



NEW POLLUTION FINE TARIFF FOR THE YEAR 2019 AND GENERAL SEA POLLUTION INFORMATION

Please find herebelow the Pollution Fine Tariff from 01.01.2019 up-to 31.12.2020 which declared on the official gazette on 10.12.2018.

THE NEW POLLUTION FINE TARIFF IN TURKIYE

AS OF 1/1/2019 UP-TO [31/12/2020](#)

Petrol and Petroleum products discharged to sea by tankers:

1. Up to 1000 (inclusive) gross tons: Per Ton * 400 TL
2. Between 1000 and 5000 (inclusive) gross tons: Per Ton * 100 TL (Addition to 1)
3. Over 5000 gross tons: Per Ton * 10 TL (Addition to 1 and 2)

Dirty ballast discharged to sea by tankers: (Same as last year)

1. Up to 1000 (inclusive) gross tons: Per Ton * 72.88 TL
2. Between 1000 and 5000 (inclusive) gross tons: Per Ton * 14.54 TL(Addition to 1)
3. Over 5000 gross tons: Per Ton * 2.32 TL (Addition to 1 and 2)

Petrol/Petroleum products and dirty ballast discharged to sea by vessels or any other sea vehicles:

1. Up to 1000 (inclusive) gross tons: Per Ton * 200 TL
2. Between 1000 and 5000 (inclusive) gross tons: Per Ton * 40 TL(Addition to 1)
3. Over 5000 gross tons: Per Ton * 10 TL (Addition to 1 and 2)

Garbage and sewage discharged to sea by vessels and any other sea vehicles:

1. Up to 1000 (inclusive) gross tons: Per Ton * 100 TL
2. Between 1000 and 5000 (inclusive) gross tons: Per Ton * 20 TL(Addition to 1)
3. Over 5000 gross tons: Per Ton * 10 TL (Addition to 1 and 2)

(Today rate USD /5.38TL 17.12.2018)



KUZEY PANDI CORRESPONDENTS

As will be appreciated the relevant Laws and Regulations are very strict and due to below section two Article 181 , Lawyers assistance before and during declaring statement highly recommended to avoid any further legal sanctions against to Master of Vessel.

We are submitting the general info for the pollution matters in Turkish Port, for your kind info:

Although opposition to the fine is possible by filing a court case at the Administrative Court within (30) days from the incident through a Lawyer, in cases where the pollution is observed/established by the Authority themselves, there is very little chance of success in an appeal; this is to say even if a court case concludes in our favour it will be settled in Turkish Liras without any interest and to collect the fine amount another court case must be filed againsts the Authority, hence not advisable to pursue considering it will take 1-2 years minimum to conclude.

In addition to the above, any appeals do not stop execution and collection of the fine as per law.

As per the relevant Law, in case of the repetition of the pollution offence by the same ship within 3 (three) years time;

- At the first repetition, the fine amount is increased by one time more, and,
- At the second and more repetition the fine is calculated and imposed twice as much.

In case of discharge of any dangerous substances or disposals to sea, the fine will be calculated 10 (ten) times as much taking the category of Petrol and Petroleum Products fines as basis.

As per the relevant Law, in case of the repetition of the pollution offence by the same ship within 3 (three) years time;

- At the first repetition, the fine amount is increased by one time more, and,
- At the second and more repetition the fine is calculated and imposed twice as much.

In case of discharge of any dangerous substances or disposals to sea, the fine will be calculated 10 (ten) times as much taking the category of Petrol and Petroleum Products fines as basis.

The Vessels Agents are generally sending Circular/Notice/Warning to the Owners/Masters when they have been nominated as Agents transiting/waiting at anchorage/calling to Turkish Ports especially before the Vessels entering Canakkale straits (Dardanelles) that the Masters would take steps not to cause any pollution incident.

Kuzey Pandi Correspondents

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The Masters of the Vessels would pay utmost attention and take all steps not to cause any pollution by leakage/spillage of any kind of materials (paintings, oil, bilges, clean ballast, dirty ballast, all kind of residues, garbage, dirty waters, sewage waters, laundry waters with detergent, lavatory soap waters, shower waters, dust, rust etc.)

We herewith submit the relevant provisions of Turkish Penal Code which is started to be applied in practice since the second half of 2009.

Turkish Criminal Code

Law No. 5237

Passed On 26.09.2004

Official Gazette Date: 12.10.2004

Official Gazette No: 25611

SECOND SECTION

Offenses Against Environment

Intentional pollution of environment

ARTICLE 181-(1) Any person who intentionally drains refuses or wastes to the ground, water or air contrary to the technical procedure defined in the relevant laws and in such a way to cause environmental pollution, is punished with imprisonment from six months to two years.

(2) Any person who engages in transfer of refuses or wastes into the country without permission is punished with imprisonment from one year to three years.

(3) The punishment to be imposed according to the above subsections is doubled if the wastes or refuses are observed to have remaining affect in the ground, water or atmosphere.

(4) In case of commission of offenses defined in first and second subsections by processing of refuses or wastes in such a way to result with incurable disease both in human and animals, or deterioration of fertility and change natural characteristics of animals and plants; the offenders are punished with imprisonment not less than five years and also imposed punitive fine up to thousand days.

(5) Regarding the offences stated in subsection two, three and four of this article; special security precautions shall be taken for the legal persons / corporate bodies.

Pollution of environment by negligence

ARTICLE 182- (1) Any person who drains refuses or wastes to the ground, water or atmosphere by negligence in such a way to cause environmental pollution, is imposed



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punitive fine. Where the refuses or wastes are observed to have remaining affect in the ground, water or atmosphere, punishment of imprisonment is imposed from two months to one year.

(2) Any person who involves in draining of refuses or wastes to the ground, water or atmosphere by negligence in such a way to cause incurable disease both in human and animals, deterioration of fertility and change of natural characteristics of animals and plants, is punished with imprisonment from one year to five years.

Kind Regards,

Capt. Deha AYDIN
Senior Claims Executive

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