

Pollution Fines and Recommendations in Turkey

In Turkish waters, environmental protection is developing and significant fines are applicable to vessels that violate Turkish anti-pollution regulations.

The administrative fines will be imposed in accordance with the Turkish Environmental Code 1983, Law no. 2872.

Every year the fine amounts are revised as per the declaration in the Official Gazette at the start of that respective year. According to the declaration of the Ministry of Environment and Urbanization, published in Official Gazette dated 28 December 2015 no. 29576, the pollution fines between 1 January 2016 and 31 December 2016 were updated as follows:

- 1) Pollution from petroleum tankers and derivatives (raw petroleum, fuel oil, bilge, oil mud, refined product oil waste etc.)

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|---|------------------------------|
| Up to 1000 (inclusive) Gross Ton | 81.78 TL /per Ton |
| Between 1000-5000 (inclusive) Gross Ton | Additional 20.40 TL /per Ton |
| Over 5000 Gross Tons | Additional 1.96 TL /per Ton |

- 2) Dirty ballast discharged to sea by tankers

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|--|------------------------------|
| Up to 1000 (inclusive) Gross Tons | 61.32 TL /per Ton |
| Between 1000-5000 (inclusive) Gross Tons | Additional 12.23 TL /per Ton |
| Over 5000 Gross Tons | Additional 1.96 TL /per Ton |

- 3) Pollution from ships and other sea vessels that release petroleum derivatives (Bilge, oil mud, freight mud, fuel oil, oil waste or dirty ballast)

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| Up to 1000 (inclusive) Gross Tons | 40.87 TL /per Ton |
| Between 1000-5000 (inclusive) Gross Tons | Additional 8.14 TL /per Ton |
| Over 5000 Gross Tons | Additional 1.96 TL /per Ton |

- 4) Garbage and sewage discharged to sea by vessels or any other sea vehicles

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| Up to 1000 (inclusive) Gross Tons | 20.40 TL /per Ton |
| Between 1000-5000 (inclusive) Gross Tons | Additional 4.03 TL /per Ton |
| Over 5000 Gross Tons | Additional 0.77 TL /per Ton |

* Fine amount will double for a repeated offender and triple on subsequent recurrences of pollution by the same vessel within three years.

*** In the event any hazardous substances and waste are disposed to the sea, the fine will be calculated ten (10) times of the amount calculated as per the category of Petrol and Petroleum Products fines.

Important Notes

- The ship owners are entitled to lodge an appeal before the Administrative Court within 30 calendar days from the fine notification date. However, appealing the fine decision will not result in the lifting of the arrest order of the fined vessels. Generally there are very low prospects of success in the appeal proceedings.
- Under the relevant code, the “EPA” is entitled to ask for cash payment of the fine amount and generally they do not accept any form of security to release the ships. On an exceptional basis, they may accept bankers’ draft and/or payment guarantees to be issued by the ship agents payable within max.1-2 days and without any conditions.
- In previous cases, the authorities confirmed that they will release the vessel against the LOU to be issued by the P&I Clubs or Insurance Companies recognised by the Turkish Government. However, they asked for the original LOU and its notarised official translation. Considering the time taken to deliver the original LOU and its notarised translation, the vessel may delay unnecessarily.
- We generally recommend the owners to affect payment of the fine amount less 25% so that the vessel would be able sail without any delay. Remitting the fine amount will not be considered as an admission of liability and the Owners may still appeal the fine decision.
- Any video footage, pictures taken by environmental officers, coast guards etc. can only be released by a court order. However, at times the officers release the same to P&I Club representatives and/or agents on an unofficial basis.

Recommendations and guidelines

- De-ballasting operations should be avoided unless the ballast water was checked and confirmed to be clean.
- All overboard discharge valves should be closed and secured/sealed in closed position.
- All deck scuppers should be plugged and any gaps in the fish plate surrounding the deck should be closed.
- Hose test of hatch covers, hydrostatic test of deck pipes/hoses or other equipment should not be performed.
- Washing of decks and superstructure should be avoided.
- Treated water from the sewage system and grey water should be transferred to a holding tank and should not be discharged until the vessel is outside Turkish waters.
- Cargo residues, cargo space cleaning residues, all garbage and other substances should not be disposed in Turkish waters.
- The vessel's hull should not be scrapped, chipped or painted while alongside the pier or at anchor.
- While the vessel is at the shipyard or in dry dock, even if the pollution is caused by the negligence of the shipyard, its employees or agents, the ship may be held vicariously liable for the pollution fine. Therefore the crew members should exercise care and they should immediately protest in writing to the shipyard where they believe pollution took place.

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