

The "Regulation Amending the Regulation on Ports" is published in the Official Gazette.

The "Regulation Amending the Regulation on Ports" (the "**Amending Regulation**") is published by the Ministry of Transportation and Infrastructure in the Official Gazette (bis.) no. 32163 dated 14.04.2023. By the Amending Regulation amendments have been to the Regulation on Ports published in the Official Gazette no. 28453 dated 31.10.2012 (the "**Regulation**").

Certain definitions in article 4 with title "*Definitions*" of the Regulation have been amended, and new definitions have been added into the same article.

- "Administrative port area" is defined as the area of duty, power and responsibility as set forth in Annex-1 and Annex-2 attached to the Regulation,
- "Dangerous cargo" is defined as:
 - Oil and oil products listed in Appendix 1 of Annex 1 to the International Convention for the Prevention of Pollution of the Seas by Ships (MARPOL) 73/78,
 - Goods and objects transported in packages as listed in Chapter 3 of the IMDG Code,
 - Bulk cargoes with a UN number in their Bulk Cargo Shipping Names as listed in Appendix 1 of the International Maritime Solid Bulk Cargoes (IMSBC) Code,
 - Liquid substances marked as "S" or "S/P" in column d with title "hazards" of the chart in Chapter 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC),
 - Gaseous substances included in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC)
- "Port Management Information System" is defined as the electronic system through which the port authority checks the notifications made by means of the LTP (Port Single Window; *Liman Tek Pencere* in Turkish) System and delivery orders and port clearance documents are issued,
- "Port Single Window System" is defined as the electronic system through which notifications to be made to public authorities with respect to the berthing to or departure from our ports of the vessels arriving at our ports,

and the expression "Administration" in the Regulation, which was defined as the General Directorate of Maritime and Inland Waters Regulation of the Ministry of Transportation and

Infrastructure, will, upon the relevant amendment, be used as the General Directorate of Shipping of the Ministry of Transportation and Infrastructure.

In the new paragraph added to article 8 titled "*General Principles*" of the Regulation, it is stated that persons in charge of the ship or the marine vessel shall be responsible for achieving continuity in matters related to the seaworthiness of ships and marine vessels sailing within the administrative port areas.

In the new paragraph added to article 9 titled "*Obligation of notification for ships arriving at the port area*", it is stipulated that notifications to be made by persons in charge of ships and marine vessels shall be made electronically by means of the Port Single Window System, but printed documents can also be requested where deemed necessary by the port authority. Likewise, notifications to be made for dangerous cargoes as per article 18 of the Regulation shall be made electronically through the Port Single Window System.

The new provision added to article 10 of the Regulation setting forth the rules of berthing and anchoring of ships states that ships anchored at the administrative port area shall pay an anchorage fee within the scope of the procedures and principles established by the General Directorate of Shipping.

It is further stipulated that the below-listed ships which will berth at or depart from coastal facilities and fish farms are obliged to receive services from a harbour pilot:

- Ships and marine vessels of 500 gross tons and over, carrying dangerous cargoes
- Turkish-flagged ships and marine vessels of 1000 gross tons and over
- Foreign-flagged ships and marine vessels of 500 gross tons and over
- Foreign-flagged commercial and private yachts of 1000 gross tons and over
- All foreign-flagged military ships entering to and departing from non-military coastal facilities

Pilotage and towage organisations or -in places with no such organisation- relevant coastal facilities or self-employed harbour pilots shall completely and promptly register in the Port Management Information System the notifications on the ship movements, harbour pilot details, ship and port facility details, berthing/departing manoeuvres and fees collected for indirect services such as stage, mooring, anchoring, relocation, etc. and public shares payable in consideration of those fees and all information of similar nature with respect to the services they provide. On the other hand, a new paragraph stipulating that pilotage and towage service providers shall pay a public share in line with the provisions of the Presidential Decree no. 1 is added.

Ro-Ro passenger ships and Ro-Ro cargo ships aged below 20, having a high manoeuvring capability, having at least two independent main engines and two propulsion systems and bow thrusters or having a single main engine with a bow and stern thruster, having the capability to manoeuvre from the deckhouse and employing an oceangoing master for which a letter of approval has been obtained from the Administration for being engaged in liner activity between our coastal facilities and coastal facilities of other countries shall not be subject to the requirement of obtaining service from a harbour pilot at the coastal facilities stated in the aforementioned letter of approval, provided that the relevant ship employs a master who has taken at least five berthing and five departing manoeuvres to/from the relevant coastal facility subject to pilotage/towage services.

In addition, the General Directorate of Shipping may grant exemption for harbour pilot and/or tow boat requirement, considering points such as technical structure and features of the ship, purpose of use, sea traffic, geographical and meteorological conditions, overriding public interest, etc.

By the new provision added to the first paragraph of article 20 titled "*General rules*" of the Regulation, it is stipulated that obligations of taking out insurance against maritime claims for ships flying the Turkish Flag as well as ships arriving at or departing from coastal facilities located within the Turkish maritime jurisdiction regardless of their flags, and procedures and principles for inspections thereof will be set forth under the relevant legislation; and those ships must have a valid protection and indemnity insurance against maritime claims.

In article 23 titled "*Rules to be abided by in the protection of environment and prevention of environmental pollution*", it is stated that all ships arriving at the ports of our country are obliged to keep records of bunkering operations regularly and accurately in terms of use of suitable bunker fuel within the scope of national and international legislation. In addition, it is stipulated that all ships arriving at the ports of our country must use bunker fuels in compliance with the sixth annex of the MARPOL Convention and the national legislation.

New provisions added to article 39 of the Regulation introduce new rules on administrative sanctions, and special provisions concerning the regional port authorities of (i) İstanbul, (ii) Kocaeli and (iii) Çanakkale are also incorporated.

The Regulation has entered into force as of its date of publication, and will be put into practice as of 14.04.2023.

This memo is prepared solely for providing general information and in no way constitutes a legal opinion. An individual legal opinion should be obtained for each specific case before taking any action on the basis of the information included in this memo.