

The New Port State Control Regulation in Türkiye

Introduction

A new regulation on Port State Control ("PSC") in Türkiye ("Regulation") entered into force as of 22 September 2025. The previous regulation, made in 2006, was abolished by the Regulation.

Purpose and Scope of the Regulation

1

The primary objective of the Regulation is to establish the procedures and principles for inspecting the compliance of vessels engaged in maritime transport within Türkiye's maritime jurisdiction in terms of navigational safety, protection of life, property, and the environment, as well as the living and working conditions of seafarers on board and finally, imposing the necessary sanctions on those found non-compliant.

The Regulation applies to all foreign-flagged ships arriving at or anchoring in Turkish port facilities or offshore installations. However, in accordance with its Article 2.2, certain vessels are explicitly kept outside the scope of the Regulation:

- a. Fishing vessels,
- b. Warships and auxiliary naval vessels,
- c. State-owned vessels used for non-commercial purposes,
- d. Primitive wooden boats, and
- e. Private yachts not engaged in commercial activity.

The legal framework of the Regulation is based on the relevant Turkish national laws and Türkiye's commitments under the Mediterranean MoU (1997) and Black Sea MoU (2000) on Port State Control. Furthermore, the Regulation frequently makes references to the regulations of the IMO, the International Maritime Organization.

Inspection

According to Article 15/5 of the Regulation, vessels can be inspected at any time, as Port State Control Officers (PSCOs) are not required to give advance notice.

Inspections involve a review of the vessel's certificates and documents, alongside a general examination of her condition, including hygiene, the engine room, and accommodation areas, to verify compliance with international conventions. However, a more thorough inspection is triggered if a PSCO finds "clear grounds" to believe the ship, her equipment, or her crew do not meet convention requirements. Where evidence exists requiring a more detailed inspection of the ship, its equipment, or its crew, clear grounds shall be deemed to exist.

While any foreign vessel may be inspected, Turkish port authorities prioritize inspections for ships that present a higher potential risk. Accordingly, priority is given to;

- a. target vessels identified by the mechanisms under the Mediterranean MoU and Black Sea MoU on Port State Control or the Directorate-General for Maritime Affairs, i.e., the Turkish Maritime Authority,
- b. vessels that have been involved in an accident or suffered a malfunction,
- c. vessels that are the subject of a complaint or deficiency report
- d. vessels calling at a Turkish port for the first time or after an absence of more than 12 months.

Conversely, according to Article 14/3 of the Regulation, provided no new "clear grounds" for an inspection exist, a ship is not typically inspected if it has been inspected by a member state of the Mediterranean MoU or the Black Sea MoU within the last six months.

Pilots, during berthing and unberthing operations, strait passages, or in other cases where navigation is conducted under pilotage, have to immediately inform the harbour master if, in the course of their duties, they observe any deficiency or non-compliance on the ship under pilotage that may hinder its safe navigation or pose a risk to the safety of navigation, life, property, or the environment. Similarly, port authority personnel must immediately report any observed deficiencies or irregularities related to navigation, safety of life or property, or environmental protection while on duty at the port or aboard a vessel at anchor.

Finally, while the initial inspection is free of charge, if deficiencies are found that require a follow-up visit, the ship's operating company or its representative must cover the costs of all subsequent inspections. The detention order will not be lifted until these costs are fully paid. The fee for a second visit is 18,000 Turkish Lira under Article 24/3 of the Regulation, with the fee doubling for each subsequent visit (this amount is subject to annual adjustment). All costs for services rendered outside normal working hours are also billed to the operator or its agent.

3

Consequences of Non-Compliance

When an inspection reveals deficiencies, the PSCO must be satisfied that they are, or will be, rectified. The consequences vary based on the severity of the findings.

If a deficiency poses a direct threat to a specific operation, e.g., cargo handling, the PSCO has the authority to order the suspension of that activity until the issue is safely resolved.

Where deficiencies cannot be rectified in the port of inspection, the port authority may, subject to compliance with the conditions determined by the competent authority of the flag State and consented by the PSCO, permit the ship to proceed to the nearest repair yard selected by the master of the ship and approved by the harbour master. For such permission to be granted, the ship should be able to proceed to the repair yard and complete the voyage safely without posing a risk to the safety or health of passengers or crew, to

other ships, or to the marine environment. Failure to comply with these conditions will result in an entry ban.

In exceptional cases, if a PSCO determines during an inspection that the overall condition of a ship is substandard, the inspection may be suspended until the responsible parties take appropriate measures to bring the vessel into compliance with applicable international conventions.

The most serious immediate consequence of non-compliance is “detention”, an official order prohibiting the vessel from proceeding to sea. A ship will be detained if identified deficiencies, individually or collectively, render her unseaworthy and she poses a significant danger to safety, health, or the environment. In the event of a detention, the Port Authority will formally notify the ship’s flag state administration and her classification society in writing, providing a copy of the inspection report.

When a ship is detained, the ship's captain, owner/operator, and agent are formally notified of any entry ban. Furthermore, the harbour master shall immediately notify, in writing and including the inspection report, the administration of the flag State of the ship, or if this is not possible, the consulate of that State, or in its absence, the nearest diplomatic representative thereof. In addition, the recognized classification society authorised for the documents issued on behalf of the flag State under international conventions is also informed of the detention (Article 19/6).

In accordance with Article 20 of the Regulation, a detained ship’s owner, operator or the flag state, but not the ship’s agent, has the right to appeal a detention decision. The appeal must be filed with the Turkish Maritime Authority within one month of the detention. Crucially, filing an appeal does not suspend the detention order. If the owner or the operator of the ship believes that she was unduly detained or her release was delayed, they may pursue the matter in court; however, the burden of proof rests entirely with the ship owner or operator.

Entry ban to Turkish ports

The Regulation imposes severe penalties for repeated non-compliance, resulting in a ban from all Turkish ports and waters. Ship owners must be aware of the following triggers:

- a. A ship that leaves the port without authorization despite being subject to a detention order in Türkiye or in the ports of States that are parties to the Mediterranean MoU or the Black Sea MoU, or fails to proceed to the shipyard it has declared as its destination for repairs, shall be prohibited from entering Turkish ports for a period of six months (Article 17/1).
- b. A ship that has been detained three or more times within the last 36 months as a result of PSC inspections carried out in Türkiye shall not be permitted to enter Turkish ports (Article 17/2) for a period of 12 months. Such ship shall be subject to inspection at the first Turkish port of call upon expiry of the entry ban (Article 17/6).

5

If such ship is detained again in a Turkish port within 12 months following the expiry of the initial entry ban, she shall be prohibited from entering Turkish ports for a period of 24 months (Article 17/4).

In the event that a ship subject to a second entry ban is detained in a Turkish port, a permanent entry ban shall be imposed, and the ship shall not be permitted to enter Turkish ports (Article 17/7).

The Turkish Maritime Authority further reserves the right to restrict port access for ships flagged by states on the Mediterranean MoU or the Black Sea MoU blacklists or those on sub-standard performance lists.

Conclusion

Turkey's PSC regime is robust and enforces international maritime standards with significant consequences for non-compliance. For foreign ship owners, the risks of detention, financial penalties, and long-term entry bans are substantial. The most effective strategy is, as usual, proactive compliance.

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