



NORWEGIAN HULL CLUB

# Casualty Information

No. 116 - December 2022



**Master's command of a vessel in  
monopoly waters - Turkey focus**

Norwegian Hull Club wishes to emphasise the importance of safety on board by focusing on welfare, environment, assets and the sharing of useful experience.

In this Casualty Information newsletter, we would like to draw attention to the Master's command of a vessel in monopoly waters, particularly in situations where local personnel representing government officials exercise their power.

This newsletter focuses on Turkish waters, as we have recently seen an increasing number of minor engine problems leading to salvage claims in the Turkish Straits.

### The Turkish Straits and the Directorate General of Coastal Safety

The Turkish Straits, a busy waterway connecting the Mediterranean and Black Sea, have strategic importance for the countries in the region. Navigation through the straits is regulated and operated by the department of Vessel Traffic Services (VTS) of the Directorate General of Coastal Safety (DGCS), a state-owned organisation under the Ministry of Transport and Infrastructure.

The DGCS also has monopoly rights for the salvage of ships and property in the Turkish Straits and also acts, therefore, as a salvage company. It has a large number of tugs stationed in Bosphorus and the Dardanelles for swift intervention in case of an emergency.

Pilotage is not compulsory for transit vessels passing through the Bosphorus Strait and the Dardanelles, which form major parts of the Turkish Straits. However, many vessels prefer to utilize a pilot due to the high volume of traffic, as well as geographic and navigational challenges.

Pilotage is also operated by the DGCS. In addition, the VTS operator to whom a ship's

Master reports, as well as any tugs which may be mobilized for salvage, are also employed and/or operated and/or owned by the DGCS.

### Is the vessel actually in danger?

An issue often arising from salvage claims in the Turkish Straits is whether, in fact, salvage assistance was needed at all.

If a vessel suffers severe hull damage after a collision, assistance will clearly be required. However, the Master should be aware that even a temporary engine breakdown, or a situation necessitating slow-speed in these waters, could lead to a costly salvage claim if services are provided. If the Master concludes that the vessel is in imminent danger, the position of the vessel and the surrounding circumstances should be assessed for the purpose of dropping anchor as an alternative mitigation.

Dropping anchor in these situations, if possible, will gain more time to restore engine power so that the vessel can continue its voyage without tug assistance.

### Salvage Claim Awards

Experience has shown that the DGCS usually

employs a percentage approach to salvage cases. This tends to be 8-12 per cent of salvaged values as a reward, while salvage security is assessed at 15-20 per cent of salvaged values. Lower settlements of around 4-6 per cent have been experienced. Nevertheless, this percentage approach makes salvage claims extremely costly, even if it is merely for a short tow and the hull value is high.

### Awareness - lessons learned from the Turkish Straits

First and foremost, salvage assistance is available at short notice in the Turkish Straits, and the Master should never be afraid of seeking assistance when needed.

Should the Master consider the danger to be of such a kind that requires salvage services, it is preferred that such services are accepted on the basis of common law rather than signing the 'Turks 2015' contract.

In cases where Turks 2015 is accepted, shipowners have to provide security for all salvaged properties on board, as well as assuming liability for all property on board - including paying salvage remuneration and the associated expenses relating to the vessel,

bunkers, cargo and the freight in full. This amounts to an agreement that all claims can be directed to the shipowner alone.

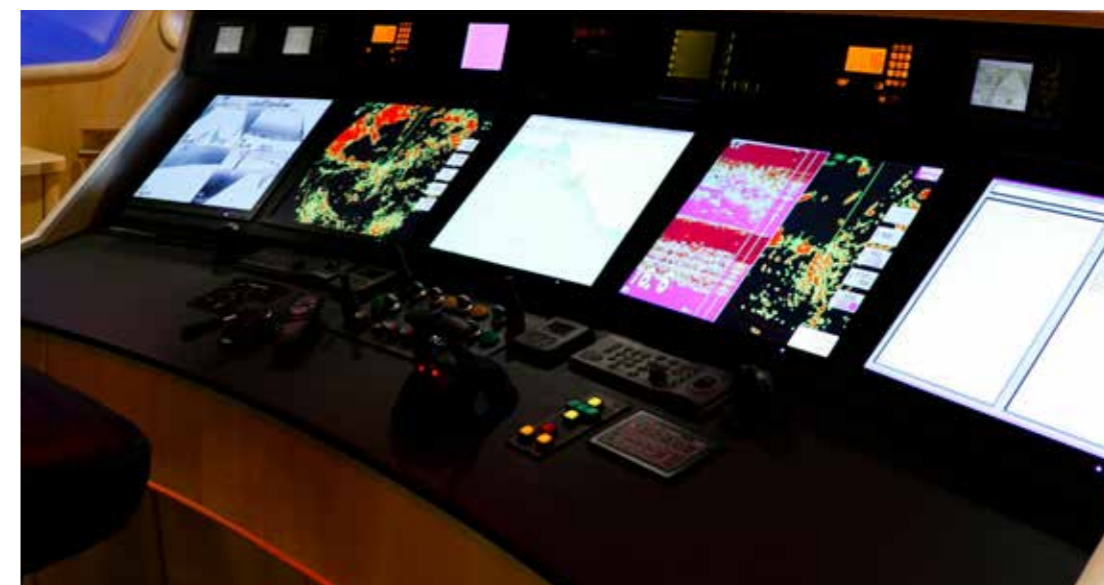
If the Master requires and accepts the services under Common Law instead of Turks 2015, the DGCS will seek security from the relevant interests instead of directing them all to the Shipowner.

### Preparations for entering the Turkish Straits

Based on our experience from the number of engine problems leading to salvage claims in the Turkish Straits, we further recommend that all engine preparations be made before entering the Bosphorus Strait or the Dardanelles, as well as all standard vessel checks and Master or Chief Engineer-ordered checks.

Regarding slow-speed issues, it should be noted that there are strong currents from north to south in the Turkish Straits and, if weather conditions are rough, these currents increase in strength. This may negatively affect vessels heading north.

When maneuvering speed is around four knots or less, there is nothing preventing the vessel proceeding if she is able to steer safely. It should be kept in mind, however, that if a line is taken



**HELP AT HAND**  
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from a tug due to slow speed in the Turkish Straits, it will amount to a salvage claim.

If there is a pilot on board, the Master should always have the Voyage Data Recorder in mind. If the Master believes there to be no danger, then this should be stated to either the pilot or the VTS, which records all communications, to ensure that the statement is logged and available as evidence.

- *The Club wishes to thank Cavus & Coskunsu Law Firm, Istanbul, for their invaluable assistance in compiling this Casualty Information Newsletter.*

## RECOMMENDATIONS

Norwegian Hull Club wishes to highlight the following general guidelines in regard to monopoly waters:

- First and foremost, salvage assistance is available at short notice in the Turkish Straits, and the Master should never be afraid of seeking assistance when needed.
- Masters should be aware that even a temporary engine breakdown, or a situation necessitating slow-speed in such waters, could lead to a costly salvage claim if services are accepted.
- If the Master concludes that the vessel is in imminent danger, the position of the vessel and the surrounding circumstances should be assessed for the purpose of dropping anchor.
- If the Master considers the danger to be of such a kind that requires salvage services, it is preferred that such services are accepted on the basis of common law rather than signing the Turks 2015 contract.
- Members in doubt or needing immediate assistance should contact the Norwegian Hull Club Duty Officer on +47 22 42 88 44

**Norwegian Hull Club wishes you all fair winds and following seas.**

