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Environmental Pollution Fines In Turkey: An Update

Pursuant to Article 20 of the Turkish Environmental Code, Turkey's revised Pollution Fine Tariff schedule has come into effect as of January 1, 2024. In the event of sea pollution events, fines may be levied by the Turkish Environmental Protection Agency (EPA) or by local Harbor Masters. For 2024, these fines have increased by 58.5% from 2023.

Pollution fines levied by the EPA

The 2024 fine schedule has been separated into four categories — A, B, C, and D as summarized below in Turkish Lira (TRY). In addition, fines listed below are tripled for legal entities (e.g., shipowners, ship operators or disponent shipowners) if they are found liable for the pollution. Furthermore, the below rates shall be doubled if the pollution has occurred in designated special environmental protection zones that include the Marmara Region and Straits including all ports and anchorage areas within Istanbul, Kocaeli, Yalova, Bursa, Balikesir, Canakkale, and Tekirdag. Fines pertaining to bunkers which exceed the maximum sulfur content Fines are also to be levied in regard to vessels whose fuels are not found to be in compliance with the IMO 2020 sulfur cap requirements. The schedule for these fines is as follows:

Tonnage	Fine
Category A: Pollution from tankers discharging petroleum products and derivatives that include raw petroleum, fuel oil, bilge, oil mud (sludge), refined product oil, other waste oil, etc	
Up to 1,000 GT (inclusive)	3,184.81 TRY/GT
1,000 to 5,000 GT (inclusive)	An additional 796.23 TRY/GT
More than 5,000 GT	An additional 79.59 TRY/GT
Category B: Pollution from dirty ballast discharged to sea by tankers	
Up to 1,000 GT (inclusive)	580.25 TRY/GT
1,000 to 5,000 GT (inclusive)	An additional 115.76 TRY/GT
More than 5,000 GT	An additional 18.37 TRY/GT

Category C: Pollution from ships and other vehicles that release petroleum or petroleum derivatives that include bilge, oil mud, freight mud, fuel oil, oil waste or dirty ballast, etc.	
Up to 1,000 GT (inclusive)	1,592.40 TRY/GT
1,000 to 5,000 GT (inclusive)	An additional 318.49 TRY/GT
More than 5,000 GT	An additional 79.59 TRY/GT
Category D: Pollution from garbage, sewage discharged to sea by tankers, ships and other sea vehicles	
Up to 18 GT (inclusive)	17,661.00 TRY
18 to 50 GT (inclusive)	35,325.00 TRY
50 to 100 GT (inclusive)	70,650.00 TRY
100 to 150 GT (inclusive)	105,976.00 TRY
150 to 1,000 GT (inclusive)	796.29 TRY/GT
1,001 to 5,000 GT (inclusive)	An additional 159.25 TRY/GT
More than 5,000 GT	An additional 18.37 TRY/GT

Fines pertaining to bunkers which exceed the maximum sulfur content Fines are also to be levied in regard to vessels whose fuels are not found to be in compliance with the IMO 2020 sulfur cap requirements. The schedule for these fines is as follows:

Tonnage	Fine
Up to 1,000 GT (inclusive)	706,051.00 TRY/GT
1,000 GT to 5,000 GT (inclusive)	An additional 88,031.00 TRY/GT
More than 5,000 GT	An additional 17,067.00 TRY/GT

Important notes

If the shipowner cleans up the pollution caused by an offending vessel, by its own means and through its own efforts, the administrative fine shall be levied at 1/3 of the total amount.

Under the relevant code, the Turkish environmental authorities are entitled to ask for cash settlement of the fine and may not accept security to release an offending ship. On an exceptional basis, the authorities may accept bankers' drafts and/or payment guarantees issued by the ship's agents, payable within a maximum of 1 to 2 days and without any conditions.

The authorities may also accept to release a vessel against a Letter of Undertaking (LOU) issued by a P&I club or insurance company recognized by the Turkish Government. However, if such an LOU is accepted, then it will be on the basis of an undertaking to pay the fine within a short period of time (no more than 30 days). Further, the authorities may demand that the original LOU is notarized and with an official translation which would obviously lead to considerable delays to vessels.

It is significant to note that the pollution fine amount will be reduced by 25% if settled within 30 days of issue. Remitting the fine amount will not be considered as an admission of liability and an appeal may still be lodged before the Administrative Court within 30 days of the fine's notification date. However, appealing the fine will not result in the lifting of the fine and allow sailing of the vessel and the prospects of success in appeal proceedings are very slim.

Any video footage or pictures taken by environmental officers, coast guard or otherwise can only be released by court order. However, officers do release such records to P&I club representatives or agents unofficially from time to time.

Recommendations

- De-ballasting operations should be avoided unless the ballast water has been checked and confirmed to be clean.
- All overboard discharge valves should be closed and secured/sealed in closed position.
- All deck scuppers should be plugged and any gaps in the fish plate surrounding the deck should be closed. Washing of decks and superstructure should be avoided, if possible.
- Treated water from the sewage system and grey water should be transferred to a holding tank and should not be discharged until the vessel is outside Turkish waters and in accordance with applicable laws and conventions.
- Cargo residues, cargo space cleaning residues, all garbage and other substances should not be disposed of in Turkish waters.
- The vessel's hull should not be scraped, chipped or painted while alongside the pier or at anchor.
- While the vessel is at a Turkish shipyard or dry dock, even if the pollution is caused by the negligence of the shipyard, its employees or agents, the ship may be held vicariously liable for the pollution fine. Therefore, the crew members should exercise care and should immediately issue a Letter of Protest to the relevant shipyard.
- Members should familiarize themselves and comply with local regulations, which may be stricter than MARPOL regulations. P&I insurance cover for pollution fines responds only to the accidental escape of a pollutant from a vessel, and not in cases where a violation arises due to misinterpretation or operational breaches of local rules.

If Turkish authorities assert a violation by a vessel which might lead to pollution fine, Members are urged to contact the Managers and the local P&I correspondent immediately for assistance.

Source of Information: The American P&I Club