

"SARNIA NEWS" CIRCULAR

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TO ALL SHIPOWNER CLIENTS TRADING TO TURKEY

Re: Double Pollution Fine in Turkish Ports

Although you may not be insured for P & I risks with RaetsMarine, we are nevertheless forwarding a copy of the below information received from them regarding amendments made to the Environment Regulation applicable to all Turkish ports which, in addition to the usual pollution penalty fine, could result in a secondary and substantial penalty fine up to 5 million Turkish liras (USD 1.4 mio).

Please ensure this important information is distributed to the relevant personnel, as well as being sent to the Master(s)/Chief Officers(s) of your vessel(s) stressing that great care must at all times be taken, not to discharge any substance, any kind of waste or remnant, and especially ballast water.

Furthermore we would point out that Turkey is not a signatory to Annex IV of Marpol, and there have been many incidents where fines have been imposed against vessels because of overboard discharge from a Marpol-compliant sewage treatment plant, which, under Turkish regulations, is regarded as a harmful pollution.

Best regards

Loss Prevention Team

Double pollution fine in Turkish ports?

As a result of a number of serious oil spills over the past year, the Turkish Ministry of Transport, Maritime Affairs and Communication recently tightened the Environment Regulation applicable to all Turkish Ports.

Consequently, we would like to bring two amendments to your attention:

The first amendment can be found in Article 13. This Article requires tankers and vessels (500 GT and larger) carrying all types of dangerous goods; vessels (1000 GT and larger) flying under Turkish Flag; foreign flagged commercial and private yachts (1000 GT and above) to engage a pilot whilst berthing alongside and departing from coastal facilities and fish farms. The words and fish farms have been added to the new regulation.

However, the most noteworthy amendment to the Regulation is regarding the pollution fines (Article 39). In addition to the 'usual' fine for pollution based on the Environment Code, the Harbour Master, in whose jurisdiction the incident/pollution takes place, is now entitled to impose a secondary fine that could amount up to 5 million Turkish liras (\$ 1.4 million). Every instance of pollution of the marine environment by oil or other noxious substances as defined by Code 5312 could be subject to this administrative discretionary fine.

A couple of months have passed since this legislation entered into force and some incidents have taken place since. However, there are still a lot of uncertainties in respect of the exact criteria for liability, the grounds for determining the amount of the fine and whether this amendment allows for dual penalty of the same breach. It therefore remains to be seen whether Article 39 will be upheld by the Turkish Courts and, if so, to which extent. We will keep you informed on the jurisprudential developments in this respect.