



## **LETTER FROM THE MINISTRY OF TRANSPORT AND INFRASTRUCTURE REGARDING THE COMPULSORY CONFIRMATION LETTER FROM P&I INSURERS FOR THE PASSAGE THROUGH THE TURKISH STRAITS**

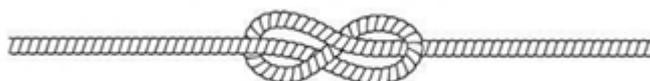
The non-liability position accepted by P&I clubs in their insurance policy coverage under the influence of the worldwide sanctions imposed on Russia has pushed Turkey to search for protective and valid remedies for security against the Insurers.

To overcome the emerging problem of the vessels being left out of the P&I coverage, during their voyage in Turkish territorial waters and passage through the Turkish Straits, due to the potential illegal commercial activity they may be involved in, Turkish Authorities have issued new regulations. The General Directorate of Maritime Affairs under the Ministry of Transport And Infrastructure issued another letter on 02.02.2023 with the number E-19463099-199-957879, having referenced their 16.11.2022 dated and E-779495 numbered letter, re-emphasized the stipulations referred in Article 13 of the Implementing Directive of the Regulation on Maritime Traffic Scheme in the Turkish Straits that all ships carrying dangerous cargo, ships of 300 GT and above and towing vessels shall hold a valid P&I policy. The Ministry of Transport And Infrastructure stipulated that the most cost-effective and reasonable remedy to comply with the regulation is to get an additional confirmation letter stating that the vessels would be covered under valid P&I insurance during the related voyage.

### **I. The Scope Of The Letter**

As it is known, Article 13 of the Implementing Directive of the Regulation on Maritime Traffic Scheme in the Turkish Straits rules that all vessels carrying dangerous cargo, ships of 300 GT and above, and towing vessels shall hold a valid P&I policy, in consideration of potential issues and claims that can be faced with during the respective voyages. However, as of their recent statements, many P&I insurance providers clearly expressed their position of non-liability if "*any illegal commercial activity or violation of prohibitions or other similar circumstances take place prior to a loss that would incur liability*". Therefore, even if the vessel holds a valid P&I policy, the damages shall not be indemnified in such circumstances. Even if these rules refer to the printed texts included in insurance codes and policies which are generally known, these should be respected as warning remarks for further measures to remind the shipowners concerning the current developments.

The General Directorate of Maritime Affairs states that since the Turkish territorial waters, in respect of maritime trade, constitute a highly dynamic industry involving more than 100,000 vessels, the majority of which take place on an international scale, it does not seem possible to monitor whether any vessel has committed any prohibited or illegal act before sailing into Turkish territorial waters. However, it is necessary to confirm that the P&I insurances of loaded vessels carrying cargoes such as oil and petroleum products, which are likely to bring forth catastrophic consequences to Turkey in the event of a possible accident, are still valid and comprehensive during their passage through the Turkish Straits. Otherwise, in case of the absence of P&I coverage after a potential accident, or refusal of the insurance provider for the reasons above, or in case of a time-consuming process and delay in the necessary actions, Turkey will suffer in many respects. If the Straits, as significant waterways, remain closed during this process, the supply chain and logistics mobility would come to a standstill, and a global crisis may break out. Consequently, The General Directorate of Maritime Affairs





considered that getting an additional confirmation letter stating that the vessel would be covered under valid P&I insurance during such a voyage would be the most worthwhile and proper remedy.

## II. Conclusion

In conclusion, The General Directorate of Maritime Affairs advises the Shipowners/Managers to acquire a letter from the P&I Insurance providers stating that;

- the details of the vessel, which carries petroleum products included in Annex-1, Release 1 of the International Convention for the Prevention of Pollution of the Seas by Ships (MARPOL) and that would pass through the Turkish Straits loaded as of 06.02.2023,
- their cargo and sailing,
- the P&I insurance would be valid and comprehensive for this vessel, voyage, and cargo.

This letter shall be appended to the Navigation Plan-1 (SP-1) report to be submitted by the vessel from these insurance providers or their agents and to be sent to the e-mail address [istcan.gth@kiyiemniyeti.gov.tr](mailto:istcan.gth@kiyiemniyeti.gov.tr). It is also reported that the ship agents should coordinate the related operations and procedures as early as possible to prevent possible loss of time and avoid delaying the vessel's passage.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Please contact us if you need further information or have any queries.

### Contact Details

**Selçuk Sencer Esenyel**

Managing Partner

[selcuk@esenyelpartners.com](mailto:selcuk@esenyelpartners.com)

Tel: +90 212 397 1991

Fax: +90 212 397 1992

Mob: +90 506 792 7690

**M. Türker Yıldırım**

Partner

[turker@esenyelpartners.com](mailto:turker@esenyelpartners.com)

Tel: +90 212 397 1991

Fax: +90 212 397 1992

Mob: +90 505 650 4724

**Anıl Berksoy**

Associate

[anilberksoy@esenyelpartners.com](mailto:anilberksoy@esenyelpartners.com)

Tel: +90 212 397 1991

Fax: +90 212 397 1992

Mob: +90 532 415 7445

**Erdemir Say**

Legal Intern

[pruva@esenyelpartners.com](mailto:pruva@esenyelpartners.com)

Tel: +90 212 397 1991

Fax: +90 212 397 1992

Mob: +90 505 578 0694

