

**REGULATION CONCERNING THE ESTABLISHMENT OF GUILT IN
FINES TO BE LEVIED ON SHIPS AND OTHER MARINE VESSELS, THE
PROCEDURES FOR LEVYING FINES AND THE RECEIPTS TO BE ISSUED**

This Regulation was published in Official Gazette no. 19623 of 3.11.1987.

SECTION ONE

Purpose, Scope, Legal Foundation, Definitions, Principles

Purpose

Article 1 - The purpose of this Regulation is to lay down the principles governing the establishment of guilt in fines to be levied on ships and marine vessels, the procedures for levying such fines, and the form, distribution and control of the receipts to be issued.

Scope

Article 2 - The provisions of this Regulation shall encompass the seas, inland seas, straits, gulfs, harbors, natural and artificial lakes, rivers and canals, and the shores thereof, within Turkish territorial waters and within Turkey's free and restricted economic zones.

Legal Foundation

Article 3 - This Regulation was drafted in accordance with article 24 (amended by law no. 3301) of Environment Law no. 2872.

Definitions

Article 4- The terms used in this Regulation are defined as follows:

"Ships and other marine vessels": All air cushion vessels, floating vessels, platforms and other manmade installations, together with their equipment, which either move or stand in the water;

"Petroleum": Crude oil, liquid fuel, sludge, and refinery products;

"Liquid fuel": The fuel used in motors and auxiliary motors to propel ships and other marine vessels;

"Oil mixture": A mixture that contains oil of any kind in its composition;

"Separated Ballast": Ballast water which is separated completely from the oil cargo and fuel tank system or is kept in a tank for the transport of ballast loads apart from toxic substances and oil;

"Dirty Water": Wastes from toilets, urinals and scuppers of all kinds, from basins, bathtubs and scuppers in places such as infirmaries and hospitals, from areas where live animals are kept, or wastes originating from other places and mixing with the above;

"Garbage": Food of all kinds other than fresh fish and their parts and ship internal and external processing wastes, which are produced during the normal operation of ships or other marine vessels and which are likely to be dumped either continuously or intermittently;

"Sludge": Completely untreated oil residues which arise as a result of oil seepage from machinery or from the cleaning of liquid fuel and lubrication oil, based on the engine type and duration of voyage in ships with a gross weight of 400 tons and up;

"15 P.P.M.": 15 parts per million, a limit which the proportion of oil in a liquid must not exceed;

"Gross Ton": A ship's gross tonnage as specified in its Construction Safety Permit;

"Tank": An enclosed space designed to carry liquid poured into it and taking the shape of the fixed structure of the ship;

"Holding Tank": A tank used to collect and store liquid wastes and effluent and dirty water;

"I.P.P.C.": International Pollution Prevention Certificate issued by governments or their authorized representatives;

"Oil Discharge Monitor": An internationally accepted monitoring and control system for the dumping of oil or ballast water,

"Bilge Separator": A separator which reduces the oily water wastes and residues of the engine room to 15 P.P.M. before discharge;

"C.O.W.": Crude Oil Washing System;

"International Standard Connection Flange": The connection apparatus at the end of the discharge line for transporting wastes from the tank where they are collected to land or sea receptor facilities;

"Exemption Certificate": A document issued by governments or their authorized representatives certifying that ships sailing in special waters such as the Mediterranean, the Black Sea, the Aegean, the Marmara and the Red Sea or outside 12 miles of land are exempt from the bilge separator and discharge monitor requirement on condition that they do not discharge dirty ballast into the sea;

"Standard Laboratory": Authorized stationary and mobile laboratories where physical, biological and chemical analyses of water can be conducted to determine pollution;

"Dead Weight Ton - DWT": The difference between a ship's empty weight, expressed in metric tons, and the displacement on the water line equivalent to summer freeboard in water with a specific gravity of 1.025.

Principles

Pollution Ban

Article 5 - It is unlawful to dump ballast and bilge water or wastes and effluent of any kind either directly or indirectly into the seas, inland seas, straits, gulfs, harbors, natural and manmade lakes, rivers or canals, or shores thereof, within Turkish territorial waters or Turkey's free and restricted economic zones.

Pollutants

Article 6 - The following substances are regarded as pollutants when dumped or deposited in water:

- a) Petroleum, oily mixtures and oily wastes,
- b) Toxic liquids transported in tanks,
- c) Harmful substances transported by sea in packaging or containers, in portable tanks, or in land or rail tank cars,
- d) Dirty waters issuing from ships and other marine vessels,
- e) Discharged garbage and other solid and liquid wastes.

Toxic Substance Containers

Article 7 - Unless all possible measures have been taken to ensure that no residues potentially hazardous to the marine environment remain inside them, empty containers, portable tanks, and land and rail cars previously used for transporting toxic substances shall be subject to the same kind of processing as harmful substances.

Water for Drinking and Other Purposes

Article 8 - Permission shall not be given for the use of liquid fuel-powered boats, motorboats or similar craft in the rivers or on the natural and artificial lakes from which water is supplied for drinking and other purposes. Permission may be given for the use of sailboats, rowboats or battery-powered boats. In emergencies, however, exclusive permission may be granted for mass transport of passengers or goods by liquid fuel-powered boats, motorboats and other craft. No wastewater or bilge or ballast water of any kind produced by vessels used for such purposes may be discharged into drinking and bathing water basins even following treatment.

Fish and Other Marine Natural Products

Article 9 - *Dumping of the remains of fish, sponges and other marine natural products into the open seas in connection with fishing is not contingent on permission except in harbors, bays and gulfs.*

Excavations and Other Activities

Article 10 - Apart from special permits and applications envisaged by other relevant laws, it is unlawful to dump excavation debris, rubble,

seafloor dredging sludge and similar wastes along shores or into seas from ships or other marine vessels.

Life Saving

Article 11 - The provisions contained in other laws shall be borne in mind in the case of ships and other marine vessels that knowingly pollute the areas designated for life saving purposes in article 2 of the Regulation.

SECTION TWO

Officials Authorized to Impose Administrative Penalties

Metropolitan Municipality Mayors Offices

Article 12 - Penalties for polluting Turkey's coasts, straits, harbors and bays, and rivers and lakes within the boundaries of the Metropolitan Municipalities, shall be imposed by the Offices of the Metropolitan Municipal Mayors.

Coast Guard Boat Commanders

Article 13 - Penalties for pollution outside the boundaries of harbors and in seas outside the boundaries of the Metropolitan Municipalities shall be imposed by the highest representative of the central government in the area.

Administrative Heads

Article 14 - Penalties for polluting the sea and all lakes and waters within the boundaries of harbors outside metropolitan municipal areas are imposed by the highest official administrator.

Control, Monitoring and Communication

Article 15 - Officials authorized to impose penalties in areas within the scope of this Regulation shall take all the necessary measures for continuous control, monitoring and communication by air, land and sea.

SECTION THREE

Administrative Penalties for Ships and Other Marine Vessels

Fines

Article 16 - The following fines shall be levied on vessels that fail to

comply with the pollution ban in accordance with article 22 (amended by law no. 3301 of 4/6/1986) of Environment Law No. 2872 of 9/8/1983:

A - Tankers dumping dirty ballast:

- a) 5 million liras on those up to 1000 (inclusive) gross tons,
- b) 10 million liras on those between 1000 and 5000 (inclusive) gross tons,
- c) 50 million liras on those over 5000 gross tons.

B - All other marine vessels, tankers included, that discharge wastes, residues or bilge of any kind, or ships, excluding tankers, that discharge dirty ballast water:

- a) 5 million liras on those between 18 (inclusive) and 1000 (inclusive) gross tons,
- b) 10 million liras on those over 1000 gross tons,
- c) 300 million liras on ships and other marine vessels up to 18 (exclusive) gross tons that discharge bilge or pollute the sea (excluding exhaust pollution from two-speed outboard motorboats powered by a gasoline-oil mixture).

SECTION FOUR

Monitoring Teams

Article 17 - In order to monitor and determine pollution caused by ships and other marine vessels, an adequate Control and Monitoring Team consisting an expert in the field and at least two other persons shall be appointed in accordance with the procedure governing Officials Authorized to Impose Administrative Penalties .

Such monitoring teams shall be on duty at all times.

The functions of monitoring teams shall be coordinated by the highest official of the central government in the area.

Functions of Monitoring and Control Teams

Article 18 - Upon suspicion, observation or a report of pollution, the task of the monitoring team shall be as follows:

- a) To reach the polluted area by the fastest means available,
- b) To ascertain the cause of the pollution,
- c) To collect information concerning the ships and marine vessels in accordance with the annexed forms,
- d) To document the pollution by photograph, film or video.
- e) To collect the required samples of the pollutant from the polluted area,
- f) To send the samples collected to an authorized standard laboratory as soon as possible and to retrieve the results,
- g) To keep records stating the procedures undertaken and the cause of the pollution,
- h) To deliver the records, the relevant forms, photographs, films or video cassettes and samples together with their reports to the authorized official to which the team is attached.

Transportation for Monitoring and Control Missions

Article 19 - Officials authorized to impose administrative penalties shall take all the necessary measures for enabling the Monitoring and Control Teams to reach the polluted area by the fastest means available.

Reporting

Article 20 - The highest representatives of the central government in the area shall make monthly reports to the General Directorate of Environment concerning the activities of the Monitoring and Control Teams.

SECTION FIVE

Establishment of Guilt

Article 21 - When establishing guilt in a polluted area, the Monitoring and Control Team shall do the following:

A - If the polluting ship or marine vessel is in the area where the incident occurred, the Team shall:

- a) Document the polluted area and the pollutant by a sufficient number of photographs, films or videos;**
- b) Collect a sufficient number of samples of the pollutant from the polluted area;**
- c) Seal these samples in special containers;**
- d) Complete form (A) or (B) depending on the tonnage of the ship or marine vessel in question;**
- e) Send the samples collected to the nearest authorized standard laboratory for analysis without delay.**
- f) The samples collected shall be analyzed immediately at the standard laboratory and the result reported; and**
- g) A record shall be kept of the incident.**

B - If the polluting ship or marine vessel has left the polluted area but is within Turkey's territorial waters or free or restricted economic zones, the Team shall:

- a) Document the polluted area by a sufficient number of photographs;**
- b) Collect a sufficient number of samples from the polluted area;**
- c) Place the samples collected in special containers, seal them and label them with the date, hour and sampling place;**
- d) Send the samples collected to the nearest authorized standard laboratory for analysis without delay;**

a) Keep a record of the incident;

f) Report the situation without delay to the official authorized to impose administrative penalties in the area where the polluting ship or other marine vessel in question is located.

The official authorized to impose administrative penalties in the area where the ship or other marine vessel is located shall do the following:

a) Document the situation by photograph;

b) Collect a sufficient number of samples of the pollutant;

c) Place the samples collected in special containers, seal them and label them with the hour, date and sampling place;

d) Send the samples collected to the nearest authorized standard laboratory for analysis;

e) Complete form (A) or (B) depending on the tonnage of the ship or marine vessel;

f) Make a record of the incident and have it signed by the parties concerned.

C - If the polluting ship or other marine vessel has left the polluted area and is also outside Turkey's territorial waters or free or restricted economic zones:

The official authorized to impose administrative penalties in the area where the pollution has occurred shall:

a) Document the polluted area by a sufficient number of photographs;

b) Collect a sufficient number of samples from the polluted area;

c) Place the samples collected in special containers, seal them and label them with the hour, date and sampling place;

d) Send the samples collected to the nearest authorized standard laboratory for analysis;

e) Keep a record of the proceedings;

f) Report the incident to the highest representative of the central government in the area.

Official Report of Incident

Article 22 - An official report of the incident shall be written stating the cause of the pollution, the location, the intensity, the ship or other marine vessel which caused it, the parties responsible, and the date.

Such official reports shall be signed by the parties concerned.

Exceptions

Article 23 - Bearing in mind the properties of the pollutants and the intensity of the pollution, it is unnecessary to confirm by samples and photographs, films or videos incidents of pollution caused by ships and other marine vessels up to 18 (inclusive) gross tons in weight.

Sufficiency of Official Report

Article 24 - Although the collection of samples and the taking of photographs, films or videos is required, an official report shall be sufficient for establishing guilt in incidents of pollution.

SECTION SIX

Procedures for Levying Fines

If the polluting ship or other marine vessel is in the polluted area

Article 25 - When guilt has been established by the officials authorized to impose administrative penalties:

a) The stated fine shall be levied,

b) The fine shall be collected from a person in authority on the polluting ship or vessel in return for a receipt;

c) If the fine is not paid immediately and in full, a person in authority, or

the owner, operator, lessor, insurer or agent of the polluting ship or vessel, or the enterprise concerned shall be asked to provide a guarantee or bond;

d) The following shall be accepted as bond: a cash guarantee, a bank letter of guarantee, or a letter of guarantee from an insurance company.

If the Fine is Not Paid and No Guarantee or Bond is Provided

Article 26 - Polluting ships or other marine vessels within the boundaries of the Metropolitan Municipalities shall be prohibited by the Port Authority from operating at the request of the Metropolitan Municipal Mayor. Towable ships and other vessels in Turkish seas outside the boundaries of the Metropolitan Municipalities or other harbors shall be taken by the Coast Guard Command to the nearest and most convenient port and handed over to the public prosecutor.

In the case of non self-propelled vessels, an official record shall be made of the incident and reported to the public prosecutor of the nearest coastal provincial or county capital.

Ships and other vessels in Turkish waters outside the boundaries of the Metropolitan Municipality but within the boundaries of the harbor shall be handed over to the Public Prosecutor by the Port Authority upon the instructions of the highest official of the central government in the area.

When a foreign ship or vessel is prohibited from operating, the penalties imposed and the measures taken shall be reported immediately and expeditiously by the authorized officials to the State whose flag the ship is flying, or to which it belongs.

If the Polluting Ship or Vessel has Left the Area but is within a Restricted Economic Zone or Free Zone inside Turkish Territorial Waters

Article 27 - Proceedings shall be initiated in accordance with the procedures stated in articles 25 and 26 of this Regulation by the official authorized to impose administrative penalties in the area in which an incident necessitating a fine on a polluting ship or other vessel is reported.

If the Polluting Ship or Vessel has Left the Polluted Area and is also Outside the Restricted Economic Zones or Free Zones in Turkish Territorial Waters

Article 28 - The officials authorized to impose penalties shall report through the Ministry of Foreign Affairs or through Turkey's representatives abroad to the State whose flag the ship is flying, or to which it belongs, all information concerning the establishment of guilt and the stated fine and shall demand payment of the fine by the polluter.

If the fine is not paid, a lawsuit shall be brought against the polluter in the Turkish Courts.

Grace Period

Article 29 - If the fines levied against ships or other vessels that have been prohibited from operating or handed over to the Public Prosecutor are not paid within 15 days, and if no guarantee or bond is provided, the provisions of Law no. 6183 on Procedures for Collecting Public Debts shall be implemented.

In Other Areas

Article 30 - In the case of pollution of Turkey's rivers and her natural and artificial lakes by ships and other vessels, articles 25, 26, 27, 28 and 29 of this Regulation shall be implemented in establishing guilt and levying fines.

Transit

Article 31 - If the persons in authority on ships and other vessels which cause pollution during transit through Turkish territorial waters prefer not to wait for guilt to be established, they may be given permission to continue by either paying their fine or providing a guarantee or bond.

Depositing Fines

Article 32 - Fines collected in return for a receipt shall be deposited with the highest financial official of the area within 20 days of collection.

SECTION SEVEN

Receipts

Writing Up Receipts

Article 33 - The receipts to be issued in return for fines paid by ships and other vessels shall be in four carbon copies: white, yellow, pink and green.

The white copy of the receipt shall be given to the person in authority on the ship or vessel fined; the yellow copy shall be kept by the official who levies the fine; the pink copy shall be preserved by the officials authorized to impose administrative penalties, and the green (bottom) copy shall be sent to the General Directorate of Environment

Form of Receipts

Article 34 - The following shall be printed on the receipt:

- a) Republic of Turkey, Prime Ministry General Directorate of Environment, Accounting Office of the Environmental Pollution Prevention Fund,
- b) Receipt for collection of money,
- c) Series and registration no.
- d) Spaces for the date and place,
- e) Name, last name (or title), position, and address of the person fined,
- f) Reason for fine, year, amount, total,
- g) Name of company paying the fine,
- h) Place for showing in writing the amount of money to be collected,
- i) Title of person filling in the receipt and place for signature,
- j) The embossed stamp of the General Directorate of Environment.

Preservation of Receipts

Article 35 - Receipts, showing amounts, shall be transferred to the official possession of the Mayors Offices of the Metropolitan Municipalities, to the Coast Guard Command and to the officials of the Central Government.

If the receipts provided are insufficient to meet needs, the additional receipts issued at the request of the officials shall be treated in the same way.

The receipt stub with the bottom receipt attached shall be transferred to the official possession of the General Directorate of Environment.

Examination of Receipts

Article 36 - A commission consisting of officials from the Ministry of the Interior, the Ministry of Finance and Customs, the Coast Guard Command and the General Directorate of Environment shall be established to examine receipts. In January and July of each year the Commission shall examine the receipts to determine whether or not they have been filled in correctly, their number, and the amounts of the fines levied.

SECTION EIGHT

Miscellaneous Provisions

Reporting

Article 37 - Persons or agencies or individuals on ships or in airplanes who either witness or hear about pollution originating from ships or other vessels in areas within the scope of this Regulation shall report this immediately to the relevant officials.

Effectiveness

Article 38 - This Regulation shall become effective upon publication.

Enforcement

Article 39 - The provisions of this Regulation shall be enforced by the General Directorate of Environment.

**POLLUTION CONTROL FORM FOR ALL TANKERS OF 150 GROSS TONS AND UP
AND FOR FREIGHTERS OF 400 GROSS TONS AND UP (FORM A)**

Date Day Month Year Hour Location Latitude Longitude

Name of Harbor/Sea/Lake/River:

Name: Call Signal Gross Ton Type:

Port of Registry Flag Outfitter Agent

First and Last Name of Captain First and Last Name of Chief Engineer

Port of Origin Destination Date of Construction

Length Width Weight of Cargo Type and Amount

Oil Record Book Yes No

O.R.B. In Order Not in Order

Receptor Facility where Last Engine Room Bilge was Dumped	Name	Port	Date
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International Standard Discharge Connection Flange	Yes	No	Date Dumped
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(1) Receptor Facility where Dirty Ballast was Dumped accord- ing to O.R.B.	Name	Port	Date Dumped
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-- Where Engine Room Bilge with 15 P.P.M. Bilge Separator was Dumped according to O.R.B.	Location	Date
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-- Where Ballast was Discharged with 15 P.P.M. Oil Discharge Monitor according to O.R.B.	Location	Date
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(2) Exemption Certificate if No Bilge Separator	Yes	No
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- (3) If Exemption Certificate. Holding Tank Capacity:
Amount of Existing Bilge in Holding Tank:
Name of Facility where Bilge Discharged: Date
- IPPC: Yes No
- (4) Dirty Water Treatment System Yes No
- If No System, Fixed or Portable
Dirty Water Tank for Discharge
into Receptor Facilities at Port Yes No
- System for Eliminating by Grinding
or Incineration Dry Wastes Loaded
or Unloaded at Last Port Type Amount
- Yes No
- If No System, Measures to Discharge
Dry Wastes into Receptor Facility at
Port without Harming the Environment Taken Not taken
- Last Port where Dry Wastes were
Dumped Name Date
- Registration of Ships Carrying Toxic
Liquids according to O.R.B. procedure Completed Incomplete
- (5) C.O.W. System on Tankers Yes No
- (6) Separated Ballast Tank on Tankers Yes No

Toxic Substances Transported by Sea in Packaged Form, or in
Containers, Portable Tanks or Land or Rail Tank Cars

Packaging	Storing	Label
Trademark	Documentation	Notification(6)
In order	Not in order	

Other Points:

Monitoring and Control
Team Commander
First and Last Name

Person in Authority on Ship
or Other Vessel
First and Last Name

Signature

Signature

NOTES.

(1) For tankers only.

(2) If ships without a Bilge Separator have an Exemption Certificate instead, this certificate must have been issued by the State whose flag the ship is flying, or by an authorized agency of that State.

(3) For ships carrying ten or more personnel/passengers.

(4) For new crude oil tankers of 20,000 DWT and up and existing crude oil tankers of 40,000 DWT and up. The I.P.P.C. shall be consulted to determine whether or not a crude oil tanker is new.

(5) For tankers of 40,000 DWT and up carrying processed oil and for new tankers of 30,000 DWT and up carrying processed oil. The I.P.P.C. shall be consulted to determine whether a tanker carrying processed oil is new or not.

(6) Based on the notification given by Authorized Turkish Officials.

POLLUTION CONTROL FORM FOR TANKERS OF 150 GROSS TONS AND UNDER AND FOR FREIGHTERS OF 400 GROSS TONS AND UNDER

Date: Day Month Year Hour Location Latitude Longitude

Name of Port/Sea/Lake/River:

Port of Registry Flag Outfitter Agent

First and Last Name of Captain First and Last Name of Chief Engineer

Port of Origin Destination Date of Construction

Length Width Cargo Type and Amount

Last Discharge of Engine
Room Bilge Location Date

Last Discharge of
Dirty Ballast Location Date

Last Discharge of Dirty
Water Tank

Location

Date

Last Discharge of Dry
Waste and Residue

Location

Date

Type of Measures Taken on Ships and Other Vessels to Prevent
Environmental Pollution by Dry + Liquid Wastes and Residues:

Type and Amount of Dry/Liquid Wastes and Residues Currently on Ship
or Other Vessel:

Have Adequate Measures Been Taken to Prevent Pollution of Seas, Lakes
and Rivers by Toxic Substances Transported as Cargo on Ships or Other
Vessels or in Packaged Form, in Containers or in Portable Tanks? ()
Packaging, Storing, Labelling, Trademark, Documentation, Notification in
order?

Completed ()

Incomplete ()

Other Points:

Monitoring and Control
Team Commander
First and Last Name
Title/Rank
Signature

Person in Authority on Ship
or Other Vessel
First and Last Name
Title
Signature