

RE: CIRCULAR ON THE RECENT REGULATION CHANGES REGARDING REVISED FINES FOR MARINE POLLUTION IN TURKEY 2020

Following to our previously issued Circular re amendments in regulations concerning marine pollution in Turkey, Ingosstrakh warns the Owners of insured vessels about new amendments coming into force as from 1 January 2020. This Circular is also prepared under assistance of Turkish P&I Correspondent and maritime lawyers Gur Law Firm.

It is important to note that the Turkish Government regularly makes some amendments on the regulations regarding the fines with the aim to increase maritime safety in/around Turkish straits, territorial waters and harbors to prevent potential pollution risks, damages to shore structures as much as possible and protect the safety of life, goods and marine environment. While the Turkish Government forces the interests of the vessel to navigate more carefully in Turkish waters, it also aims to make a profit by issuing pollution fines.

Article 20 of the Turkish Environmental Code (no.2872) envisions fines for pollution of the sea. As it happens every year, the government issued a new tariff stating the fines adjusted per inflation.

Article 20/1/1 envisions fines for discharging petrol and petroleum products by tankers:

Up to 1,000 (inclusive) gross tons (GT)	TRY 606.67 per GT (up from TRY 494.92 per GT)
Between 1,000 and 5,000 (inclusive) GT	An additional TRY 151.67 per GT (up from TRY 123.73 per GT)
Over 5,000 GT	An additional TRY 15.16 per GT (up from TRY 12.37 per GT)

Article 20/1/2 envisions fines for discharging dirty ballast by tankers:

Up to 1,000 (inclusive) GT	TRY 110.53 per GT (up from TRY 90.17 per GT)
Between 1,000 and 5,000 (inclusive) GT	An additional TRY 22.05 (up from TRY 17.99 per GT)
Over 5,000 GT	An additional TRY 3.51 per GT (up from TRY 2.87 per GT)

Article 20/1/3 envisions fines for discharging petrol, petroleum products and dirty ballast by any other marine vehicles:

Up to 1,000 (inclusive) GT	TRY 303.34 per GT (up from TRY 247.46 per GT)
Between 1,000 and 5,000 (inclusive) GT	An additional TRY 60.67 per GT (up from TRY 49.49 per GT)
Over 5,000 GT	An additional TRY 15.16 per GT (up from TRY 12.37 per GT)

Article 20/1/4 envisions fines for discharging garbage and sewage by any marine vehicle:

Up to 1,000 (inclusive) GT	TRY 151.67 per GT (up from TRY 123.73 per GT)
Between 1,000 and 5,000 (inclusive) GT	An additional TRY 30.34 per GT (up from TRY 24.75 per GT)
Over 5,000 GT	An additional TRY 15.16 per GT (up from TRY 12.37 per GT)

In the remainder of the article the law envisions fine of 10 folds of what has been decided for petrol and petroleum products, when hazardous substances are discharged. Also if the liable party is an institution, an organization or a business the fine will be applied as the three fold of the tariff given above. In the case that the pollution is a recurring event by the vessel within 3 years; the first recurrence will be fined twice fold and any further recurrence will lead to an addition of 200% of the amount determined in the tariff.

On the other hand, there is also a clause stating that if the vessel can remove the pollution through its own effort the fine will be reduced to one thirds of what has been stated in the tariff. There is also another possibility to reduce the amount, which is making a payment within 30 days this will result in 25% discount from the fine.

In conclusion, to review the Amendments, the Tariff 2020 and the relevant provisions in respect of the marine pollution incidents in Turkish waters, it should be emphasized that the administrative fine amounts that can be imposed on vessels due to marine pollution are dramatically increased and in order to avoid high amounts of administrative fines, vessels should navigate more carefully in Turkish waters.

We hope the above would be helpful and if you require any further information or assistance, please do not hesitate to contact us.

Best regards,

Ingosstrakh Insurance Company

P&I Department