

## RE: NEW ADMINISTRATIVE FINE RATES IN THE TURKISH REGULATIONS REGARDING MARINE POLLUTION

Following to our previous issued Circulars on subject matter, Ingosstrakh warns the Owners of insured vessels about new amendments regarding fines for marine pollution in Turkey. This new Circular is prepared under assistance of Turkish P&I Correspondent Kalimbassieris maritime A.S.

Based on "Revaluation Rate" by The Ministry of Treasury and Finance announced at Official Gazette numbered 31672 on 27th November 2021, The Ministry of Environment and Urbanization declared new administrative fine rates which is promulgated at Official Gazette numbered 31705 (2nd repeating) on 30th December 2021 whereby the level of fine is increased by 36.20% in comparison to the previous rates with effect from the 1st of January 2022.

A - ARTICLE 20 (i) (1) Petroleum and petroleum products including but not limited to crude oil, liquid fuel, greasy waste, oily mud, slop, sludge by tankers		
Gross Tonnage of the Vessel	Until 31.12.21	New Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 661,94 per GT (Base)	TRY 901,56 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 165,49 per GT (Additional)	TRY 225,36 per GT (Additional)
Over 5,000 GT	TRY 16,54 per GT (Additional)	TRY 22,52 per GT (Additional)
B- ARTICLE 20 (i) (2) Dirty ballast discharged by tankers		
Gross Tonnage of the Vessel	Until 31.12.21	New Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 120,60 per GT (Base)	TRY 164,25 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 24,06 per GT (Additional)	TRY 32,76 per GT (Additional)
Over 5,000 GT	TRY 3,82 per GT (Additional)	TRY 5,20 per GT (Additional)
C- ARTICLE 20 (i) (3) Vessels / other sea vehicles releasing dirty ballast and petroleum products		
Gross Tonnage of the Vessel	Until 31.12.21	New Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 330,97 per GT (Base)	TRY 450,78 per GT (Base)

1,000 – 5,000(inclusive) GT	TRY 66,20 per GT (Additional)	TRY 90,16 per GT (Additional)
Over 5,000 GT	TRY 16,54 per GT (Additional)	TRY 22,52 per GT (Additional)
<b>D- Vessels and other sea vehicles dumping/releasing solid waste garbage/ domestic wastewater/sewage</b>		
Gross Tonnage of the Vessel	<b>Until 31.12.21</b>	<b>New Rates valid from 01.01.2022</b>
Up to 1,000(inclusive) GT	TRY 165,49 per GT (Base)	TRY 225,39 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 33,10 per GT (Additional)	TRY 45,08 per GT (Additional)
Over 5,000 GT	TRY 16,54 per GT (Additional)	TRY 22,52 per GT (Additional)

## IMPORTANT NOTES

- According to the provisions (Article 23) of the Environment Code, the repetition of the same act by the same vessel within the next three years after the service date of the first fine will result in doubling the fine amount for the next pollution event and tripling for the following ones.
- If any hazardous waste or similar nature or of its substance is released / dumped to the sea, the fine to be imposed is 10 (ten) times of the announced tariffs under the category of “A” above.
- If the vessel or the sea craft (offender) cleans the pollution caused by its own, by using her own means and efforts, the administrative fine shall be 1/3 of the total amount.
- The above rates are tripled if the owner of the vessel, which caused pollution is a legal entity.
- Fine is appealable at the Administrative Court within 30 calendar days from the fine notification date. Such an appeal, however, does not automatically lift the arrest order, and as per Ingosstrakh’s local correspondent’s practice, the chances for appeal to succeed are very low.
- Once the decision on fine is issued, Environmental Protection Agency won’t accept any form of security except cash payment of the fine amount.
- In case the fine is settled within the period of 30 days as from date of respective decision, Owners would benefit from the 25% discount. In no case settlement of fine amount will be considered as an admission of liability and the Owners would still be able to appeal.

- Any footage or pictures taken by the officers of Environmental Protection Agency may be release only after issuance of respective court order. On exceptional and unofficial basis sometimes, officers share the same with local correspondents.

## GENERAL RECOMMENDATIONS

General recommendations for Owners frequently trading Turkey remain to be the same:

- To avoid de-ballasting operations without ensuring the ballast water to be clean;
- To close, secure/seal in closed position all the overboard discharge valves;
- To plug all the deck scuppers, to close all and any gaps in the fish plate surrounding the deck;
- To avoid performance of hatch covers hose test as well as hydrostatic test of deck pipes/hoses or other equipment;
- To abstain from washing the deck/superstructure as well as from any scrapping, shipping, painting works;
- To transfer grey and sewage water to a holding tank and keep it there until the exit from Turkish territorial waters;
- To ensure that personnel and crew is properly instructed and trained to be extra careful while navigating in Turkish waters;
- To keep all the evidences that may support Owners' position should including photographs, video footage, statements of eyewitnesses etc.;
- To protest immediately in writing to shipyard or terminal, if pollution is caused by shore personnel.

Ingosstrakh Insurance Company

P&I Department