



SCREENING CHAPTER 14 TRANSPORT POLICY

AGENDA ITEM I: MARITIME TRANSPORT/ Maritime Safety

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



FLAG STATE IMPLEMENTATION



Content

- Ship inspection and recognised organisations
- Investigation of marine casualties



Ship Inspection And Recognised Organisations

Turkish merchant fleet (150 GT and over)

	National Registration	Turkish International Registration	Total
Number Of Ships	702	577	1 379
DWT	849 944	6 753 346	7 603 290
GT	815 637	4 412 802	5 228 539

Source: Unofficial data, provided by Turkish Chamber of Shipping (2005)



Ship Inspection And Recognised Organisations (CONT'D)

Distribution of weights by shiptype and average age

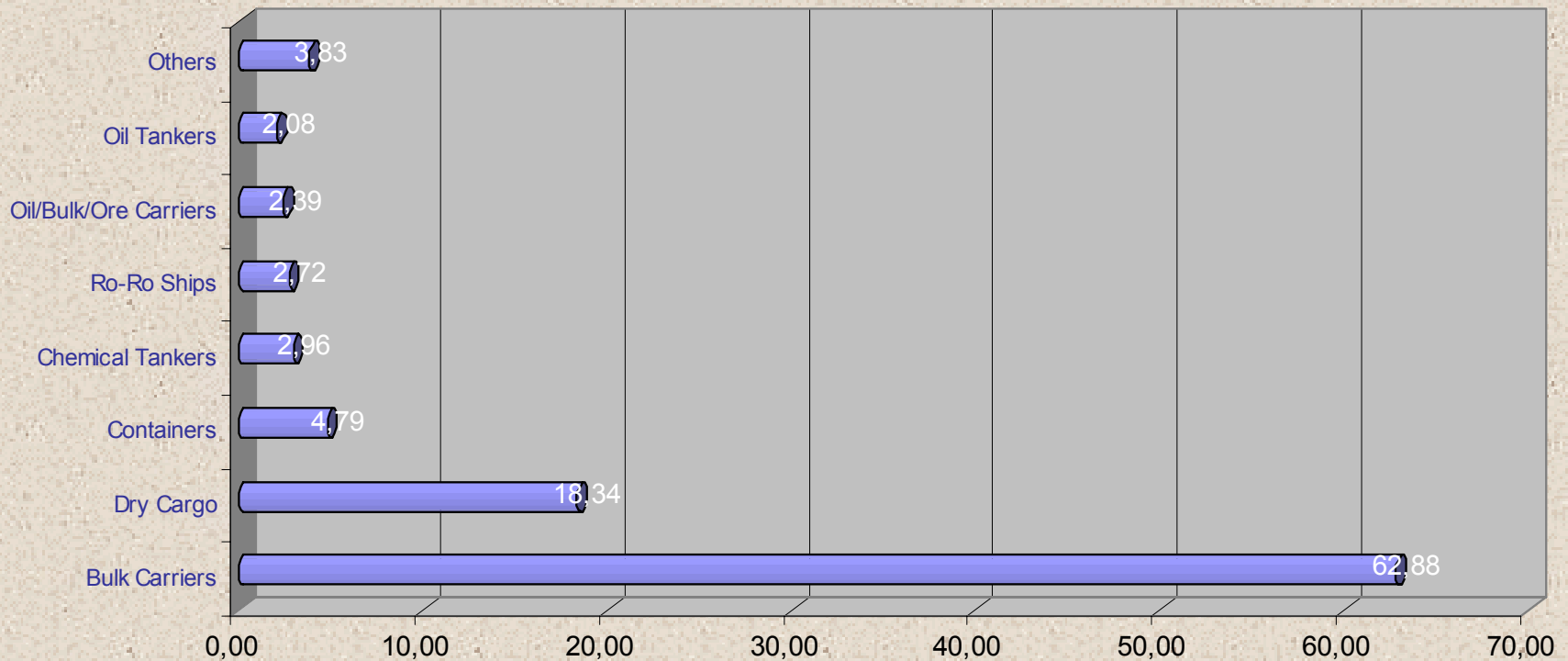
TYPES	NUMBER	AVE.AGE	DWT
Bulk Carriers	115	20,6	4059821
Dry Cargo	396	28,8	1184301
Containers	31	9,0	309049
Chemical Tankers	47	17,1	191266
Ro-Ro Ships	21	21,6	175761
Oil/Bulk/Ore Carriers	2	23,0	154351
Oil Tankers	113	25,7	134326
Others	484		247405

Source: Unofficial data, provided by Turkish Chamber of Shipping (2005)



Ship Inspection And Recognised Organisations (CONT'D)

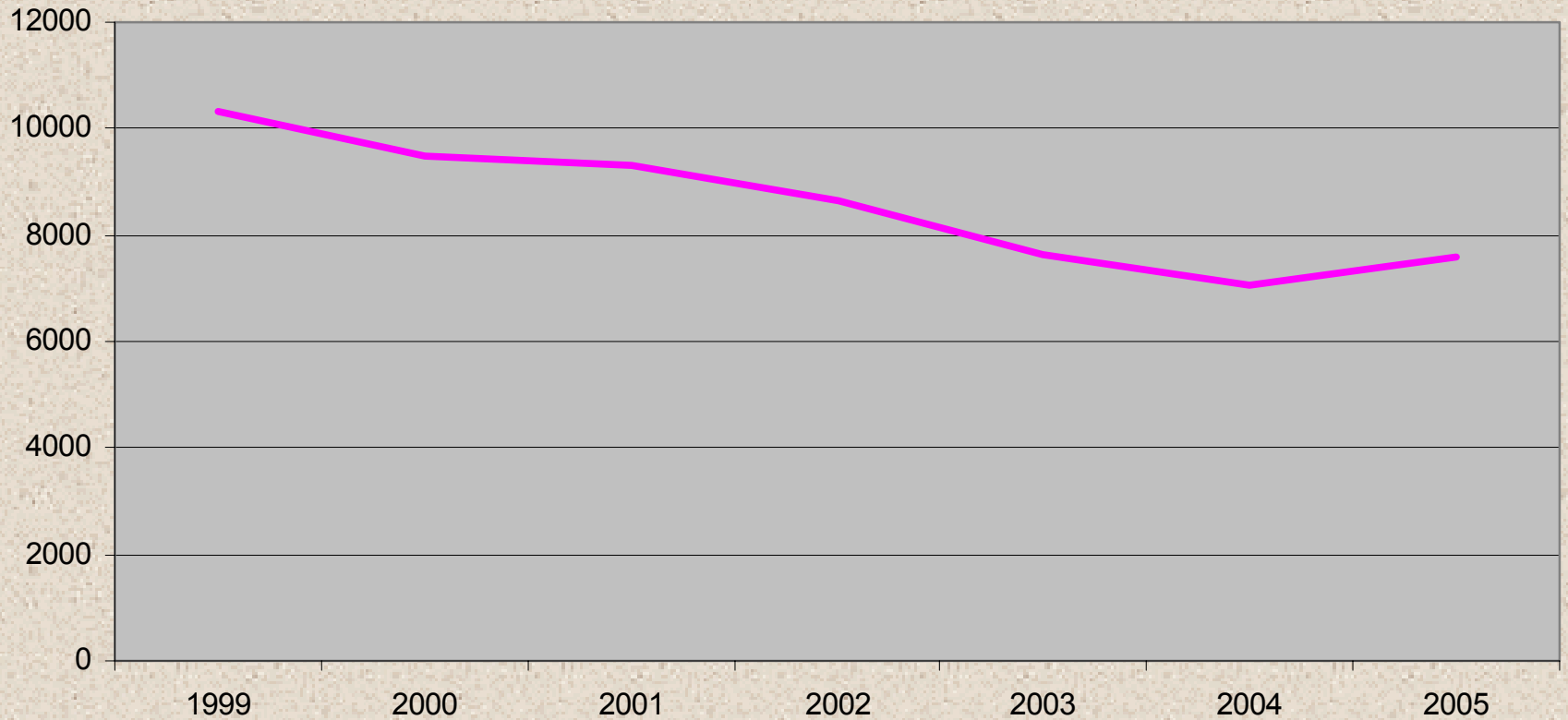
Distribution of Weights by Ship Type





Ship Inspection And Recognised Organisations (CONT'D)

Turkish Merchant Fleet Total Weight (1000 DWT)





Ship Inspection And Recognised Organisations (CONT'D)

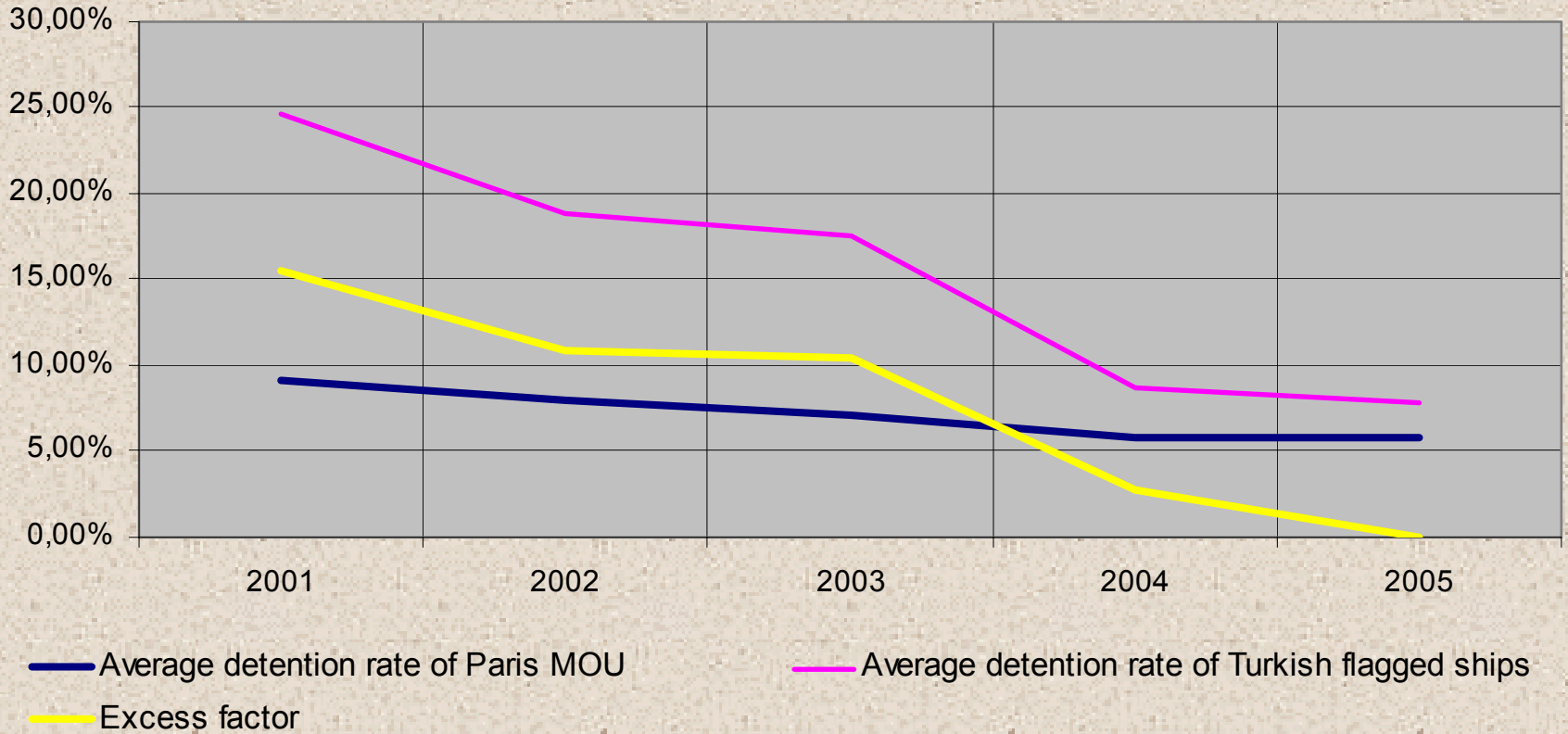
Detention rates of Turkish flagged ships in Paris MOU

Year	Average detention rate of Paris MOU	Average detention rate of Turkish flagged ships	Excess factor	Category
2001	9,09 %	24,59 %	15,50 %	Very high risk
2002	7,98 %	18,78 %	10,80 %	Very high risk
2003	7,05 %	17,49 %	10,44 %	Very high risk
2004	5,84 %	8,63 %	2,79 %	High risk
2005	5,74%	7,85 %	2.11%	Medium to high risk

Source: Paris MOU



Detentions of Turkish Flagged Vessels





Ship Inspection And Recognised Organisations (CONT'D)

Main reasons for the detention of Turkish flagged ships in Paris MOU ports:

- MARPOL violations
- Fire fighting equipment
- ISM and related issues
- Life saving appliances
- Structural safety
- Telecommunication
- Safety of navigation



Ship Inspection And Recognised Organisations (CONT'D)

- The blacklist practices punish high quality ships together with sub-standard ships due to targeting factors.
- In consequence;
 - High quality ships leave Turkish Flag
 - These practices have a negative affect on competitiveness of Turkish shipping sector.



Ship Inspection And Recognised Organisations (CONT'D)

Decree Law on Establishment and Duties of Undersecretariat for
Maritime Affairs (UMA) No. 491

(Official Gazette: 19 August 1993, no 21673)

- to carry out Flag State inspections



Ship Inspection And Recognised Organisations (CONT'D)

By-Law on the Selection and Authorization of the Organizations
Acting on behalf of Flag State in Turkish Flagged Ships
(Official Gazette: 01 October 2003, no 25246)

Aim: To determine rules and procedures for authorisation of ship
inspection and survey organisations.

Scope: Ship inspection and survey organisations which apply to
UMA or are authorized by UMA.



Ship Inspection And Recognised Organisations (CONT'D)

Application for authorisation and evaluation:

- Ship inspection and survey organisations shall apply to UMA with required documents.
- Evaluation Committee evaluates applications.



Ship Inspection And Recognised Organisations(CONT'D)

Authorisation criteria: Ship inspection and survey organisations shall be Recognised Classification Societies and meet the criteria indicated in following documents:

- A.847(20) Guidelines to Assist Flag States in the Implementation of IMO Instruments
- Criteria indicated in the Annex of the By-Law.



Ship Inspection And Recognised Organisations (CONT'D)

Temporary Authorisation:

- Ship inspection and survey organisations may be authorised with exemption from criteria on fleet and technical staff.
- Duration of temporary authorisation shall not be longer than 3 years.
- Temporary authorisation may be renewed once.



Ship Inspection And Recognised Organisations (CONT'D)

Protocol for delegation: UMA delegates ship inspection and certification duties to Classification Societies with written protocol taking into account following documents;

- MSC/Circ. 710 and MEPC/Circ. 307 Model Agreement for the Authorisation of the Organisations acting on behalf of the Administration,
- A.789 (19) Properties of the supervision and certification functions of the organisations making surveys and certification on behalf of the Administration,
- A.739 (18) Guideline regarding the Authorisation of the Organisation acting on behalf of the Administration.



Ship Inspection And Recognised Organisations (CONT'D)

Duties and Obligations of Recognised Organisations:

Recognised Organisations shall carry out duties and obligations indicated in By-Law on following issues;

- Transfer of ships from one recognised organisation to another,
- Co-operation and consultation between recognised organisations,
- Co-operation with port state control administrations,
- Survey and certification on behalf of UMA,
- Notifications to UMA.



Ship Inspection And Recognised Organisations (CONT'D)

Maximum Liabilities of Recognised Organisations:

- Loss or damage to property or personal injury or death, which have been caused by a willful act or omission or gross negligence: all amount,
- Personal injury or death, which have been caused by any negligent or reckless act or omission: 4 million Euros,
- Loss or damage to property, which have been caused by any negligent or reckless act or omission: 2 million Euros.



Ship Inspection And Recognised Organisations (CONT'D)

Suspension or withdrawal of authorisation:

- UMA may suspend or withdraw authorisation of Recognised Organisation according to rules and procedures of By-Law.

Monitoring of Recognised Organisations:

- Recognised Organisations shall be inspected by UMA or independent bodies at least once a year.



Ship Inspection And Recognised Organisations (CONT'D)

Authorised Ship Inspection and Survey Organisations :

- Turkish Lloyd (TL)
- American Bureau of Shipping (ABS)
- Det Norske Veritas (DNV)
- Nippon Kaiji Kyokai (Class NK)
- Lloyd's Register (LR)
- Germanischer Lloyd (GL)
- Bureau Veritas (BV)
- Registro Italiano Navale (RINA)



Ship Inspection And Recognised Organisations (CONT'D)

Turkish Flagged Ships classed by Classification Societies

Classification Society	Number of ships	%
Turkish Lloyd (TL)	410	50
American Bureau of Shipping (ABS)	116	14
Registro Italiano Navale (RINA)	6	1
Det Norske Veritas (DNV)	48	6
Nippon Kaiji Kyokai (Class NK)	48	6
Lloyd's Register (LR)	34	4
Germanischer Lloyd (GL)	38	5
Bureau Veritas (BV)	119	15



Ship Inspection And Recognised Organisations (CONT'D)

- Turkish Lloyd has not been recognized by the EC because;
 - A Member State shall request recognition from Commission.
 - Classification Society shall class certain number and tonnage of ships.

- In consequence;
 - The ships classed by Turkish Lloyd are subject to more inspection in Paris MOU Ports due to targeting factors.



Ship Inspection And Recognised Organisations (CONT'D)

Therefore;

- ships leave from classification societies which are not recognised by EC such as Turkish Lloyd
- freedom to provide services are prevented
- competition is distorted



Ship Inspection And Recognised Organisations (CONT'D)

Administrative Capacity:

Ship Inspection Board and regional directorates of UMA have adequate administrative capacity for duties indicated in By-Law.

- More than 200 ship inspection officers have engaged in Flag State inspection.
- Ship inspection officers are independent in their duties.



Ship Inspection And Recognised Organisations (CONT'D)

Recent activities to strengthen the administrative capacity

Twinning Project:

- Recruitment of new surveyors
- Training of surveyors in Turkey and the Member States
- Seminars for surveyors and other relevant persons
- Seminar on monitoring of Classification Societies
- Completion of necessary equipment and materials



Investigation of Marine Casualties

By-Law on Investigation of Marine Casualties

(Official Gazette: 31 December 2005, no 26040)

- to establish Marine Casualties Investigation Board
- to define duties and responsibilities of the Board
- to determine procedures for marine casualty investigation, reporting and notification requirements, international cooperation

Members of Board are independent and impartial in their inspections.



PORT STATE CONTROL



Content

- Legislation
- Administrative capacity



Legislation

MOUs on Port State Control

- Turkey is a State Party to;
 - Blacksea MOU
 - Mediterranean MOU



Legislation (CONT'D)

By-Law on Port State Control

(Official Gazette: 26 March 2006, no 26120)

Aim and scope: To determine principles and procedures on inspection of foreign flagged ships calling at Turkish Ports in order to increase compliance with international legislation on maritime safety, to protect the marine environment and living and working conditions onboard.

Commitments on port state control: Total amount of ships to be inspected in a year shall not be less than 25% of average with admissible rate of 5% for operational reasons.



Legislation (CONT'D)

Ship Inspection Delegation: In principle, ship inspection shall be carried out by Ship Inspection Delegation which consists of at least two inspectors.

Professional profile of inspectors: Inspectors shall meet criteria indicated in the By-Law. For technical issues, inspectors are responsible to Ship Inspection Board of UMA.



Legislation (CONT'D)

Targeting factors: Ships to be inspected shall be determined according to the targeting factors indicated in the By-Law.

Inspection and detention: Inspection is carried out by checking certificates and documents, and overall condition of ship. If clear grounds for believing requirements of related conventions are not met, a more detailed inspection is to be performed.

If deficiencies exist concerning safety, health and environmental aspects, inspector may detain the ship. Shipowner, operator or their representative have the right of appeal.



Legislation (CONT'D)

Expanded inspection:

Certain types of ships indicated in By-Law is liable to an expanded inspection, after a period of 12 months since the last expanded inspection carried out in Turkish ports or ports of a foreign country which is a State Party to Regional Port State MOUs, to which Turkey is also a State Party.



Legislation (CONT'D)

Access refusal measures:

Access refusal measures shall be carried out for ships, indicated in the By-Law.

Inspection costs:

Inspection costs shall be borne by the shipowner or the operator of ship when there are reasons to detain the ship.



Administrative Capacity

- Ship Inspection Board and regional directorates of UMA have adequate administrative capacity for duties indicated in the By-Law.
- More than 100 ship inspection officers are carrying out Port State Control duties.
- The ship inspector officers have necessary criteria.
- Important development took place recently.

Administrative Capacity (CONT'D)

Recent activities to strengthen the administrative capacity

Twinning Project:

- Recruitment of new surveyors
- Training of surveyors in Turkey and the Member States
- Seminars for surveyors and other relevant persons
- Completion of necessary equipment and materials
- Establishment of database on port state control



TRAFFIC MONITORING



Content

- Legislation
- Administrative capacity and infrastructure



Legislation

- Technical studies for the preparation of a By-Law on establishment of vessel traffic services are underway.
- Technical studies elaborate;
 - Ship reporting and monitoring procedures,
 - Establishment and operation of ship monitoring systems,
 - Notification requirements,
 - Intervention procedures in the event of incident and accident.



Administrative Capacity and Infrastructure

- UMA and its relevant subsidiary bodies are responsible for monitoring of maritime traffic.
- Existing VTS in Turkish Straits and Marmara Sea is operated by the General Directorate of Coastal Safety and Salvage Administrations on behalf of UMA.

Administrative Capacity and Infrastructure (CONT'D)

AIS Turkey

- Feasibility study has been finalised under the EU project.
- Tender procedure regarding establishment of AIS is underway. It is expected that AIS will be finalized up to end of the year 2007.
- Planned scope area covers whole territorial waters and relevant sea areas around Turkey.



Administrative Capacity and Infrastructure (CONT'D)

Vessel Traffic Services (VTS)

- VTS in Turkish Straits and Marmara Sea has been in operation since 2003.
- Feasibility study on establishment of VTS for 5 main ports is underway.



TECHNICAL AND OPERATIONAL RULES



Content

- Marine equipment
- Passenger ships
- Fishing vessels
- Oil tankers
- Bulk carriers
- Seafarers



Marine Equipment

By-Law on Marine Equipment

(Official Gazette: 23 October 2005, no 25975)

- Marine equipment to be placed onboard shall comply with requirements and standards indicated in relevant international conventions and necessary tests shall be carried out.
- UMA or Recognised Organisations authorised by UMA shall inspect marine equipment to be placed onboard to comply with requirements of the By-Law.



Marine Equipment (CONT'D)

- Free circulation and usage of equipment which bears the mark can not be prohibited.
- Testing standards and type approval procedures, procedures for transfer of ships to Turkish ship registers, authorisation of notified bodies and conformity-assessment procedure, and the mark shall be subject to rules indicated in By-Law.
- Although applications of some designated Turkish institutions fulfilling the requirements have already been conveyed to the Commission, there has been no approved Notified Body yet.



Passenger Ships

By-Law on Passenger Ro-Ro Ferries and High Speed Crafts
(Official Gazette: 05 June 2006, no 26189)

- Safety management requirements for passenger ro-ro ferries, for their companies and for UMA are indicated in the By-Law.
- UMA may suspend operations of companies having document of compliance if there are serious safety and environmental risks.



Passenger Ships (CONT'D)

- Specific stability requirements and certification for ro-ro passenger ships are regulated in the By-Law.
- Ro-ro ferries and high-speed crafts engaged in regular services shall be subject to mandatory surveys indicated in the By-Law for safe operation.
- Principles and procedures on notification, prevention of operation, surveys, criteria for surveyors and accident investigations are all regulated in the By-Law.



Passenger Ships (CONT'D)

By-Law on Safety of Passenger Ships and Registration of Persons onboard

(Official Gazette: 14 August 2006, no 26259)

- Passenger ships and high-speed passenger crafts engaged in domestic voyages must comply with safety rules laid down in the By-Law.



Passenger Ships (CONT'D)

By-Law regulates rules for :

- uniform level of safety of life and property on passenger ships and high-speed passenger crafts engaged in domestic voyages
- registration of persons sailing onboard passenger ships



Fishing Vessels

By-Law on Safety of Fishing Vessels (Official Gazette: 23 February 2006, no 26089)

- sets safety standards defined in Torremolinos Protocol for seagoing fishing vessels of 24 meters in length and over flying Turkish flag that operate in internal waters or territorial sea of Turkey.

Turkey has not ratified the Torremolinos Protocol Relating to the Torremolinos International Convention for the Safety of Fishing Vessels (1977), yet.



Fishing Vessels (CONT'D)

- Unless otherwise explicitly stated in the By-Law, all Turkish fishing vessels of 24 meters in length and over shall be subject to the provisions of Torremolinos Protocol.
- Foreign flagged fishing vessels can not operate in Turkish internal waters and territorial sea unless they are certificated by the Flag State, complying with the requirements of the By-Law.
- Turkish fishing vessels under the scope of the By-Law shall be subject to the provisions of the By-Law on standards for design, construction and maintenance, surveys and certification.



Oil Tankers

Technical studies for amending the By-Law on tonnage measurement of ships

- Inclusion of tonnage measurement of ballast spaces in segregated ballast oil tankers into the By-Law is expected.

Implementation of the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers shall be subject to the relevant provisions of MARPOL Convention.



Bulk Carriers

By-Law on Safe Loading and Unloading of Bulk Carriers
(Official Gazette: 31 December 2005, no 26040)

- to enhance the safety of bulk carriers calling at Turkish ports, through the establishment of harmonised compliance requirements for those ships and terminals.

All bulk carriers calling at Turkish ports must comply with the requirements of the By-Law.



Bulk Carriers (CONT'D)

Other issues regulated in the By-Law are;

- Requirements related to the operational suitability,
- Requirements related to the suitability of terminals,
- Responsibilities of masters and terminal representatives,
- Cooperation between bulk carriers and terminals,
- Notification requirements to the IMO and other relevant organizations.



Seafarers

- STCW Convention was ratified.
- STCW Code is applicable in Turkey.



Seafarers (CONT'D)

By-Law on Seafarers

(Official Gazette: 31 July 2002, no 24832)

Other related legislation on seafarers;

- By-Law on Maritime Training Evaluation and Quality Standards
- By-Law on Radio Operator Competencies and Assessment
- Directive on Seafarers Training and Assessment
- Directive on Manning of Ships
- Medical Directive.



Seafarers (CONT'D)

- The activities on training, certification, examination, competencies and watchkeeping of seafarers shall be subject to the provisions of the By-Law and other relevant legislation.
- Training programs shall meet minimum requirements of STCW Convention including use of simulators.
- Training institutions shall be subject to inspection of Maritime Training Evaluation Committee.



Seafarers (CONT'D)

- All seafarers certificates are issued by UMA after the examination performed by the Seafarers Examination Centre.
- All certified seafarers shall be registered in Seafarers Registry.
- Duties of seafarers, responsibilities of companies and UMA are also laid down in the By-Law.



Seafarers (CONT'D)

Rules on fitness for duty;

- 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.
- 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.
- Table for watchkeeping shall be posted in an easily accessible place on board.



Seafarers (CONT'D)

- Mutual recognition of certificates shall be subject to bilateral agreements according to rule I/10 of STCW Convention.
- Seafarers related provisions of Port State Control are laid down in the By-Law on Port State Control.



ENVIRONMENT



Content

- Ship source pollution
- Penalties for infringements
- Port reception facilities



Ship Source Pollution

- Turkey is a State Party to MARPOL Convention (Mandatory Annexes I and II) and Annex V.
- Turkey is a State Party to all regional conventions on protection of marine environment such as Barcelona and Bucharest Conventions and their protocols.
- Turkey participates in all regional activities of Istanbul Commission and REMPEC and implements their rules and recommendations.



Ship Source Pollution (CONT'D)

- Law on Environment No. 2872 (Official Gazette: 11 August 1983, no 18132) is the main framework national primary legislation on protection of marine environment.
- All provisions of international conventions and protocols to which Turkey is a State Party are accepted as national legislation.
- Various by-laws and decrees



Penalties For Infringements

Law on Environment No. 2872

- Discharge of pollutants from ships, ports and other coastal installations are prohibited.
- Fines for discharge from ships depend on kind of pollutant and GT .



Penalties For Infringements (CONT'D)

- Prison sentences are regulated in Turkish Criminal Code, No:5237 for some conditions.
- By-Law on Procedures of Determination of Infringement and Issuing Fines for Ships and Vessels (Official Gazette: 20 December 1989 no 20378) regulates procedures for implementation of penalties.



Port Reception Facilities

- Law on Environment No. 2872 regulates obligations to establish port reception facilities and imposes penalties for violation of these obligations.
- Law on Metropolitan Municipalities No. 5216 regulates responsibilities on waste reception from ships.



Port Reception Facilities (CONT'D)

By-Law on Waste Reception from Ships and Control of Wastes (Official Gazette: 26 December 2004, no 25682)

- By-Law covers all ports including fishing ports, marinas, shipyards and other coastal installations used by ships.
- All port operators shall establish adequate port reception facilities.
- All port operators shall have license which is given by the Ministry of Environment and Forest.
- By-Law regulates criteria of port reception facilities and waste-collecting ships and obligations of operators.



Port Reception Facilities (CONT'D)

- Port waste management plans shall be available for all ports.
- All ships calling at Turkish ports must inform ports of delivery of waste 24 hours before entering into Port.
- All ships calling at Turkish ports must deliver wastes arising from their normal operations.
- It is prohibited to deliver wastes other than those defined in the By-Law.
- Port operators are responsible for disposal and transfer of wastes.



Port Reception Facilities (CONT'D)

- Users shall pay fees for reception, transfer and disposal of ship-generated waste. Tariffs of fee are determined by the Ministry of Environment and Forest by consultation.
- Port reception facilities are inspected by the Ministry of Environment and Forest and relevant Governorship.
- Allegations of inadequate port reception facilities may be informed to the Ministry of Environment and Forest, Undersecretariat for Maritime Affairs and relevant Governorship.