METROPOLE
MARITIME & TRADING LTD. CO.

Kosuyolu Mahallesi, Ali Nazima Sokak
No: 49 34718 Kadikoy / Istanbul / Turkey
T. +90 (216) 325 07 65 (pbx)
F. +90 (216) 327 16 23
metropole@metropole.com.tr
www.metropole.com.tr

Pollution Fines and Recommendations in Turkiye

In Turkish waters, environmental protection is developing, and significant fines are applicable to vessels that violate Turkish anti-pollution regulations. **As per the latest amendments to be brought into effect on 01st January 2027, there is an increase 27.83 %) in the amount of the fines that are being applied by the EPA (Environmental Protection Agency) against the offending vessels compared to the previous year.**

In the event of a sea pollution, fines are being issued by the following authorities in Turkiye:

A. POLLUTION FINE ISSUED BY THE TURKISH EPA

The administrative fines will be imposed in accordance with the Turkish Environmental Code dated 1983, numbered 2872.

Environmental pollution fines are revised annually and declared in the Official Gazette for the respective year. According to the declaration of the Ministry of Environment, Urbanisation and Climate Change, which is expected to be published shortly in the Official Gazette, the current pollution fines will be updated with the following amounts applicable for real persons and **the fine amount calculated for real persons will be multiplied by three to reach the fine amount for the legal entities (i.e., ship owners, disponent owners).**

1) Pollution from petroleum tankers and derivatives ***for real persons*** (raw petroleum, fuel oil, bilge, oil mud, refined product oil waste etc.)

Up to 1000 (inclusive) Gross Ton	7,353.21 TL / per Ton
Between 1000-5000 (inclusive) Gross Ton	Additional 1,838.36 TL / per Ton
Over 5000 Gross Tons	Additional 183.75 TL / per Ton

2) Dirty ballast discharged to sea by tankers ***for real persons.***

Up to 1000 (inclusive) Gross Tons	1,339.69 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 267.26 TL / per Ton
Over 5000 Gross Tons	Additional 42.41 TL / per Ton

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3) Pollution from ships and other sea vehicles that release petroleum/petroleum derivatives ***for real persons*** (Bilge, oil mud, freight mud, fuel oil, oil waste or dirty ballast)

Up to 1000 (inclusive) Gross Tons	3,676.59 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 735.34 TL / per Ton
Over 5000 Gross Tons	Additional 183.75 TL / per Ton

4) Pollution from tankers, ships, and other sea vehicles due to discharge of sewage, detergent water, foam, exhaust gas washing system water or any other kind of washing water or solid wastes ***for real persons.***

Up to 18 GT (inclusive)	40,775 TL
Up to 18-50 GT (inclusive)	81,558 TL
Up to 50-100 GT (inclusive)	163,117 TL
Up to 100-150 GT (inclusive)	244,680 TL
Up to 150 - 1000 (inclusive) Gross Tons	1,838.36 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 367.69 TL / per Ton
Over 5000 Gross Tons	Additional 42.41 TL / per Ton

* Fine amounts for above mentioned categories will be **doubled for repeated offenders** and **tripled on subsequent recurrences** of pollution by the same vessel within three years.

** In the event any hazardous substances and waste are disposed to the sea, the fine will be calculated ten (10) times of the amount calculated as per the category of Petrol and Petroleum Products fines.

*** In the event that the vessel eliminates the pollution by her own means, 1/3 of the above stated amounts shall be imposed.

****It should be noted that, the fines will be **doubled in Special Protection Areas** such as Belek, Foça, Datça-Bozburun, Fethiye-Göcek, Gökova, Göksu, Gölbaşı, Ihlara, Kaş-Kekova, Köyceğiz-Dalyan, Pamukkale, Patara, Tuz Lake, Uzungöl, Saros Gulf, Finike, Salda Lake, Karaburun-Ildır Gulf, Sea of Marmara and the Princes' Islands (Istanbul, Kocaeli, Yalova, Bursa, Balıkesir, Canakkale, Tekirdağ)

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You may find here below a table exemplifying pollution fine rate for real persons and legal entities as per the **latest updates**

CATEGORIES	Gross Tons	CURRENT FINE AMOUNT - 2027	
		FOR REAL PERSONS	FOR LEGAL ENTITIES
1- **For tankers - raw petroleum, fuel oil, bilge, oil mud, refined product oil waste etc.**	**1,000**	7,353,210 TL	22,059,630 TL
	2,500	10,110,750 TL	30,332,250 TL
	5,000	14,706,650 TL	44,119,950 TL
	10,000	15,625,400 TL	46,876,200 TL
2- **For tankers - dirty ballast**	**1,000**	1,339,690 TL	4,019,070 TL
	2,500	1,740,580 TL	5,221,740 TL
	5,000	2,408,730 TL	7,226,190 TL
	10,000	2,620,780 TL	7,862,340 TL
3- **For ships and other sea vehicles - bilge, oil mud, freight mud, fuel oil, oil waste or dirty ballast**	**1,000**	3,676,590 TL	11,029,770 TL
	2,500	4,779,600 TL	14,338,800 TL
	5,000	6,617,950 TL	19,853,850 TL
	10,000	7,536,700 TL	22,610,100 TL
4- **For tankers, ships and other sea vehicles - sewage, detergent water, foam, exhaust gas washing system water or any other kind of washing water or solid wastes**	**18**	40,775 TL	122,325 TL
	50	81,558 TL	244,674 TL
	100	163,117 TL	489,351 TL
	150	244,680 TL	734,040 TL
	1,000	1,838,360 TL	5,515,080 TL
	2,500	2,389,895 TL	7,169,685 TL
	5,000	3,309,120 TL	9,927,360 TL
	10,000	3,521,170 TL	10,563,510 TL

Bunker maximum sulphur content related fines

In addition, as per new regulation coming into force in June 2022, if the bunker of the vessel exceeds maximum sulphur content of bunker for the vessels that do not use approved pollution reduction methods (determined as 0.5%; and 0.1% for the vessels navigating in the SOx Emission Control Areas), the fine amount for real persons will be calculated as follows (multiplied by three to reach the fine amount for the legal entities (i.e., ship owners, disponent owners)):

Up to 1000 GT (inclusive)	1,631.21 TL/ per TON
Up to 1000-5000 (inclusive) GT	Additional 203.88 TL / per Ton
Over 5000 Gross Tons	Additional 40.79 TL / per Ton

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Important Notes

- The ship owners are entitled to lodge an appeal before the Administrative Court within 30 calendar days from the fine notification date. However, appealing the fine decision will not result in the lifting of the arrest order of the fined vessels. Generally, there are very low prospects of success in the appeal proceedings.
- Under the relevant code, the "EPA" is entitled to ask for cash payment of the fine amount and generally they do not accept any form of security to release the ships. On an exceptional basis, they may accept bankers' draft and/or payment guarantees to be issued by the ship agents payable within max.1-2 days and without any conditions.
- In previous cases, the authorities confirmed that they will release the vessel against the LOU to be issued by the P&I Clubs or Insurance Companies recognised by the Turkish Government. However, they asked for the original LOU and its notarised official translation. Considering the time taken to deliver the original LOU and its notarised translation, the vessel may be delayed unnecessarily.
- We generally recommend the Owners to affect payment of the fine within the appeal period in order to benefit from the 25% discount so that the vessel would be able sail without any delay. Remitting the fine amount will not be considered as an admission of liability and the Owners may still appeal the fine decision.
- Any video footage, pictures taken by environmental officers, coast guards etc. can only be released by a court order. However, at times the officers release the same to P&I Club representatives and/or agents on an unofficial basis.

B. POLLUTION FINE ISSUED BY THE PORT HARBOUR MASTER

In the event that the vessel does not follow the local port regulations, as per Article 11 of the Ports Law numbered 618, the Harbour Master has the right to penalize the offending vessel an administrative fine between TL 19,505 to TL 773,728.

In addition, as per addition of Article 39/12 to the current Port Regulations, enforced on 08.04.2017, in circumstances requiring application of emergency response actions or emergency services due to collisions, breakages, fires, explosions or similar incidents causing damage or sea pollution, the Harbour Master has been given the right to impose an administrative fine against the offending vessel up to TL 105,215,422

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- The ship owners are entitled to lodge an appeal before the Administrative Court within 15 calendar days from the fine notification date. However, appealing the fine decision will not result in the lifting of the arrest order of the fined vessels. Generally, there are very low prospects of success in the appeal proceedings.
- We generally recommend the Owners to affect payment of the fine within the appeal period in order to benefit from the 25% discount so that the vessel would be able sail without any delay.
- In case the subject fine is not paid by the Owner, the vessel can be sold on auction by the relevant authorities as per the Law numbered 4922 to recuperate the issued fine.

C. RECOMMENDATIONS AND GUIDELINES

- De-ballasting operations should be avoided unless the ballast water was 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.
- Hose test of hatch covers; hydrostatic test of deck pipes/hoses or other equipment should not be performed.
- Washing of decks and superstructure should be avoided.
- 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.
- Cargo residues, cargo space cleaning residues, all garbage and other substances should not be disposed in Turkish waters.
- The vessel's hull should not be scrapped, chipped, or painted while alongside the pier or at anchor.
- While the vessel is at the shipyard or in 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 they should immediately protest in writing to the shipyard where they believe pollution took place.

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