

RE: NEW AMENDMENTS IN THE TURKISH REGULATIONS REGARDING MARINE POLLUTION AND FINE RATES INCREASE

As it is known by Ingosstrakh previous circular regarding pollution fines, the last revision of administrative fines in Turkey, was made by the Ministry of Environment and Urbanization was made and declared in December 2021 by means of which, fines in 2022 were raised by 36.20% in comparison to fine levels applied in 2021.

Ingosstrakh's Turkish P&I Correspondent Kalimbassieris Maritime A.S. reports that on 15th June 2022, new amendments were promulgated at the Official Gazette no. 31867 concerning the local environmental regulations, including changes to the no. 2872 Environmental Code, governing the administrative fine rates for sea pollution cases in Turkey.

By this way, the following alterations are put in effect as of the 15th June:

1. The sea pollution fines will be doubled in Special Environmental Protection Zones which also cover the Marmara Region and Straits (contains all ports and anchorage areas within Istanbul, Kocaeli, Yalova, Bursa, Balikesir, Canakkale, Tekirdag).
2. The article 20 (i-4) concerning administrative fine levels imposed for pollution caused by tankers, ships and other naval vessels discharging solid waste or domestic wastewater, is revised/extended to include additional pollutant types, to avoid discussions on categorization. In this regard, the level of the fine imposed to the vessels less than 150 GT (including) under this category is increased in comparison to previous rates, accordingly, a slight increase is resulted in within this section.
3. Additionally, a new set of administrative fine levels are introduced for ships and other marine vessels using fuel oil containing more sulfur than the content specified in the international conventions and relevant regulations to which Turkey is a contracting state. The fine levels are determined as i) *for vessels less than 1000 GT / TRY 200 per GT*; ii) *for vessels between 1000 GT – 5000 GT / additional to above fine amount TRY 25 per GT*; iii) *for vessels more than 5000 GT / additional to above fine amounts TRY 5 per GT*.
4. Lastly, an administrative fine is imputed on the coastal facilities such as terminals, shipyards, ship demolition yards and yacht marinas, in case of breaching their obligation to notify the local authorities, about a pollution occurring within their area. In such cases, an administrative fine in the amount of TRY 25,000 will be imposed against these facilities. Furthermore, it is articulated that administrative fines from TRY 25,000 to TRY 100,000 shall be imposed if the coastal facilities do not take the necessary measures for the collection and management of marine litter, waste and wastewater. Administrative fines in this paragraph are applied to fishermen's shelters at a rate of its one third.

Please kindly find below the table concerning the administrative fines based on the 15th June's amendments:

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	Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 901,56 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 225,36 per GT (Additional)
Over 5,000 GT	TRY 22,52 per GT (Additional)
B- ARTICLE 20 (i) (2) Dirty ballast discharged by tankers	
Gross Tonnage of the Vessel	Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 164,25 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 32,76 per GT (Additional)
Over 5,000 GT	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	Rates valid from 01.01.2022
Up to 1,000(inclusive) GT	TRY 450,78 per GT (Base)
1,000 – 5,000(inclusive) GT	TRY 90,16 per GT (Additional)
Over 5,000 GT	TRY 22,52 per GT (Additional)
D- Vessels and other sea vehicles dumping/releasing solid waste garbage/ domestic wastewater/sewage/detergent water/ foam/scrubber water or similar wash water, etc.	
Gross Tonnage of the Vessel	New Rates valid from 15.06.2022
Up to 18 (inclusive) GT	TRY 5,000
18 -50 (inclusive) GT	TRY 10,000
50-100 (inclusive) GT	TRY 20,000
100-150 (inclusive) GT	TRY 30,000
150 to 1000 (inclusive)GT	TRY 225,39 per GT (Base)

1001-5000 (inclusive) GT	TRY 45,08 per GT (Additional)
5001 and up	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.

****Payment of the fine within 30 days as of the service date provides an advantage of 25% discount over the total amount.

***** The above rates are tripled if the owner of the vessel, which caused pollution is a legal entity.

***** The above rates will be doubled for the pollution incurred at Special Environment Protection Zones.

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;

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- 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.

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