

NEW TURKISH REGULATIONS REQUIRING SHIPS TO EVIDENCE VALID P&I COVER



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The Regulation on the Requirement to Obtain Insurance Coverage for Vessels against Maritime Claims and Supervision Thereof (the Regulation) is currently due to come into force on 1 July 2011. This article is a brief summary of the purpose of the regulation and the possible impact on shipowners.

EU Directive 2009/20 adopted a unanimous statement recognising the importance of insurance to protect victims of maritime casualties. The Regulation has been drafted in response to the EU Directive, by the Turkish Maritime Undersecretary, to ensure ships calling at Turkish ports maintain valid insurance for maritime claims, subject to limitation under the 1976 Limitation of Liability for Maritime Claims (LLMC) and the 1996 Protocol.

The Regulation can be summarised as follows:

- The Regulation applies to ships of 300gt or more, calling at Turkish ports and to all Turkish flagged vessels.
- Ships are expected to maintain indemnity cover provided by an International Group P&I Club or other insurer offering similar levels of financial security and cover.
- Ships should provide a copy of their certificate of insurance to the nearest harbour master through an agent domiciled in Turkey before entering into Turkish territorial waters. If a certificate of insurance terminates prior to departure from a Turkish port, it should be renewed by the shipowner and a copy of the new certificate should be submitted to the harbour master before departure.
- The port authorities will not issue permits for docking, mooring or anchoring, or certificates of seaworthiness, for ships that fail to comply with the above obligations.
- A valid original of the certificate of insurance should be present on board the ship and this can be examined by the harbour master at any time. In the event that the original of the certificate of insurance is not on board, the harbour master can order the ship to leave the port terminal. The ship will not be permitted to berth until an original of the certificate of insurance has been submitted.
- In the event that the Regulation is breached, a fine of between TL500 to TL20,000 (approximately US\$300 to US\$12,700) may apply.

There have been various discussions regarding the legitimacy of the Regulations, and whether the Turkish Maritime Undersecretary is entitled to force shipowners to maintain and evidence P&I insurance coverage. It is unclear at this stage whether the application of the Regulation will be delayed or the provisions of the Regulation will be adopted via another form of national legislation.

To conclude, the Regulation is due to apply from 1 July 2011 and will create various obligations on shipowners calling at a Turkish port. Failure to comply with these requirements may lead to the delay of the ship and/or a fine. We recommend that shipowners calling at Turkish ports familiarise themselves with the requirements of the Regulations and monitor their application.

