding waste water infrastructure facilities, and the monitoring and inspection procedures and principles to be carried out to prevent water pollution (OJ dated 31.12.2004, No: 25687).

- **Communique on the determination of areas where fish farms could not be installed in closed bay and gulfs<sup>46</sup>**

<sup>43</sup> <https://www.tarimorman.gov.tr/Belgeler/Mevzuat/Genelgeler/suurunlericalismaiznigenelge.pdf>

<sup>44</sup> <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2872.pdf>

<sup>45</sup> [https://www.jmo.org.tr/mevzuat/mevzuat\\_detay.php?kod=135](https://www.jmo.org.tr/mevzuat/mevzuat_detay.php?kod=135)



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Communiqué clarifies the principles for the determination of sensitive areas with high risk of eutrophication in closed bay and gulf areas, in accordance with the clause (h) of Article 9 of the Environmental Law No. 2872 dated 9/8/1983 and the temporary second article (OJ dated 24.01.2007; No: 26413). According to the legislation, cage units can only be installed at the places over 30 m depth, 0.6 nautical miles off the coast and minimum 0.1 m per second current speed (OJ dated 24.01.2007, No: 26413).

- **Communiqué on monitoring of fish farms in the seas<sup>47</sup>**

This Communiqué regulates the principles for the monitoring of the pollution that may result from fish farming activities of installed or to be installed in the seas. It has been prepared based on the relevant provisions of the Environmental Law No. 2872 dated 9/8/1983 and Article 54 of the Water Pollution Control Regulation published in the OJ dated 31/12/2004; no 25687.

It describes the method locating the cage units regarding current direction, water sampling from production sites and store conditions, analyses and parameters used in monitoring process (OJ dated 13.06.2009, No: 27257; amended OJ 09.04.2010, No: 27547).

- **Communiqué on water quality standards related to shellfish farming<sup>48</sup>**

This Communiqué aims to determine the quality standards of waters in which shellfish farming will be carried out, to protect the waters production site from various harmful effects of pollutants discharged into these waters, improve the quality of waters by creating monitoring and pollution reduction programs.

It covers the issues related to the determination of the water quality standards of shellfish farming sites, water sampling and monitoring protocols, determination of the suitability of the waters for shellfish farms established in future as well as protection and pollution reduction action programs together with inspection methods.

This Communiqué has been prepared based on the provisions of the Fisheries Law No. 1380 dated 22/3/1971 and the Environmental Law No. 2872 dated 9/8/1983 (OJ Dated 06.11.2009, No: 27398).

- **Statistics Law<sup>49</sup>**

The purpose of this law is to determine basic principles and standards concerning the production and organisation of official statistics; and to regulate the formation, duties, and authorities of the Turkish Statistical Association (TURKSTAT); previously was Turkish Statistical Institute, which is to compile and assess data and information, produce, publish and disseminate statistics on the areas that country needs, and to ensure coordination among institutions and organizations that are involved in the statistics process prescribed in the Official Statistics Programme.

Official statistics are produced, disseminated and published by the Presidency of the Turkish Statistical Institute and institutions and organisations specified in the Programme. The Programme

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<sup>46</sup> <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=11034&MevzuatTur=9&MevzuatTertip=5>

<sup>47</sup> <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=13117&MevzuatTur=9&MevzuatTertip=5>

<sup>48</sup> <https://cygm.csb.gov.tr/tebligler-i-441>

<sup>49</sup> <http://www.turkstat.gov.tr/UstMenu/yonetmelikler/StatisticsLawOfTurkey.pdf>



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shall clearly define the duties and authorities of the institutions and organisations regarding the compilation, evaluation and publication of data relating to official statistics in the context of their work areas. These institutions and organisations are obliged to submit any compiled data to the Presidency on time, upon request. The principle of confidentiality is duly observed in the maintenance and protection of data and information submitted to the Institute by determining the confidentiality principles in other legislative arrangements. The Presidency is authorised to publish and disseminate the official statistics compiled by institutions and organisations.

The work carried out by institutions and organisations in statistical areas which are not covered by the Programme and the results of censuses or surveys conducted by real persons and legal entities under special law shall not be considered official statistics.

In case the real persons or legal entities under special law who conduct surveys containing statistical outcomes and make their results public through the media, they are obliged to inform the public about the coverage, sampling method, sampling volume, data compilation method and implementation time together with the survey results.

#### 4.2.3. Procedures for the establishment of fish farms

Aquaculture Regulation contains detailed information for wide range of aquaculture investments to be established in seas, inland waters and adjacent localities, site selection, implementation method and evaluation process of demands, preliminary permit, project approval (final permission), project cancellation, project changes, trial production, mandatory site changes, establishment of integrated facilities, project transfers to third parties, Bluefin tuna fattening farms, organic seafood culture, certification process for aquaculture farms, import of egg, juveniles and brood fish, employment of technical staff, health and sanitation issues, environmental impacts, and protection and control issues.

- **Terms and Definitions**

First chapter explains the purpose, scope, legal basis and the terms. In order to implement all of the issues mentioned in the regulation it is better to define some technical terms related with the procedures:

**Aquaculture:** the activity of producing and / or growing) aquatic living organisms, in intensive, semi-intensive or extensive conditions in fish farms,

**Commission:** Establishment of the Commission which its working principles and procedures are determined by the Ministry Central Organization,

**Common fish farming area:** Area designated for more than one marine and inland aquaculture farms in aquaculture business

**Entrepreneur:** The real and legal persons who want to establish and operate fish farms,

**Extensive fish farming:** Low production, based on the natural efficiency of water, with inventory control

**Fish farm:** Places where aquaculture process is carried out,



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**Filtration System:** Units to keep wastes in water by using different types of filters in production process,

**Fish farming:** Cultivation of aquatic plants and animals in sea and inland waters and their eggs (except for the animals covered by the Terrestrial Hunting Law No, 4915),

**Fish Farming Certificate:** The document issued by the Central Organization of the Ministry for the farmers engaged in aquaculture production activities,

**Hatchery:** Facilities established to obtain eggs and fry from brood stocks,

**Inland waters:** Places of production and cultivation in natural and artificial lakes, lagoons, dam lakes, embankments, regulators, canals, arcs, streams, rivers, etc,

**Intensive fish farming:** Intensive cultivation based entirely on external feeding,

**Juvenile fish farms:** Farms produce fish up to 30-50 g after hatching to transfer the facilities in the sea, inland waters and offshore cages,

Juvenile fish on-growing site: Aquaculture sites allocated for on-growing of juveniles in the sea, inland waters and on land,

**Ministry Central Organization:** General Directorate of Agricultural Production and Development (DCAPD),

**Ministry:** Ministry of Agriculture and Forestry (MAF),

**Net Pond (Net Cage):** Frame units with mesh covers made from wood, iron or plastic materials for fish farming in seas and inland waters,

**Offshore aquaculture:** Fish farms outside of the closed bays and gulfs in the seas, established at water depth over 40 m to produce fish in net cages using suitable technologies,

**Production ponds:** Soil, concrete and net ponds, and other similar units made from plastic or similar material for aquaculture purposes,

**Project:** The set of documents containing all essential information about the species to be farmed, location of the site, nature, financial aspects, architectural drawings and constructional plan and calculations for aquaculture facilities, cost for investment in detail, farming methods and production plan, supporting documents provided from public institutions and organizations, and all kinds of documents and information related to the business as whole.

**Provincial Directorate:** Provincial administration offices of the Ministry Provincial Directorates of Agriculture and Forestry,

**Semi-Intensive fish farming:** Fertilization and breeding based on complementary feeding

- **Requirements to establish fish farms**

General issues related to the sites to establish fish farms are explained in Chapter 2, Article 5 of the regulation as:



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- a) In order to permit an establishment of a new farm which will use the same water resource together with one or more farms on land, sufficiency of the quality and quantity of water and occurrence of any adverse effect due to new farm to the other farms should be approved and reported by the expert institutions i,e Fishery Faculties and Research Institutes. If the issued report is found appropriate, the request is forwarded to the Ministry's Central Organization together with the opinion of the provincial directorate and it is decided whether to establish a new facility on the water supply, However, if deemed necessary, a decision is made by the Commission, based on the report prepared by providing a re-examination of the issue,
- b) Farm facilities to be established on land, in cases where there is no negative effect of the plants by means of hygiene and sanitation (providing the water from a separate source or receiving it through a separate channel from the same water source), the minimum distance condition between the facilities is not required,
- c) For the efficient use of inland water resources, in the facilities to be installed on water bodies with a flow rate of 100 lt / sec and less, a farm must have a production capacity that can use the entire production, No farms with a capacity of less than 25 tons / year can be established on water resources with a flow rate greater than 100 lt / sec, However, in regions where it is not possible to find sufficient space for the farm to be established, this condition is not sought if the provincial directorate gives opinion in this direction,
- e) The distance between aquaculture investments in net cages in dams is determined by the Ministry's Central Organization, taking into account the opinion of the Provincial Directorate created based on the criteria such as the area to be allocated to farming, project capacity, water depth, and flow rate, provided that the distance between the farms is not less than two hundred meters,
- f) The size of the area to be allocated for production in net cages is determined by taking into consideration the project capacity, the type and technique of cultivation to be applied, provided that it is not less than twice the area to be occupied by the cages in the seas and inland waters,
- g) In order to ensure all kinds of life and property safety in the sea and inland waters, the area where the net cages and water intake and discharge systems of the hatcheries should be marked with buoys and lightning buoys. It is indicated by IALA (International Association of Lightning Authorities) standards in terms of navigational safety at sea by day and night obstacle signs. The place of buoys and lightning buoys cannot extend beyond of the leased area,
- h) In the seas, as a result of the environmental planning works, the distance between the aquaculture areas allocated for aquaculture is determined by the Central Organization of the Ministry, taking into account the opinion of the Provincial Directorate on project capacity, water depth, flow rate and aquaculture techniques, In areas where environmental planning is not carried out, the distance between two tuna fattening farms and net cage farms and tuna fattening farms in the seas is should not be less than two kilometers; in case of the two finfish farms the distances should not be less than one kilometer based on the opinion of the Provincial Directorate regarding the criteria on project capacity, water depth, flow rate, which is approved by the Central Organization of the Ministry.





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- l) The distance between hatcheries or between hatcheries and other aquaculture farms is determined by the Ministry's Central Organization taking into consideration the report prepared by the fisheries faculties and research institutes together with the opinion of Provincial Directorates about capacities, water intake and discharge systems, and production methods, However, if it is necessary, a re-examination of all process may be asked by the Commission,
- j) In order to ensure the efficient use of the aquaculture areas, the minimum capacities of the projects are determined by the Central Organization of the Ministry,
- k) If there is threat of freezing for cold-water fish farms or high temperature risks over 20 ° C, a production management plan is needed to be prepared considering approximate start and end dates,
- l) Off-shore aquaculture is permitted only in the seas, out of closed bays and gulfs, over minimum 40 m depths by using appropriate technologies, on the other hand, if the project capacity, depth of water, current speed and technology used in aquaculture process is suitable, the permit can be given to establish marine farms for fish production in cages at shallower depths with the decision of Central Organization of the Ministry,
- m) The size of areas on land needed to support mariculture farms for logistics and management purposes is determined by the Central Organization of the Ministry and / or the Provincial Directorate,
- n) Determination of common aquaculture sites and their planning is done by the Provincial Directorate after the approval of the Central Organization of the Ministry, The procedures and principles regarding aquaculture activities including mandatory location changes are regulated by the directive to be prepared by the Central Organization of the Ministry,
- o) The authority to permit aquaculture certificate for the application of new technologies other than existing ones is the Ministry Central Organization and its directive prepared on the procedures and principles regarding the implementation,
- p) The procedures and principles for crustaceans, arthropods and mollusks farming are determined by the directive to be prepared by the Central Organization of the Ministry,
- q) The procedures for the juvenile fish production facility is executed in accordance with the provisions, Other procedures and principles needed for juvenile fish growing areas and facilities are determined by circulars to be prepared by the Central Organization of the Ministry.

- **Implementation of Farms, Permits, Approval and Project Process (Chapter Three)**

- **Application**

The procedures and principles for the evaluation of the applications are given below (Art. 6):

- a) Entrepreneurs who want to establish an aquaculture business must apply to the relevant Provincial Directorate and obtain permission from the Central Organization of the Ministry.
- b) The entrepreneurs who want to establish fish farms, apply to the Provincial Directorate with a written statement (Annex 1.1.) by adding to a 1/25000 scaled field map on which the place where the facility will be established is marked. Provincial Directorate conducts a local investigation within

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15 days by a technical team to be formed. It is ensured that water samples are duly taken from the water source or production sites to be used in the aquaculture facility, and necessary analyses are carried out by the investor in the certified laboratory designated by the Ministry. If the analyses are all positive and acceptable for water quality, water surface, land and other criteria (i.e, depth of water, distance between plants, appropriate aquaculture techniques and environmental effects) determined by the Central Organization of the Ministry, for all inland water and marine farming facilities need to prepare " Preliminary Study Report "(Annex 1.2), and farms with hatcheries has to prepare "Hatchery Preliminary Study Report" (Annex 1.3) together with Attachment -2, A sketch showing the location of the facility, water source, road and settlement status of other facilities and the distances related to them, is also prepared and added to the preliminary study report(s) by the Provincial Directorate.

Provincial Directorate demands preliminary permission for the applicant from Central Organization of the Ministry by handling all documents; 1/25000 scaled map of the facility will be established, with the application statement of the investor, water analysis result report, sketch and other documents to be provided by the investor(Annex 1.4) together with the appropriate opinion of the Provincial Directorate (Additional last sentence: OJ-30/5/2009-27243) Procedures related to the preliminary permit requests are finalized within twenty one days by the Ministry.

c) Eight months of period from the date of application is given to the investor to provide all of the documents for preliminary permit (Annex 1.4) by the Provincial Directorate, If the essential documents could not be completed within this period, the application of the investor is removed from the transaction, However, if the reasoned request of the applicant is deemed appropriate, an additional period may be given by the Provincial Directorate in accordance with the reason.

d) If there are more than one application for farming in the same area both in marine and inland waters, other applications are kept for evaluation until the first application is concluded, If the first application does not take place, other applications are evaluated according to the order of application.

e) If it is the first application for fish production in net cages in dam lakes, the opinion of the General Directorate of State Hydraulic Works is taken by the Central Organization of the Ministry and the transactions are carried out accordingly (Fig 1).

#### ○ **Preliminary Permission**

Article 7 - General provisions regarding the preliminary permission for the establishment of aquaculture plant are described below:

a) In case of completing the procedures in Article 6, the entrepreneur is given a twelve-month pre-authorization by the Ministry's Central Organization and/or Provincial Directorate to prepare his project, During this period, the preliminary permission of the entrepreneur who does not prepare his project and deliver it to the Provincial Directorate is canceled by the Ministry's Central Organization upon the proposal of the Provincial Directorate, However, if the reasoned request of the entrepreneur who declares an excuse on this matter is notified to the central organization of the



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Ministry with the approval of the Provincial Directorate, an additional period may be given by the Ministry's Central Organization.

b) When the entrepreneurs who have received a preliminary permit or who are in the stage of obtaining a preliminary permit, wants to make changes in their previous applications, they apply to the Provincial Directorate with a petition (Annex 1.5), Subsequent transactions are carried out in accordance with the principles laid down in Articles 6 and 7, Considering the nature of the requested change, documents that have been previously supplied by the operator and are still valid, new ones are not required from the operator, However, the first application date is taken as the application date.

c) Entrepreneurs who have applied for a preliminary permit and whose transactions are still in progress and those who have received a preliminary permit cannot transfer their rights to another entrepreneur.

- **Project Approval**

Article 8 - General provisions regarding approval of fish farming projects are described below:

a) Entrepreneurs who want to establish a fish farm and get preliminary permission must have their projects approved by the Ministry's Central Organization and / or Provincial Directorate.

b) While preparing the project, the project preparation instruction and disposition determined by the central organization of the Ministry are taken as basis, Discovery-quantity charts of the application project prepared by real and legal persons authorized to prepare the project are calculated by considering the increase rate to be announced by the Ministry of Public Works and Settlement, if these prices are not disclosed. The project is delivered in five copies to the Provincial Directorate for approval. Entrepreneurs are obliged to add a notarized copy of the specification regarding the project subject, sent to the Provincial Directorates by the central organization of the Ministry in each project copy.

c) For the approval of the projects of fish farms, the condition of conformity with the relevant provisions of the "Environmental Impact Assessment Regulation" is sought and the document confirming that this requirement is met is added to the project,

d) Approval authorities of aquaculture projects to be implemented in seas and inland waters are determined by circulars to be prepared by the central organization of the Ministry,

e) For the projects whose approval authority is the Provincial Directorate, a copy of the project remains at the Provincial Directorate, and another copy is sent to the Central Organization of the Ministry within fifteen days after the date of approval. If there is a lease for the projects approved by the provincial directorate, the lease offer is made to the relevant institution together with the project and the Ministry's central organization is informed as a result. The other two copies of the approved project are given to the investor.

g) Authorization to approve: After the projects approved by the Central Organization of the Ministry, one copy is kept in the Central Organization of the Ministry, If the lease for the approved project is in question, one copy of the project is sent to the Provincial Directorate in order to be used during the



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application to be made for the lease, two copies are given to the operator and one copy is kept in the archive of the Provincial Directorate.

○ **Aquaculture Certificate**

The procedures and principles to be applied in issuing aquaculture certificate to fish farms are explained below (Article p):

- a) After completing the water and / or area rental operations for the aquaculture plant and / or hatchery and starting production, an application is made to the provincial directorate within a month to obtain the Aquaculture Certificate and / or Aquaculture Hatchery Certificate, Within fifteen days after the application, an inspection report is issued by the Provincial Directorates, and the Aquaculture Certificate (Annex 1.6/a) and / or Aquaculture Hatchery Certificate (Annex 1.6/b) is sent to the Ministry's Central Organization together with the audit report to be approved. The procedures regarding the approval of the Aquaculture Certificate are finalized within twenty days,
- b) "Aquaculture Certificate" is issued one for each facility. The approved original document is given to the operator; a certified copy of each is filed in the Central Organization of the Ministry and the Provincial Directorate,
- c) The copy of the certificate is hanging on in a place where easily visible in the administrative building of the facility,
- d) In case of project change, project transfer, name change, etc., in order to issue the Aquaculture Certificate suitable for the new situation by canceling the old certificate, after the allocation procedures completed to the new investor, a new "Aquaculture Certificate" (Annex 1.6 / a and b) issued in accordance with the new situation are sent to the Central Organization of the Ministry together with the "Audit Report",
- e) Aquaculture Certificates of fish farms, whose activities are terminated for any reason, are sent to the Central Organization of the Ministry by the Provincial Directorates for cancellation,
- f) The entrepreneurs who will interrupt production for any reason shall apply to the Provincial Directorate by attaching the original of the certificate document to their statement explaining the reason and duration of the break, Originals of the breeding documents of these facilities are kept in the Provincial Directorates until the facility in question starts production again, Central Organization of the Ministry is informed by the Provincial Directorates about the situation in question,
- g) Entrepreneurs apply to the Provincial Directorate within one year from the date of publication of this Regulation to replace the certificate documents previously issued by the Ministry's Central Organization and / or Provincial Directorate,
- h) Entrepreneurs are required to apply to the Provincial Directorates to get visa for their aquaculture certificates in every three years,
- i) Due to administrative and technical problems, if the documents regarding the renewal or visa issuance of the farms cannot be supplied and the reasoned request of the operator is relevant, the breeding certificate can be visa or renewed,



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If the documents regarding the renewal or visa issuance of the fish farm cannot be supplied due to administrative and technical problems, and the reasoned request of the investor is relevant, the aquaculture certificate can be approved for visa or renewed.

- **Cancellation of the Project**

Article 10 defines general provisions requiring cancellation of aquaculture plant projects are as follows:

a) Regarding the establishment of the fish farm, completion of leasing procedures is essential to invest and start production within one year after the last completed lease transaction by accepting as the start date, the project is cancelled. If the entrepreneur's reasoned request and this request is found appropriate by the Central Organization of the Ministry, this period is extended for one time only. If the period is exceeded, the cancellation of the projects is made by the Provincial Directorate if approval is done by the provincial directorate and notified to the Central Organization of the Ministry, Approval of the projects done by the Central Organization of the Ministry is done by this central organization upon the proposal of the Provincial Directorate,



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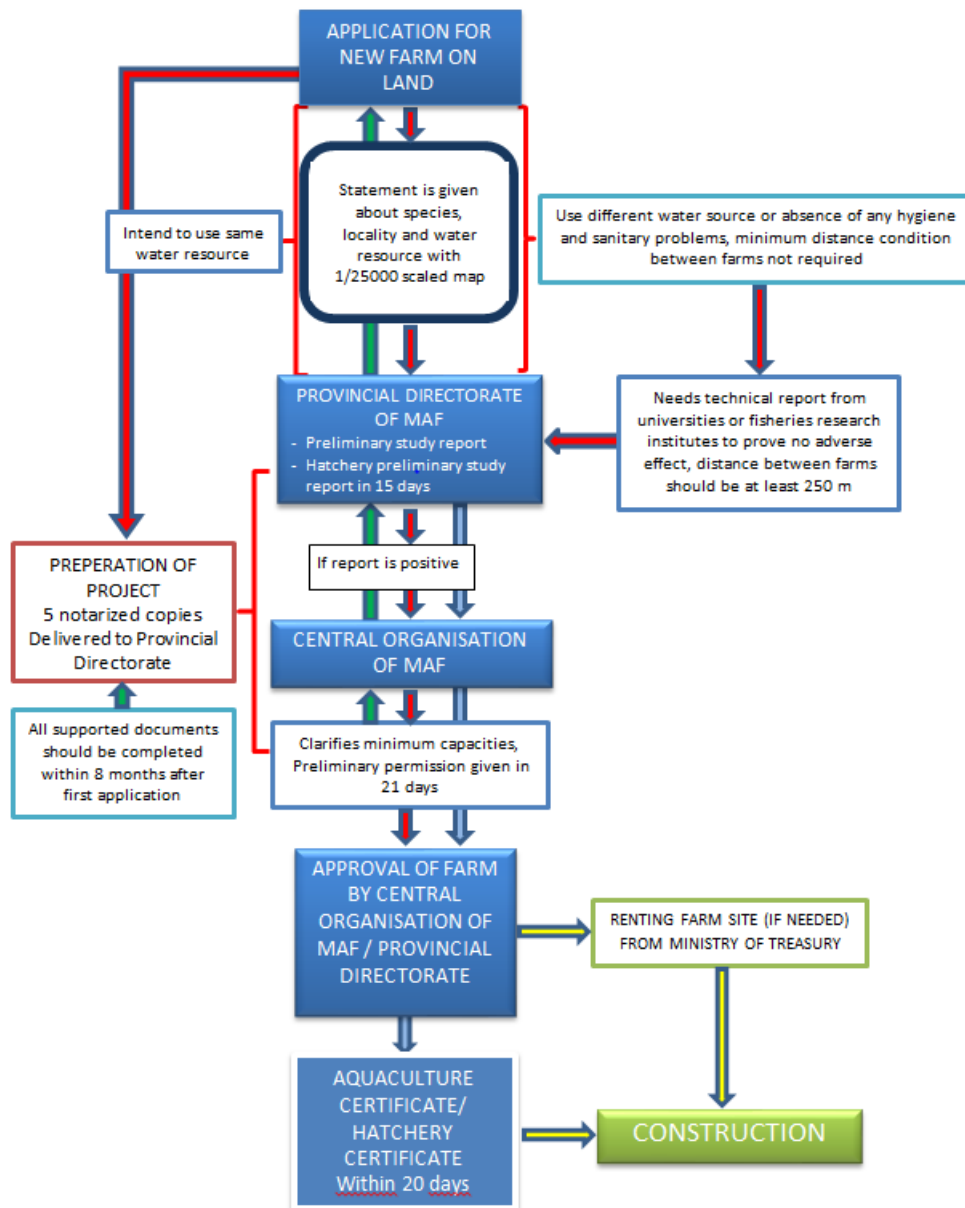


Figure 1. Flow chart diagram of the procedures to establish fish farms in Turkey

b) Exceeding the period stated in item (a) due to any environmental, physical and chemical factors or natural disasters, which may have a negative effect on aquaculture, or which may be understood later, is not considered as a reason for project cancellation. In this case, the investor is given a six-month decision-making period, and the project is canceled after six months if a new proposal is not received from the entrepreneur with the solution to eliminate the restrictive situation or change the location, If an activity proposal is received to eliminate this restrictive situation and this proposed activity is deemed appropriate, an additional time sufficient for the proposed application is given. In the six-month decision-making period, if the entrepreneur proposes changes to the project, the

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provisions of Article 11 of this Regulation are applied. The decision authority regarding the projects covered by this article is the authority that approved the project,

c) In case the fishing grounds are rented with a project for fish farming procedures for the cancellation of project is carried out by the Central Organization of the Ministry, if the promised investments to be made for each year in the proposed and approved plan are not fulfilled without reason, even one year after of that year based with the report prepared by the Provincial Directorate,

d) If the lease contract is terminated due to the entrepreneur's failure to fulfil his obligations, project certificates are also cancelled. Cancellation of the projects whose are approved by the Provincial Directorate are made by the Provincial Directorate and notified to the Central Organization of the Ministry. If approval is done by the Central Organization of the Ministry cancellation is also done by the same organization.

- **Modifications in the Project**

The procedures and principles to be applied in case of changes in aquaculture projects are as follows (Art.11):

a) The entrepreneurs who want to make any changes in their projects such as the type, location, capacity and area increase/decrease, and setting up an additional unit and change of location should apply to the Provincial Directorate where the facilities are located (Annex 1.7), Regarding these applications, transactions are made in accordance with the principles stated in the 6th, 7th and 8th articles,

b) Considering the nature of the requested change, the documents that have been previously supplied by the investor and if they are still valid are not requested from the applicant again,

c) New project is required for any change of species while revised project is requested to install additional units and capacity increase / decrease, No project is requested for space increase / decrease and relocation of the farm realized with the documents related to the navigation and rentals, In cases where capacity increase / decrease and space increase / decrease are involved, both revised project documents related to navigation and rentals are requested,

d) The entrepreneurs are subject to have permission about any changes that will not spoil the merits of their approved projects (shape, size and number of cages / ponds, biological characteristics of farmed species apart from the changes during the establishment of the fish farm or at post production stage, and have the site plan suitable for the new situation. The authorization and approval authority for these changes is the authority that approves the project,

e) After the aquaculture projects are approved, the entrepreneurs are obliged to apply to the Provincial Directorates with a petition for their changes in their annual production planning, If the requests for changes are deemed appropriate by the provincial directorates, this will be notified to the Ministry within 15 (fifteen) days.



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#### ○ **Obligatory Location Changes**

There might be obligatory location changes of the farms due to outsider reasons (Article 12). In case of notification from the Ministry's Central Organization and / or the Provincial Directorate due to legal, technical, security and similar compulsory reasons, entrepreneur should apply with a petition (Annex 1.8) to the Provincial Directorate at the place where their facilities will be moved, at the latest one month, Documents related to transfer and new settlement plan are provided in case of compulsory place changes to be made without changing the size of surface area and / or capacity increase / decrease provided that they are within the same city borders, Other transactions are evaluated within the scope of the relocation of the projects and are carried out in accordance with the principles in Article 11, In case of the compulsory relocation requires moving to an area within the boundaries of other provinces, the transactions are carried out in accordance with the principles in Article 11.

#### ○ **Trial Production**

The general provisions regarding the trial production to be applied in the aquaculture farms are stated in Article 13 of the Regulation as:

a) The entrepreneurs who want to make trial production in a part of their existing facilities apply with a petition containing a detailed report including the purpose, reason, material, method and duration related to the trial production, Such applications are forwarded to the Central Organization of the Ministry by the Provincial Directorate by specifying their opinion, The authority to allow trial production belongs to the Central Organization of the Ministry.

b) Entrepreneurs whose want to make trial production without having any facilities, apply to the Provincial Directorate where the trial facilities will be established with a petition (Annex 1.9), Regarding these applications, transactions are made in accordance to the principles stated in Articles 6, 7 and 8, However, while preparing the aquaculture project, the project disposition prepared by the Central Organization of the Ministry is taken as basis.

#### ○ **Transfer of the Projects/Ownership**

Article 14. The procedures and principles to be applied in the transfer processes of aquaculture plants and projects are as follows:

a) Entrepreneurs who want to transfer their aquaculture facilities to real or legal persons apply to the Provincial Directorate where their facilities are located, by submitting the documents to be determined by the Central Organization of the Ministry, with a petition (Annex 1.10).

b) Proposals related to the transfer processes of the projects which have been approved by the Ministry Central Organization are notified by the provincial directorates to the Ministry Central Organization within seven days, After the approval of the transfer process by the Ministry Central Organization, the demand for the transfer is conveyed by the provincial directorate to the institution authorized for the leasing, and then the result is reported to the Central Directorate of the Ministry by the provincial directorate. The proposals regarding the transfer processes of the projects whose project has been approved by the provincial directorate are notified to the Ministry's Central





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Organization within seven days with the approval of the provincial directorate, These proposals are evaluated within fifteen days and sent to the relevant institution within seven days by the provincial directorate, if deemed appropriate by the Ministry's Central Organization, After the transfer, the Ministry Central Organization is informed about the issue.

c) Real or legal persons who take over the project submit a notarized copy of the specification to the Provincial Directorate, A copy of the specification is sent to the central organization of the Ministry by the Provincial Directorate,

d) For the transfer of the enterprises to real or legal persons that will be engaged in aquaculture for the first time, the condition of obtaining an Aquaculture Certificate is required.

Chapter three covers the requirements for other aquaculture activities

- **Bluefin tuna fattening**

Procedures regarding the establishment and operation of bluefin tuna fattening farms will be carried out according to the this directive and the Communiqué on "Bluefin Tuna (*Thunnus thynnus*) Fishing and Fattening" published in the Official Journal dated 23/03/2003. No: 25057 (Article 15).

- **Organic Aquaculture**

It is defined in Article 16. Transactions related to organic aquaculture projects are carried out in accordance with the relevant articles of this Regulation. Regarding production, the legislation in force regarding the principles and implementation of organic agriculture is complied with.

In regions where fisheries employed the procedures and principles regarding fisheries and aquaculture in natural lakes, ponds, dam lakes, rivers and branches are determined by the Ministry (Article 17).

- **Establishment of Integrated Plants**

Only the part of the aquaculture industry, which includes the aquaculture plant and other related activities, is evaluated, and the relevant procedures are carried out in accordance with the principles stated in the Articles 6, 7 and 8 (Article 18).

- **Import of egg, fry and adult fish**

Chapter five regulates import of eggs, fry and brood fish. The procedures and principles regarding the import of the eggs and brood fish is going to be used in fish farms are determined by the Ministry (Article 19).

- **Employment of technical staff**

Chapter six aims to organize technical staff employment in fish farm. The provisions regarding the employment of technical personnel in aquaculture plants are as follows (Article 20):

a) In fish farms, depending on their production capacity, at least 4 years of faculty graduates who have education on aquaculture or those who have worked in the public for at least 5 (five) years are employed as technical personnel provided that they document their status (Amended: 15/10/2005 - 25967 Article 7). The number of technical staff to be employed in the facilities is determined by the



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circulars to be prepared by the central organization of the Ministry, taking into account their production capacities. One of the technical staff employed is assigned as "Technical Responsible Manager".

b) In hatcheries, at least one technical staff is employed and regarded as "Technical Responsible Manager" regardless of capacity.

c) In the aquaculture plants or hatcheries, if the owner of the facility meets the conditions of the technical personnel whose characteristics are stated in item (a) of this article, this operator is considered as the technical personnel.

d) Fish farms and hatcheries, technical personnel employment and technical responsible manager appointments that are currently in operation, shall notify the Provincial Directorate within six months by filling the "Technical Responsible Manager Appointment and Technical Personnel Employment Form"( Attachment -10),

e) Fisheries aquaculture facilities and hatcheries to be established will fulfill their obligations regarding the employment of technical personnel and appointment of a technical responsible manager during their application to the Aquaculture Certificate,

f) As the production capacity, which is accepted as the basis for the employment of technical personnel, issued before the issuance of a breeding certificate for enterprises that have just started production; For the enterprises currently in production, the production amount in the most recent audit report belonging to that enterprise is taken from the annual audit reports, In the following years, the production capacity, which is periodically prepared every year, is taken as the basis for production capacity, which is considered as the basis for the employment of technical personnel.

#### o **Fish Health and Welfare**

Article 21 of Chapter 7, regulates the Measures to be taken for the Protection of Fish Health and Welfare;

a) The Ministry is authorized to take all kinds of measures to protect the fish and fish health in farms where aquaculture is carried out,

b) Dead fish in farms are collected and burned regularly or buried in lime pits,

c) In case of a suspicion or finding of a disease in the breeding facilities, the entrepreneurs must report this situation to the Provincial Directorate where the facility is located as soon as possible,

d) When the disease notice is received, the breeding facility is monitored by the Provincial Directorates, Entry and exit of live or dead seafood products and all kinds of tools, equipment, tools and equipment that may spread the disease are subject to the permission of the provincial directorate officials; Provincial Directorates ensure that the necessary samples are taken from the facilities where the disease is received, sent to the relevant laboratory for examination and testing, and ensures that other enterprises that have the possibility of infection are taken necessary measures,



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- e) If the disease occurred in the aquaculture facilities on land, all pools are evacuated for cleaning and disinfection processes, All eggs, fish or other aquaculture products that show signs of clinical disease are destroyed under the supervision of the provincial directors of the Provincial Directorate and again with the method recommended by the authorities,
- f) After removing or disposing of fish, eggs, gametes or other aquaculture, pools, equipment and all kinds of materials, tools and equipment that may infect the disease, eliminating any risks that may lead to the emergence, spread or survival of the Province, It is cleaned and disinfected in a manner recommended by the authorities of the Directorate,
- g) The activity of the breeding facility is not allowed until the risk of the disease disappears and the necessary precautions are determined and notified by the Provincial Directorate,
- h) Disease investigation, measures taken, applications and results are reported to the central organization of the Ministry in a report by the Provincial Directorate,
- i) All kinds of medicines and similar chemicals used in hatcheries and aquaculture plants are used depending on the veterinarian prescription, If necessary, medication can also be used with a magisterial prescription, One copy of the prescriptions of the drugs used in the facility is kept,
- j) Procedures and principles regarding fisheries welfare are regulated by the circular to be prepared by the Central Organization of the Ministry.

- o **Environmental Impact and Protection**

The precautions need to be taken regarding environmental impact and protection in aquaculture plants are as follows (Article 21-Chapter 8):

- a) The requirement of conformity with the relevant provisions of the "Environmental Impact Assessment Regulation" is required in the projects of aquaculture plants,
- b) Entrepreneurs must take measures to protect the environment during the establishment and operation phase of aquaculture plants, In this context, facility wastes are not released to the water environment in which they are located; All kinds of materials and materials that will impair the quality of water, harm the environment, human and aquaculture health are not used,
- c) While the aquaculture activities are carried out, all kinds of precautions that will not cause visual pollution are taken, In this framework, in particular, bags and other wastes used in aquaculture are regularly removed from the facilities, In addition, the structures on the land are designed in harmony with the environment they are in and their exteriors are painted in accordance with their environment,
- d) Necessary measures are taken to prevent the species produced in aquaculture facilities from escaping into nature,
- e) The waters left to the receiving environment in the aquaculture plants and hatcheries on the land must comply with the values reported in the Fisheries Regulation, and purification systems that will meet these conditions are established in the facilities,



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f) Enterprises that do not currently have a purification system have to make the necessary changes in the layout plans and submit them to the relevant Provincial Directorates to approve the new settlement plans in which these units are included and their technical specifications are specified, The approval authority regarding these changes is the authority that approved the project, These facilities have to fulfill this obligation within one year from the publication of this Regulation,

- **Auditing**

Supervision for fish farms and the provisions regarding the inspection of aquaculture plants are as follows (Article 23):

a) Provincial Directorate officials inspect aquaculture plants within the framework of this Regulation and related legislation,

b) Routine inspections in aquaculture facilities are carried out by the Provincial Directorates in April, May and June of each year, and in March for hatcheries, an inspection report is prepared, Audit reports are sent to the Ministry central organization for hatcheries at the latest in April and for breeding facilities until the end of July,

c) It is obligatory to give a copy of the inspection reports to the facility where the inspection and control is carried out,

d) The provisions of the Fisheries Law No, 1380 and the provisions of the relevant legislation are applied for the provisions of this Regulation and the aquaculture facilities that are contrary to the other legislation referred to by this Regulation and the products produced by them,

Effectiveness and Execution measures are given in Chapter 10. The Central Organization of the Ministry is authorized to issue communiqués, circulars and instructions in order to ensure, facilitate, complete or explain the implementation of this Regulation, Matters not included in the Regulation (Article 26).

In cases where there is no provision in this Regulation, the operation is made according to the general provisions (Article 27).

- **Other provisions**

- **Directive on the application of Aquaculture Regulation (AR)**

This Directive has also brief clarifications on the application of some articles in the Aquaculture Regulation in order to simplify the procedures for farm implementations.

- **Implementation Principles of Article 5 (j) of AR-Capacities:**

In order to ensure the efficient use of the areas allocated for aquaculture investments, the capacities in net cages will not be less than 250 tons / year in sea and 25 tons / year in dams and natural lakes. However, the capacity condition is not required for the projects of marine fish culture farms in earthen ponds and in net cages in streams and small irrigation lakes. The procedures regarding fish culture in small irrigation lakes will be carried out within the framework of the instructions notified to the Provincial Directorates.



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- **Implementation principles of Article 6 (b) of AR-Water quality criteria.**

The water criteria tables to be considered in the applications for aquaculture in inland waters and seas are specified in ANNEX-1-a, b, c.

- **Implementation Principles of Article 8 (b) of AR- Essential documents:**

Information and documents to be included in the fisheries project file:

- Information and documents required for the Pre-Permission,
- Letter of preliminary permit issued by the Ministry,
- Regarding the area where the facility will be established;
  - A document from the local Health Organization (Provincial Health Directorate, Environmental Health Directorate, etc.) stating that it does not have any health problems.
  - (Amended: 2006/1) Document obtained from the relevant institution (General Directorate of Highways or General Directorate of State Railways or the Provincial Organizations of these organizations) that there is no objection in terms of transportation,
  - (Amended: 2006/1) Document received from the relevant institution (General Directorate of State Hydraulic Works (requested at the preliminary permit stage), General Directorate of National Real Estate or the Provincial Organizations of these organizations) that there is no problem in using the water to be used in the facility,

Documents to be obtained from other relevant organizations if deemed necessary:

- Trade Registry Gazette for legal entities (Company, Cooperative, etc.),
- Project feasibility report
- A document indicating whether there is any objection according to the EIA regulation
- Compliance with project preparation disposition (Annex-2)
- Draft Technical Specifications (ANNEX-3-a, b, c, d, e, f, g, h)

- **Implementation Principles of Article 8 (d) of AR-Approval of the capacities**

Regardless of their capacities, production projects of trout, carp, sea bream and sea bass fish and inland water and marine hatchery projects (including 2,000,000 fry/year) with production capacity up to 2,000,000 pieces / year are approved by the Provincial Directorates.

Regardless of the capacity, the production projects for the cultivation of the turbot, sturgeon, eel, frog, aquatic plants, crustaceans and molluscs, and other species, trial production and organic aquaculture together are approved by the Ministry's Central Organization.

(Amended 3rd Paragraph: 2006/1) Projects to be implemented in small natural or irrigation lakes will be approved by Provincial Directorates.

Projects to be implemented for aquaculture in fishing areas and / or restoration projects are approved by the Ministry's central organization.

A copy of the projects approved by the Provincial Directorates will be sent to the Ministry's Central Organization within 15 (fifteen) days in accordance with the clause (e) of Article 8 of the Regulation.



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#### ○ Principles of implementation regarding article 9 (a) of AR-Certification

For the entrepreneurs who are engaged in aquaculture, the "Fish Farming Certificate" and the "Aquaculture Hatchery Certificate" will be arranged as appropriate.

The documents need to be changed will be sent to the Ministry together with the new "Fish Farm Audit Report" in ANNEX-4.

If an aquaculture certificate is issued for the first time, only the "Fish Farm Inspection Report" will be sent to the Ministry and the aquaculture documents will be filled in by the Ministry and sent to the Provincial Directorates after approval. The validity period of the aquaculture documents is limited to the rental period and the lease transactions of the entrepreneurs will be checked by the Provincial Directorates.

The old certificates are still in force and will be sent to the Ministry with the necessary documents by the Provincial Directorates to be replaced with the new document on the first visa date. During the visa of the documents, leases will be checked.

#### ○ Principles of implementation of Article 11 (e) of AR-Modifications

Entrepreneurs who want to make changes in the quantities of the species to be produced without changing the approved project, related to the species specified in the project, the project capacity remains the same due to economic reasons such as supply-demand, juveniles and sales prices; they have to get permission from the Provincial Directorates with the petition they attach to their annual production planning before that production season. This situation will be reported to the Ministry within 15 (fifteen) days.

#### ○ Implementing Principles of Article 14 (a) of AR-Other documents

In addition to the Aquaculture Regulation;

- Trade registry newspaper sample of legal entities who want to take over the project,
- Signature circular of the person or persons authorized by the person who wants to take over,
- Authorization certificate sample,
- Copy of the company's establishment document.

In order to transfer of the aquaculture certificate to the new applicant, transfer permission, the lease agreements (water, area, etc.), will be issued by the relevant institution on behalf of the new applicant.

#### ○ Principles of implementation regarding Article 17 of AR-Leasing

Issues to be considered in leasing transactions;

The order, which determined the Procedures and Principles Regarding the Areas to be Leased by the Special Provincial Administrations numbered SÜDB/250 11 10 11-426-1379 dated 30.01.2004, has been canceled and the principles to be followed in projects and non-project leases are as follows:

- Leasing of Fisheries Production Areas will be made according to the "Communiqué on Leasing of Fisheries Production Places" published in the Official Gazette No. 25348 dated January 16, 2004.



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- Whether the aquaculture production areas will be opened for use for the first time with or without a project is determined by the Ministry's Central Organization with the proposal of the Provincial Directorates.
- After the notification of the rental value (ANNEX-5) determined according to the lease notification (ANNEX-5) to the tenant every year, the provincial directorate is sent to the Ministry's Central Organization within 15 days.

- **Amendment: 2006/1- Certificate of origin:**

In accordance with the circular that regulates commercial fishing, the information regarding the origin and fishing areas that should be arranged for the fishing areas in inland waters, as requested in the Fishing Area Information Form in ANNEX-6, will be written taking into account the stock amounts, and if no certificate of origin has been issued, it will be indicated on the form. In this context, the instructions regarding the submission of documents of origin dated 02.03.2005 and numbered SÜDB / 250 11 10 12–819–2835 and the instructions registered in their interests were cancelled.

- **Supplementary Article: 2006/1-Mapping of farm sites:**

It is applied to the Provincial Directorates with a petition attached to the map where the coordinates are specified by the entrepreneurs who want to establish net ponds in the seas. These documents will be sent to the Ministry's Central Organization to obtain the necessary permission in terms of voyage.

- **Additional Article: 2006/1-Leasing sites**

The short-term operation of the lagoons and net ponds without a project will be made in accordance with the principles of the Communiqué No: 2003/46 on the Lease of Aquaculture Production Areas published in the Official Gazette No. 25348 dated January 16, 2004.

- **Additional Article: 2006/1- Project preparation**

Operation of the lagoons and net ponds as projects will be done as follows:

- 6 months before the end of the lease term, in order to ensure the sustainable use of the lagoons, it is announced in accordance with the Communiqué No. 2003/46 on Leasing Fisheries Production Sites.
- The applications made are evaluated by the Provincial Directorates and those deemed appropriate are sent to the Ministry together with the project summaries.
- Preliminary permission is granted to those who are eligible for applications submitted to the Ministry.
- Projects to be prepared by the entrepreneurs within 3 months at the latest after the preliminary permit is submitted to the Provincial Directorates.
- Projects; It is examined under the chairmanship of the Provincial Directorate, with the participation of the University and Research Institutions, if necessary, by the Commission established at its location.
- The projects or projects deemed appropriate by the Commission are sent to the Ministry for evaluation together with the Commission report.



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- Projects or projects approved by the Ministry are sent to the Provincial Directorates to be offered to participate in the lease tender to be opened by the Special Provincial Administration in accordance with the Communiqué No. 2003/46 on the Lease of Fisheries Production Areas.

The project of the applicant, who won the lease tender to be opened by the Special Provincial Administration, will be implemented and other preliminary permits and projects will be deemed to have been automatically canceled.

○ **Implementing Principles of Imports inquires regarding Article 19 (Amended: 2006/1):**

Applications regarding the import of fingerlings, eggs and breeders will be made to the Provincial Directorate for Aquaculture. The Circular numbered SÜDB / 250 11 10 12 / 2619–5589 on this issue was annulled.

According to this;

- Import application; Plants with Fish Farming Certificates (Hatcheries can only import eggs and breeder), enterprises that have trial production permission and Universities and Research Institutions that want to import for scientific purposes.
- Import applications are made with a petition to the Provincial Directorate (Annex – 7) where the enterprise is located.
- Documents to be sent to the Ministry's Central Organization for import permission:
  - Petition (ANNEX – 7);

It must be signed by the authorized person or notary, authorized personnel from the notary and company stamped,

- Control Certificate:
  - While preparing the Control Certificate, it should be prepared in 3 (three) copies by the company in the format in accordance with the principles of the Standardization Communiqué published every year and the G.T.IP number should be left blank,
  - It must be signed by the company's stamp and official or authorized personnel,
  - If signed by the company representative, the company signature circular is notarized and 1 (one) copy, if the control certificate is signed by the authorized personnel, a notarized copy of the notary and 1 (one) approved by the company,
    - Invoice or offer invoice;
  - Original and 2 (two) copies and certified 3 (three) copies translated into Turkish by sworn translation agencies,
    - Health Certificate;
  - Original copy and 2 (two) copies and 3 (three) copies of them translated into Turkish by certified translation agencies,
    - Certificate of Origin;
  - Original copy and 2 (two) copies and 3 (three) copies of them translated into Turkish by certified translation agencies,
    - Requirement Document (ANNEX-8);





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The amount of fingerlings, eggs and broods to be imported is determined by calculating according to the type and capacity in the fish farming document or the regulation made in accordance with the clause (e) of article xi of the Regulation.

- Calculation of the product to be imported; In the import of the fingerlings, 4 individuals for 1 kg of production amount of the species to be imported, 5 eggs for 1 kg production amount in trout import, and the brood fish specified in the approved project for the brood import are taken into consideration.
- The amount of fingerlings, eggs and broods that will be imported annually will not exceed the amount calculated according to the type and capacity included in the aquaculture certificate of the facility. But; In accordance with Article 11 (e) of the Regulation, in case of a change in production planning, the final situation will be taken into consideration.
  - Trade Registry Gazette;
- 1 (one) copy of the related company's announcement in the trade registry newspaper,
  - Fish Farming Certificate;
- 1 (one) copy of the farming document of the relevant company
  - Commitment (ANNEX-9);
- All documents are true and as it is original,
- Letter of undertaking to be prepared not to use the material written in the control document other than its intended purpose.

- **Implementing principles for Article 20 (a) of AR- Employment of Technical staff**

Fish farms, according to their project capacities, will employ at least 4 years of Faculty graduates providing training on fisheries or technical staff who have worked in the public for at least 5 (five) years. According to this; At least 1 for 50-249 tons / year, at least 2 for 250-499 tons / year, at least 3 for 500-749 tons / year, at least 4 for 750-999 tons / year, and 1000 tons / year and more at least 5 technical staff will be employed in the above facilities. The facilities that are still in operation will also employ technical personnel in accordance with this requirement within 6 months from the date of implementation of the Aquaculture Regulation Implementation principles.

(Additional Article: 2006/1) The official letter (s) received from the relevant institution (s) will be taken as basis in order to employ 5 years of public service in the facilities.

One copy of Fish Farming Regulation ANNEX:10 will be sent to the Ministry's Central Organization within 15 (fifteen) days after delivery to the Provincial Directorates.

#### **4.2.4. Financial instruments for aquaculture business**

Aquaculture sector is governmentally supported to be spread across country by numbers and capacities, diversification of the number of species farmed, increase the production for more supply to domestic markets and export. All of the actors took place in the designated authority, central and local governing bodies, research institutions, business supporting organizations, service suppliers and funding partners are working in harmony to reach the same target.



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- **Agricultural Bank (Aquaculture and Fisheries Loans)**

Agriculture Bank is a state-owned bank in Turkey founded in 1863. It is the second biggest Turkish bank since 2012 according to the Bankscope database measured by total assets in USD. Besides agricultural support loans, Ziraat Bank serves citizens in all financial transactions.

- **Commercial Credits:**

Real persons and companies of which have invested on fisheries and aquaculture activities may apply for fishery credits (aquaculture in sea, lakes, ponds; fishing in the sea and inland waters) for investment and operation. Fisheries loans are the credits allocated to the producers farming fish in cages in the sea and in soil and concrete ponds in inland waters (trout, sea bream, sea bass, etc.), and fishing industry in the seas for financing their investment and operational activities.

Fisheries credits for fish farming and fishing cover to supply juvenile fish, feed, medicine, fuel, labor, boat repair, all kinds of fishing and aquaculture tools and equipment, cold air storage, motor boat, fishing vessel fishing nets, etc.

In the determination of investment loans that can be used for investment expenditures, the size of the investment of the project is evaluated by taking into consideration the amount of equity of income and expense balance and customer credibility. In operational loans, an evaluation is made according to the capital requirement related to the enterprise that continues its production and fishing activities. Loans are allocated according to the evaluation reports applied by the banks, the credit rating of the customer requesting the loan, the loan term, the credit term and the collateral conditions.

Basic Requirements for real persons are:

- National identity card copy,
- Farmer Certificate / From Farmer Registration system
- Documents proving its agricultural property (land registration, rental contract, etc,)
- Documents related to collaterals to be shown against the loan
- Balance sheet and income statement for the last three years from companies operating on a balance sheet basis

For Legal Persons:

- Farmer Certificate / from Company Registry System
- Trade Registry Gazette where the legal entity articles of association (if any) are published
- Chamber registration document
- Tax certificate
- Decisions on the authority of representation of persons authorized to represent the legal entity and notarized circular of signature
- Balance sheet and income statement for the newly established legal entities belonging to the establishment and / or last year, and in others for at least the last three years
- Documents proving its agricultural holdings (land registry, rental contract, etc,)
- Documents related to collaterals to be shown against the loan,



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### ○ Subsidized Loan Applications

In order to support investments on selected sectors, it has been decided by the attached decision signed by the President, Ziraat Bank and Agricultural Credit Cooperatives are assigned to implement the Decision on the Use of Low Interest Investment and Business Loans for Agricultural Production pursuant to Articles 3 of Law No, 4603 and Articles 1 of Law No, 5570.

The upper limit of the loan provided by Agriculture Bank in aquaculture business was doubled in 2020 compared to the previous year, reaching 10 million TL, Interest rates are applied in two ways as "INVESTMENT" and "OPERATION" period. According to the decision, encouraging subsidized credits for the fisheries sector could be applied as it was shown in the Table 4.1.

After the interest rate discounts given in Table 4.1. Ziraat's current 10% interest rate decreases annually by 5% for both periods. On a monthly basis, this rate corresponds to  $5/12 = 0,41\%$ , Of course, if you are a young farmer under the age of 40, or woman, in addition to the information above, for women investing in aquaculture, this rate decreases to by 0,16% per month and 2 % per year.

Requirements:

- Fish farmer or fishing license/certificate,
- Identity card and any property or ownership of boat to be deposited,
- Your credit rating should be over 1700 points and above,
- 2 guarantees together with their spouses,
- No debt document from the tax office.

Table 4.1. Discount credits of Agricultural Bank to aquaculture business

Topic	Reduction Rate (%)		Upper Limit of the Credit (Million TL)
	Investment	Operation	
Fisheries Sector	50	50	10
Aquaculture	10	10	
Young farmer/entrepreneur(≤40 yrs)	10	10	
Woman farmer/entrepreneur	10	10	
Highest reduction rate applicable	80	80	

### ● KOSGEB<sup>50</sup> Grant Incentives

KOSGEB was established in 1990 with the Law No: 3624, to provide services and supports only for the production industry SMEs until 2009, However, due to the increase in the added value production and employment creation potentials of other sectors in Turkey and due to the high requests received from SMEs in such sectors, the target of the KOSGEB had been enlarged to cover all SMEs.

<sup>50</sup> Small and Medium Enterprises Development Organization of Turkey, Ministry of Science, Technology and Industry;  
<https://www.kosgeb.gov.tr/>



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KOSGEB Establishment Law was amended by the Law 5891 to provide essential legal grounds for KOSGEB to support SMEs other than the ones in the production industry sectors. The Cabinet Decree No 15431 on the “Determination of Sector and Regional Priorities of Small and Medium Enterprises that will Benefit from the Services and Supports to be Provided by KOSGEB” was published in the Official Journal dated September 18, 2009 (No 27353), and with this Decree, the sector and regional priorities related with the enterprises that will benefit from the services and supports to be provided by KOSGEB were determined.

Entrepreneurs can take advantage of KOSGEB grant incentives, regardless of what kind of fishing activity they conduct; importing seafood or exporting domestic fish from the nature or farms, KOSGEB supports everyone who sets up or will start a business as a production partner, by providing the conditions. Some of the sectors and fields are given below as it is indicated by the following NACE codes (Table 4.2):

Table 4.2. Sectors to be supported by KOSGEB funds

Nace Code	Sectors
10.2	Processing and storage of fish, shellfish and mollusks
46.38	Wholesale trade of foods including fish, shellfish and mollusks
47.23	Retail trade of fish, crustaceans and mollusks in stores dedicated to a particular property

The "Entrepreneurship Support Program" created by KOSGEB for entrepreneurs who want to get support to open a new business has been redesigned from the beginning of 2020, as “Entrepreneurship Development Support Program”, which is now its new main name, includes grant support between 60000 TL and 370000 TL. According to the business model will be established, all entrepreneurs who will start a new business can benefit from these supports.

KOSGEB Entrepreneurship Development Support Program covers 2 kinds of support:

1. Traditional Entrepreneur Support
2. Advanced Entrepreneur Support

The only form that does not change is the “Applied Entrepreneurship Training”, which is the first condition of the application to both programs. However, radical changes were made in these trainings. The most striking one is the training given over the Internet with "Distance Education" technology. Whether it is “Formal” or “Distance Education”, it has become much easier to get an entrepreneurship certificate. However, while taking these trainings, "Distance Education" period was kept a little longer for those who will receive "Advanced Entrepreneurship Support".

- **KOSGEB Traditional Entrepreneurship Support Program:**

It is dedicated to applicants who will start a new business. The program takes place under 2 forms. These are;

- Businesses Established by Real Persons
- Enterprises Established in the Capital Company Status



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The business ideas of those who will establish businesses within these two sectors must include the business ideas within the KOSGEB supported Sectors and NACE codes. Applicants must apply the KOSGEB support program if the business idea is not included in the "MANUFACTURING" sector. But if the business idea is within the "MANUFACTURE" sector in the NACE codes of KOSGEB, then the program needed to be applied is the "Advanced Entrepreneur Support" program.

While the program provides support for the expenses that previously received for work, machinery and rentals, it now provides support according to the insured premium that applicants employ with the majority,

Businesses Established by Real Persons: (within 1 to 12 months)

As a first establishment support of the workplace, applicant will be given a grant of 5000 TL without question,

According to the SSI<sup>51</sup> premium payments, the workers of the applicant have worked for between 1 and 12 months are given a grant of up to 20000 TL after 12 months. The number of these premium days can be easily calculated. Since there are 365 days in a year but on average 249 days are the working days. If the farm employs 1 person in 1 year, farmer will receive 5000 TL more at the end of the year,

If farm is operated within periods, applicant will receive 10000 TL. If 4 people employed in periods, applicant will receive 20000 TL grant at the end of that year.

If applicant is younger than 30 years old, or disabled, or female, veteran and martyred, applicant will receive a grant of + 5000 TL after 1 to 12 months.

Thus, if applicant catch the highest premium day at the end of 1 to 12 months after the 5000 TL for the workplace establishment, then he will receive a grant of 20000 TL and a total of 30000 TL in the first year by receiving a grant of + 5000 TL if he is younger than the age of 30 or disabled, veteran or female relative (If you are a company, you will receive a grant of 35000 TL and + 5000 TL establishment support, which was given in the first year).

Businesses Established by Real Persons: (within 12 to 24 months)

If the applicant is disabled person, a relative of a martyr, an entrepreneur under the age of 30, a woman or a veteran, you will receive a grant of + 5000 TL after 12 to 24 months.

According to the number of day premiums for the staff employed, applicant will receive a maximum of 20000 TL at the end of 12 to 24 months.

Accordingly, if the applicant is a private company, after 24 months a grant of 55000 TL in 2 years, with a maximum of 25000 TL will be received. However, if the investment belongs to Capital Company, applicant will receive a maximum of 25000 TL grant at the end of 12 to 24 months, and a grant of 60000 TL with 35000 TL in the first year (Table. 4.3).

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<sup>51</sup> Social Security Institute (Service)



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Table 4.3. KOSGEB support program

Support	Real Persons	Capital Company
Establishment support	5000 TL	10000TL
	1st Performance period	2nd Performance period
	Total premium days	Total premium days
Performance support	for 180-539 days 5000 TL	For 360-1079 days 5000TL
	For 540-1079 days 10000TL	1080-1439 days 15000 TL
	1080 and over 20000TL	over 20000TL

○ **KOSGEB Advanced Entrepreneur Support Program:**

In order to be able to benefit from this program, applicant's business idea should be among some of the business ideas included in the KOSGEB Supported sectors and the "MANUFACTURING" sector located in NACE codes. In addition, new entrepreneurs who have received "Advanced Entrepreneurship Training" shall benefit from "Distance Education" and "Applied Entrepreneurship Training" program. If applicant is active among these sectors and receives training, the grant amount of the business that will be given to the applicant within 1 to 24 months is the same as in the table given above. On the other hand two additional supports can be provided (Table 4.4).

As it is seen in the table, the machinery needed to buy for the business must be in the first place for the production. In accordance with this requirement and if the applicant's business is in the "MANUFACTURING SECTOR TABLE" grants will be given under the criteria:

- If the technology level is "low", a grant of 75000 TL allocated for the machine cost 100000 TL,
- If the company at the intermediate level, a grant of 150000 TL is received for the expense of 200000 TL,
- Although it is at a high level, 225000 TL grant is given for the cost of machinery for 300000 TL,
- In addition, a 7500 TL grant will be paid within the 10000 TL consultancy support.

Apart from the relevant conditions for the support programs, additional requirements from the new entrepreneur are:

- never received any grant from KOSGEB before,
- presentation of the business idea after "Entrepreneurship Training",

Then, it is necessary to create and apply KOSGEB registration.

Table 4.4. KOSGEB supports in advanced program

Type of the support	Support amount (TL)	Support rate (%)
Machinery*, equipment, software		
Low, low- medium technology level	100000	75
Medium-high technology level	200000	
High technology level	300000	
Mentoring, consulting, business coaching		
Support for consultant and business	10000	75



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coaching		
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\*if the machinery is made in Turkey, support has increased additional 15%

- **Other Support Organizations/Funds**

Non-refundable credits; grants in brief, farmers in aquaculture business benefit from the grant opportunities up to 80% for their farms established in the selected cities within the scope of IPARD-2, until 2020, Until now, 3 trillion TL and 11000 project owners have been given their livestock investments completely free of charge, IPARD52-3 phase is expected to be approved by the European Commission.

Turkish Government provides interest and grants to farmers who are involved in agricultural activities in many areas. These opportunities are sometimes taken into consideration by certain time intervals and sometimes within the budget allocated to farmers. Some of other supporting institutions are:

- **Agriculture and Rural Development Support Institution (TKDK)<sup>53</sup>**

Agriculture and Rural Development Support Institution (TKDK) provides 80% grant on project basis, with the support of 75% European Union funds and 25% of Turkish Government; 80% of grant opportunities are provided to farmers in 2019 with many precaution titles. The institution provides its support within only 42 provinces (Trabzon, Rize, Samsun Ordu, Giresun and Kastamonu in the Black Sea Region).

- **Support Premium by Ministry of Agriculture and Forestry**

Providing the necessary conditions by the Ministry of Agriculture and Forestry, support payments are made to those who officially continue their aquaculture activities upon their application, In this sense, the Aquaculture Support Communiqué has been issued by the MAF and supports are given to the species included the legislation, Various measures are taken for state aquaculture production, especially in issues such as fish species protection and fishing bans, Producers farming fish species determined in the communiqué are supported at the determined unit prices.

In order to benefit from aquaculture supports, it is necessary to produce the one in the listed species; such as trout, mussel, Black Sea trout, red spotted trout, fangri, synagrit, gilthead, yellowtail, yellow mouth, tilapia, eel, leech, shrimp, crayfish species, etc., “Fish identification cards” supports are provided for fish species produced within the scope of intensive fish farming, In addition, within the scope of aquaculture, there are government grants for good agricultural practices (GAP).

The fish species supported within the scope of good agricultural practices are trout, sea bream and clam by 0,25 TL per kg, Production support is provided for those who are engaged in good agricultural practices, those who are registered in the system, those who make their applications within the application period, who submit their documents completely, those who do not produce juvenile fish

<sup>52</sup> EC Instrument for Pre-accession Assistance for Rural Development

<sup>53</sup> announcements can be followed at <https://bit.ly/2U0t23V>,



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and those who do not lose their right to benefit from the supports provided, and the productions made within the scope of agricultural practices are 0.25 TL per kilogram.

In addition, 0.25 TL are granted for those producing fish in intensive closed systems, there is no quantity limitation in the closed system,

In order to take advantage of the support given for aquaculture, it is necessary to meet the following conditions;

- Being farmer or member of a farmer family,
- Operating in rural areas
- Being a real and legal person
- Farming the fish species and mussel
- To have an aquaculture certificate approved by the Ministry (Figure 4.2),
- To have received Good Agricultural Practices Certificate from organizations authorized by the Ministry (MAF),
- To produce up to 500 thousand kilograms (There is no production limit for closed system)
- Obligation to register in the Agricultural Information System



Figure 4.2. Aquaculture certificate

#### ○ Fish Recognition Card Support

It is also known as label support, Applications will be made to the Provincial / District Agriculture and Forestry Directorates located in the region to be labeled, When the application is made, it is mandatory to issue a Fish Recognition Card Identification minute, However, if the farming is carried out in different provinces, two are issued and one of the documents is delivered to the provincial directorate in the region where the facility is located, The number of fish in the farm to be supported should be equal with the documents necessary for the label support. The following issues are taken into account in the calculation of labels to be supported;

- 3 pieces per kilogram in sea bream and sea bass production,
- 4 pieces per kilogram in trout, Black Sea trout and spotted trout farming
- 2 pieces per kilogram of new species

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- One card is issued for over-kilogram fish farming.

Requirements for Application:

- Fisheries support application statement,
- Fish recognition card invoice,
- Fish catch report/sales certificate,
- Document showing that the harvested product is sold,
- Record report showing that trout harvest is made over kg,
- Fish label fixing report,
- Union or cooperative membership certificate,
- Copy of aquaculture certificate,
- Feed invoice,
- If juveniles are obtained from research institutions, a document proving this is required,

Variety of supports was allocated to fish farmers to promote aquaculture production and to spread fish farming business across country (Table 4.5).

Requests must be done to Provincial/Town Agriculture and Forestry Directorates together with the documents given below:

- Trout support application petition,
- Minutes or sales document showing that the harvested fish is sold,
- Sales document indicating that the product has been purchased or juvenile fish detection document,
- If there is membership to a cooperative on fisheries, partnership certificate
- Feed invoice

Two percent of support is cut as service costs and the rest of the payment is transferred to the farmers over the accounts of producers through Ziraat Bank, The responsibility for the documents submitted to benefit from the payment belongs to the applicant, In the event that it is determined that an unfair payment is made, as a result of the Law on the Collection Procedure of Public Receivables 6183, these amounts are collected from the person who is paid, together with the delay hikes.

Table 4.5. Incentives for production in Turkey

Type	TL per kg	TL per fish	Remarks
Trout	0.75		≤ 350 tons
New species			
Closed (intensive) fish farm	1.50		
Big trout (>1.25 kg)			
Mediterranean mussel	0.10		
Carp	0.50		
Diseases free trout hatchery brood stock support		60.00	≤ 10000 fish
Aquaculture in soil ponds	1.00		≥ 30 tons



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#### 4.2.5. Insurance for Agricultural Investments (TARSIM)<sup>54</sup>

In addition to the crucial role in regard to the world population, the agricultural sector is extremely sensitive field of activity with its inherent structure, featuring exclusive in economic, social, political, technological and personal risks. To this end, the effective performance in the agricultural activities in the nutrition of the human being is closely related with the management of risks threatening the agricultural production. It is therefore, the developed countries effectively implement the risk sharing and risk transfer operations under various protective policies under the general titles of; Risk Management Programs; that also accommodates; Agricultural Insurance Practices as an important part integral to such programs. In order to provide coverage for the risks threatening the agricultural industry in the country, the implementation of an insurance mechanism has been considered and for this purpose, Agricultural Insurance Code No. 5363; was enforced as of 14/06/2005. The code provides:

- the establishment of Insurance Pool in regard to introducing standard provisions in insurance contracts to be executed to provide the coverage to the risks as referred under the Code, establishing the conditions for transferring risk under reasonable provisions, ensuring centralized payment of the indemnification upon occurrence of the risk, improving and spreading of the agricultural insurances,
- all tasks of this Pool are carried out by Agricultural Insurance Pool Management Company which, was established with equal share of the insurance companies participating in the Pool.
- insurance companies issue insurance policies with their own name however the risk and 100% of the premium must be transferred to Agriculture Insurance Pool. These insurance companies can optionally take share from the Pool through retrocession.
- the Government provides premium subsidy exclusively to insurance contracts executed under the Code, in terms of the premium on behalf of the farmers. The amount of premium subsidy is determined by Council of Ministers on annual basis, with respect to the crops, risk, region and premises scale.

Agricultural Insurance Pool Board of Directors is assigned by The Code, as an administrative apparatus responsible for determining the principles and procedures of the Agricultural Insurance Pool, the loss assessment methods, executing the contract between the insurance companies wishing to take part in agricultural insurance and Agricultural Insurance Pool Management Company, observing due diligence in determining the risks the subsidy to be covered, observing the practical drawbacks and problems and proposing pertinent solutions. The Board consists of total of 7 members, two members from Ministry of Food, Agriculture and Livestock and Undersecretary of Treasury each, and one member from Association of the Insurance and Reinsurance Companies of Turkey, Union of the Agricultural Chambers of Turkey and Agricultural Insurance Pool Management Company each. The Board's first members are assigned by Ministerial approval dated 16.1.2006 for three-year posts.

Main duties and responsibilities are:

<sup>54</sup> <https://web.tarsim.gov.tr/havuz/homePageEng>



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- To provide the insurance coverage for such catastrophe risks like drought, frost, etc., that cannot be covered by a single insurance company,
- To expand the capacity and coverage of reinsurance by encouraging the participation to reinsurances,
- To effectively make use of the information, human and financial resources of the insurance companies jointly,
- To effectively make use of the Government subsidies and excess of loss Protection,
- To prevent unfair competition in the prices,
- To encourage the participation in Insurance.

The Mission of TARSIM is to promote, spread of Agricultural Insurance and to conduct the necessary applications fast and accurate, in order to protect the farmers against the natural disasters and other risks.

Their Vision is defined as to turn out to be an exemplary organization entrusted by the farmer, capable of providing wide range of agricultural insurance covers as possible to all kind of agricultural crops grown in all agricultural regions of the country.

Species produced in the sea and land based farms; cage and nets that are recorded in the Aquaculture Registration System (ARS) are accepted for insurance following risk analysis and assessment within the scope determined by decision of the President pursuant to Article 12 of the Agricultural Insurances Law Ref. Nr. 5363. The present insurance is effective within the framework of the following Tariff and Instructions.

More information about the coverage, indemnities, tariffs and premiums are given in Annex 3.

## 5. UKRAINE

### 5.1. Background Information

Aquaculture is a major component of the fisheries and agro-industrial sectors. Aquaculture production, as a source of high quality production mainly at the places of its consumption, which does not require high costs for its transportation (in comparison with the sea and ocean), is a strategic resource of the state. In the current conditions of sharp reduction of ocean catch and critically depressed state of inland water bodies, the actualization of the aquaculture segment in Ukraine objectively becomes a sign of an alternative strategic vector of development of the fisheries sector. However, with its rich natural resource potential for large-scale development of fisheries, the state loses these advantages due to the lack of necessary institutional conditions. Thus, according to the State Agency for Fisheries, out of 250 thousand hectares of aquaculture suitable for aquaculture, only half are involved in modern conditions. Of these, 60% are inefficiently used and therefore have low fish productivity.

Official data on the number of reservoirs in the Odessa region indicate the presence of 1010 ponds and small reservoirs with a total area of 14300 hectares, most of which (up to 50%) are unfit for fishery use. The total area of the ponds currently used or can be used for fisheries needs is approximately 9.9 thousand hectares. This fund includes 211 ponds and small reservoirs, located in



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the basins of small rivers and, as a rule, they are of a complex purpose: fish breeding, irrigation, livestock breeding, population resting places. These reservoirs are rented out by local authorities. Also, seven pond fisheries have been built in the region, where the area of feed ponds for the production of commercial fish is 2 thousand hectares, and the ponds for the cultivation of fish planting material - almost 1 thousand hectares. Three pond farms have the status of state breeding nurseries under the authority of the State Fisheries Agency. Thus, aquaculture activity in the Odessa region is carried out today on reservoirs with an area of 12.9 thousand hectares, which is 7.6% of the total fishery fund of region`s reservoirs. There is an adequate reserve of reservoirs, the use of which has not yet been translated into the channel, lease relations. Among them are 42 reservoirs of local importance, with a total area of water surface area of about 2 thousand hectares, which is almost 58% of the real number of water bodies of local importance. Artificially created riverbeds include reservoirs with status of both national and local importance. The rates are either rented or under the Special Commodity Fisheries (SCF) regime, or combine a lease relationship with the SCF regime. The SCF modes are set for 7-10 years. Aquaculture enterprises are mainly in the form of LLC (Limited Liability Company) and CJSC (Closed Joint Stock Company).

The finding of the availability of reservoirs in the area of suitable fisheries is not representative and sufficient in terms of transparency and efficiency of regional management of this sector. According to experts of the industry, at present all suitable water bodies are actually used, but with different degree of 1 Silver carp, carp and white cupid legalization of this business in accordance with the basic law. The use is carried out arbitrarily or on the basis of previously concluded leases of land under water. The new aquaculture requirements require that such agreements be brought into line with the basic law, but this process is poorly motivated for tenants and is not accompanied by a clear mechanism for implementation. As a result, regional and regional fisheries management authorities do not have reliable information regarding the number, forms of organization and ownership of aquaculture enterprises, production productivity, etc.

The fishery use of water bodies of Odessa region is characterized by the following directions:

- aquaculture directly
- reservoirs in the mode of special commercial fisheries of SCF
- special use of aquatic bioresources under established limits and quotas (Black Sea, Danube River, Dniester estuary and lower Dniester, marine estuaries of the northwestern Black Sea and Kuchurgan reservoir).

Odessa region has a powerful fishery complex with developed infrastructure, which includes the Black Sea seaport, 6 fish processing plants and factories, fish processing plants, 104 fishing enterprises belonging to different forms of ownership, 5 large pond fisheries (with a total area of 5 ponds - 5,5 ponds thousand ha), 7 fish farms, four of which have breeding status.

Aquaculture opens wide prospects for the development of fishery complex in Odessa region. The coastal sea waters of the Odessa region have favorable conditions for the cultivation of shellfish (mussels, oysters), the industrial cultivation of which does not require the cost of artificial feed. From one raft with an area of 16x25 m, from which 600 ten-meter collectors are hung, it is possible to



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obtain more than 4 tons of oyster meat per year. At the same time, since the life of molluscs is related to the filtration of water, they purify water and improve the quality of the aquatic environment. The filtration rate of large healthy oysters can reach 450 liters of water per day. Organization of mariculture production of mussels and oysters in the coastal regions of Odessa region is constrained by lack of funds, poor coordination of work between organizations, lack of long-term concept of development of mariculture. In this regard, it is advisable to build complex fish farms to increase the population of mullet and flounder fish with a total capacity of up to 300 million units / year of viable rejuvenation. Of particular importance for the coastal regions of Ukraine is the problem of reproduction of sturgeon in the Azov and Black Seas. The capacity of the country's sturgeon factories and fish farms is around 8 million units. recharge, and in 2010 their required capacity should be at least 35 million units for sturgeon rejuvenation.

Promising in the basin is also the construction of complexes for cultivation, production and processing of seaweed and grasses.

There are 11 fish farms on the territory of the region with 1500 hectares of cultivation ponds and 11 hatching shops with a design capacity of up to 700 million larvae. Four farms have breeding status and carry out breeding of white and mottled silver carp, Ukrainian scallop carp, white carp and paddlefish. In addition, there are 937 water bodies (lakes, reservoirs, ponds) in the region, which can be used for fish production. The large coastline of the Ukrainian coast allows the development of marine aquaculture, which is the basis for many years of research in a number of scientific institutions. It should be noted that in Ukraine there is a fairly rich experience of fisheries, formed in the Soviet times, the analysis and systematization of which can compare the main types of aquaculture with the types of water bodies and forms of economic activity on them. Aquaculture activities are characterized by high environmental risks that are associated with the impact on the status of water bodies and land of the water stock, the risk of genetic contamination and the genetic degradation of natural fish species. Another important fact is that some of the water bodies in Ukraine are transboundary, which imposes additional requirements on aquaculture enterprises. In this regard, the organization of veterinary control and environmental safety is of particular relevance. The current crisis socio-economic situation in Ukraine significantly corrects pre-crisis regional management and requires active search and offering to local authorities a set of effective management, economic, organizational and other mechanisms for creating effective regional economies on the principles of decentralization of management. Aquaculture as a sector of economy has serious resource preconditions to get into the mainstream of regional development of Odessa region.

## **5.2. Common Guidelines for aquaculture business in Ukraine**

### **5.2.1. Institutional Framework**

Aquaculture activity in Ukraine involves institutional interaction of the following parties:

- public authorities that regulate and manage such activities
- local self-government bodies
- aquaculture entities - legal or natural persons carrying out fisheries activities in aquaculture.



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Key competences of state regulators of aquaculture activities that create a system of relationships and form management competencies and functions throughout the vertical of the sectorial management system. Distribution of powers of the main state regulators of aquaculture in Ukraine:

- **Cabinet of Ministers:** Ensuring public policy in the field of aquaculture. Provision of inland waters (inland waters) for inland sea waters, territorial sea, exclusive (marine) economic zone of Ukraine for aquaculture purposes. Organization of international cooperation in the field of aquaculture (CMU Resolution of May 29, 2013 No. 420 "On Approval of the Model Lease Agreement for Water Bodies". CMU Resolution "On Approval of the Procedure for the Provision of Hydrotechnical Structures for Aquaculture Purposes and the Typical Form of the Contract for their Use" draft)
- **Ministry for Development of Economy, Trade and Agriculture, Ministry of Energy and Environment Protection:** Approval of regulations, methodological documents and programs of scientific and technological development on aquaculture (Order of MinAAP № 45 of 30.01.2013 "On Approval of Aquaculture (Fisheries) and Fish Productivity Zones by Regions of Ukraine", MinAAP Order No. 414 of 7 July 2012 "On approval of the Procedure of artificial breeding (reproduction), cultivation of aquatic bioresources and their use." Order of the Ministry of Ecology № 236 of May 28, 2013 "On Approval of the Methodology for Determining the Fee for Leased Water Facilities", Order of the MinAAP No. 742 of December 16, 2013 "On Approval of the Procedure for Development of the Passport of the Fishery Technological Reservoir". Order of the Ministry of Agriculture and Forestry "On Approval of the Procedure for the Implementation of Fisheries Reclamation" (Draft) "On approval of special forms of primary documentation for fisheries entities in the field of aquaculture.").
- **State Fisheries Agency:** Development of regulations and programs of scientific and technical development of aquaculture; control of activity and reporting of aquaculture subjects; personnel management; cooperation with international organizations on aquaculture, prevention of environmental pollution (State Targeted Economic Program for Fisheries Development for 2012-2016).
- **Local state administrations:** Leasing of a part of a fishery water body, a fishery technological reservoir for aquaculture purposes for use. Participation in the development and implementation of national and regional aquaculture development programs.
- **Local governments:** Leasing a part of a fishery water body, a fishery technological reservoir for aquaculture purposes in accordance with the land management authority established by the Land Code of Ukraine.

## 5.2.2. Regulatory Framework

### 5.2.2.1. EU Legislation

The State Fisheries Agency of Ukraine refers to the following documents<sup>55</sup>:

<sup>55</sup> [Управління у сфері аквакультури \(darg.gov.ua\)](http://darg.gov.ua)



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Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

COM(2002) 511 final (COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT A Strategy for the Sustainable Development of European Aquaculture) 2002

Association Agreement between the European Union and Ukraine<sup>56</sup> involves the process of approximation and implementation of only one directive; Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

The Habitats Directive (more formally known as Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) is a European Union directive adopted in 1992 as an EU response to the Berne Convention<sup>57</sup>. It is one of the EU's directives in relation to wildlife and nature conservation, another being the Birds Directive<sup>58</sup>. It is one of European nature's policies that establishes one organised network — Natura 2000<sup>59</sup>, which intends to protect nature and wildlife. The Habitats Directive requires national governments to specify areas that are expected to be ensuring the conservation of flora and fauna species. The directive assures the conservation of endangered native animal and plant divisions. It aims to protect 220 habitats and approximately 1,000 species listed in the directive's Annexes. These are species and habitats which are considered to be of European interest, following criteria given in the directive. It directs member states of the EU to take measures to maintain the "favourable conservation status" of protected habitats and species<sup>60</sup>. Overall, however, it is relatively easy to conclude that EU law and policy pertaining to aquaculture remains highly prescriptive, diffuse and requires further reform with a view to ensuring that it is internationally competitive. Specifically, measures need to be adopted urgently to address the seafood supply deficit in the EU that is currently served by the import of aquaculture products from third countries to the detriment of the industry in the Member States. Although it is beyond the scope of this chapter to canvas in any great detail the substance and form of future reform measures, there are nonetheless a couple of obvious axis for EU legislative intervention.

#### 5.2.2.2. National Legislation

In the course of fisheries reform, in recent years, the legislative framework for the functioning of the industry has been significantly updated, which has contributed, among other things, to a certain actualization of business interests in aquaculture in Ukraine. In the Law of Ukraine "On Fisheries, Industrial Fisheries and Conservation of Aquatic Bioresources<sup>61</sup>", aquaculture defined as the deliberate use of fisheries aquatic objects (parts thereof) to obtain maximum amounts of useful biological agricultural products (fish, molluscs, invertebrates, algae, other aquatic organisms) by their artificial breeding and keeping.

<sup>56</sup> <https://www.kmu.gov.ua/en/yevropejska-integraciya/ugoda-pro-asociaciyu>

<sup>57</sup> [BERNE CONVENTION, AS REVISED \(cornell.edu\)](http://www.berneconvention.org/)

<sup>58</sup> <http://archive.jncc.gov.uk/default.aspx?page=1372>

<sup>59</sup> [https://ec.europa.eu/environment/nature/natura2000/sites\\_hab/biogeog\\_regions/index\\_en.htm](https://ec.europa.eu/environment/nature/natura2000/sites_hab/biogeog_regions/index_en.htm)

<sup>60</sup> <https://academic.oup.com/jel/article/28/2/221/2404189>

<sup>61</sup> <https://zakon.rada.gov.ua/laws/show/3677-17>



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According to Art. 1 of the Law of Ukraine "On Fisheries, Industrial Fisheries and Conservation of Aquatic Bioresources" Fisheries - an economy whose task is to study, protect, reproduce, cultivate, use aquatic bioresources, their extraction (extraction, capture, harvesting), sale and processing for the purpose of obtaining food, technical, feed, medical and other products, as well as ensuring the vessels navigation safety of the fishing industry fleet. The basis of fisheries is fishing farming and fishing.

It should be noted that current legislation uses the terms "**fisheries**" and "**aquaculture**" as synonyms. In particular, in Art. 1 of the Law of Ukraine "On the National Fisheries Development Program of Ukraine for the period up to 2010" enshrines two identical definitions of the concepts of fisheries (sub-sector of fisheries) and aquaculture. A broader and more detailed definition of these concepts is contained in Art. 1 of the Law of Ukraine "On Aquaculture", according to which aquaculture (fisheries) - agricultural activities for artificial breeding, keeping and cultivation of aquaculture objects in wholly or partially controlled conditions for obtaining agricultural products (aquaculture products) and its sale, production of feed, bioresources reproduction, breeding work, introduction, resettlement, acclimatization and reacclimatization of hydrobionts, replenishment of aquatic bioresources, conservation of their biodiversity and providing recreational services. Thus, it can be concluded that the legislation contains a broad and narrow definition of aquaculture.

This rule separated aquaculture from other types of possible activities on water bodies, combined by the definition of "special use of aquatic bioresources". However, in order to regulate the legal, economic, social and organizational principles of aquaculture in the complex, a special separate document was required, which became the Law of Ukraine "On Aquaculture", which came into force on July 1, 2013 (hereinafter - the basic one) Law). This document gives aquaculture the status of a separate type of agricultural activity in the system of agro-industrial production, - activity related to the cultivation of aquatic bioresources under controlled conditions, which consists in "artificial breeding, keeping and cultivation of aquaculture objects in wholly or partially controlled conditions for obtaining and sale of agricultural products (aquaculture products), feed production, reproduction of bioresources, in breeding work, introductions, resettlement, acclimatization and re-acclimatization of hydrobionts, replenishment of aquatic bioresources, conservation of their biodiversity, and provision of recreational services." Thus, aquaculture is differentiated from other fisheries, which is due to the characteristics of aquaculture activities, which is significantly different from fishing, requires greater human intervention in production and, as a consequence, requires a separate management approach. The technical assistance of the Government of Ukraine through the State Fisheries Agency of Ukraine in the development of the Law on Aquaculture was provided by FAO specialists within the framework of the technical cooperation program TCP / UKR / 3301; Development of a new law on aquaculture in Ukraine.

According to the legislation, aquaculture can be carried out in inland water bodies (parts thereof), fishery technological reservoirs, inland sea waters, territorial sea and exclusive (maritime) economic zone of Ukraine, as well as on land areas of the territory of Ukraine, specially allocated for aquaculture purposes. For a systematic understanding of the specificity of aquaculture, key characteristics were classified as:





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Sign	Types of Aquaculture	Contextual content characteristic
<b>Types of cultivation environment</b>	Freshwater	Breeding, maintenance and cultivation of facilities in lakes and reservoirs
	Brackish water	Breeding, keeping and growing aquaculture facilities in estuaries and lagoons
	Mariculture	Breeding, maintenance and cultivation of aquaculture objects in inland seawater, territorial sea and exclusive (maritime) economic zone of Ukraine with the use of floating gardens, other technological devices using seawater
<b>Consumption of finished products</b>	Food	Used for direct consumption or processing for food fish.
	Non-food	It is used for production of forages, for reproduction of bioresources and replenishment of their stocks, for carrying out breeding and breeding work.
<b>The level of production intensification</b>	Intensive	It is made from compacted plantings with intensive artificial feeding of compound feeds, balanced in composition according to the biological needs of particular hydrobionts, other forages with high nutrition.
	Semi- intensive	It is carried out with the use of certain means of intensification, including with limited artificial feeding of feeds of different nutrients
	Extensive	It is carried out using natural fodder resources of fisheries water bodies without the use of intensification means
<b>Organizational and technological forms of fisheries</b>	Grazed	Extensive cultivation through the introduction of aquatic aquaculture diverse age groups into fisheries water bodies to enhance the utilization of their bioproductive potential
	Pond	Breeding, maintenance and cultivation of aquaculture facilities using fish ponds, artificially created reservoirs, separated from mother bodies of water, estuaries, flooded peat quarries and the like
	Industrial	Breeding, keeping and growing with the use of fishing and floating gardens, fishing pools, other technological devices, including the use of installations of closed water supply (UZV).

The basic law also states that aquaculture activities are aimed at increasing the production of useful biological agricultural products (fish and other aquatic bioresources), preserving biodiversity and replenishing aquatic bioresources in fisheries water bodies (their parts) of Ukraine, as well as on the implementation of fisheries activity by environmental means. That is, in a single regulatory field, two types of fisheries are combined - reproductive and commodity, significantly different from each other in terms of goals, technologies, regulatory mechanisms, etc.

The reproduction of living aquatic biological resources (JWRS) has traditionally remained one of the priority tasks for the state in the field of environmental management, regardless of the fact that the process of reproduction to aquaculture has been referred to by the law and is the most normatively regulated. Reproductive fisheries are aimed at preserving the diversity of the WSSD, maintaining the ecological balance in aquatic ecosystems - that is, predominantly nature conservation. The main directions of state support for fisheries (aquaculture) and fishing farming are defined respectively in Art. 22 of the Law of Ukraine "On Aquaculture" and Art. 53 of the Law of Ukraine "On Fisheries, Industrial Fisheries and Conservation of Aquatic Bioresources". Commodity fisheries, in turn, is aimed at providing the population with food fishery products and has the characteristics of agricultural activities. As a consequence, there is a corresponding imbalance of interests when attempting to regulate all components of aquaculture within the framework of a single basic law, which is most clearly manifested at the regional level.



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Aquaculture in Ukraine, unlike many other leading countries in the world, is not subject to licensing (!) In the classical form, this can be considered as a certain preference for national aquaculture enterprises. However, the legislation provides for other mechanisms of state regulation of aquaculture: such as conducting state registration of concluded contracts for the use of fisheries water bodies, fishery technological reservoirs; submission of information regarding intentions of breeding and cultivation of alien and non-native aquatic species, production volumes of aquaculture products; coordination of project documentation for construction of objects used in aquaculture. That is, the legislator specifies that individuals should be registered as entrepreneurs. Depending on the particular type of economic activity in the fisheries sector, the legislation defines additional requirements for business entities. It is obligatory to have positive veterinary and sanitary assessments of the status of industrial sites of fisheries water bodies of national importance and indicators of safety of fish, other aquatic living resources, etc. The Basic Law lists the directions of state support for aquaculture (Art. 22). Most of them relate to only one component of aquaculture - the reproduction of living aquatic bioresources (WSWR), so they create a certain imbalance of interests. An additional reason for this is the reinforcement of individual measures of state support by budget programs, namely, "Reproduction of aquatic living resources in inland waters and the Azov-Black Sea basin", "Selection in fisheries and reproduction of aquatic bioresources in inland waters and the Azov-Black Sea basin", "Organization of activities of fish protection bodies and fish breeding complexes". These documents provide mechanisms for the financial and organizational implementation of such areas as, for example, breeding works, including the creation and maintenance of tribal subjects, breeding herds and gene pools of aquaculture objects; restoration of populations of rare and endangered species of aquatic organisms and the like. As for the state support of commodity aquaculture, the basic law provides directions of stimulating nature only, without their specification and constructive mechanisms of implementation. For example, the declared promotion of the development of national feed production for aquaculture facilities; promoting the production of quality and environmentally friendly aquaculture products that are competitive in the domestic and foreign markets. Fishery and fishing farm products are agricultural products. According to the Law of Ukraine "On stimulating the development of agriculture for the period 2001–2004" fish and seafood are attributed to agricultural products, fisheries and fishing farming to agricultural enterprises. The ownership of fisheries entities by producers of agricultural products is a form of state support.

The said provision was also enshrined in the Law of Ukraine "On Fisheries, Industrial Fisheries and Conservation of Aquatic Bioresources"<sup>62</sup>, according to which the subjects of the fishery complex, the activity of which is related to the industrial capture of aquatic bioresources at water bodies of national importance, breeding, cultivation and processing of own production, are recognized as producers of agricultural products (Article 53).

Fisheries and fishing farming are characterized by specific object composition. The list of objects of legal relations in the field of fisheries (aquaculture) and fishing farming is enshrined in the Law of Ukraine "On Fish, Other Aquatic Living Resources and Food Products" whose life is impossible

<sup>62</sup> <https://zakon.rada.gov.ua/laws/show/3677-17>



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without being in the water. Aquatic living resources include: freshwater, marine, anadromous and catadromous fishes at all stages of development; cephalopods, algae and other aquatic plants.

In pursuance of Art. 11 of the Law of Ukraine "On the Protection of Animals from Cruelty", the Cabinet of Ministers of Ukraine Decree No. 1402 of November 16, 2011 approved the Rules for the Transport of Animals, which set requirements for the carriage of animals by air, road, rail, sea and river. In the item 65-78 of the said Rules defines the peculiarities of transportation of fish and other aquatic organisms.

According to Part 1 of Art. 14 of the Law, a fishery water body for aquaculture purposes is leased to a legal or natural person in accordance with the Water Code of Ukraine. Paragraph e) of Part 2 of the Final and Transitional Provisions of the Law of Ukraine "On Aquaculture" was set out in the new wording of Art. 51 " Use of water objects on lease terms " Water Code of Ukraine. It provided for approval by the Cabinet of Ministers of Ukraine the Model Agreement on the Lease of Water Resources as well as the approval by the central executive body that provides the formulation of state environmental policy Methods of determining the amount of payment for leased water bodies. It should be noted that these tasks have been fulfilled for today: the Decree of the Cabinet of Ministers of Ukraine May 29, 2013 No. 420 approved the Model lease agreement for water bodies, and the order of the Ministry of Ecology and Natural Resources of Ukraine dated May 28, 2013 No 236 approved the Methods of determining the amount of payment for leased water bodies. Thus, we can state positive changes in the process of leasing the use of fisheries.

### **5.2.2.3. Requirements to invest for fish farming**

In Ukraine, such a field of activity as fishing and the organization of fisheries, regulates the issuance of a number of permits, which is mandatory for obtaining permission to engage in one or another type of activity.

The following are the most common types of documents that are issued in accordance with the Law of Ukraine No. 3677-VI.

- Permission for the special use of aquatic biological resources in fishery water bodies (their parts)

This type of permit is issued by the central and territorial divisions of the state body responsible for the fisheries of Ukraine. The deadline for issuing permits established by law is up to 30 calendar days from the date of submission of the order on limits. Also during this period, a decision can be made to refuse to issue a permit. To obtain permission for special use, it is necessary to prepare a package of documents, a complete list of which is established by the Cabinet of Ministers. However, there are a number of reasons for official refusal. These are factors such as: errors or false information in the documentation provided by the business entity; filing an application in the absence of scientific justification for the use of biological resources; subject of households activities systematically violated the laws of Ukraine; there is no free share of the water limit; various non-payments, delinquencies in fines, taxes, etc.; inefficient use of resources; court decision, liquidation of an economic entity and other grounds.



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Issuance of permits for the special use of biological resources is necessary for enterprises and individual business entities organizing economic activities for the purpose of commercial fish farming. The full procedure for issuing is determined by the Resolution of the Cabinet of Ministers No. 801 of October 30, 2013, as well as the Order of the Ministry of Agrarian Policy No. 414 of 07/07/2012.

- Permission for the special use of aquatic biological resources outside the jurisdiction of Ukraine

This type of economic activity, such as industrial fishing, involves fishing in various geographical locations. These are water resources of Ukraine, and biological resources related to the jurisdiction of foreign states. Law No. 3677-VI regulates the procedure for issuing permits for the special use of aquatic biological resources outside of Ukrainian jurisdiction, the features of which are defined in Cabinet Decision No. 800 of October 30, 2013. These biological resources include fishing facilities outside Ukrainian territories, which include: exclusive economic zones of other countries; areas in which economic activity is carried out on the basis of a convention agreement; open sea space.

Industrial fishing outside the Ukrainian jurisdiction is controlled by the method of state supervision in various fields. In particular, permits are issued, the receipt of which is mandatory for legal fishing. Obtaining this permission is based on a decision of the Central Executive Authority that administers fisheries. In addition, this type of document can be issued by the territorial divisions of this body.

- Registration form for catches (re-export) of Antarctic and Patagonian donkeys

This type of permits is based on the International Code governing fisheries and related environmental requirements. The design of this document is paid. The amount of payment is established by the CMU in accordance with the calculations of the central management of the relevant authority responsible for fisheries.

To obtain permission to register catches or re-export, you must submit an application to the appropriate fisheries authority, which within 30 days makes a decision, which can be either positive or negative. In the case of a negative answer, it is provided to the applicant in writing. The state establishes strict requirements for imported products, so one of the common reasons for refusal may be the lack of necessary supporting documents and certificates.

The validity of the permit to register catches of the Antarctic and Patagonian donkeys is five years. To register this type of fish product, a special form has been developed, which must be completed in strict accordance with the rules. The full procedure for issuing permits is described in the Resolution of the Cabinet of Ministers No. 760 of August 15, 2012.

Permission to import and export specimens of species of wild fauna and flora, certificate for traveling exhibitions, re-export and introduction from the sea of these specimens that are subject to regulation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, regarding sturgeon and fish of which products.

A wide category of permits for various uses of biological resources, the full list of which is mentioned in the section heading, is regulated by the Law of Ukraine "On Fisheries, Industrial Fisheries and the Protection of Aquatic Biological Resources", as well as resolutions of the Cabinet of Ministers, which establishes, among other things, the necessary list of documents for provision by the applicant. The



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current procedure is established by the Resolution of the Cabinet of Ministers of Ukraine No. 953 of July 25, 2007.

In the case of a positive decision to grant permission to the business entity, a corresponding certificate is issued that indicates the official right to organize an exhibition or allows you to engage in the import and export of relevant products into Ukraine. The decision, both positive and negative, can be made within a month from the date of application.

Without a state certificate, the implementation of these types of activities related to rare types of plant products and representatives of endangered species of the water world is impossible. The mandatory procedure for processing this type of permit is stipulated by the Law of Ukraine “On Fisheries ...”, which is the fundamental document in the field of water resources control.

- Confirmation of the legality of the removal of aquatic biological resources from their habitat and the processing of fishing products (if necessary, the business entity to carry out foreign trade operations).

Fisheries of Ukraine has its own central executive authority, which is engaged in the preparation of permits of various kinds. One of the most important types of mandatory certificates is official confirmation that the available aquatic biological resources were obtained legally. Such a document may be required if the subject of fisheries is engaged in the implementation of foreign economic relations.

The organization of international trade in biological resources of water origin is carried out in strict accordance with the Law of Ukraine No. 3677-VI, as well as CMU Resolutions on the lists of necessary documents and the procedure for registration. Such biological resources are fish catch, as well as products of its processing. Currently, such an order is determined by Cabinet Decision No. 596 of July 4, 2012.

Confirmation the legality of biological resources withdrawal of water origin can be issued both by the central authority of the Ukrainian fisheries and its regional units. This type of permit document is drawn up and issued free of charge.

Until recently, fishery activity in water bodies of national importance was carried out on water bodies of Ukraine in the industrial fishing regime under the limits of special use of aquatic biological resources, or in the fishery operation regime of a water body with an approved fishery exploitation regime.

- Fisheries in the regimes of PTS.

According to Article 17 of the Law of Ukraine “On the Animal World” and the requirements of Article 3, 59 of the Land Code of Ukraine, the receipt of a lease on land of a water fund does not provide the right to introduce and use fish and other aquatic biological resources in fishery water bodies. That is, in addition to the water fund land lease agreement, it is necessary to have appropriate permits for fisheries activities at water bodies, which are issued by a specially authorized central executive body on fisheries.



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The most common type of fisheries activity at small water bodies of national importance was their use in the regime of fisheries exploitation (PTS). Now the situation with fish farming in inland water bodies has changed.

If the water body is leased, fisheries activities on it can be carried out as aquaculture or by the regime of "PTRX". In accordance with Art. 27 of the Law of Ukraine "On Fisheries, Industrial Fisheries and the Protection of Aquatic Biological Resources" of the use of aquatic biological resources located within isolated natural or artificially created water bodies provided for the needs of aquaculture use, does not apply to special use and is carried out in the manner determined by the owners of these aquatic bioresources.

With the adoption of the Law of Ukraine "On Aquaculture", fisheries activities in water bodies where commercial fishing of quotas is not carried out can be carried out both in the Special Use Mode (through the establishment of the PTS) and in the procedure for conducting aquaculture, which is not related to special use and is determined by the subject of aquaculture. In this case, it is necessary to proceed from the requirements of the law, according to which the subject of aquaculture can be a user with mandatory conditions:

- Obtaining a water body for use (lease or property).

According to Art. 14 of the Law of Ukraine "On Aquaculture", a fishery water body for aquaculture purposes shall be leased to a legal entity or individual in accordance with the Water Code of Ukraine. It should be noted that reservoirs (except reservoirs for complex purposes), ponds, lakes and enclosed natural reservoirs are provided for use on a rental basis in accordance with and in the manner provided for in Art. 51 of the Water Code of Ukraine, for fishery needs, cultural, recreational, therapeutic, recreational, sports and tourism purposes, conducting research.

In accordance with Art. 1 of the Water Code of Ukraine, a complex reservoir - a reservoir, which in accordance with the passport is used for two or more purposes (except recreational). Water objects used for drinking purposes, located within the territories and objects protected under the Law of Ukraine "On the Nature Reserve Fund", as well as rivers, streams, canals, are not subject to transfer for use on lease for fishery needs.

The lease purpose must indicate the purpose of the lease - for the purposes of aquaculture (farming) (Article 13 of the Law of Ukraine "On Aquaculture").

- Availability of a permit for special water use (Article 51 of the Law of Ukraine "On Aquaculture");

The availability of a technical design or a water body passport (The procedure for developing a water body passport was approved by order of the Ministry of Ecology and Natural Resources of Ukraine of March 18, 2013 No. 99, registered with the Ministry of Justice of Ukraine on May 18, 2013 No. 775/23307);

The reservoir on which fish farming (aquaculture) activities are carried out must be isolated (Article 21 of the Law of Ukraine "On Fisheries, Industrial Fisheries and the Protection of Aquatic Biological Resources."



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In addition, attention should be paid to paragraph 2.1 of the order of the Ministry of Agrarian Policy and Food Of Ukraine dated January 30, 2013 No. 45, registered with the Ministry of Justice of Ukraine on February 11, 2013 No. 240/22772 "On approval of aquaculture (fish farming) and fish productivity zones in the regions of Ukraine", where, in order to ensure the rational use of fishery water bodies (their parts) when providing water bodies (their parts) for fish breeding purposes norms of fish productivity of aquaculture zones (fish farming) and zonal fish productivity in the regions of Ukraine.);

Users carrying out their business activities in fish farming (aquaculture) must provide reports in the form No. 1A - fish (order "On approval of the reporting form No. 1A-riba (annual)" Production of aquaculture products for 20\_\_ .. "and instructions for its filling in "of the Ministry of Agrarian Policy and Food of Ukraine dated March 21, 2012 No. .141, registered with the Ministry of Justice of Ukraine on April 9, 2012 No. 514/20827).

- The regime of special use of water bodies.

If the conditions stipulated by law cannot be fully met, then the relevant fishery reservoirs are unlawfully attributed to aquaculture and the Law of Ukraine "On Aquaculture" does not apply to them. Fishery activities in such reservoirs can be carried out by creating a PTSF, the activity of which is not limited to any conditions other than those specified by the Instruction on the procedure for the artificial breeding, cultivation of fish, other aquatic living resources and their use in special commodity fisheries, approved by order of the State Committee of Fisheries of Ukraine dated January 15, 2008 No. 4, registered with the Ministry of Justice of Ukraine on January 28, 2008 No. 64/14755.

The aforementioned Instruction does not foresee the lease of a water body or the conclusion of an agreement on cooperation in fisheries in the regime of PTS, since according to the lease agreement, a water body is provided to users for use and they are water users. During fisheries activities in the regime of PTS, a resource of national importance is used - aquatic biological resources and, accordingly, they are users of aquatic biological resources. At the same time, the Regimes are approved by the specially authorized central executive authority for fisheries (currently - the State Agency of Ukraine), and the lessors of water bodies are the Cabinet of Ministers of Ukraine, state administrations, and regional councils.

According to paragraph 1.1, instructions on the procedure for the artificial cultivation, cultivation of aquatic living resources and their use "Artificial cultivation, cultivation of aquatic living resources and their use is carried out without withdrawing water and discharging used (waste) water at fishery water bodies...".

Permission for special water use gives the right to use water resources and includes: a limit on water withdrawal, a limit on water use and a limit on discharge of pollutants (Article 48 of the Water Code of Ukraine). The resolution of the issues of conducting fisheries activities in water bodies with a permit for special water use is not provided, since fish and fodder organisms belong to another type of natural resource.

By the method of full draining of water, fishing can be carried out only in bodies of water that are built and operate specifically for the purpose of commercial fish farming, as well as in those where aquaculture has been introduced.



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Monitoring compliance with the contractual conditions for the lease of water fund lands, as well as over payment and compliance with the conditions for using the water fund lands and the condition of the property leased, in accordance with applicable law, lies with the body that concluded the relevant agreement - so far these are district state administrations.

In accordance with clause 2.1 of the Instructions for approval of the Regime, it is necessary to submit to the central executive body that implements the state policy in the field of fisheries (State Fisheries Agency of Ukraine) a draft regime for the fisheries exploitation of a water body, agreed by the territorial fishery authority; scientific and biological substantiation; an application agreed with the territorial body of fish protection, in the control zone of which there is a fishery water body; a map of the location of the CTX; certificate of state registration of a business entity (copies certified in the manner prescribed by law), a license for the right to economic activity related to industrial fishing in industrial areas of fishery water bodies (for water bodies more than 1 million m<sup>2</sup>). The draft regime of fisheries management and the scientific and biological justification are developed by the corresponding specialized scientific institution, which has an approved program of work in this area.

The fishery exploitation regime assumes the whole complex of fishery measures, starting from the calculation of the introduction of valuable fish farming objects in accordance with the fishery indicators, water bodies (forage base condition, the presence of predatory fish species, etc.) to fishery land reclamation measures - mowing vegetation, sanitation of spawning grounds, and so on like that.

It should be noted that since the economy in the CTX regimen relates to the special use of aquatic biological resources, the limits for capture are set for indigenous species of fish (living in the reservoir but not inhabited by the enterprise), and for the species - invaders (stocking objects) - planned catch indicators.

In addition, in order to support fisheries, the business entity, issued the regime of PTS, has the sole right to carry out fisheries exploitation of a water body.

In general, when choosing any of the areas of inland fisheries should take into account local characteristics. For example, when it is impossible to lease a water body, or if fisheries are planned to be part of the water body (the gulf of the reservoir is separated, which has not lost its hydrological connection with the main water body), or the body of water is not a drain, it is better to draw up the fishery management regime for the water body. In cases of small bodies of water equipped with operating spillway systems, aquaculture directions should be preferred.





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## ANNEXES FOR THE STATEMENT TEMPLATES INDICATED IN AQUACULTURE REGULATION (TURKEY)

Common borders. Common solutions.



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### ANNEX 1. AQUACULTURE REGULATION

ANNEX 1.1

TO: MINISTRY OF AGRICULTURE AND FORESTRY  
..... PROVINCIAL DIRECTORATE

I would like to establish an aquaculture plant in the province of .....  
Thanks for your attention.  
Sincerely yours,

.././....

Name and Surname

Signature

ADDRESS :  
-Full address, phone, fax and e-mail

Information on the planned fish farm:

Town :  
Village/locality :  
Type of farming :  
Name of water resource (River, lake,  
dam, sea etc.) :  
Planned capacity (tons/year ,  
individual/year) :  
Species to be farmed :

Attachments :  
AT-1 1/25,000 scaled map :



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ANNEX 1.2

PRELIMINARY EVALUATION REPORT  
FARM ON LAND ( ), NET CAGE FARM ( )

Date of arrangement .. / .. / ....

- 1. Information About the Applicant :
    - Name and Surname :
    - Date of Application :
  - 2. Information on the Application Site
    - Province/Town :
    - Village :
    - Location :
    - Coordinates :
    - Ownership :
    - a) Real person/Company      b) Treasury      c) Forest area      d) Other
  - 3. Information on farmed species
    - Species :
    - Quantity (tons/year) :
    - Fry (ind./year) :
  - 4. Information on water and water resource
    - Name of the spring :
    - Name of the dam reservuar (\*) :
    - Distance of spring to the farm :
    - Estimated flow rate (lt/sec) (\*\*) : Min .....Max.....
    - Water temperature 0C :Min..... Max.....
    - Mean: .....
    - Mean depth (m) :
    - Water levels (\*)
      - Minimum (Month) :
      - Maximum (Month) :
    - Iceing (for lakes and dams)
      - Period covered with ice (\*) : from.....Till.....
    - Aquatic Organisms in water :
    - Usage Status of Water
      - (Irrigation, drinking, energy, etc.) (\*\*) :
      - Contamination status (if there is)
      - (Identification of pollutants) :
- (add more info if necessary)



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- 5. Information on the farming site
- Distance to the settlement area (km) :
- Risk of flood (\*\*) :
- Road (asphalt-stabilized-soil) :
- State of transportation
- (#days the road is closed to transportation) :
- Area used for aquaculture (m2) :
- Purpose of use at present :
- Soil structure (clay-sandy-rocky) (\*\*) :
- Topographic state (slope, etc,) (\*\*) :
- How water reaches to ponds
- (attraction, pump, channel etc,) (\*\*) :

If the facility is installed on land, a scale sketch of the land; Reservoir map or scale map for the lattice enterprises, the status of other facilities in the vicinity, their distances to each other will be indicated by drawing on the sketch or map,

CONCLUSION AND OPINION:

Inspectors (\*\*\*) :

Name and Surname	:	Name and Surname	:
Signature	:	Signature	:

- (\*) : Lake, dam, sea
- (\*\*) : Farms and hatcheries on land
- (\*\*\*) : Minimum two experts

NOTE : Water analyse report should be attached



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ANNEX 1.3

PRELIMINARY HATCHERY REPORT

Preparation Date: .././....

1. Information About the Applicant

Name and Surname :  
Date of Application :

2, Information on the Application Site

Province/Town :  
Village :  
Location :  
Coordinates :  
Ownership :

a) Real person/Company    b) Treasury    c) Forest area    d) Other

3, Information on farmed species

Species :  
Fry/juvenile production (# per year) :

4. Information on water and resources

	Inland	Marine
Source of water	: .....	: .....
Distance of source to the farm site	: .....	: .....
Fequired flow rate (lt/sec)	: .....	: .....
Water Temperature Minimum °C	: .....	: .....
"                    Maximum °C	: .....	: .....
"                    Mean °C	: .....	: .....
- Possible pollutants	: .....	: .....

5. Information on farm site

Distance to the settlement area (km) :  
Risk of flood (\*\*) :  
Road (asphalt-stabilized-soil) :  
State of transportation :  
(#days the road is closed to transportation) :  
Area will be used for aquaculture (m2) :  
Purpose of use at present :  
If there is any annual income (tons, kg, etc) :  
Soil structure (clay-sandy-rocky) (\*\*) :  
Topographic state (slope, etc,) (\*\*) :  
How water reaches to ponds :  
(attraction, pump, channel etc,) (\*\*) :  
NOTE : Water analyse report should be attached

Inspectors (\*\*\*)

Name and Surname	:	Name and Surname	:
Signature	:	Signature	:



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ANNEX 1.4

#### OTHER DOCUMENTS REQUIRED FOR PRE-AUTHORIZATION

For the facilities to be established on land, documents explaining the ownership status of the facilities where the facilities will be established are listed below,

- 1- If it is a personal property, a written declaration stating that it is the property owner or possession (It is stated in the application petition,)
- 2- If it is to be rented out from the individual, a written statement stating that the project is a tenant for the economic life of the project (stated in the application petition).



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ANNEX 1.5

TO: MINISTRY OF AGRICULTURE AND FORESTRY  
.....PROVINCIAL DIRECTORATE

I applied to establish a fish farm with my statement dated .....and I am at the stage of getting preliminary permission / project preparation.

For your kind attention. Thanks in advance.

Sincerely yours

.././....

Name and Surname

Signature

Contact :

Address, phone, fax and e mail :

Information on the planned farm:

Town :

Village/Location :

Type of farming :

Name of water source (River,  
lake, dam, sea, etc) :

Planned capacity(ton/yr, ind/yr :

Species to be farmed :

Annex

1/25,000 scaled map



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ANNEX 1.6/a

TURKISH REPUBLIC  
MINISTRY OF AGRICULTURE AND FORESTRY  
General Directorate of Fisheries and Aquaculture  
AQUACULTURE CERTIFICATE

Certificate No :  
 Tax Office and Tax No :  
 National Identity No :  
 Name of the Farm (Project) :  
 Name and Surname of the Owner :  
 Address of the farm :  
 Phone, Fax, e-mail, :  
 Farmed products and types :  
 Capacity of the farm (Project) (ton/yr) :  
 Place and the date of approval of the project :  
 Approval date(s) of the revised project :  
 Ownership statue (Treasury, forestry, private property) :  
 Number and volume of the ponds/Cages (adet/m3) :  
 Hatchery capacity (# juveniles/yr) :  
 Starting day and duration of renting (for land and water will be used) : Land:.....  
 Water:.....  
 Surface area to be rent (water/land area)(m2) : Land:....., Water:.....  
 Water volume to be rent (lt/sn) :  
 Coordinates of rented water surface (degrees:minutes:second) :1-.....N,.....E 2-.....N,.....E  
 3-.....N,.....E 4-.....N,.....E  
 Coordinates of farms established on land :

Approved

Name and Surname

Signature

...../...../.....

Date of visa: ...../...../....., ...../...../....., ...../...../.....

(This document is approved and stamped by the Ministry's Central Agency and must be visaed by the Provincial Directorate of the Ministry every 3 (three) years)





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ANNEX 1.6/b

TURKISH REPUBLIC  
MINISTRY OF AGRICULTURE AND FORESTRY  
General Directorate of Fisheries and Aquaculture  
HATCHERY CERTIFICATE

Certificate No :  
 Tax Office and Tax No :  
 National Identity No :  
 Name of the Farm (Project) :  
 Name and Surname of the Owner :  
 Address of the farm :  
 Phone, fax, e-mail :  
 Produced products and types :  
 Hatchery (Project) capacity (juvenile/yr) :  
 Place and the date of approval of the project :  
 Approval date(s) of the revised Project (if there is) :  
 Area of the hatchery (m2) :  
 Total closed area (m2) :  
 State of ownership :  
 Water volume to be rent (lt/sn)  
 Starting day and duration of renting  
 (for land and water will be used) : Land:....., Water:.....,  
 Coordinates of rented area  
 (degrees:minutes:second) :

Approved

Name and

Surname

Signature

...../...../.....

Date of visa: ...../...../....., ...../...../....., ...../...../.....

(This document is approved and stamped by the Ministry's Central Agency and must be visaed by the Provincial Directorate of the Ministry every 3 (three) years)



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ANNEX 1.7

TO: MINISTRY OF AGRICULTURE AND FORESTRY

.....Provincial Directorate

I want to make changes to my project approved by the Ministry on .....

Sincerely yours

.././....

Name and Surname

Signature

Personal Information

Address(es) :  
Phone, fax, e-mail, web site :  
Aquaculture certificate no :

Information about farm

Province and Town :  
Village/Locality :  
Area (m2) :

Information on changes

Subject (\*) :  
Explanations :

(\* ) Changes could be more than one (Changes in species, capacity increase/decrease, area increase/decrease, establishing additional units, changing the site, trial production, etc.)



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ANNEX 1.8

TO: MINISTRY OF AGRICULTURE AND FORESTRY  
..... Provincial Directorate

I would like to establish a trial farm in the province .....

For your kind attention,

../.../....

Name and Surname

Signature

Contact Information

Address, phone, fax and e-mail :

Information on planned farm

Town :

Village/location :

Type of aquaculture (Ongrowing  
in net cages, juvenile production) :

Name of water source :

(River, lake, dam, sea, etc) :

Planned capacity(ton/yr, #/yr) :

Trial subject :

ANNEX

Annex -1 1/25000 scaled map



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ANNEX 1.9

TO: MINISTRY OF AGRICULTURE AND FORESTRY  
..... Provincial Directorate

We would like to carry out the transfer transactions related to the project registered on the name of  
..... approved on .....  
For your kind attention

New demander of the project  
../.../....  
Name and Surname  
Signature

Person transferring the project  
../.../....  
Name and Surname  
Signature

PERSONAL INFORMATION WHO TRANSFERS

Address(es) :  
Phone, fax, e-mail, web site :  
Certificate No :

PERSONAL INFORMATION ABOUT NEW DEMANDER

Address (es) :  
Phone, fax, e-mail, web site :

LOCATION INFORMATION OF FARM

Province and town :  
Village/locality :



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ANNEX 1.10

TECHNICAL RESPONSIBLE MANAGER AND TECHNICAL STAFF EMPLOYMENT FORM

Name – Surname : .....

Place of birth/year : ....., .././....

National Identity No : .....,

Tax Office and No : ....., No: .....,

Address : .....

Phone : .....

Fax : .....

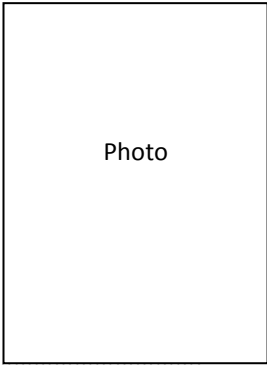
Mobile phone : .....

e-mail : .....

University graduated : .....

Faculty and Department : .....

Graduate year and diploma no: .....



	University	Field
MSc	: .....	.....
PhD	: .....	.....
Foreign Language	: .....	Level: .....
Courses Participated	: Title	Location
	1- .....	.....
	2- .....	.....
	3- .....	.....
	4- .....	.....
5- .....	.....	.....

Certificates owned : ..... class driver license  Scuba diving license  Skipper certificate   
Others (Explain) .....

Publications

1- .....

2- .....

3- .....

Professional Background	Institution/Farm/company	Duration of Work
1-	.....	.....
2-	.....	.....
3-	.....	.....

..... which the identity has been clearly stated above works as  
Operations Manager / Technical Staff in our facility,

.././....  
Name and Surname  
Signature  
Title



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## ANNEX 2. DIRECTIVE ON THE APPLICATION OF AQUACULTURE REGULATION

ANNEX 2.1/a

### WATER QUALITY CRITERIA FOR TROUT

PARAMETERS	ONGROWING	HATCHERY	HARD WATERS	SOFT WATERS
Flow rate** lt/s				
Temperature oC	4-18	6-13		
Dissolved O2, mg/lt	>5			
pH	6.5-8.5			
Ammonia (not ionised), mg/lt	0.1	0.02		
Nitrates, mg/lt		0-40		
Nitrits, mg/lt			<0.2	0.06-0.1
Alkalinity(as CaCO3)*		10-400		
Carbonates* mg/		0-25		
Bicarbonates* mg/		>100		
Total hardness* (as CaCO3). mg/lt		10-400		
Calcium*. mg/lt		4-160		
Magnesium*, mg/lt	Necessary for buffer system			
Manganese*, mg/lt		0-0.01		
Iron (total)* mg/lt		<0.5		
Ferrous ion*, mg/		0		
Ferric ion*, mg/		0.5		
Phosphorus*, mg/lt		0.1-3		
CO2*, mg/lt		<60		
Aluminium*, mg/lt	<0.1			
Cadmium*, mg/lt		<0.003		<0.0004
Chromium*, mg/lt	<0.05			
Copper*, mg/lt			<0.01	<0.006
Lead*, mg/lt	<0.001			
Zinc*, mg/lt	0-0.1			
Mercury*, mg/lt	<0.00005			
Nickel*, mg/lt			<0.05	<0.1
H2S*, mg/lt		<0		
Suspended solid, mg/lt	<25	<5		

\*Parameters to look for when needed

\*\*Along with the minimum and maximum flow report of the water amounts, the document regarding the minimum water amount that can be allocated for the facility should be obtained from the DSI organization.

In trout, chloride should not exceed 50 mg / lt for egg output, 200 mg / lt for adults and turbidity should not exceed 10 JTU.



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ANNEX 2.1/b

WATER QUALITY CRITERIA FOR CARP

PARAMETERS	ONGROWING	HATCHERY	HARD WATERS	SOFT WATERS
Flow rate** lt/s				
Temperature oC	16-28	18-20		
Dissolved O2, mg/l		5		
pH		6.5-8.5		
Alkalinity(as CaCO3)*		50-400		
Carbonates* mg/		0-40		
Bicarbonates* mg/		75-100		
Total hardness* (as CaCO3). mg/l		50-400		
Calcium*. mg/l		10-160		
Magnesium*, mg/l	Necessary for buffer system			
Manganese*, mg/l		0-0.1		
Nitrate, mg/l		0.3		
Nitrite, mg/l	0.06-0.1			
Iron (total)* mg/l		0-0.9		
Ferrous ion*, mg/		-		
Ferric ion*, mg/		0.5		
Phosphorus*, mg/l		0.01-3		
Ammonium (not ionised) mg/l	0.02			
CO2*, mg/l		0-15		
Aluminium*, mg/l		<0.1		
Cadmium*, mg/l			0.012	0.004
Copper*, mg/l			0.112	0.005
Lead*, mg/l		0.1		
Zinc*, mg/l		0-0.05	2.0	0.3
Nickel*, mg/l		0.5		
H2S*, mg/l		<0		

\*Parameters to look for when needed

\*\*Along with the minimum and maximum flow report of the water amounts, the document regarding the minimum water amount that can be allocated for the facility should be obtained from the DSI organization.

Turbidity in carp and warm water fish should not exceed 25 JTU, electrical conductivity 2000 Mho X 106, organic substance 4 mg / lt BOD or chloride 2000 mg / lt, SO4 should not be less than 0.5 mg / lt.



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ANNEX 2.1/c

WATER QUALITY CRITERIA FOR MARINE FARMING

Species	Sea bream	Sea bass	Bluefin tuna	Sparids	Turbot	Sturgeon	Shrimp	Mussels
Oxygen mg/lt	≥4	≥4	≥5	≥4	≥3	≥4	≥5	≥5
Salinity	5-40	5-40	12-40	15-40	10-40	0-20	15-35	10-37
Temperature OC	15-25	10-25	12-30	14-25	10-25	7-25	20-35	12-30
pH	6.5-8.5							
Free CO2	0.1-10							
Ammonia NH3 mg/lt	0.02-2.5	0.02-2.5	0.02-2.5	0.02-2.5	0.01-0.06	0.01-0.02	0.01-0.02	0.01-0.02
Ammonium mg/lt	0.05-1.5							
Nitrit NO2 mg/lt	<0.5							
Nitrate NO3 mg/lt	<40							
Phosphate* mg/lt	<1							
Silicate* mg/lt	2-5							
Iron* mg/lt	0.5-1							
Sulphure, mg/lt	<1							
Suspended solids* mg/lt	5-80							
Hydrocarbons* mg/lt	<0.031							
Turbidity * NTU	<29							
Fecal coliform (in 100 ml)	<1000							
Chloride* mg/lt	<0.2							
Total mercury* mg/lt	0.004-0.1							
Cadmium* mg/lt	<0.01							
Lead* mg/lt	<0.1							
Chromium* mg/lt	<0.1							
Arsenic* mg/lt	0.1-1							
Copper* mg/lt	0.025-0.1							
Zinc* mg/lt	0.03-0.1							
PESTICIDES								
DDT* mg/lt	<0.025							
Aldrin* mg/lt	<0.004							
Dieldrin* mg/lt	<0.003							
2.4 DEP* mg/lt	<0.001							
BHC* mg/lt	<0.04							
Endrin* mg/lt	<0.08							
Heptachlorin* mg/lt	<0.03							
Pentachlorophenol* mg/lt	<0.01							

\*Parameters to look for when needed

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ANNEX 2.2

PROJECT PREPARATION DISPOSITION

1) Paper:

Papers to be used in the writing of projects to be sent to the Ministry for approval, A4 size (210X297 mm) and at least 80 gr. The first page should be white paper.

2) Writing format:

The project should be written with an advanced word processing program (Winword 6 or higher version).

Font size should be 12 points. But the mandatory encountered in charts or formulas in cases, it should be written in smaller font and print on one side of the paper.

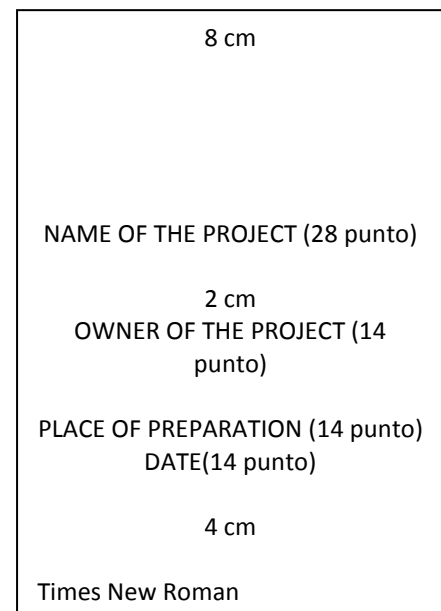
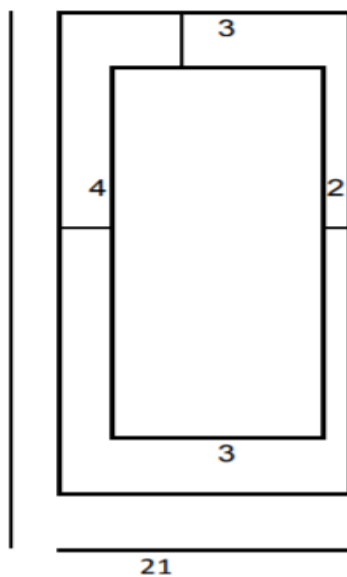
Times New Roman, which is widely used as font, should be chosen. Writing a character must be left blank after the punctuation mark.

3) Page Layout:

The text area should be arranged as shown in the figure below(cm).

Cover Paper: White cardboard cover, text should be black and Times New

Times New Roman character should be used, the project name is bold 28 points, the project owner is bold 14 points, the place of preparation and date should be written in 14 font size and bold character, and their placement should be done as shown in the figure.



PAGE LAY OUT

4) Line Spacing: 1.5 line spacing should be used between the lines of the text. There should be 2 lines between headings and text and initials.

5) Page numbers: Should be written in the middle of the lower part of the page, all pages should be numbered except inner cover page.



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- 6) Figures and tables: They should be placed on the page or the next page in which it is mentioned first or on the next. Spaces of the pages should not be exceeded when they are placed. Figures needed to be folded and should be given in the annex.
  - 7) Project cover: It should be prepared from white glossy cardboard and should be in A4 size.
  - 8) Binding: The project should be bound and sent to the Ministry in 5 copies.
- NOTE: All of the pages on the project will be signed by the project owner or those preparing the project.
- 9) Project approval page.

PROJECT NAME AND ADDRESS :  
 PROVINCE AND DATE OF PREPARATION :  
 NAME OF THE INVESTOR (TITLE) :  
 Tax Office to which it is affiliated :  
 Tax number :

PROJECT PREPARED BY :  
 Name and surname :  
 Title :  
 Diploma No :  
 Membership of Chamber :  
 Chamber Registry No :  
 Tax Office :  
 Tax No :  
 Place of invoice :  
 Invoice date and no :  
 Date and Signature :

PROJECT EVALUATORS :  
 Name and Surname :  
 Title :  
 Date and Signature :

PROJECT CONTROLLERS :  
 Name and surname :  
 Job Title :  
 Date and Signature :

PROJECT APPROVED BY :  
 Name and surname :  
 Job Title :  
 Date and Signature :

10) Information and documents to be included in the aquaculture project



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1- Information about the Project:

- 1.1. Information about the company (name, address, organization)
- 1.2. Investment subject and scope
- 1.3. Location of the investment
- 1.4. Duration of the investment (Start, end, start-up dates)
- 1.5. Project amount (Domestic money, foreign money, total)
- 1.6. Useful life of the project
- 1.7. Production;
  - 1.7.1. Annual revenue amount,
  - 1.7.2. Gross profit
- 1.8. Considered financial resources
  - 1.8.1. Own resources
  - 1.8.2. Credits
- 1.9. Investments related to development plans,
- 1.10 Incentives and premiums that investment will benefit
  - 1.10.1. Investment discount
  - 1.10.2. Business loan
- 1:11. Current status of the project,

2- Market Study:

- 2.1. Industry status
- 2.2. Competition power
- 2.3. Supply, demand and prices

3-Features of the Project Site:

- 3.1. Property feature
- 3.2. Feature of the land
- 3.3. Feature of water
- 3.4. Transportation feature

4-Feature of the facilities that are produced near the site and by making use of the same source:

- 4.1. Names, Capacities, Production States
- 4.2. Whether there was a disease event before
- 4.3. Relationship of the facility to be established with existing facilities

5- Technical Aspect of the Project:

- 5.1. Description of the project
- 5.2. Production technique (Technical Application Plan)
- 5.3. Water needs
- 5.4. Production plan
  - 5.4.1. Hatchery area
  - 5.4.2. The area of pools
  - 5.4.3. Stock density
  - 5.4.4. The need for eggs, brood and breeder
  - 5.4.5. Feed requirement
  - 5.4.6. Staff need

6- Investment Implementation Plan:

7- Financial Aspect of the Project:

- 7.1. Project costs
  - 7.1.1. Fixed investment expenses



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- 7.1.1.1. Study project expenses
- 7.1.1.2. Construction expenses
- 7.1.1.3. Tool and equipment expenses
- 7.1.1.4. Unexpected expenses
- 7.1.2. Operating expenses
  - 7.1.2.1. Feed expenses
  - 7.1.2.2. Breeder, egg or juvenile costs
  - 7.1.2.3. Staff expenses
  - 7.1.2.4. Marketing expenses
  - 7.1.2.5. Rent expenses
  - 7.1.2.6. Maintenance and repair costs
  - 7.1.2.7. Depreciation
  - 7.1.2.8. Distribution of expenses by years
- 7.2. Business Income
- 7.3. Distribution of operating expenses by years
- 7.4. Distribution of investment expenses by years
  - 7.4.1. Distribution of financing resources by years
  - 7.4.2. Distribution of project costs by years
  - 7.4.3. Flow of income, expenses and funds in proforma
  - 7.4.4. Project cash flow analysis

#### 8- Project Evaluation:

- 8.1. Criteria that do not take into account the time value and economic life of money, Profitability, Payback Period, Profit crossing point, Safety margin
- 8.2. Criteria that take into account the time value and economic life of money Benefit Cost Rate, Net present value, internal rate of return, Critique of investment

#### 9- Quantities and Discovery Summaries of Buildings and Facilities.

10- Proforma Invoices for Tools and Equipment should belong to the year the Project was prepared.

#### 11- Site Plans:

- 11.1. Architectural projects
- 11.2. Reinforced concrete projects
- 11.3. Water and plumbing projects
- 11.4. Projects of electrical power and control installations
- 11.5. Treatment projects

12- All Documents, Information and Pre-Permission Letter Required for Pre-Permission



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ANNEX 2.3/a

(DRAFT)

TECHNICAL SPECIFICATION TO BE APPLIED FOR THE FARMING IN NET CAGES IN RIVERS

- 1- The opinions, suggestions and conditions of not only the Ministry of Agriculture and Forestry (MAF) but also other organizations related to the streams will be taken into consideration in planning, projecting and operating aquaculture projects in cages in rivers.
- 2- Fixed facilities for aquaculture in cages will be established outside the maximum water level of the stream, provided that permission is obtained from the Treasury or related official institutions.
- 3- Maximum and minimum water elevations may change depending on the conditions that will arise in streams. Cage and net systems to be used in aquaculture will be in accordance with the water level changes if necessary and the stream flow rate will be taken into consideration in the project.
- 4- Without the permission of the MAF, establishment of nets on the stream, which will prevent the passage or catching of fish, embankments, fences and similar obstacles, will not be made.
- 5- The fish to be cultivated in the cage will be suitable for the approved project and will be of the species that are allowed to grow. All kinds of precautions will be taken by the farmer to prevent the fish species to be fed in the cage from escaping into the stream.
- 6- In accordance with the provisions of the Regulation on Inland Water Transportation Vehicles, the motor boats to be used in the cage culture must be in accordance with the navigation and are also registered in any Municipality and / or Port Office, and the drivers must have a driver license certificate for lake and river vehicles.  
  
It is not obligatory for non-motorized boats to obtain driver's license for rowing and handling. In addition, according to Article 3 of the Aquaculture Law No. 1380, Articles 4 and 5 of the Fisheries Regulations, the "Fisheries License Permit" will be taken for motorized and non-motorized boats.
- 7- Washing, spraying and other activities that will cause pollution of water in and around the stream will not be carried out, and no solid or liquid substances will be thrown into the stream.
- 8- Fishing rights outside the aquaculture project area in rivers can be rented or allocated to sport fishing.
- 9- All kinds of measures should be taken by the farmer against the threat of flood, fire, earthquake, epidemic diseases, natural disasters such as wave, frost, wind, other bad weather and theft and others which may affect fish farms and their operations. On the other hand farmer should also care about not to affect transportation and navigation, and other farms having aquaculture license from the Ministry.
- 10- A staff member will be appointed in accordance with Article 19 of the Regulation to represent farmer to correspond with the staff of MAF and other organizations on production activities.
- 11- The farmer will keep a notebook showing the species and amount of the fish produced by dates. This notebook can be examined by the authorized personnel of the MAF for inspection when necessary.
- 12- The farmer will not catch fish in the river (including the rented area) for feed supply or any other purpose.



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13- During the production in net cages, investor is not allowed to pollute river from the cages, feed, equipment, materials, tools, equipment, medicine, etc., to prevent any contamination and working methods will be checked by the MAF.

14- During the implementation and operation of fish farming in cages, in all kinds of studies to be carried out by the staff of the Ministry of Agriculture and Forestry MAF in order to investigate the effects of the river ecology, biological structure and pollution, investor will permit and assist by all kinds of convenience.

15- There will be no barriers to any study or research to be carried out on the project site by the relevant institutions or universities regarding the permission of the Ministry of Agriculture and Forestry.

16- MAF does not give any guarantee or commitment for the quality and quantity of water. MAF cannot be held responsible for any changes in the quality and quantity of water.

17- The rental prices of the water and land areas to be used in the farm facilities on rivers are approved by the Ministry's Central Organization or Provincial Directorate for the projects will be established in the lands under the Ministry of Treasury and its Provincial Directorate, are determined and rented by the Provincial Directorate.

18- When contamination and disease are detected during the implementation and operation of the aquaculture project, which will harm the ecology, biological structure and intended use of the stream; adverse effects on transportation and navigation; in case of social problems with other institutions, private and legal persons related to streams, In accordance with the report to be issued by the Ministry of Rural Affairs and the Ministry of Rural Affairs, the lease agreement will be terminated by the Special Provincial Administration and the project in question will be removed from the application.

19- In case of termination of the lease contract and aquaculture project due to the above reasons or during the implementation of the aquaculture project any impacts due to pollution, disease, wave, fire, earthquake, flood, wind, other bad weather conditions, transportation and navigation, theft, water level and changes in the chemical and biological structure of water, new problems that may be raised by natural or legal persons related to the stream, etc., farmer will not be able to claim any rights and compensation from the Provincial Special Administration and the MAF due to the damage and loss caused by all kinds of negative conditions.

20- The farmer is obliged to comply with the principles determined by the Fisheries Law No. 1380, the Aquaculture Regulation and circulars to be published.

NOTE:

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.



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ANNEX 2.3/b

(DRAFT)

#### TECHNICAL SPECIFICATION FOR FISH FARMING IN NET CAGES IN DAM RESERVOIRS

- 1- A certain area, within the line drawn from the body of the dam to the river entrance as bird's fly to the given distance in..... Dam Lake, accepted as safety area (area scanned in red color in the attached map) has been identified as a prohibited area. All kinds of fishing and other activities in this region are prohibited.
- 2- Opinions, suggestions and conditions of other relevant institutions other than MAF will also be taken into consideration about farms in the planning, project design and operation of aquaculture projects in cages operating outside the State Hydraulic Works General Directorate.
- 3- Fixed units of farms could be installed in the area outside of the maximum water level by the permission of DG State Hydraulic Works or other relevant institution.
- 4- Maximum operation level of the dam lake is ..... m, minimum operating level is ..... m. According to the conditions that will arise during the operation of the reservoir, net cages should be made in accordance with these water level changes.
- 5- Fish to be cultivated in cages will be in accordance with the approved project and only the species can be used given in the project approved. All kinds of measures should be taken to prevent fish escape from cages to the dam lake.
- 6- In accordance with the provisions of the Regulation on Transport Vehicles in Inland Waters, motor boats to be used in the cage breeding must be in accordance with the navigation and must also be registered with any Municipality and / or Harbor Department, and the drivers must have a driver license certificate for lake and river vehicles. It is not obligatory for non-motorized boats to obtain driver's license for rowing and handling. In addition, according to Article 3 of the Fisheries Law No. 1380 and Article 4 and 5 of the Fisheries Regulation "Ship Certificate" will be taken for motor and non-motor boats.
- 7- Washing, spraying and other activities that will cause pollution of water in and around the stream will not be carried out, and no solid or liquid substances will be thrown into the stream.
- 8- Fishing rights outside the aquaculture project area in rivers can be rented or allocated to sport fishing.
- 9- All kinds of measures should be taken by the farmer against the threat of flood, fire, earthquake, epidemic diseases, natural disasters such as wave, frost, wind, other bad weather and theft and others which may affect fish farms and their operations. On the other hand farmer should also care about not to affect transportation and navigation, and other farms having aquaculture license from the Ministry.
10. A staff member will be appointed in accordance with Article 19 of the Regulation to represent farmer to correspond with the staff of MAF and other organizations on production activities.
- 11- The farmer will keep a notebook showing the species and amount of the fish produced by dates. This notebook can be examined by the authorized personnel of the MAF for inspection when necessary.
- 12- The farmer will not catch fish in the river (including the rented area) for feed supply or any other purpose.



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13- During the production in net cages, investor is not allowed to pollute river from the cages, feed, equipment, materials, tools, equipment, medicine, etc., to prevent any contamination and working methods will be checked by the MAF.

14- During the implementation and operation of fish farming in cages, in all kinds of studies to be carried out by the staff of the Ministry of Agriculture and Forestry MAF in order to investigate the effects of the river ecology, biological structure and pollution, investor will permit and assist by all kinds of convenience.

15- There will be no barriers to any study or research to be carried out on the project site by the relevant institutions or universities regarding the permission of the Ministry of Agriculture and Forestry.

16- MAF does not give any guarantee or commitment for the quality and quantity of water. MAF cannot be held responsible for any changes in the quality and quantity of water.

17- The rental prices of the water and land areas to be used in the farm facilities on rivers are approved by the Ministry's Central Organization or Provincial Directorate for the projects will be established in the lands under the Ministry of Treasury and its Provincial Directorate, are determined and rented by the Provincial Directorate.

18- When contamination and disease are detected during the implementation and operation of the aquaculture project, which will harm the ecology, biological structure and intended use of the stream; adverse effects on transportation and navigation; in case of social problems with other institutions, private and legal persons related to streams, In accordance with the report to be issued by the MAF, the lease agreement will be terminated by the Special Provincial Administration and the project in question will be removed from the application.

19- In case of termination of the lease contract and aquaculture project due to the above reasons or during the implementation of the aquaculture project any impacts due to pollution, disease, wave, fire, earthquake, flood, wind, other bad weather conditions, transportation and navigation, theft, water level and changes in the chemical and biological structure of water, new problems that may be raised by natural or legal persons related to the stream, etc., farmer will not be able to claim any rights and compensation from the Provincial Special Administration and the MAF due to the damage and loss caused by all kinds of negative conditions.

20- The farmer is obliged to comply with the principles determined by the Fisheries Law No. 1380, the Aquaculture Regulation and circulars to be published.

**NOTE:**

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.





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ANNEX 2.3/c

(DRAFT)

#### TECHNICAL SPECIFICATIONS FOR FISH FARMING ON LAND

- 1- The implementation and operation of the aquaculture project will be in accordance with the natural ecology and biological structure of the environment and will not cause any harm.
- 2- The water is needed from the source will be taken in a way that does not affect the existing and designed projects of the relevant organizations, it will be discharged to the source by shortest distance to the inlet without using it any other purposes by preserving its quality and quantity. No barriers, fillings and obstacles are allowed on the river bed for water intake. The structure, which will prevent, will not be filled.
- 3- Washing, spraying and other activities that will cause water pollution of will not be carried out in and around the facilities, and no solid or liquid substances will be thrown into the source.
- 4- Article 21 (e) of the Aquaculture Regulation shall be ensured to be suitable for waters discharged to the receiving environment after use in the facilities.
- 5- All kinds of measures should be taken by the farmer against the threat of flood, fire, earthquake, epidemic diseases, natural disasters such as wave, frost, wind, other bad weather and theft and others which may affect fish farms and their operations. On the other hand farmer should also care about not to affect transportation and navigation, and other farms having aquaculture license from the Ministry.
- 6- In farms, all kinds of precautions will be taken and used by the farmer to avoid contamination of the source and the environment; feed, equipment, materials, tools, equipment, medicine, etc. The methods of working with the Ministry of Agriculture and Forestry will be checked by the relevant staff and their suggestions will be applied by the owner.
- 7- A staff will be assigned within the framework of Article 19 of the Aquaculture Regulation to carry out production activities and to deal with the relevant personnel of the Ministry of Agriculture and Rural Affairs and other organizations.
- 8- The farmer will keep a notebook that shows the production amount of the fish produced by dates. This notebook will be examined by the authorized personnel of the Ministry of Agriculture and Rural Affairs for inspection when necessary.
- 9- Farmer has any right to claim compensation from MAF and Special Provincial Administration due to any damages and losses that may occur due to any adverse conditions that may come from pollution, disease, wave, fire, earthquake, flood, frost, wind, other bad weather, transportation and navigation, theft, amount of water and changes in the chemical and biological structure of water during the implementation and operation of the aquaculture project.
- 10- The fixed cost of water to be used in the farm facilities which will be established on the lands under the State's Authority and approved by the Central Organization or Provincial Directorate and rented by the Provincial Directorate.
- 11- Entrepreneur should act in line with the Fisheries Law No. 1380 on Fisheries, Aquaculture Regulation and other fish farming regulation

NOTE:

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.

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ANNEX 2.3/d

TECHNICAL SPECIFICATION OF CAGE FARMING IN NATURAL LAKES

1. Opinions, suggestions and conditions of other relevant institutions other than MAF will also be taken into consideration about farms in the planning, project design and operation of aquaculture projects in cages operating in lakes,
2. Fixed facilities for aquaculture in cages will be established outside the maximum water level of the lake, provided that permission is obtained from the Treasury or related public institutions.
3. Maximum and minimum water level of the lake is ..... m and ..... m, respectively. Depending on the conditions that will occur during the operation of the lake or naturally, the water level may vary between the maximum and minimum water levels. Cage and net systems to be used in aquaculture will be in accordance with these water level changes to be made if necessary.
4. Fish to be cultivated in cages will be in accordance with the approved project and only the species can be used given in the project approved. All kinds of measures should be taken to prevent fish escape from cages to the dam lake.
5. In accordance with the provisions of the Regulation on Transport Vehicles in Inland Waters, motor boats to be used in the cage breeding must be in accordance with the navigation and must also be registered with any Municipality and / or Harbor Department, and the drivers must have a driver license certificate for lake and river vehicles. It is not obligatory for non-motorized boats to obtain driver's license for rowing and handling. In addition, according to Article 3 of the Fisheries Law No. 1380 and Article 4 and 5 of the Fisheries Regulation "Ship Certificate" will be taken for motor and non-motor boats.
6. Washing, spraying and other activities that will cause pollution of water in and around the stream will not be carried out, and no solid or liquid substances will be thrown into the stream.
7. Fishing rights outside the aquaculture project area in rivers can be rented or allocated to sport fishing.
8. All kinds of measures should be taken by the farmer against the threat of flood, fire, earthquake, epidemic diseases, natural disasters such as wave, frost, wind, other bad weather and theft and others which may affect fish farms and their operations. On the other hand farmer should also care about not to affect transportation and navigation, and other farms having aquaculture license from the Ministry.
9. A staff member will be appointed in accordance with Article 19 of the Regulation to represent farmer to correspond with the staff of MAF and other organizations on production activities.
10. The farmer will keep a notebook showing the species and amount of the fish produced by dates. This notebook can be examined by the authorized personnel of the MAF for inspection when necessary.
11. The farmer will not catch fish in the lake (including the rented area) for feed supply or any other purpose
12. The rental prices of the water and land areas to be used in the farm facilities on rivers are approved by the Ministry's Central Organization or Provincial Directorate for the projects will be established in the lands under the Ministry of Treasury and its Provincial Directorate, are determined and rented by the Provincial Directorate.



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13. During the production in net cages, investor will not allow to pollute lake from the cages, feed, equipment, materials, tools, equipment, medicine, etc., to prevent any contamination and working methods will be checked by the MAF.

14. During the implementation and operation of fish farming in cages, in all kinds of studies to be carried out by the staff of the Ministry of Agriculture and Forestry MAF in order to investigate the effects of the river ecology, biological structure and pollution, investor will permit and assist by all kinds of convenience.

15. There will be no barriers to any study or research to be carried out on the project site by the relevant institutions or universities regarding the permission of the Ministry of Agriculture and Forestry.

16. MAF does not give any guarantee or commitment for the quality and quantity of water. MAF cannot be held responsibility for any changes in the quality and quantity of water.

17. The rental prices of the water and land areas to be used in the farm facilities on rivers are approved by the Ministry's Central Organization or Provincial Directorate for the projects will be established in the lands under the Ministry of Treasury and its Provincial Directorate, are determined and rented by the Provincial Directorate.

18. When contamination and disease are detected during the implementation and operation of the aquaculture project, which will harm the ecology, biological structure and intended use of the stream; adverse effects on transportation and navigation; in case of social problems with other institutions, private and legal persons related to streams, In accordance with the report to be issued by the MAF, the lease agreement will be terminated by the Special Provincial Administration and the project in question will be removed from the application.

19. In case of termination of the lease contract and aquaculture project due to the above reasons or during the implementation of the aquaculture project any impacts due to pollution, disease, wave, fire, earthquake, flood, wind, other bad weather conditions, transportation and navigation, theft, water level and changes in the chemical and biological structure of water, new problems that may be raised by natural or legal persons related to the stream, etc., farmer will not be able to claim any rights and compensation from the Provincial Special Administration and the MAF due to the damage and loss caused by all kinds of negative conditions.

10. The farmer is obliged to comply with the principles determined by the Fisheries Law No. 1380, the Aquaculture Regulation and circulars to be published.

**NOTE:**

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.



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ANNEX 2.3/e

(DRAFT)

TECHNICAL SPECIFICATIONS FOR FISHING  
NOT RELEVANT FOR AQUACULTURE



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ANNEX 2.3/f

(DRAFT)

TECHNICAL SPECIFICATIONS TO BE APPLIED IN THE HATCHERIES

- 1) Fisheries circulars published every year will be respected with the Fisheries Law no.1380 and 3288 which the latter is amending main law, implemented by the Ministry of Agriculture and Forestry for aquaculture project.
- 2) Decisions to be taken in line with the regulations, communiqués, circulars and special cases implemented by the MAF and its instructions will be followed.
- 3) Any of the approved projects belonging to the person / company are responsible to inform any changes to be made later on fish farming to the MAF in advance and to receive the necessary permissions.
- 4) Apart from the hatchery permit area, it will not infringe State land, within the framework of the investments in the project; due to environmental, visual, etc. reasons necessary changes in the project can be done if it is requested by the MAF.
- 5) During the implementation and operation of the project, washing, disinfection and other activities that will cause pollution of the environment and receiving water in or around the sea / fresh water without taking the necessary measures will not be performed; no solid matter will be thrown into the sea / fresh water; farmer will take all measures to prevent the produced species escaping to sea / fresh water may damage the environmental ecology and biodiversity structure.
- 6) Upon the request of the Ministry, any studies and researches to be carried out by the relevant institutions or universities in the project area will not be prevented.
- 7) Temporary and fixed buildings or facilities which are not proposed in the project or not suitable for the project will not be allowed to build.
- 8) Article 21 (e) of the Aquaculture Regulation shall be ensured to be suitable for waters discharged to the receiving environment after use in the facilities.
- 9) The provisions of the Coastal Law No. 3624 and the Coastal Regulation will be complied with
- 10) A staff will be assigned within the framework of Article 19 of the Aquaculture Regulation to carry out fish production activities and to deal with the relevant personnel of the MAF and other organizations.
- 11) In case of suspects or finding of a disease in the farm facilities, the entrepreneurs have to report this situation immediately to the Provincial Directorate where the facility is located.
- 12) Unless an instruction is published and allowed by the Ministry, catching fish from wild for the hatchery and / or culture units will not be permitted.
- 13) There will be no fish catch, including for feed supply or any other area rented at sea / fresh water.
- 14) Dead fish will be collected and burned regularly or buried in lime pits in the enterprise.
- 15) By various units of the Ministry; when/if requested, the information about the fish farming such as quality and number of the operating stuff, the amount of equipment, equipment, feed, etc., and the targeted and actual production amount of the species to be cultivated, will be provided without any difficulty.
- 16) Records requested by the Ministry (or relevant local units) will be kept.
- 17) The MAF does not give any guarantee or commitment for the quality and quantity of water and not responsible for changes in the quality and quantity of water.



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18) In accordance with the provisions of the Regulation on Transport Vehicles in Inland Waters, motor boats to be used in the cage breeding must be in accordance with the navigation and must also be registered with any Municipality and / or Harbor Department, and the drivers must have a driver license certificate for lake and river vehicles. It is not obligatory for non-motorized boats to obtain driver's license for rowing and handling. In addition, according to Article 3 of the Fisheries Law No. 1380 and Article 4 and 5 of the Fisheries Regulation "Ship Certificate" will be taken for motor and non-motor boats.

19) During the implementation and operation of the hatchery project, when pollution and disease are detected at a level that will harm the ecology and biological structure of the seas and inland waters; In the event that the safety of sea and inland water, transportation and navigation are adversely affected, and other social problems occur with other organizations related to the sea, the project of private and legal persons will be removed from the temporary or completely unilateral implementation. In addition, it will accept in advance that businesses whose term lease agreements have been terminated will be canceled and cannot claim any rights or compensation.

20) Damages and losses due to pollution, disease, wave, fire, earthquake, wind, other bad weather conditions, transportation and navigation, theft, changes in water level and chemical and biological structure of water will be the reason of termination of contract due to the above reasons or during its implementation. Farmer will not claim any rights and compensation from the MAF.

21) There will be units such as changing rooms, toilets and washbasins suitable for the staff working in the enterprise, and they will bear all technical and hygienic conditions. In addition, special clothes (aprons, caps, gloves, boots, etc.) that can be cleaned and disinfected will be provided and used. Health status of the staff will be monitored by authorized periodic reports and kept.

22) In order to prevent contamination of the disinfectant materials to be used in the establishment, competent authority (ies) will determine the type, amount and application method determined to be used by the farmer.

23) The tools and equipment in which the products are transported should be designed for their purposes and their transport equipment should have cleanable and disinfected properties. Especially in cases where transportation is carried out in water, land transport vehicles and tanks should be designed so that no water can escape from the vehicle. Transport systems must have suitable devices to allow the water to be changed at certain intervals.

24) Absolute disinfection equipment should be available at the hatchery entrance and between the units, tools, equipment and materials should not be used for any other purpose other than the relevant units, and material exchange should not be made between the enterprises.

25) For eggs and brood stocks to be imported from abroad, the procedure will be carried out in accordance with Article 18 (a) of the Aquaculture Regulation.

26) The fixed rental prices of the water to be used in the hatchery facilities to be established and the land rentals of the fish farm, the project of which will be established in the lands under the provisions and savings of the Treasury or the State, are determined by the Provincial Directorate and rented by the Administration.

27) The farmer is obliged to comply with the Fisheries Law No. 1380, the Aquaculture Regulation and the principles to be determined by the circulars to be published.

NOTE:

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.



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ANNEX 2.3/g

(DRAFT)

## TECHNICAL SPECIFICATIONS FOR MARINE FISH FARMING

- 1) Fisheries Circular published every year will be respected with the Fisheries Law numbered 1380 and 3288 numbered law amending this law, implemented by the Ministry of Agriculture and Rural Affairs for project aquaculture.
- 2) Decisions to be taken in line with regulations, communiqués, circulars and special cases implemented by the Ministry of Agriculture and Rural Affairs and Ministry instructions will be followed.
- 3) In the enterprise belonging to the person / company; any changes related to fish farming will be notified to the MAF beforehand and necessary permissions will be obtained.
- 4) In line with the quotas to be determined by the International Commission on the Protection of Atlantic Tuna Fish (ICCAT) and other international agreements and sanctions to be applied for Turkey; every year, the amount of fish to be notified and determined by the MAF will be stocked and the sanctions declared accordingly will be followed.
- 5) The production area that is permitted for aquaculture will not be exceeded; it will not expand the surface area, within the framework of the investments in the project; environmental, visual, etc. If requested by the MAF for reasons, necessary changes will be made on the project.
- 6) During the implementation and operation of the project, washing, spraying and other activities that may cause pollution of the environment and waters in or around the water of the sea will not be carried out, any solid or liquid substances will not be thrown into the sea / fresh water and without damaging the natural ecology and biological structure of the environment, all kinds of measures will be taken to prevent the escape from the farm.
- 7) Upon the request of the MAF, the request will not be rejected for any studies and research to be carried out by the relevant institutions, organizations or universities in the project area.
- 8) Construction of any temporary and fixed buildings or facilities that is not included in the project and not suitable for the project will not be allowed.
- 9) Measures should be taken in fish farm and activities for storm, high waves, epidemics etc. protection against theft with natural disasters and other bad weather conditions, by not obstructing transportation and navigation, not causing diseases and pollution, not being damaged by the tide.
- 10) Article 21 (e) of the Aquaculture Regulation shall be ensured to be in compliance with the waters that are released back to the receiving environment after use in the facilities.
- 11) In case of suspect or finding of a disease in the released water from fish farms, the entrepreneurs have to report this situation immediately to the Provincial Directorate where the farm is located.
- 12) With the Coastal Law No. 3621, the provisions of the coastal regulations will be complied with.
- 13) A personnel will be assigned within the framework of Article 19 of the Aquaculture Regulation to carry out fish production activities and to deal with the relevant personnel of the MAF and other organizations.



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- 14) There will be no fish catch for feed supply or any other area rented at sea / fresh water.
- 15) Dead fish in the enterprise will be collected and burned regularly or buried in lime pits.
- 16) It is forbidden to collect and transport the juvenile fish from nature. Unless it was instructed and permitted by the MAF, hatchery and / or nursery units will not be allowed to catch fish caught from nature.
- 17) It will be accepted that the MAF never guarantees and undertakes on the quality and quantity of sea water / fresh water and is also not responsible for changes in the quality and quantity of water.
- 18) The immovable rental prices of the water to be used in the facilities to be installed in net cages at sea and the land rentals belonging to the aquaculture plants, where project is established in the lands under the Treasury or State's Provisions and Savings, are determined by the Provincial Directorate and rented by the Administration.
- 19) According to the provisions of the regulation on transport vehicles at sea, it is essential that the motor boats used in the cage farms must be in accordance with the navigation and they must also be registered in any municipality and port office, and the drivers must have a vehicle driver's license. It is not obligatory for the non-motorized boats that can be shipped and managed with oars to obtain a driver's license. In addition, according to Article 3 of the Fisheries Law No. 1380 for motorized and non-motorized boats, 4th and 5th articles of the fisheries regulation, a "fishery license permit for ships" will be taken.
- 20) During the implementation and operation of the hatchery project, when pollution and disease are detected at a level that will harm the ecology and biological structure of the seas and inland waters; In the event that the safety of sea and inland water, transportation and navigation are adversely affected, and other social problems occur with other organizations related to the sea, the project of private and legal persons will be removed from the temporary or completely unilateral implementation. In addition, it will accept in advance that businesses whose term lease agreements have been terminated will be canceled and cannot claim any rights or compensation.
- 21) Damages and losses due to pollution, disease, wave, fire, earthquake, wind, other bad weather conditions, transportation and navigation, theft, changes in water level and chemical and biological structure of water will be the reason of termination of contract due to the above reasons or during its implementation. Farmer will not claim any rights and compensation from the MAF.
- 22) Pollution, disease, wave, fire, earthquake, wind, other bad weather, transportation and navigation, theft, water level and chemical and biological structure of the water in case of termination of the lease contract and aquaculture project due to the above reasons or during the implementation of the aquaculture project. As a breeder, he will undertake not to claim any rights and compensation from the Ministry of Agriculture and Rural Affairs due to the damage and loss due to the changes.
- 22) The farmer is obliged to comply with the Fisheries Law No. 1380, the Aquaculture Regulation and the principles to be determined by the circulars to be published.

NOTE:

- Technical Specifications will be notarized.
- Technical specifications are draft and the provincial directorates can propose or make changes due to the characteristics of the site.





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ANNEX 2.3/h

(DRAFT)  
TECHNICAL SPECIFICATION FOR FISHING  
(LAGUN, VOLİ PLACES, RIVER ENTRANCE, DALYANS  
THIS IS NOT RELATED WITH AQUACULTURE



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ANNEX 2.4

FISH FARMS AUDIT REPORT

Reporting date :.../.../.....

HATCHERY ( )                      FARM ON LAND ( )                      NET CAGE ( )

- 1- PROVINCE/TOWN/LOCALITY :
- 2- NAME OF THE PROJECT :
- 3- OWNER :
- 4- TAX OFFICE AND TAX NO :
- 5- IDENTITY NO :
- 6- FARM ADDRESS :
- 7- CONTACT ADDRESS :
- 8- PHONE/FAX :
- 9- E-MAIL- WEB SITE :
- 10- PROJECT APPROVAL DATE/PLACE:
- 11- REVISED PROJECT APPROVAL DATE (S)/PLACE:
- 12- OWNERSHIP STATUS :
  - Area on land: ..... m2                      Rented from: .....                      Leasing Period: .....
  - Sea Surface : ..... m2                      Rented from: .....                      Leasing Period: .....
  - Water flow :..... lt/sn                      Rented from: .....                      Leasing Period: .....
- 13- RENT IN PREVIOUS YEAR (TL):
  - For land area :.....
  - For sea surface :.....
  - For water :.....
- 14- COORDINATES OF SEA / LAND AREA (DEGREE/MINUTE/SECOND) :
  - 1- ..... N, .....E
  - 2- ..... N, .....E
  - 3- ..... N, .....E
  - 4- ..... N, .....E
- 15- STARTING DATE OF FARM :
- 16- AQUACULTURE CERTIFICATE DATE AND NO :
- 17- PROJECT CAPACITY (Ton/yr, fish/yr) :
- 18- SPECIES CULTURED :
  - TROUT( )    CARP ( )    SEA BREAM( )    SEA BASS( )    BLUEFIN TUNA ( )    OTHERS(INDICATE )
- 19- TYPE OF FARMING: FRY ( ) PORTION( ) BROOD( )    OTHERS( )
- 20- PRODUCTION(Ton/yr, fish/yr) :
  - .....
- 21 – FOR HATCHERIES :
  - a) TOTAL HATCHERY AREA (m<sup>2</sup>) :



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b) TOTAL CLOSED AREA (m<sup>2</sup>) :

c) NUMBER OF EXISTING FRY :

Species No

.....

.....

22- INFORMATION ON LAND PONDS/ TANKS:

Type	No	Dimensions (m)	Volume (m3)	Quantity of fish
Rectangular				
Square				
Circular				
Polygon				
Others				

23- INFORMATION ON NET CAGES:

Type	No	Dimensions (m)	Volume (m3)	Quantity of fish
Square				
Circular				
Polygon				
Others				

24- STOK DENSITY (kg/m<sup>3</sup>, Fish/m<sup>3</sup>) :

25- INFORMATION ON EGGS, FRY AND BROOD FISH:

Species      Quantity      Mean weight (g)      Company (egg., fry, brood) (Fish)

a- .....

b- .....

c- .....

26- INFORMATION ABOUT FEED:

Company purchased      National/export      Type (pellet etc.,)      Quantity (tons)

a- .....

b- .....

c- .....

27- MARKETING INFORMATION (Sold in the last one year):

Species	Export (tons)	Domestic Market (tons)	Others (tons)	Total (tons)
---------	------------------	---------------------------	------------------	-----------------

Sea bream

Sea bass

Trout

Bluefin tuna

Others



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28- WATER TREATMENT SYSTEM: YES ( ) NO ( )  
Condition : ACTIVE ( ) INACTIVE ( )  
30- FEED STORE AND CONDITION: YES ( ) NO ( )

.....  
(Whether there is a storage, whether the baits are properly stacked, whether there is ventilation, etc)

31- STAFF INFORMATION:  
a- # TECHNICAL STAFF\*:  
b- # WORKERS:  
c- # WORKERS IN PREVIOUS CONTROL:  
d- # LEAVE AND REASON IF THERE IS:

32- OVERALL OPINION AND IMPRESSIONS ABOUT AUDITING (Whether the facility operates within the framework of the principles set forth in the Regulation, the problems experienced, the legal actions, if any, etc.):

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

CONTROLLERS		OWNER/ REPRESENTATIVE OF FARM	
NAME SURNAME	NAME SURNAME	NAME SURNAME	
TITTLE	TITTLE	FUNCTION	
DATE	DATE	DATE	
SIGNATURE	SIGNATURE	SIGNATURE	

(\* ) Whether technical staff is employed according to the production capacity will be checked from SSK premiums.





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ANNEX 2.5

FISHING SITE LEASING – NOT RELATED WITH AQUACULTURE

ANNEX 2.6

CAPTURE FISHERIES REDUCTION INFORMATION FORM- NOT RELATED WITH AQUACULTURE

ANNEX 2.7

EGG/FRY/BROODS IMPORT FORM

TO: MINISTRY OF AGRICULTURE AND FORESTRY  
.....PROVINCIAL DIRECTORATE

I would like to import .....pieces egg/fry/brood fish from ..... to use in my farm, which at the address given below.

Sincerely yours,

.../.../.....

Name Surname

Signature

ADDRESSES :

- Permanent address:

- Phonei fax, e-mail, website

For farm

Province and Town:

Village/Locality :

Aquaculture License No:

Project Capacity (tons-piece/yr) :



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ANNEX 2.8

EGG, FRY AND BROOD FISH REQUIREMENT DOCUMENT

The plant, whose details are given below, which has an approved aquaculture certificate dated ....., is suitable for importing ..... pieces of egg / fry / brood fish.

- Aquaculture certificate no:
- Name of the farm:
- Name and surname of owner (s):
- Tax office and no:
- Identity no:
- Address of farm:
- Phone, fax, e-mail:
- Produced species and products:
- Project capacity (fish/yr):
- Company that can be imported egg/fry/brood fish per year\*:
  - Sea bream.....fish-kg/yr
  - Sea bass..... fish-kg/yr
  - Other..... fish-kg/yr
- Imported egg/fry/brood fish per year \*\* :
  - Sea bream.....fish-kg/yr
  - Sea bass..... fish-kg/yr
  - Other..... fish-kg/yr
- Project Approval place and date :
- Ownership status:
- Leasing start date and duration:
- Number of ponds and volumes (#/m3):
- Number of cages and volume (#/m3):
- Capacity of hatchery (# egg):

\* Calculated according to the project capacity

\*\* Realized import figures

**Evaluators :**

Name Surname :                      Name Surname :

Signature:                                      Signature :

Date:    Date :

APPROVED BY

.../.../...

Signature

Name Surname:



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ANNEX 2.9

(DRAFT)

BROOD STOCK, EGG AND FRY IMPORT  
COMMITMENT

TO .....PROVINCIAL DIRECTORATE

In your city we are continuing fish farming in our facility located in the district < where the farm located >, to be used in our production facilities, we would like to import <the name of the material> from the <country>. We declare that we will not transfer it to the third parties; not use any other purpose, all of the documents submitted are correct and accurate, and we assume legal responsibility arising from the transactions related to these documents.

Date  
Signature and Stamp



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### ANNEX 3. INSURANCE FOR AGRICULTURAL INVESTMENTS

#### TARSIM-INSURANCE SYSTEM FOR AQUACULTURE BUSINESS IN TURKEY

##### GENERAL CONDITIONS - 2019

#### A. SCOPE ON INSURANCE

##### A.1. Subject of Insurance

(1) With this insurance, by the decision of the President pursuant to Article 12 of the Agricultural Insurance Law no 5363, Agricultural Insurance Pool hereby provides coverage for such aquaculture species cultivated in facilities registered to Aquaculture Registration System, cages and nets which is directly caused by the risks mentioned in Article A.2 according to the principles and conditions mentioned below.

(2) The covered risks are stated on the policy.

(3) For the purposes of applying this general condition, Aquaculture Insurance Tariffs and Instructions are considered.

##### A.2. Commencement of Insurance Coverage and Scope of Coverage

###### A.2.1. Aquaculture:

(1) Sum insured is the highest monthly stock value declared by insurant/insured in aquaculture plan. The cover commences after aquaculture products achieve the unit weights set out in the Tariff and Instructions.

(2) With regard to the aquaculture products covered by this insurance, losses due to deaths and material damages arising from;

- a) Any kind of disease except the diseases set out in paragraphs (a and b) of clause A.3,
- b) Pollutions and poisonings beyond control of the fish farmer,
- c) Storm, whirlwind, earthquake, flood,
- d) Accidents,
- e) Predators,
- f) Algae bloom

are covered.

###### A.2.2. Cage and Nets:

(1) Sum insured is the value of cage and nets declared by insurant/insured optionally.

(2) With regard to the cage and nets covered by this insurance, losses arising from;

- a) Storm, whirlwind, earthquake, flood,
- b) Accidents,
- c) Predators,

are covered.

###### A.2.3. Stock Growing Period in Scope of Coverage





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(1) Aquaculture stocks in egg and larva periods are not covered. This coverage commences when trout, sea bream, sea bass, granyoz, porgy, red band seabream, umbra, blue spotted seabream, black spot seabream, litrini seabream, common seabream and sturgeon gets 5 gr or bigger. For other species, commencement of coverage may be determined by Agricultural Insurance Pool Board.

(2) This coverage is limited with the capacity given by Ministry of Agriculture and Forestry.

### A.3. Exclusions

(1) Losses attributable to or arising from the following events are excluded from the insurance coverage:

- Diseases which already exists before commencement of the coverage,
- Diseases (parasite, bacterial, microbial, viral and fungus) which occurs during the waiting period which is 14 days following the commencement date,
- Egg and larva period of stocks and first 5 days of tiddler's arrival to the facility,
- Wrong and insufficient feeding,
- Poisonings due to wrong stocking of the feeds in the facility,
- Intentional acts and faults of the insurant/insured or person in charge of the facility,
- Indirect damages following the occurrence of covered risk,
- Use of drugs and chemical substances (with utilization permit) in defiance of user manual, h) Use of drugs and chemical substances (with no utilization permit),
- Insured's failure to comply the treatment program recommended by specialists,
- Wounds and scars to be caused by use of wrong net in the cages or incorrect classification (grading) of the fishes,
- Decrease in flow rate of water in land pools (below the level declared by the insured) due to the acts of the fish farmer,
- Corrosion, wear or disfunction in mechanical or electrical equipment, facilities or installations (whether this installation or equipment is insured or not),
- Losses which occurs during transportation for any reason,
- Failure or gross negligence of management in arranging due maintenance for mechanical or electrical equipment, facilities or installations (whether this installation or equipment is insured or not),
- Instant changes of water temperature or salt level due to the acts of the management, n) Stocking beyond the declared storage volume,
- Cannibalism,
- Theft,
- Losses due to defective labor/material or use of incomplete material/labor in cages nets, t) Death and killing arising from the actions taken by the public authority over any insured aquaculture product,
- All losses caused by strikes, lockouts, civil commotions and uprising and willful misconducts and the military and disciplinary actions necessitated by them,
- Losses attributable to terrorism acts defined in Anti-Terrorism Law no 3713, including losses attributable to biological and/ or chemical contamination, pollution or intoxication, and sabotages attributable to these actions or actions and responses by competent authorities to prevent such events and to mitigate their effects,
- All losses attributable to war, state of war, invasions, foreign enmities, skirmishes (regardless of whether state is declared war or not), civil war, revolution, uprising, insurrection, revolt and the military and disciplinary actions necessitated by them, u) Losses and damages attributable to radiation or radioactivity contamination arising from a nuclear fuel or from nuclear wastes as a result of the combustion of nuclear



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fuel or any reasons attributable to them or to any military or disciplinary actions required for them (the term “combustion” as used in this subparagraph also covers any self-sustaining nuclear fission).

- Cage nets older than 12 years.

#### A.4. Calculation of Insurance Premium

(1) Deposit/provisional - premium is calculated by multiplying monthly average stock value declared in the aquaculture plan and premium rate. At expiry of the policy; necessary premium adjustment is made according to the premium calculation made based on monthly average stock values realized during cultivation period. Attached Tariff and Instructions are taken into consideration for determination and payment of deposit and final premium.

(2) Final premium amount is calculated by applying premium rate and the average sum insured to be calculated on realized monthly product stock lists. Agricultural Insurance Pool or insurant/insured have a right to refund of the difference between final premium to be calculated at the expiry of the insurance coverage and deposit premium collected in advance. If monthly product stock lists have not been sent for an insurance contract in force, the insurer makes premium calculation based on the highest sum insured declared in the aquaculture plan.

#### A.5. Deductible and Coinsurance

(1) It may agree not to compensate the part of the occurred loss, corresponding to a certain percentage or amount of the sum insured.

(2) In addition to the deductible set out in the first paragraph, it may agree upon participation of the insurant in the loss by a certain co-insurance percentage.

(3) Established deductible and co-insurance percentage is indicated on the Tariff and Instructions and on front side of the policy.

#### A.6. Acceptance of Insurance Application

(1) Agricultural Insurance Pool confirms the preliminary information form which is filled up by insurant/insured by Aquaculture Information System and according to the risk inspection result; policy shall be accepted and be issued.

(2) After the risk inspection, risks found unwarrantable by Agricultural Insurance Pool shall not be assured.

(3) In case there is discrepancy between the declaration of insurant/insured and the information in Aquaculture Information System, the policy can be issued upon update of the information in Aquaculture Information System.

##### A.6.1 Aquaculture Plan

Insurant/insured shall present Aquaculture Plan (annex:1) to insurer during application.

##### A.6.2 Hygiene & Care

Aquaculture product to be insured must be physically perfect and healthy and not injured at the commencement date of insurance period. It is essential for the insured to show due care to aquaculture all the time.

##### A.6.3. Suitability of Aquaculture Facility



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(1) In order to insure the aquaculture products; pool, tank or cages in the aquaculture facility must have built or mounted in accordance with the project and their suitability must have been approved and certified by authorities.

(2) In aquaculture production following conditions are compulsory;

- Water quality should suit for species reared in the facility, providing spare pump and generator (functional all the time) in facilities which water is supplied by stream and pumps, -use of filter etc. equipment to remove rough materials involved in water in such aquaculture facilities where water is supplied by streams and cleaning them at least once a day.
- Draining channel should be built in such facilities that live on by streams, providing warning lights and luminous water-gauges for sea traffic, taking necessary measures against predators; cage connections should be consistent with recommendations of the manufacturing firm.
- In ground ponds;
  - The amount of oxygen should be at least 6-8 mg / lt,
  - Changes in the water percentage in 24 hours should be at least 50%,
  - top edges of the side walls of the pool to be inclined by 45%,
  - The ponds should not be fed by the basement water,
  - Floor drainage pipes to be sufficient length (according to length of the pools 3-6 meters),
  - Channels should be opened in sufficient size and width,
  - Level of floor drain pipes and water level of drain channels should not be the same,
  - Drain pipes of the pool should be higher level than the discharge pipe of the Public Waterworks Administration, etc.,
  - The water in the discharge channels due to winter rains should not mix with the water of the pool,
  - Keeping sufficient number of pool aerator according to the size of the fishes against oxygen level decrease,
  - Taking necessary precautions in the basement or the side walls of the pool against oxygen decrease at night for the moss,
  - Providing spare drilling wells against reduction of water amount entering to the pool,
- Vibrogen  
2 vaccination to the sea bass,
  - The color of the water to be followed regularly against algae blooms and oxygen values.
  - Providing generator and to take effect automatically against power failure,
  - To provide warning alarm and ring assembly against power failure.

#### A.7. Commencement and Expiry of the Insurance Coverage

Insurance coverage shall become effective at such hour when the policy is executed and shall expire at the same hour on such dates that are stated on the policy as the commencement date and expiry date unless otherwise is agreed.

#### A.8. Excess Insurance

If the sum insured exceeds the value of the insured benefit, part of the insurance over this value becomes invalid. Agricultural Insurance Pool who becomes aware of the situation during insurance period, notifies the insured and reduces part of the sum insured and premium corresponding to this excess amount and returns the surplus to the insured.



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#### A.9. Under Insurance

If the sum insured set out on the policy is below the value of the insured benefit as of time of damage, unless there is a contrary contract, Agricultural Insurance Pool is responsible for the loss in proportion of the sum insured to the insurance value.

#### B. LOSS and INDEMNITY

##### B.1. Obligations of Insurant/Insured in Case of Risk Occurrence

(1) In case of risk occurrence the insurant / insured is obliged to complete the following points; claim notification by informing the following information to insurer/agency, Agricultural Insurance Pool or the addresses stated in the policy within 24 hours after became aware of the risk occurrence;

- Name, surname and address,
- Turkish Citizenship Number or insurance policy number,
- Day and time of risk occurrence,
- Reason of loss, ☐ Information about damaged aquaculture product,
- Full address of the area where the risk occurred.

(2) Upon request of the Pool, insurant/insured is obliged to submit Agricultural Insurance Pool or loss adjuster such information and documents useful for detailing reasons of risk occurrence and finding loss amount and evidence as well as sample to be taken from dead fish (kept in an ice bucket) without delay.

(3) The loss adjustment is done by loss adjusters appointed by Agricultural Insurance Pool.

(4) Agricultural Insurance Pool may change the location where claim notification shall be given by notifying the insured.

(5) For the purpose to be able to make the payment in fire loss, insured is obliged to provide prosecution final decision and to present it to Agricultural Insurance Pool.

##### B.2. Protection Measures and Recovery

(1) The insurant/insured shall be obliged to take the necessary precautions in order to prevent, mitigate or to reduce the loss in case of risk occurrence. Within this scope insurant/insured is obliged;

- a) to take necessary measures through a veterinary surgeon, agricultural and aquaculture engineer specialized in the field of aquaculture in case of disease or accident suffered by insured aquaculture products,
- b) to give permission to Agricultural Insurance Pool or the loss adjuster to investigate/research the insured aquaculture products and related documents for determining the indemnity,
- c) to give, all information and documents, which is necessary for determining the reason of risk occurrence in detail and useful for determining loss amount and evidences, to Agricultural Insurance Pool or the loss adjuster upon the request of Agricultural Insurance Pool without any delay.

(2) In case of an infectious disease is seen, the insured is obliged;

- a) To separate the sick and healthy animals,
- b) To inform sickness to Agricultural Insurance Pool and Ministry of Agriculture and Forestry province/district offices,
- c) To take the necessary precautions determined by the Veterinary Services, Crop Health, Food and Fodder Law, Law Nr. 5996
- d) to provide necessary care, feeding and protection conditions for insured aquaculture products,



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e) To take the precautions that Agricultural Insurance Pool has advised after controls.

### B.3. Rights of Agricultural Insurance Pool in Case of Risk Occurrence

(1) Agricultural Insurance Pool has the right to control the medical condition, qualification, rearing/feeding conditions of the insured aquaculture products by employees of Agricultural Insurance Pool or loss adjusters in a reasonable time if necessary.

(2) In addition; Agricultural Insurance Pool may terminate the contract within 8 days from the date of determination in case the following faults of insurant/insured are determined:

- a) Lack of maintenance of the pool, cage and tanks,
- b) Failure to provide water quality criteria required for the species grown in the facility,
- c) Failure to provide hygiene and bio-safety measures, d) Failure of maintain and feed, e) Failure to provide measures required by The Law No. 5996 Veterinary Services, Crop Health, Food and Fodder Law.

### B.4. Loss Adjustment

The reason, quality and amount of the loss is determined according to the determination of Agricultural Insurance Pool or loss adjusters, thereby agreement between parties.

### B.5. Indemnity Calculation

(1) In calculation of indemnity, unit prices stated on the policy is taken as basis without prejudice over insurance and under insurance applications. In case the policy is with deductible, loss not exceeding the deductible is not paid

(2) In the calculation of indemnity, the portion of the loss amount that exceeds the deductible indicated in the policy is taken as basis.

(3) Calculation of indemnity is made according to the Tariffs & Instructions. After reducing the deductible calculated over the sum insured (at the time of loss), co-insurance is calculated over the remaining loss amount and deducted from the indemnity. Salvage value is deducted from the indemnity amount, cases mentioned in the Tariff and Instructions, if any.

(4) The amount of indemnity due and payable is paid upon the deduction of fault rate, if any, as indicated in the Agricultural Insurance Pool Loss Adjusters report or as assessed with reference to the content of report.

(5) The amount of indemnity due and payable is paid upon the deduction of fault rate, if any, as indicated in the Agricultural Insurance Pool Loss Adjusters report or as assessed with reference to the content of report.

### B.6. Indemnity Payment

(1) After completion of the loss file, finalized indemnity amount is paid to the insured no later than 30 days.

(2) On the payment date, overdue premiums that are due and payable in connection with all policies of the insured/ insurant may be set off against the indemnity in line with the declaration of the related insurer.

(3) Indemnity payments shall be made to the name of the insurant/ insured via the bank. In case the paid indemnity is transferred back to the account of the Agricultural Insurance Pool because the insured fails to collect it during such time necessitated by the banking transactions, the insured may not claim interest or additional loss indemnity based on the late payment.



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(4) Losses that the insurant may suffer as a result of misinformation or incomplete information shall be indemnified by the insurer and all sales channels.

#### B.7. Reduction of Indemnity or Forfeiture of Indemnity Right

(1) In case of any increase in loss amount due to default off insurant/insured after risk occurrence, excess loss is deducted from indemnity payable.

(2) In case insurant/insured intentionally causes occurrence of certain risks or acts intentionally to increase loss amount, their rights arising from the contract are lost.

(3) In case monthly product stock list could not be sent according to the Tariff and Instructions and on the dates written on the policy, Agricultural Insurance Pool reserves its right to cancel the policy or not to pay indemnity in case of loss.

#### B.8. Results of Loss and Indemnity

(1) Agricultural Insurance Pool legally substitutes the insured in proportion of indemnity amount and legal rights of the insured arising from the damage against the third person revert to Agricultural Insurance Pool in proportion of the compensated indemnity. Insured is obliged to provide such documents and information which is useful and available for any actions to be substituted to the Agricultural Insurance Pool.

(2) This insurance cover expires upon occurrence of the covered risk.

#### B.9. Sum Insured to be taken as Basis in Premium and Indemnity Calculation

(1) Sum insured that is basis of premium and indemnity calculations is found by multiplying unit price (written on the policy) of the product achieved the size of sale by the rate corresponding to the unit weights in the assessment chart set out in the annex to the policy.

(2) Sum insured stated in the policy for cage and net; from the purchase or establishment of cage and net, 15% depreciation ratio will be applied each year. Depreciation rate of cage and nets does not exceed 30% of the sum insured. Nets older than 12 years may not be insured but for cages there is no age limit.

### 1. Highest Stock Volume

Aquaculture stock volumes cannot exceed the values set out below.

Table 1. Aquaculture Stock Volume

Fish Species	Maximum Stock Volume (kg/m3)
Trout (300 gr):	25
Sea Bream (300 gr):	20
Sea Bass (300 gr):	20
Sea Bass / Sea Bream (Ground Pools)	5
Tuna	5
Granyoz, Porgy, Red band seabream, white seabream, Sharp snout seabream, Umbra, Blue spotted Seabream, Black Spot Seabream, Litrini seabream and Common Seabream (up to 100 gr)	5
White Seabream (above 100 gr):	8
Granyoz, Porgy, Red band seabream, white seabream, Sharp snout seabream, Umbra, Blue spotted Seabream, Black Spot Seabream, Litrini seabream and Common Seabream (above 100 gr)	15
Other Species	To be determined according to the characteristic of species.

### 2. Premium Calculation

(1) Deposit-provisional-premium is calculated by multiplying the monthly average sum insured declared in the aquaculture plan by the tariff rate.



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(2) Final premium amount is calculated by applying insurance tariff rate to the average sum insured to be calculated on monthly product stock lists realized during aquaculture period. Premium difference to accrue in favor of or against the insurer or insured is collected or returned at the end of the policy period. In case premium amount to be returned exceeds 10% of deposit-provisional premium amount due to declared monthly stock values and accuracy of monthly stock details has not been certified by the insured, the part exceeding 10% of deposit-provisional-premium amount won't be returned. If monthly product stock lists have not been sent and the policy has not been cancelled, the insurer calculates the premium on the average sum insured declared in the aquaculture plan.

(3) Premium of cage and nets is calculated by multiplying separately determined sum insured of cage and nets by their premium rate.

(4) Minimum premium amount may not be less than TL 30.

### 3. Tariff Rate, Deductible and Coinsurance

(1) Risk category, tariff rate and deductibles related to Tariff 1 are applied as below:

Table 2. Tariff 1: Policies in which Deductibles are applied over Total Sum Insured

Species	Risk Category and Tariff Rate (%)				Deductible (%) (over Total Insured Sum)	Co-insurance (%) (insured' s share)
	1	2	3	4		
Sea or Lake based Farms (Seabream, Sea Bass, Granyoz, Trout- Reared in PE cages)	2,5	3,5	4,5	Non-insurable	5	0
Land based Farms (Trout-reared in pond, Seabass-Seabream soil pond)	3,5	4,5	5,5	Non-insurable	5	0
Tuna	3	3,5	4,5	Non-insurable	15	0
Sea Farm (Porgy , White Seabream, Red band seabream, White Seabream, Sharp snout Seabream, Umbra, Blue spotted Seabream, Blackspot seabream, Litrini seabream, Common Seabream, Sturgeon and others)	2,5	3,5	4,5	Non-insurable	5	0
Cage and Nets	0,3	0,4	0,5	Non-insurable	5	0

(2) Risk category, tariff rate and deductibles related to Tariff 2 are applied as below.

Table 3. Tariff 2: Policies in which Cage-Based Deductibles are applied



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Species	Risk Category and Tariff Rate (%)				Deductible (%) (over sum insured of each cage)
	1	2	3	4	
Sea or Lake based Farms (Seabream, Sea Bass, Granyoz, Trout- Reared in PE cages)	3	4,5	5,5	Non-insurable	15
Land based Farms (Trout-reared in pond, Seabass-Seabream soil pond)	4,0	5,0	6,0	Non-insurable	15
Tuna	4,0	5	6	Non-insurable	25
Sea Farms (Porgy, White Seabream, Red band seabream, White seabream, Sharp snout Seabream, Umbra, Blue spotted Seabream, Blackspot seabream, Litrini seabream, Common Seabream, Sturgeon and others)	3,5	5,0	6,0	Non-insurable	15
Cage and Nets	0,4	0,5	0,6	Non-insurable	15

#### 4. Short Term Premium Tables

(1). Collection rate will be applied as below in case policy cancellation.

Table 4: Short Term Premium Table Applicable in Insurance Cancellation

Policy period (%)	Collection Ratio on Total Premium (%)
Up to 1,91	0
In between 1,92 and 4,10	10
In between 4,11 and 8,22	20
In between 8,23 and 16,6	30
In between 16,7 and 25	40
In between 25,1 and 33,3	50
In between 33,4 and 41,6	60
In between 41,7 and 50	70
In between 50,1 and 58,3	80
In between 58,4 and 66,6	90
More than 66,6	100

(2) Premium will not be charged for cancellation of insurance which will be made within 7 days from the policy issuance.

(3) Premium will not be refunded for cancellation of insurance which made after two-thirds of the policy period.

(4) Normal policy period is considered as 210 days for tuna fish and 365 days for other fishes. It is calculated on the premium applied to the policy in such extensions following expiry of tuna policies on a daily basis.

(5) For the short term policies collection rates will be applied as in Table 5:





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Table 5. Short Term Insurance Premium Table\*

Policy Period (%)	Collection Percentage on Total Premium (%)
Up to 17,7	30
Between 17,8 and 25	40
Between 25,1 and 33,3	50
Between 33,4 and 41,6	60
Between 41,7 and 50	70
Between 50,1 and 58,3	80
Between 58,4 and 66,6	90
Above 66,6	100

(\*) TARSIM is not liable for the proper and complete translation of the text. In case of any translation mistake; general and technical conditions written in the original policy language is in force.

## 5. Loss Event Periods

(1) Loss event periods according to the risks and diseases will be applied as below in Table 6.

Table 6. Loss Event Periods

Covered Risks	Period of One Loss Event
Diseases	45 days
Other risks	3 days

(2) Deductibles are applied for each loss event defined separately.

## 6. Discounts

- (1) In a year following a free of damage period in case policy renewal, no claims bonus will be applied as 10% over tariff rate.
- (2) The right to discount earned due to the policy renewal is valid for 15 days from the expiry date of the policy.
- (3) In case the premium amount is fully paid in advance, a 5% discount shall be applicable from the total premium amount.
- (4) In case the farmer taking out the policy is 30 years old and below; "Young Farmer Discount" at the rate of 5% over the policy premium is applied.
- (5) In case the person who takes out the policy is a woman; "Woman Farmer Discount" at the rate of 5% over the policy premium is applied.

## 7. Effectiveness

(1) This Tariff and Instructions shall become effective on 01/01/2019.

## 8. Insurance companies to be applied (Table 7)

Table 7. Designated Insurance companies for TARSIM applications for insurance

Aksigorta INC.	Doğa Sigorta INC.	HDI Sigorta INC.	Sompo Japan INC.
Allianz Sigorta INC.	Eureko Sigorta INC.	Koru Sigorta INC.	Şeker Sigorta INC.
Anadolu Sigorta .INC.	Generali Sigorta INC.	Mapfre Sigorta INC.	Unico Sigorta INC.
Ankara Sigorta .INC.	Groupama Sigorta INC.	Neova Sigorta INC.	Ziraat Sigorta INC.
Axa Sigorta INC.	Güneş Sigorta INC.	Ray Sigorta INC.	Zurich Sigorta INC.
Bereket Sigorta INC.	Halk Sigorta INC.	Quick Sigorta INC.	



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## 9. Tariffs With Exemption From Total Insurance Fee (\*) (Table 8, 9, 10, 11)

Table 8. Tariffs With Exemption From Total Insurance Fee (\*)

Product	Capacity (tons)	Insurance Cost (TL)	The premium amount to be paid by the farmer (TL)		
			Risk Categories		
			1	2	3
Trout	100	1000000	12500	17500	22500
Sea bass-sea ream	100	1800000	22500	31500	40500
Bluefin tuna	100	5000000	75000	87500	112500
Cages and nets	10 pieces(30m)	800000	1200	1600	2000

(\*) calculated on the basis of lake and sea farms

Table 9. Tariffs exempted on cage / pool basis

Product	Capacity (tons)	Insurance Cost (TL)	The premium amount to be paid by the farmer (TL)		
			Risk Categories		
			1	2	3
Trout	100	1000000	15000	22500	27500
Sea bass-sea bream	100	1800000	27000	40500	49500
Bluefin tuna	100	5000000	87500	100000	125000
Cages and nets	10 pieces(30m)	800000	1600	2000	2400

(\*) calculated on the basis of lake and sea farms

Table 10. Tariffs for exemptions applied over the total insurance cost

Product	Exemption (%) (over total insurance cost)	Common insurance (%) (Share of insured person)
Sea and lake farms (Sea bass, sea bream, meagre, trout in PE cages)	5	0
Farms on land (trout in ponds, Sea bass, sea bream in earthen ponds)	5	
Bluefin tuna	15	
Sea farms (common dentex, white sea bream, red banded Seabream, sharpsnout seabream, Bearded umbrine, blue spotted seabream, arrow blue eye, red porgy, common pandora, pink dentex, sturgeon, others)	5	
Cages and nets	5	

Table 11. Tariffs exempted on cage / pool basis

Product	Exemption (%) (over insurance cost of each)	Common insurance (%) (Share of insured person)
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	cage)	
Sea and lake farms (Sea bass, sea bream, meager, trout in PE cages)	15	
Farms on land (trout in ponds, Sea bass, sea bream in earthen ponds)	15	
Bluefin tuna	25	
Sea farms (common dentex, white sea bream, red banded Seabream, sharpsnout seabream, Bearded umbrine, blue spotted seabream, arrow blue eye, red porgy, common pandora, pink dentex, sturgeon, others)	15	0
Cages and nets	15	
Guarantee	Common insurance (%)Share for insured person)	
Optional theft coverage		30