

KPI Information Update IU-66-2014
(An Update on Turkish Environmental Pollution Fines)

It has become quite common for the ship-owners to encounter instances of vessels being fined in Turkish waters for pollution by substances other than oil. This update is issued to notify all members about the changes & information available.

Section 8 of the Turkish Environmental Code 1983 states (in part) that:
“It is prohibited, to introduce into, store in, transport to or remove from the receptor area any discharge or waste in such a way as to inflict damage on the environment or in a way directly or indirectly in contradiction with the standards and methods specified in the pertinent regulations, or to engage in similar activities”.

This provision is widely interpreted and rigorously enforced, to the extent that vessels have even been fined for pumping out clean ballast water. Ships at anchor off Istanbul are monitored particularly & very closely.

Fines are imposed in accordance with a published tariff, shown below, which is revised annually. The amount of the fine is determined by the size of the vessel and the type of pollutant, rather than the quantity of pollutant.

In almost all cases the fine must be paid in cash. The amount may be reduced by 25% if either settled immediately, prior to the vessel sailing or within a maximum of 30 days. In exceptional circumstances the authorities may accept banker’s drafts or financial guarantees, but this is unusual.

The current exchange rate is approximately 2.11 Turkish Lira (TRY) to the USD.

**Turkish Environmental Pollution Fine Tariff,
 applicable from 1 January 2014 to 31 December 2014**

Category A: Petroleum products and derivatives discharged by tankers	
Up to 1,000 GT	70.35 TRY per Gross Ton
Between 1,001 and 5,000 GT	An additional 17.55 TRY per Gross Ton
Over 5,000 GT	An additional 1.69 TRY per Gross Ton
Category B: Dirty ballast discharged by tankers	
Up to 1,000 GT	52.75 TRY per Gross Ton
Between 1,001 and 5,000 GT	An additional 10.52 TRY per Gross Ton
Over 5,000 GT	An additional 1.69 TRY per Gross Ton
Category C: Petroleum products, petroleum derivatives and dirty ballast water discharged by ships or other sea vessels	
Up to 1,000 GT	35.16 TRY per Gross Ton
Between 1,001 and 5,000 GT	An additional 7.00 TRY per Gross Ton
Over 5,000 GT	An additional 1.69 TRY per Gross Ton
Category D: Garbage, sewage and grey water discharged by all ships or other sea vessels	
Up to 1,000 GT	17.55 TRY per Gross Ton
Between 1,001 and 5,000 GT	An additional 3.47 TRY per Gross Ton
Over 5,000 GT	An additional 0.67 TRY per Gross Ton

In the event of a vessel being fined and detained for an alleged pollution incident in Turkish waters, the local P&I correspondent should be contacted immediately for assistance.

It is important to note that the authorities do not need to substantiate their allegations and it is up to the ship to prove otherwise, making pollution fines in Turkey very difficult to challenge.

A second or third offence in a three year period results in the fine being doubled or tripled respectively. In the case of dangerous goods, the fine is calculated by

multiplying the applicable Category C rate by ten.

If a vessel is under repair in a Turkish shipyard or dry dock and pollution is caused by the negligence of the shipyard employees or agents, the ship may still be fined.

Ship-owners may appeal to the Administrative Court within 30 days of a fine being notified. However, the chances of a successful appeal are quite limited. Providing the Authorities with evidence of best practice and comprehensive prevention measures will not mitigate a fine even if the vessel maintains that another ship was responsible. In such cases photographic or video evidence taken at the time of the incident might help, but this is by no means certain.

- Treated water from the sewage system should be transferred to a holding tank and should not be discharged until the vessel is clear of Turkish waters.
- Grey water from sources such as the galley, laundry and bathrooms should be retained on board in a similar manner.
- Steps should be taken to prevent cargo residues, incinerator ash, garbage, cleaning agents and other substances that may be construed as being pollutants from reaching the water.
- The vessel's hull should not be scraped, chipped or painted while alongside or at anchor.

► **Preventive measures recommended:**

The following recommendations are made to minimize the risk of pollution fines being imposed in Turkey:

- As far as is safe and practicable, de-ballasting operations should be avoided. In any event only clean ballast water should be discharged.
- Overboard discharge valves should be closed and sealed shut.
- All deck scuppers should be plugged and sealed, and any gaps in the fish plate surrounding the deck should be closed.
- Hatch covers should not be hose tested.
- Fire hoses should not be pressure tested.
- Fixed fire-fighting monitors, sprinklers and drenching systems should not be tested.
- The vessel's decks and superstructure should not be washed down.

