

03.01.2022

NOTIFICATION ON ANNUAL INCREASE/ADJUSTMENT OF SEA POLLUTION FINE RATES IN TURKEY

Please be informed that annual increase of the rates on sea pollution fines regulated by Environmental Code no.2872 has been published on Official Gazette on 30.12.2021.

As it is known, Sea Pollution Fines are regulated by Environmental Law numbered 2872 in Turkey and therewith its administrative fines applying for non-compliance with this law regulates as per Article 20 of the same law.

In compliance with the related articles of the Misdemeanor and the Tax Procedure Law, these administrative fines are applied annually by increasing in accordance with the revaluation rate determined and announced by Ministry of Treasury and Finance. Accordingly, the new valuation rate was published on the Official Gazette and was determined at the rate of 36.20 % (almost 4 times of the rate of last year) for this year. Thus, the new rates will be calculated by making an increase of 36.20% over the previous year's figures.

Based on the published valuation rate, the administrative fines to be imposed on vessels, tankers and other marine vehicles causing pollution in the seas of the country sovereign areas & associated waters, natural and artificial lakes, dams and rivers will be calculated according to below chart as of **1 January 2022**;

1. Petrol/Oil and petroleum-derived products discharged / spilled by tankers into sea:

Tonnage	Fines applied between 01.01.2021 until 31.12.2021 (per GT)	Fines to apply as of 1 January 2022 (per GT)
Up to 1,000 GT (inclusive)	TRY 661,94	TRY 901,56
Between 1,000 GT and 5,000 GT (inclusive)	An additional TRY 165,49 per GT	An additional TRY 225,40 per GT

5,000 GT and over	An additional TRY 165,49 + TRY 16,54 per GT	An additional TRY 225,40+ TRY 22,53 per GT
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2. Dirty ballast water discharged into the sea by tankers:

Tonnage	Fines applied until 31.12.2021 (per GT)	Fines to apply as of 1 January 2022 (per GT)
Up to 1,000 GT (inclusive)	TRY 120,60	TRY 164,26
Between 1,000 GT and 5,000 GT (inclusive)	An additional TRY 24,06 per GT	An additional TRY 32,77 per GT
5,000 GT & Over	An additional TRY 24,06+ TRY 3,82 per GT	An additional TRY 32,77 + TRY 5,20 per GT

3. Petrol/petroleum-derived products and dirty ballast water discharged into the sea by vessels or any other marine vehicles:

Tonnage	Fines applied until 31.12.2021 (per GT)	Fines to apply as of 1 January 2022 (per GT)
Up to 1,000 GT (inclusive)	TRY 330,97	TRY 450,78
Between 1,000 GT and 5,000 GT (inclusive) GT	An additional TRY 66,20 per GT	An additional TRY 90,16 per GT

5,000 GT + Over	An additional TRY 66,20 + TRY 16,54 per GT	An additional TRY 90,16 + TRY 22,53 per GT
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4. Garbage / Solid waste and sewage water discharged by vessels or any other marine vehicles into the sea:

Tonnage	Fines applied until 31.12.2021 (per GT)	Fines to apply as of 1 January 2022 (per GT)
Up to 1,000 (inclusive) GT	TRY 165,49	TRY 225,40
Between 1,000 GT and 5,000 GT (inclusive)	An additional TRY 33,10 per GT	An additional TRY 45,08 per GT
5,000 GT + Over	An additional TRY 33,10 + TRY 16,54 per GT	An additional TRY 45,08 + TRY 22,53 per GT

As you can see on the above chart, the fine calculations are based on the fines applied to vessels up to 1,000 GT and accordingly, the additional rates to be added onto these fines for the vessels with GT between 1,000 GT – 5,000 GT and lastly for the vessels between 5,000 GT and plus sizes; the additional rates to be added onto total fine amounts.

As it does every year, with the new regulation coming into force as of 01.01.2022; only the increase which has to be made annually on the fine amounts, has been made and all the previous procedures and existing regulations / practices have remained unaltered (such as ¼ discount applied for the fine payment made within 30 days and doubling the fine amount for the next pollution event and tripling for the following ones if the same vessel repeat the same act within 3 years after first recurrence of the pollution event)

PAYMENT OF THE FINES & OBJECTION

In order to lift the detention of the vessel imposed due to the act of sea pollution, either the fine amount should be paid or a Club LoU should be submitted to the authorities. The latter is sometimes difficult in practice as some Harbour Masters do not accept Club LoUs due to wordings or some other formalities. Paying the fine in 30 days grant a discount of ¼ as said above and paying the fine does not waive the right to object to the fine. So, even if the fine is paid, an objection can be filed.



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As Atlas P&I, we shall not fail to keep you fully informed of all developments in this regard.

Please do not hesitate to direct us any queries you may have.

Kind Regards,

ATLAS P&I Correspondents