

UK P&I CLUB



LP Bulletin

Monday 14th January 2019

Bulletin 1162 - 01/19 - Increased Pollution Fines in Turkey

Reference is made to the most [recent update from the Club](#), giving notification of the new tariff for pollution fines in Turkish waters. Particular attention should be given to the fact that these administrative fines imposed by the Environmental Protection Agency, pursuant to the Turkish Environmental Code (EC), are drastically increased in comparison to previous tariffs.

In addition to the administrative fines, vessels and masters may also be exposed to fines imposed by the harbour master for breach of local port regulations as well as the risk of criminal prosecution in certain circumstances.

It should be noted that the level of administrative fines are determined with reference to the size of the vessel and nature of the polluting substance, not the quantity of the pollutant alleged to have been discharged. Furthermore, under article 20 of the EC, fines imposed on any organisation, institution or company (as would invariably be the case for commercial vessels) **are multiplied by three**. Fines may also be multiplied for repetition of pollution offences within the preceding three years.

It follows that finally imposed fines for even a very small release of pollutant could be severe.

Where the authorities consider a vessel to have caused pollution, the ship will likely be detained pending the payment of the imposed fine or provision of acceptable security. A discount of 25% may be applied if the fine is paid in cash or wire transfer within a prescribed period of time. Fines may be appealed by ship owners provided that an objection is filed with the competent court within 30 days of the date of service. Paying a fine in order to release a vessel and benefit from the discount does not prejudice the ship owner's right to object to the fine in the Turkish courts. In reality, the prospects for successfully appealing a fine or further reducing the amount may be limited.

The EC pollutant categories are interpreted broadly and rigorously by the Turkish authorities, there being a general prohibition on waste of whatsoever type being introduced into the marine environment directly or indirectly. This will include grey water, deck wash water and contaminated rain water discharged from scuppers.

Vessels at anchor or alongside could be subject to monitoring of overboard discharges and officers conducting inspections may not necessarily inform the master that an inspection has been conducted in the first instance. Typically, samples from any overboard discharge, however slight, will be taken and sent for laboratory analysis. It is usual for a video of the sampling process to be submitted as evidence.

In the event a vessel is alleged to have caused pollution in Turkish waters, Members should inform the Club and local correspondents as soon as possible.

However, with the emphasis on preventing any illegal discharge, the following measures should be implemented.

- Ensure strict compliance with all MARPOL requirements
- The master and crew must be familiarised with local pollution regulations in advance of entering Turkish waters
- De-ballasting operations should only be carried out as necessary and only if the ballast water has been checked and confirmed clean
- All overboard discharge valves should be closed, secured and sealed with numbered security tags
- Where possible, close all intermediate valves in overboard discharge pipelines
- Ensure all overboard discharge valves are fully functional and periodically checked for tightness
- All deck scuppers should be plugged tightly and any excess accumulation during rainfall drained off internally
- Hose testing of hatch covers and hydrostatic tests of tanks, pipelines and hoses should not be performed
- Do not wash down decks, superstructures and equipment
- Treated water from the sewage system and grey water should be transferred to a holding tank and not discharged until the vessel is outside Turkish waters
- Do not pump out cargo hold bilges in Turkish waters
- Diligently control and monitor funnel smoke emissions
- Scraping, chipping and painting of the vessel's hull should be prohibited
- Maintain vigilance in ship repair facilities as vessels will be held liable for any pollution incidents, even if caused by the negligence of the shipyard or contractors

Source of Information

Loss Prevention