

Environmental Pollution Fines by Turkey

The Government of Turkey has announced new fines associated with environmental pollution in force from January 1, 2019.

Notice to: Ship Owners/ Managers/ Operators | Surveyors/Auditors

URC19003 | 01 January 2019

In Turkish waters, environmental protection is developing, and significant fines are applicable to vessels that violate Turkish antipollution regulations. As per the latest amendments brought into effect in April 2017, heavy fines are being issued by the authorities including the EPA (Environmental Protection Agency), Harbour Master and Public Prosecutor against the offending vessels and Masters.

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, the pollution fines between 1 January 2018 and 31 December 2018 were updated as follows:

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

Up to 1,000 GT	97.20 TL / per Ton
Between 1,001 – 5,000 GT	Additional 24.24 TL / per Ton
Over 5,000 GT	Additional 2.32 TL / per Ton

Dirty ballast discharged to sea by tankers

Up to 1,000 GT	72.88 TL / per Ton
Between 1,001 - 5000 GT	Additional 14.54 TL / per Ton
Over 5,001 GT	Additional 2.32 TL / per Ton

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

Up to 1,000 GT	48.58 TL / per Ton
Between 1,001 – 5,000 GT	Additional 9.67 TL / per Ton
Over 5,001 GT	Additional 2.32 TL / per Ton

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

Up to 1,000 GT	24.24 TL / per Ton
Between 1,001 – 5,000 GT	Additional 4.78 TL / per Ton
Over 5,000 GT	Additional 0.90 TL / per Ton

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.

It is generally recommended 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.

Pollution Fine Issued by Port Harbour Master

In the event of vessel not following local port regulations, as per Port law no: 618 / article no: n11, the Harbour Master has right to penalize the offending vessel an administrative fine between TL 500 to TL 20.000. In addition, as per new addendum 39/12 added to the current Port regulations, enforced on 08.04.2017, in the event of sea pollution and/or any damage to Port facilities/equipment, the Harbour Master has been given right to penalize the offending vessel an administrative fine up to TL 5.000.000.

The ship owners are entitled to lodge an appeal before the Administrative Court within 15 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.

It is generally recommended the Owners to affect payment of the fine amount less 25% so that the vessel would be able sail without any delay.

In case the subject fine is not paid by the Owner, the vessel can be put on sale by the relevant authorities as per law no: 4922 to recuperate the issued fine.

Act now

Ship Owners / Managers / Operators must ensure that have implemented necessary measures to avoid these fines. Such measures may be:

- 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.