



## SPECIAL CIRCULAR

No. 15-007  
7 July 2015

### To the Members

Dear Sirs,

### Turkey - Pollution Fines

Members' attention is drawn to the Turkey's strict policy on environmental protection, in particular, pollution including land, sea and air.

This Club Circular draws Members' attention to the regulatory constraints and outlines how Members may ensure compliance in respect of the law governing the discharge of pollution material into Turkish waters.

#### **1. Turkish Environment Code 2872**

- 1.1. The Turkish Environment Code 2872 (hereafter referred to as "Code") was first implemented in 1983 and amended in 2006. This Code establishes a framework for Turkey's environmental legislation including protection from pollution of land, sea and air, and introduces the "polluter pays" principle.
- 1.2. Under Article 8 of the Code it is prohibited to diffuse, directly and indirectly, all kinds of waste and garbage into relevant environmental areas, store in, transport to or from, and conduct similar activities by violating the standards and methods determined by the relevant applicable regulations, and causing damage to the environment.
- 1.3. The Code does not clearly provide what kinds of materials should be deemed waste and garbage causing damage to the environment. According to Vitsan Mumessillik ve Musavirlik A.S., the Club's correspondents in Turkey, the local authority interprets the extent of waste and garbage broadly. There have even been cases where the discharge of sea water used for washing accommodation decks and windows or even discharge of clean ballast water were considered as pollution and fines were imposed against the ships involved.
- 1.4. Grey water such as water used in the galley, laundry and lavatory is not specifically mentioned in the Code. The Master, therefore, may wrongly believe that discharge of grey water is not prohibited. It should always be borne in mind that discharge of any kind of water except cooling water is prohibited in all Turkish ports.

#### **2. Prevention of fines**

- 2.1. When the vessel transits through, waits at anchorage or calls at Turkish ports, the shipowners or Master are usually notified by the ship's local agents of precautions to avoid any pollution incidents. The Master and all the crew should familiarise themselves with local regulations and properly appreciate that it is generally prohibited to discharge into Turkish waters any kind of material, including but not limited to paint, oil, bilges, clean ballast, dirty ballast, residues, garbage, dirty water, sewage, laundry water, lavatory water, shower water and rust etc. .
- 2.2. In addition, according to the Club's correspondents, cases are increasingly reported of fines being imposed for pollution at the shipyard in Tuzla, Istanbul. The correspondents therefore recommend that shipowners who send their ships for repair at the yard should insert a clause in the Job Agreement stating that the shipyard and not the ship owner is responsible for any fine levied in respect of any pollution incident occurring while the vessel is under the custody of the shipyard.

2.3. The Club's correspondents have also suggested that the following advices should be given to the Masters of vessels calling at Turkish ports.

- a) All scuppers on decks should be plugged.
- b) No ballast operation should be carried out unless tanks are confirmed to be clean.
- c) All overboard discharge should be blocked.
- d) Even if the vessel is fitted with an approved sewage system, such system should not be used during the vessel's stay in Turkey.
- e) All waters coming from all places on board the vessel including the living areas, galley, lavatory, laundry, wash-basin, etc., should be transferred to one holding tank.
- f) If the vessel is not equipped with a holding tank for keeping the waters listed in (e) above, the piping of the areas listed in (e) connecting to the overboard must be blocked and the waters should not be discharged during the vessel's stay in Turkish waters.
- g) No deck washing or hatch cover hose testing should be carried out.
- h) All vessels should fit continuous deck edge plates to prevent any flow of water from the decks.
- i) The drain scuppers at steering gear room, poop and forecastle deck stores, and emergency fire station room should be blocked.
- j) Throwing, disposing of and discharging the following waters and materials are prohibited; garbage, food wastes, any kind of dirt, dust, rust residues including cargo residues, oil, oily water, bilge water, oily materials, incinerator residues, black dust from funnel.
- k) The above advices should also be applied to any vessel which calls at a shipyard for dry-dock or repairs. In case of the vessel's repairs, the area surrounding the vessel should be protected with oil booms, etc. The work of the shipyard staff and workers should be monitored carefully. The shipyard must be notified immediately if any negligence by shipyard staff/workers or of the use by them of defective equipment is discovered.

### **3. Pollution Fines**

3.1. The tariff of pollution fines in Turkey is updated annually. The latest rates applicable from 1 January 2015 to 31 December 2015 are as follows.

(1) Petrol and Petroleum products discharged into sea by tankers:

- a) Up to 1,000 (inclusive) gross tons: 77.46 TL per ton
- b) Between 1,000 and 5,000 (inclusive) gross tons: 19.32 TL per ton
- c) Over 5,000 gross tons: 1.86 TL per ton

(2) Dirty ballast discharged into sea by tankers

- a) Up to 1,000 (inclusive) gross tons: 58.08 TL per ton
- b) Between 1,000 and 5,000 (inclusive) gross tons: 11.58 TL per ton
- c) Over 5,000 gross tons: 1.86 TL per ton

(3) Petro and Petroleum products and dirty ballast discharged into sea by vessels or any other means of transportation by sea

- a) Up to 1,000 (inclusive) gross tons: 38.71 TL per ton
- b) Between 1,000 and 5,000 (inclusive) gross tons: 7.71 TL per ton
- c) Over 5,000 gross tons: 1.69 TL per ton

- (4) Garbage and sewage discharged into sea by vessels or any other means of transportation by sea
- a) Up to 1,000 (inclusive) gross tons: 19.32 TL per ton
  - b) Between 1,000 and 5,000 (inclusive) gross tons: 3.82 TL per ton
  - c) Over 5,000 gross tons: 0.73 TL per ton

**4. Club cover for fines**

- 4.1. The Club's Rule 31 1 (4) provides that the Club shall indemnify a Member for fines for violation of regulations caused by accidental discharge. Accordingly, fines levied because of an intentional discharge cannot be indemnified by the Club, even if such discharge follows a misinterpretation, or lack, of knowledge of the regulations. Members are therefore strongly recommended to instruct the Master to understand fully the regulations and the fact that discharge of any kind of water except cooling water is prohibited in all Turkish ports.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**