



SCREENING CHAPTER 14 TRANSPORT POLICY

AGENDA ITEM I: MARITIME TRANSPORT/ Market Access/Technical Conditions/Social Conditions

**Country Session: The Republic of TURKEY
25-28 September 2006**



MARKET ACCESS



Contents

- Overview
- Freedom to provide services and maritime cabotage
- Competition rules



Overview

Foreign Trade Transport by Modes (in tonnage)

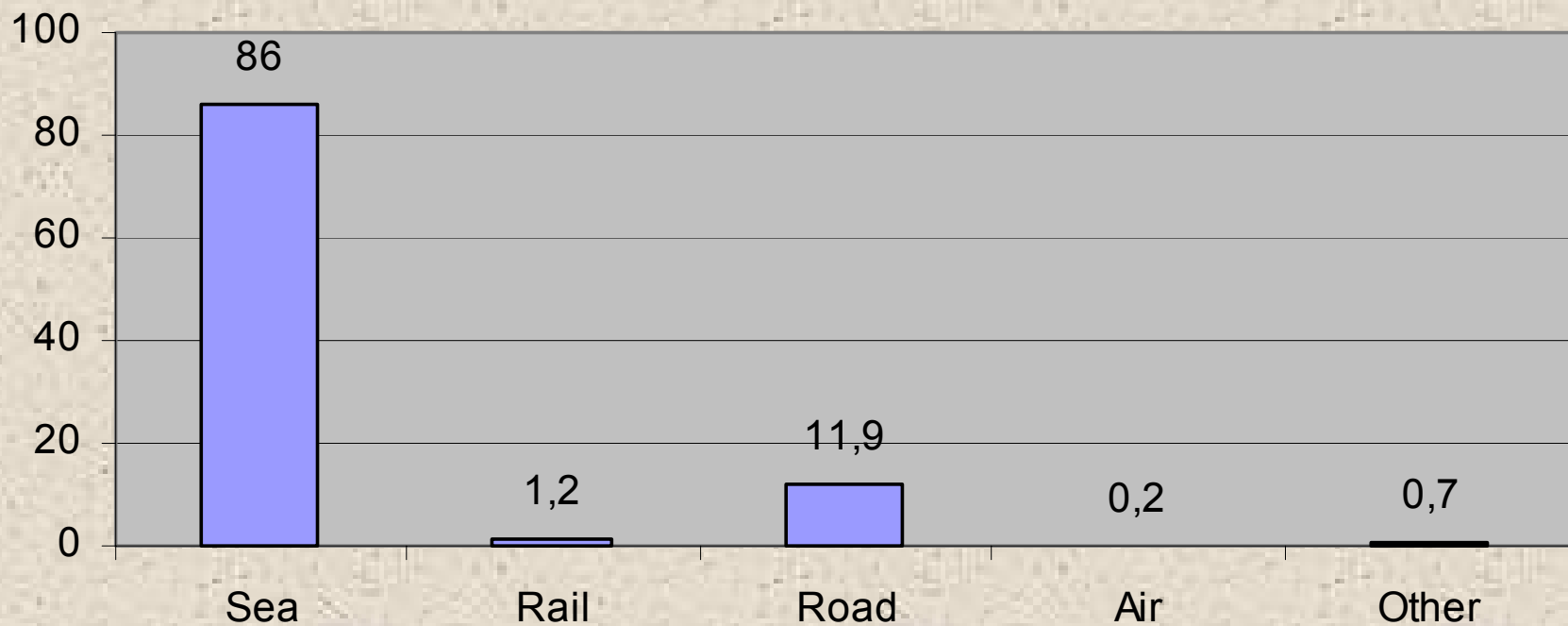
Years	Sea %	Rail %	Road %	Air %	Other %
2002	87,3	0,7	9,7	0,2	2,1
2003	87,6	0,8	10,5	0,1	1
2004	87,4	1,2	10,3	0,1	1
2005	86,0	1,2	11,9	0,2	0,7

Source: TURKSTAT



Overview (CONT'D)

Foreign Trade Transport by Modes





Overview (CONT'D)

Developments in Seaborne Transport (million tons)

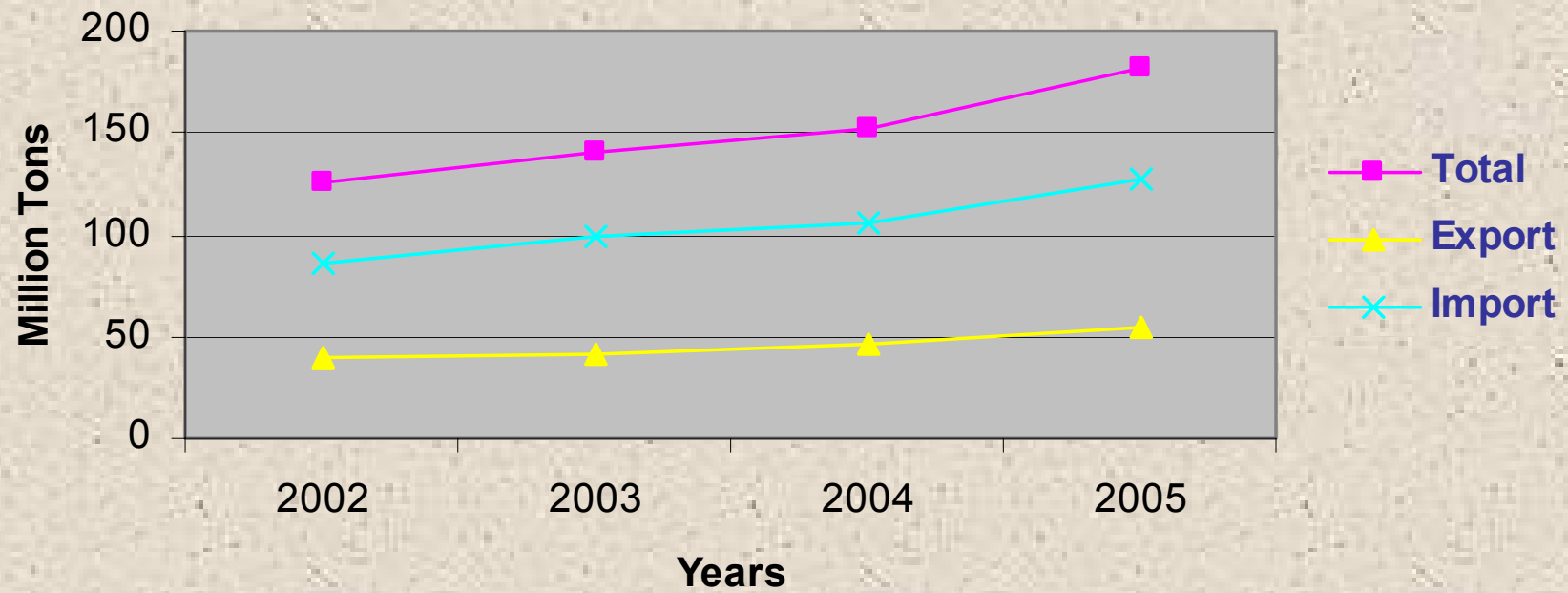
Years	Total	Export	Import	Turkish flag %	Foreign flag %
2002	125	39	86	33	67
2003	140	41	99	25	75
2004	152	47	105	23	77
2005	182	54	127	24	76

Source: TURKSTAT



Overview (CONT'D)

Developments in Seaborne Transport





Overview (CONT'D)

Foreign Trade Transport by Flag (million tons)

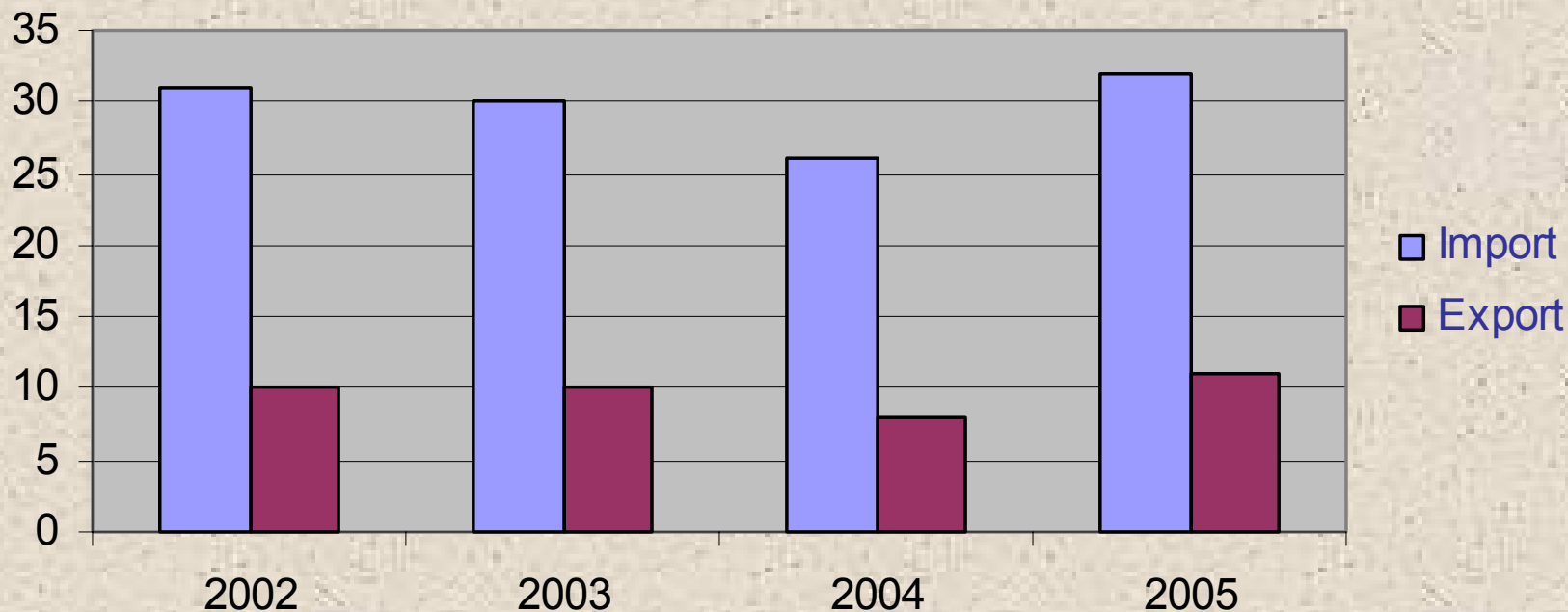
Years	Turkish Flag				Foreign Flag			
	Import	%	Export	%	Import	%	Export	%
2002	31	36	10	26	55	64	29	74
2003	30	30	10	24	69	70	31	76
2004	26	25	8	18	78	75	39	82
2005	32	25	11	20	95	75	43	80

Source: TURKSTAT



Overview (CONT'D)

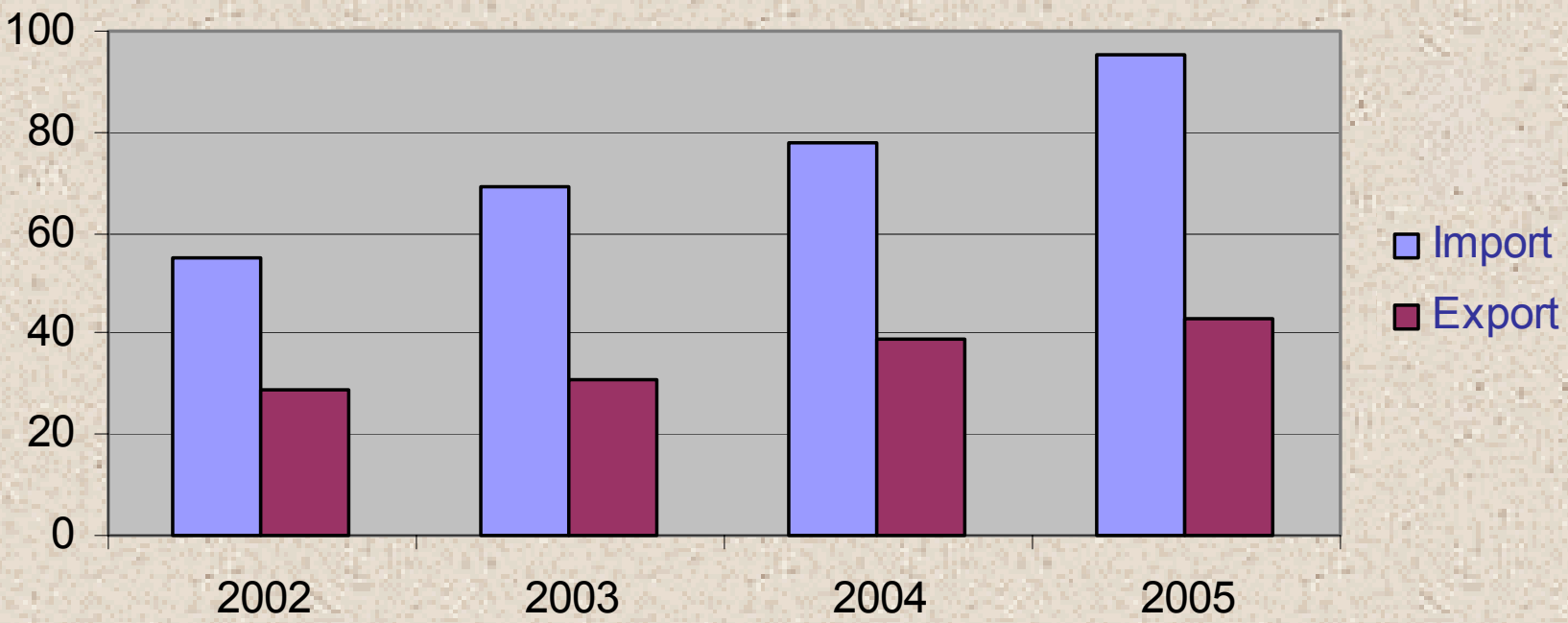
Foreign Trade Transport by Turkish Flag Vessels





Overview (CONT'D)

Foreign Trade by Foreign Flagged Vessels





Overview (CONT'D)

Maritime Cabotage (million tons)

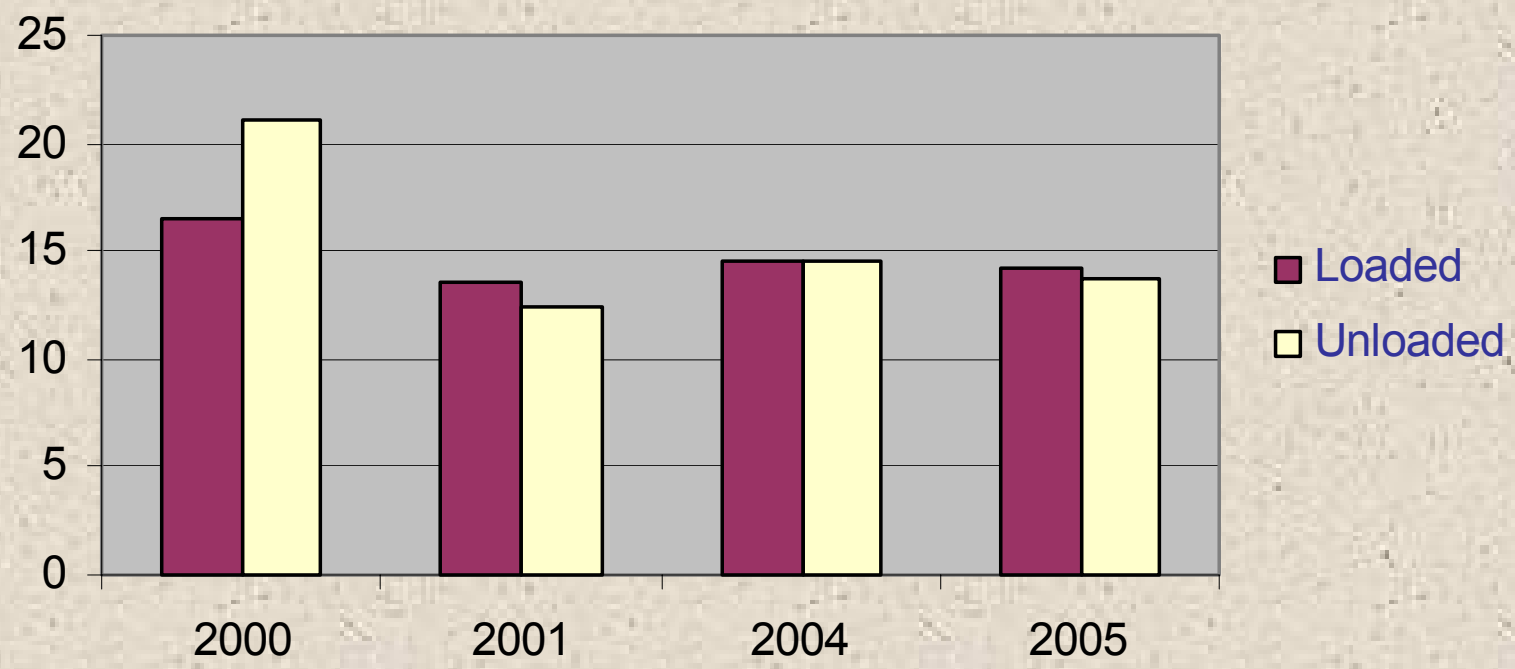
Years	Loaded	Unloaded
2000	16,5	21
2001	13,5	12,5
2004	14,5	14,5
2005	14,2	13,8

Source: TURKSTAT



Overview (CONT'D)

Maritime Cabotage (Million Tons)





Freedom to Provide Services and Maritime Cabotage

Restrictions for foreigners in maritime transport

- Law on Maritime Transport at Turkish Coasts (Cabotage) and Execution of Professions and Trade at Ports and Territorial Waters No. 815,
- Law on Turkish International Ship Registry No. 4490,
- Turkish Commercial Code, No. 6762.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

Law on Cabotage No. 815
(Official Gazette: 29 April 1926, no 359)

- Passengers and goods may be carried by foreign ships between Turkish ports and foreign ports.
- Maritime transport among Turkish ports has been assigned to Turkish ships.
- Towage, pilotage and other services related to port are executed only by Turkish ships.
- Some professions related to sea are pursued only by Turkish citizens.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

- Seafarers of Turkish ships shall be Turkish citizen.
- Cabinet may permit foreign ships to provide rescue services and foreigners to be employed on board Turkish rescue boats temporarily.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

Law on Turkish International Ship Registry No. 4490
(Official Gazette: 21 December 1999, no 23913)

Ships belonging to;

- Turkish citizens,
- Foreigners who reside in Turkey,
- Companies established in Turkey,

may be registered in Turkish International Ship Registry.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

- Master shall be Turkish citizen.
- If shipowner is Turkish citizen, 51% of crew members shall be Turkish citizen.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

- Ships registered in Turkish International Ship Registry can benefit cabotage rights, if
 - Shipowner is a Turkish citizen,
 - Majority of shares belong to Turkish citizens,
 - Majority of partners are Turkish citizens.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

Commercial Code No:6762

(Official Gazette: 09 July 1956, no 9353)

- Following ships may be registered in National Ship Registry, if
 - Ship owner is Turkish citizen,
 - Majority of shares belong to Turkish citizens,
 - Majority of partners are Turkish citizens.



Freedom to Provide Services and Maritime Cabotage (CONT'D)

- Seafarers of ships registered in National Ship Registry shall be Turkish citizen.
- Ships registered in National Ship Registry may benefit cabotage rights.



Competition Rules

Law on Protection of Competition No. 4054
(Official Gazette: 13 December 1994, no 22140)

- Agreements, decisions and concerted practices which restrict competition in market are prohibited.
- Turkish Competition Board, decision making body of Turkish Competition Authority, may grant exemptions on the basis of relevant provisions of the Law.

Maritime transport shall be subject to competition legislation.

UN Convention on a Code of Conduct for Liner Conferences has not been ratified by Turkey.



TECHNICAL CONDITIONS



Content

- Transfer of ships between registers
- Reporting formalities



Transfer of Ships Between Registers

- Law on Turkish International Ship Registry No. 4490
(Official Gazette: 21 December 1999, no 23913)
 - Regulates Turkish International Ship Registry

- Commercial Code No. 6762
(Official Gazette: 09 July 1956, no 9353)
 - Regulates National Ship Registry



Transfer of Ships Between Registers (CONT'D)

Turkish International Ship Registry

- Ships shall be registered upon request.
- Following ships may be registered;
 - Ships and yachts registered in National Ship Registry
 - Ships and yachts built in Turkey,
 - Imported ships above 3.000 DWT (Passenger ships 300 GT)



Transfer of Ships Between Registers (CONT'D)

National Ship Registry

- Following ships may be registered in National Ship Registry, if
 - Shipowner is Turkish citizen,
 - Majority of shares belong to Turkish citizens,
 - Majority of partners are Turkish citizens.



Transfer of Ships Between Registers (CONT'D)

National Ship Registry

- Registration of ships or cancellation of registration shall be subject to request.
- All ships of 18 GT and above shall be registered.
- In case of transfer, other registration shall be cancelled.



Reporting Formalities

- Turkey has not ratified FAL Convention.
- Technical studies, focusing on the following issues, for the preparation of a By-Law on reporting formalities for ships arriving in and/or departing from ports of Turkey are underway:
 - Acceptance of IMO FAL forms,
 - List of reporting formalities,
 - List of authorised signatories of related documents,
 - Technical specifications,
 - Model forms of IMO FAL forms.



SOCIAL CONDITIONS



Seafarers' Hours of Work

- STCW Convention has been ratified.
- STCW Code is applicable in Turkey.



Seafarers' Hours Of Work (CONT'D)

Law on Maritime Labour No. 854

(Official Gazette: 29 April 1967, no 12586)

- Working time for seafarers is 8 hours in a day and 48 hours in a week.
- Working time is the time of work and watchkeeping.
- Table for working arrangements shall be posted in an easily accessible place on board.



Seafarers' Hours of Work (CONT'D)

By-Law on Seafarers

(Official Gazette: 31 July 2002, no 24832)

- Minimum hours of rest shall not be less than 10 hours in a day and 72 hours in a week.
- Daily hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours.



Seafarers' Hours of Work (CONT'D)

- Daily hours of rest may be shortened due to musters and emergency cases. In that case, rest time shall not be less than 6 hours and this implementation shall not continue more than 2 days.
- Table for watchkeeping shall be posted in an easily accessible place on board.