

CLIENT ALERT – DECEMBER 2013

NEW FINES INTRODUCED FOR NON-COMPLIANCE

Since its entry into force on 10 November, 2006, the Regulation on General Inspection and Certification of Ships (the “**Regulation**”) has been the principal legislation in respect of issues relation to inspection of ships and their equipment and certificates. This regulation is not only applicable to Turkish vessel alone. It becomes applicable to foreign flagged vessels upon their entry into Turkish waters and ports.

Article 57 of the Regulation, which provides for fines to be imposed in case of breach of the Regulation’s provisions, referred to the fines set out under the Law on Protection of Life and Property at Sea numbered 4922 (the “**Law**”). In short, the Law foresees pecuniary fines of between TRL 500 – 10,000 depending on the type and gravity of the breach.

At the beginning of this month, a significant change has been made to the Regulation. The Ministry of Transportation, Shipping and Communication published the new wording of Article 57 of the Regulation which includes new fines and sanctions put into force in addition to those listed under the Law.

The new fines can be summarised as follows:

For Turkish and foreign flagged vessels, a fine of:

1. TRL 5,000 shall be imposed per each missing, invalid or incomplete certificate that needs to be kept on board as per the local legislation and international conventions; and
2. TRL 500 shall be imposed per each missing, invalid or incomplete document (such as logbooks, plans,

cargo documents etc..) that needs to be kept on board as per the local legislation and international conventions.

“ARTICLE 57 OF THE REGULATION WHICH INCLUDES NEW FINES AND SANCTIONS PUT INTO FORCE IN ADDITION TO THOSE LISTED UNDER THE LAW.”

For Turkish flagged vessels, a fine of:

1. TRL 1,000 shall be imposed if any equipment on board is not maintained in accordance with the rules of the certificate/document pertaining to such equipment;
2. Between TRL 5,000 – 50,000 shall be imposed if any equipment on board is modified or being used contrary to the rules set out in the relevant certificate/document relating to such equipment;
3. TRL 10,000 shall be imposed on a Turkish vessel if she has been detained abroad by more than two times in a year or more than once within six months on the ground of the same deficiency. The amount of the fine shall be increased to TRL 50,000 if it is established that a Turkish vessel has been detained abroad more than two times within six months or more than three times in a year.

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