

## **FURTHER INCREASE (23.73%) ON THE POLLUTION FINES ISSUED BY THE TURKISH EPA – JANUARY 2019**

Normally, the environmental pollution fines are revised annually but this year we have now seen **two consecutive increases in the amount of the fines in December 2018 and January 2019.**

As you will recall, we recently issued a circular underlining the significant pollution fine increases by the EPA (Environmental Protection Agency) which came into effect from the end of December 2018.

***In January 2019, further amendments were brought into effect by the EPA (Environmental Protection Agency) increasing the amount of pollution fine rates by 23.73% over and above the figures implemented since the end of December 2018 and mentioned in our previous circular.***

*(Please refer to the declaration of the Ministry of Environment and Urbanization, published in Official Gazette, numbered 30642.)*

The table below provides a comparison of the pollution fine rates as of end of December 2018 and January 2019 after the additional 23.73% increment was put in place:

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

	<b>December 2018</b>	<b>January 2019</b>
Up to 1000 (inclusive) Gross Ton	400.00 TL / per Ton	494.92 TL / per Ton
Between 1000-5000 (inclusive) Gross Ton	Additional 100.00 TL / per Ton	Additional 123.73 TL / per Ton
Over 5000 Gross Tons	Additional 10.00 TL / per Ton	Additional 12.37 TL / per Ton

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

	<b>December 2018</b>	<b>January 2019</b>
Up to 1000 (inclusive) Gross Tons	72.88 TL / per Ton	90.17 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 14.54 TL / per Ton	Additional 17.99 TL / per Ton
Over 5000 Gross Tons	Additional 2.32 TL / per Ton	Additional 2.87 TL / per Ton

- 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)

	December 2018	January 2019
Up to 1000 (inclusive) Gross Tons	200.00 TL / per Ton	247.46 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 40.00 TL / per Ton	Additional 49.49 TL / per Ton
Over 5000 Gross Tons	Additional 10.00 TL / per Ton	Additional 12.37 TL / per Ton

- 4) Garbage and sewage discharged to sea by ships or any other sea vehicles **for real persons**

	December 2018	January 2019
Up to 1000 (inclusive) Gross Tons	100.00 TL / per Ton	123.73 TL / per Ton
Between 1000-5000 (inclusive) Gross Tons	Additional 20.00 TL / per Ton	Additional 24.75 TL / per Ton
Over 5000 Gross Tons	Additional 10.00 TL / per Ton	Additional 12.37 TL / per Ton

The above mentioned rates are applicable for real persons and they **will be multiplied by three** to reach the fine amounts **for the legal entities (i.e. ship owners, disponent owners)**.

You may find here below a table comparing pollution fine rates for real persons and legal entities as per the EPA circular dated December 2018 and the latest circular dated January 2019:

CATEGORIES	GT	PREVIOUS FINE AMOUNT – DECEMBER 2018		CURRENT FINE AMOUNT - JANUARY 2019	
		FOR REAL PERSONS	FOR LEGAL ENTITIES	FOR REAL PERSONS	FOR LEGAL ENTITIES
1- For tankers - raw petroleum, fuel oil, bilge, oil mud, refined product oil waste etc.	1,000	400,000.00 TL	1,200,000.00 TL	494,420.00 TL	1,483,260.00 TL
	2,500	550,000.00 TL	1,650,000.00 TL	680,015.00 TL	2,040,045.00 TL
	5,000	800,000.00 TL	2,400,000.00 TL	989,340.00 TL	2,968,020.00 TL
	10,000	850,000.00 TL	2,550,000.00 TL	1,051,190.00 TL	3,153,570.00 TL
2- For tankers - dirty ballast	1,000	72,880.00 TL	218,640.00 TL	90,170.00 TL	270,510.00 TL
	2,500	94,690.00 TL	284,070.00 TL	117,155.00 TL	351,465.00 TL
	5,000	131,040.00 TL	393,120.00 TL	162,130.00 TL	486,390.00 TL
	10,000	142,640.00 TL	427,920.00 TL	176,480.00 TL	529,440.00 TL
3- For ships and other sea vehicles - bilge, oil mud, freight mud, fuel oil, oil waste or dirty ballast	1,000	200,000.00 TL	600,000.00 TL	247,460.00 TL	742,380.00 TL
	2,500	260,000.00 TL	780,000.00 TL	321,695.00 TL	965,085.00 TL
	5,000	360,000.00 TL	1,080,000.00 TL	445,420.00 TL	1,336,260.00 TL
	10,000	410,000.00 TL	1,230,000.00 TL	507,270.00 TL	1,521,810.00 TL
4- For ships and other sea vessels - garbage and sewage	1,000	100,000.00 TL	300,000.00 TL	123,730.00 TL	371,190.00 TL
	2,500	130,000.00 TL	390,000.00 TL	160,855.00 TL	482,565.00 TL
	5,000	180,000.00 TL	540,000.00 TL	222,730.00 TL	668,190.00 TL
	10,000	230,000.00 TL	690,000.00 TL	284,580.00 TL	853,740.00 TL

We would like to draw attention of concerned parties to the fact that EPA already started imposition of fines with revised rates, which are excessively high when compared to the previous years, and accordingly we want to bring forward importance of our recommendations and guidelines here below, which would be helpful to prevent undesired pollutions and fines.

**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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