

Circular № 02-17-24-03**RE: POLLUTION FINES IN TURKEY**

Turkish Law, the fundamental law for the protection of the environment and the resolution of environmental issues are the Environmental Law Numbered 2872 and the Environmental Inspection Regulation. According to the first paragraph of Article 12, the Ministry holds the authority to monitor compliance with the provisions of this law. Competent institutions and authorities with the authority to impose administrative fines in maritime areas are required to continuously conduct surveillance and monitoring by air, land, and sea within their authorized areas. Authorities are taking all necessary measures for surveillance, monitoring, and communication. Article 17 of the Environmental Inspection Regulation specifies that environmental inspection reports shall be utilized for the determination of violations outlined in the Law what may entail administrative fines that will be imposed to pollutant vessels.

This circular is intended to update Owners of the latest situation with pollution fines in Turkey based on Ingosstrakh's own experience and recommendations of Turkish lawyers and P&I correspondents.

Sea pollution is regulated under the Environmental Code numbered 2872 and in line with the said Code, all kinds of materials which are disposed or discharged to environment are considered as waste. Accordingly, disposal or discharge of wastes against the regulations are considered unlawful and penal sanctions and administrative fines may be imposed on responsible parties. It is noted that in violation detection, environmental information systems, photographs, aerial photographs, cameras, satellite images, and other technical devices may be employed.

Specially Protected Areas are:

- Marmara Sea (including all ports and anchorage areas within Istanbul)
- Kocaeli -Ihlar - Yalova,
- Bursa -Balikesir -Canakkale
- Tekirdag -Fethiye -Göcek,
- Foça -Gökova -Göксу Delta,
- Gölbaşı Datça -Bozburun -Kaş
- Kekova -Belek -Patara
- Tuz Lake - Uzungöl Lake -Saros Gulf
- Pamukkale - Köyceğiz -Deniz Altı Dağları
- Salda Lake -Karaburun -Prince's Islands

What are the types of pollutants?

1. Petrol and Petroleum Products (Only applies for vessels);
2. Dirty Ballast (Only applies for vessels);
3. Garbage (Applies for vessels or any other marine vehicles)
4. Sewage Water (Applies for vessels or any other marine vehicles)
  - (i) domestic waste water (sewage),
  - (ii) water mixed with detergent,
  - (iii) foam,
  - (iv) exhaust gas,

- (v) washwater
- (vi) and similar washing waters and solid wastes

Pollution fines levied by authorities.

The level of each fine is calculated according to the gross tonnage of the liable vessel and is irrespective of the amount of pollution. The last revision of administrative fines in Turkey was announced by the Ministry of Environment and Urbanization in the Official Gazette on 28 December 2023 by means of which, fines in 2024 are raised by 58.46% in comparison to fine levels applied in 2023 with effect from 1st of January 2023 meaning that fines for causing pollution in Turkish waters have risen substantially. The 2024 fine schedule has been separated into four categories — A, B, C, and D as summarized below in Turkish Lira (TRY). In addition, fines listed below are tripled for legal entities (e.g., shipowners, ship operators or disponent shipowners) if they are found liable for the pollution. Furthermore, the below rates shall be doubled if the pollution has occurred in designated special environmental protection zones that include the Marmara Region and Straits including all ports and anchorage areas within Istanbul, Kocaeli, Yalova, Bursa, Balikesir, Canakkale, and Tekirdag. and to be calculated by following scale:

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	Rates valid from 01.01.2024
Up to 1000 (inclusive) GT	TRY per GT (Base) 3,184.81
1001-5000 (inclusive) GT	TRY per GT (Additional) 796.23
5001 and up	TRY per GT (Additional) 79.59

B- ARTICLE 20 (i) (2) Dirty ballast discharged by tankers

GROSS TONNAGE	Rates valid from 01.01.2024
Up to 1000 (inclusive) GT	TRY per GT (Base) 580.25
1001-5000 (inclusive) GT	TRY per GT (Additional) 115.76
5001 and up	TRY per GT (Additional) 18.37

C- ARTICLE 20 (i) (3) Vessels / other sea vehicles releasing dirty ballast and petroleum products

GROSS TONNAGE	Rates valid from 01.01.2024
Up to 1000 GT	TRY per GT (Base) 1,592.40
1001-5000 GT	TRY per GT (Additional) 318.49
5001 and up	TRY per GT (Additional) 79.59

D- ARTICLE 20 (i) (4) Vessels and other sea vehicles discharging/releasing solid waste garbage/ domestic wastewater/sewage / detergent water / foam/ scrubber water or similar wash water, etc.

GROSS TONNAGE	Rates valid from 01.01.2024
Up to 18 (inclusive) GT	TRY 17,661
18 -50 (inclusive) GT	TRY 35,325
50-100 (inclusive) GT	TRY 70,650
100-150 (inclusive) GT	TRY 105,976
150-1000(inclusive) GT	TRY (Base) 796.23
1001-5000 (inclusive) GT	TRY (Additional) 159.25
5001 and up	TRY (Additional) 18.37

Under the relevant code, the Turkish environmental authorities are entitled to ask for cash settlement of the fine and may not accept security to release an offending ship. If the fine is paid

within the 30 days of the service date, there is 25% discount. If the vessel cleans the pollution on its own, by using her own means, the administrative fine is reduced in the amount of 1/3.

#### Practical tips for avoiding fines.

When a vessel is in Turkish territorial waters, the crew should follow the on-board procedures carefully, especially with regards to washing, checking of valves, and being alert to any problems when undertaking de-ballasting operations. As always, it is crucial to ensure the Oil, Ballast Water and Garbage Record Books are up to date and in order. It is also recommended to video any bunkering, oil supply, sludge/bilge removal operations (at least during the connection and disconnection of the apparatus) to rebut any allegations that may be made against the vessel. If Members regularly call at Turkish ports, it is recommended to make necessary modifications to allocate convenient tanks to collect cargo hold wash water, sewage, galley and grey water.

#### It is recommended that :

- De-ballasting operations should be avoided unless the ballast water has been 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.
- Washing of decks and superstructure should be avoided, if possible.
- 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 and in accordance with applicable laws and conventions.
- Cargo residues, cargo space cleaning residues, all garbage and other substances should not be disposed of in Turkish waters.
- The vessel's hull should not be scraped, chipped or painted while alongside the pier or at anchor.
- While the vessel is at a Turkish shipyard or 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 should immediately issue a Letter of Protest to the relevant shipyard.
- Members should familiarize themselves and comply with local regulations, which may be stricter than MARPOL regulations.

P&I insurance cover for pollution fines responds only to the accidental escape of a pollutant from a vessel, and not in cases where a violation arises due to misinterpretation or operational breaches of local rules.

The Owners should take prompt action to notify the Insurer if a pollution incident occurs or any blame for pollution is anticipated. In this respect it is of paramount importance that Ingosstrakh is reported of any pollution incident which may give rise to a pollution claim or fine immediately so that to preserve evidence and take other appropriate steps to protect best Owners interests.

INGOSSTRAKH INSURANCE COMPANY  
P&I DEPARTMENT

March, 2023.