



# VITSAN

MÜMESSİLLİK VE MÜŞAVİRLİK A.Ş.

## DECLARATION OF BUNKER FIGURES ON BOARD THE VESSELS IN TURKISH PORTS

As we have been involved in many cases and as per information received from our local surveyors in our offices around Turkey, recently Turkish Customs Officers have been randomly attending on board the vessels in Turkish ports without any notice.

The Customs Officers are checking / measuring the bunker quantity on board to find out if there is any discrepancy between the actual bunker quantity on board and Master's / Chief Engineer's declaration based on prearrival documents on arrival of the vessels to the port.

As per Anti-Smuggling Code of Turkish authorities (Law numbered 5607), the Master and Chief Officer of vessels with misdeclaration of bunker quantity on board are being accused of committal of the crime stipulated under the Article 3/1 of the Anti-Smuggling Code which reads as follows: "any individual who imports goods into Turkey by disregarding the customs procedures shall be punished as below:-

Crime	Basic Sentence	Aggravating Circumstances
Importing goods in violation against customs procedures	1 year to 5 years of prison sentence and monetary fines up to 10.000 days	<ul style="list-style-type: none"><li>· The sentence shall be increased by 1/3rd to 1/2nd if the goods are imported into the country outside of the designated customs stations.</li><li>· The sentence shall be increased by at least half and at most by two times if the goods that are being smuggled are oil products (this includes fuel oil and diesel oil). The sub-limit of the prison sentence to be entered where the goods being smuggled consist of petroleum products shall not be any less than 3 years.</li><li>· In the event that the value of the goods that are being smuggled are exorbitant, the sentence to be entered shall be increased by at least half up to being doubled. (the Code unfortunately does not specify what should be understood from the "exorbitant value")</li></ul>

Prison sentences shorter than 2 years can be deferred upon a request by the accused, provided that the accused was not convicted before for committing a crime by intent. Deferral of verdict means that the prison sentence is deferred and the accused is made subject to a probationary period of five years. If the accused does not commit a criminal act within the said probationary period, the verdict and the proceedings will be withdrawn. Although a reduction in the amount 1/6th may be applied to a potential prison sentence entered at the total discretion of the judge, this apparently will not be enough to grant the accused the opportunity of benefitting from deferral of verdict considering the aggravating circumstances explained above as to the sub-limit of 3 years.

VM-FRM087/00-05/18

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On the other hand, as per Anti-Smuggling Code article 9 paragraph no 2; the smuggled goods are confiscated as soon as possible, in other words the excess bunker on board against the declared figure to be discharged from the vessels before departure.

We would like to advise you that the above act does not lead to result in detention of the vessels. Nonetheless, as the criminal process is on-going against the Master / Chief Engineer of the vessel, the Judge may give an arrestment order against the Master/Chief Engineer. Thus, vessels may face with issues if they call for Turkish ports.

In view of above, we recommend that the bunkers on board should be measured by ship's crew carefully and utmost attention should be paid during the measurement prior arrival and while giving declaration to the authorities in order to prevent discrepancy and penalty.

Furthermore, it is recommended to appoint surveyors to perform bunker surveys during bunkering, on-hiring, off-hiring of the vessels in order to ensure the correct bunker quantity on board.

Please contact us if you have any further queries and if you / your members need our assistance, we are always at your disposal.