

Abstract of Law No. 65

This Law includes the marine public properties in accordance with Article (2) . These properties are subject to the authority of the General Directorate of Ports in accordance with Article (4) . As for these properties, they can be exploited for a limited period as per the provisions of this Code in accordance with Article (5) . These projects which are executed within these properties should not affect the safety of the aquatic creatures, the marine environment and the public utilities in accordance with Article (9) . The drawings of these projects should have the organizational character in agreement with Ministry of Transport in accordance with Article (10) . Also materials can be exploited in the marine public properties based on a Licence to be given by the Prime Minister in accordance with Article (16) . The Outturn Reports, issued for the violations committed contrary to the provisions of this Law and the Decisions executing its provisions, are to be referred to the General Directorate of Ports in accordance with Articles (22) - (25) - (32) . The Text of this Code is as follows :

Article -2-

The marine public properties include :

A- The seashore to the distance that the tide or the wave reaches whichever is farthest .

B- The sand and gravel shores alongside the seashore .

C- The pools, streams and lakes linked to the sea .

D- The armlets noticeable in the marine properties, sea bays and heads .

E- The territorial water, its bottom and the islands within it, excluding the private properties in Arwad Island .

F- The lands acquired to the beach through adhesion or backfill .

G- The sea dams .

H- The communication stations, the lighting constructions and the marine signs .

I- The ports and the marine basins .

Article -4-

The marine public properties are subject to the authority and supervision of the General Directorate of Ports .

Article -5-

A- It is permitted to exploit or operate the marine public properties for a limited period in accordance with the Provisions of this Law based on a Licence from the competent Parties .

B- It is prohibited to build on the sandy shore areas and within a depth of one hundred fifty meters from the borders of the marine public properties, out of the Organizational Drawings .

Article -9-

The licensed projects are subject to the Technical and Sanitary Conditions stated in the enforced Laws . However, they should not constitute a hindrance to the

shore unit or affect the safety and security of the aquatic creatures, marine environment, public utilities .

Article -10-

A- The Organizational Drawings that include part of the marine public properties are to be accredited in agreement with Ministry of Transport for the possible works in these parts and their organizational character .

B- The marine public properties located within the duly accredited Organizational Drawings lose this character, and the competent Administrative Departments may license exploiting or operating them in accordance with the conditions and situations mentioned in this Code .

Article -16-

A- It is permitted to exploit materials in the marine public properties based on a Licence given by the Prime Minister upon the suggestion from the General Directorate of Ports and the General Organization for Geology, and the approvals of the competent Ministries and the competent Executive Office for the Governorate Council .

B- The previous paragraph of this Article does not apply to the cleaning of the Ports, the Navigational Channels and the Shores for securing their good use and safety . It also dose not apply to the works needed for National Defence .

C- The works stated in the previous paragraph should not cause any damages to the environment, the beauty of the beach or the aquatic creatures . It is completely prohibited to withdraw the sea sand from the marine public properties .

Article -22-

A- The Outturn Reports, issued for the violations committed contrary to the provisions of this Law and the Decisions executing its provisions, are to be referred to the General Directorate of Ports before filing them at the competent judicial parties .

The General Directorate of Ports should verify the correctness of the violation and the provisions applied thereon before referring them to the competent judicial parties .

B- The General Directorate of Ports has the right of reconciliation and settlement of the violations which are punished by a fine before lodging the public lawsuit thereby, in accordance with the Settlements Index issued by a Decision from the Prime Minister upon a suggestion by Minister of Transport, after taking the opinion of the General Directorate of Ports into consideration . The settlement should not be conducted from a sum less than the minimum fine decided for the committed violation .

C- The settlement stated in the previous paragraph will cease the judicial prosecution .

Article -25-

Anyone who trespasses the marine public properties by establishing fixed constructions without a Licence will be punished by imprisonment from one month to one year and a fine from five times to ten times the occupation charge determined in the Decisions executing the provisions of the Law .

This penalty is to be imposed on the person who proceeds with occupying the public properties after the end of the Licence and notifying him thereby, and on anyone who withdraws the sand in whatever way from the marine public properties .

Article -32-

A- The materials exploited without a Licence or over the Licence from the marine public properties are to be confiscated in favor of the Public Treasury . Also the equipments, tools and vehicles used in the exploitation without a Licence are to be confiscated in favor of same .

B- The General Directorate of Ports has the right to preserve the Constructions established on the works without a Licence or to demolish them without a compensation, and it might demolish them at the expense of the trespasser after the Judicial Verdict of Condemnation becomes final .

C- The General Director of Ports may issue a temporary decision to expropriate the trespasser on the marine public properties . Such a Decision is to be executed in the administrative way once issued .

D- The expropriation Decision mentioned in the previous paragraph is considered confirmed if a Judicial Verdict has been issued with innocence or non-responsibility .