

BLUE CARD SYSTEM IN TURKISH YACHT LAW

Blue Cards & Maritime Waste Application

Türkiye possesses a unique geography in terms of yachting. In this regard, due to increasing yachting activities along the Turkish coasts, controlling marine pollution is extremely important for sustainable maritime.

Türkiye is a party to the international convention known as MARPOL, adopted in 1973 (Pro 1978), in order to prevent marine pollution from various sources. Additionally, the "Environmental Code" Nr. 2872 and the "Regulation on the Reception of Waste from Ships and the Control of Waste" are among the regulations in Turkish law that must be observed by both Turkish and foreign-flagged yachts owners.



About Blue Card System

With the implementation introduced in 2011, the Ministry of Environment, Urbanization and Climate Change established an electronic system called the "Blue Card," requiring every yacht to obtain a smart card. This system was designed to monitor both Turkish and foreign-flagged yachts in terms of discharging wastewater and solid waste.

Subsequently, the Blue Card system was integrated with the ship waste tracking system (GATS) used for vessels outside the scope

of the Blue Card (such as private/commercial yachts over 400 GRT, oil tankers over 150 GRT, and all ships over 400 GRT). This unified system is called the "Maritime Waste Application" (Denizcilik Atıkları Uygulaması, DAU).

To reiterate: the Ship Waste Tracking System (GATS) and the Blue Card System (MKS) were merged under a single framework, now known as the Maritime Waste Application (DAU). As part of this integration, physical Blue Cards were discontinued, and instead, yachts are now registered and monitored electronically through a unique number and QR code.

Circular Regarding Maritime Waste Application

In Turkish law, the Circular No. 2022/14 on the Maritime Waste Application, issued by the Ministry of Environment, Urbanization and Climate Change, is currently in force. The unofficial English translation of the Circular has been prepared by us and is presented as an annex to this document for your review.

According to the Circular, the Blue Card System, which continues to be implemented under the Maritime Waste Application (DAU) is a waste tracking system that applies to marine vessels other than oil tankers over 150 GRT and other ships over 400 GRT. Accordingly, almost all sailing yachts and motor yachts under 400 GRT fall within the scope of the Blue Card System. Super and mega yachts over 400 GRT, on the other hand, are required to register in the "Ship Waste Tracking System" (GATS) instead of the Blue Card System.

Foreign Flagged Yachts

The Circular does not make any distinction based on the flag of the vessel. In this regard, both Turkish and foreign-flagged private and commercial yachts are subject to the 400 GRT threshold. Accordingly, all yachts under 400 GRT—whether private or commercial or foreign flagged—must be registered in the Blue Card System, while those over 400 GRT must be registered in the Ship Waste Tracking System.

Registration and Responsibilities

According to the Circular, a foreign-flagged yacht entering Turkish territorial waters must be registered in the Blue Card System through coastal facilities (such as marinas) during the transit log (sailing permit) procedures. The Ministry does not charge any fee for this registration process. Following the registration, a unique Blue Card number is generated for each yacht and provided to the relevant party, such as the owner or the captain.

According to Article 6 of the Circular, yachts registered in the Blue Card System that have a carrying capacity of fewer than 12 people—including passengers and crew—are required to deliver their wastewater and garbage to a waste reception facility or a waste collection vessel at least once every 15 days during navigation.

Waste Transfer Form

During the waste disposal process, the Blue Card number must be presented, allowing authorities to monitor how frequently each yacht disposes of waste. After the waste is delivered, a Waste Transfer Form is issued by the relevant coastal facility or waste collection vessel and handed over to the yacht's captain. This form is especially important during inspections carried out by the Turkish Coast Guard within Turkish territorial waters. In this regard, the Circular includes the provision: "Captains must keep the Waste Transfer Form for waste delivered by reception facilities or collection ships."

Administrative Fine

The Blue Card system in Turkish Yacht Law serves as a monitoring mechanism on pollution. Even if waste disposal activities are recorded in the Blue Card system, individuals who pollute the sea may still face substantial fines under Article 20 of the Environmental Code. Additionally, legal proceedings may be initiated under Article 181 of the Turkish Penal Code for intentional environmental pollution.

Furthermore, as mentioned above, similar sanctions apply to yacht owners who cannot prove via the Blue Card system that they have disposed of wastewater and solid waste at least once every 15 days. Therefore, during inspections carried out by the Turkish Coast Guard, yacht operators who are not registered in the Blue Card system, who fail to dispose of waste at the required intervals, or who do not keep the most recent Waste Transfer Form onboard, will be subject to administrative fines.

Application to Administrative Court

Administrative fines imposed by the Turkish Coast Guard authorities in connection with Blue Card and waste disposal inspections may, in some cases, be unlawful. In such instances, the person subject to the fine may file a lawsuit before the administrative courts seeking annulment of the penalty. In these cases, the Ministry of Interior – Coast Guard Command is listed as the defendant. Typically, the court examines the legal basis of the fine without holding a hearing. However, it is possible to appeal the decision rendered by the administrative court to the Regional Administrative Court.

Aksoy Law Firm

Aksoy Law Firm provides expert legal assistance and attorney services in Turkish yachts and marinas law, particularly in the fields of superyachts and megayachts. Our firm is prepared to offer high-level legal services ranging from protecting clients' interests in yacht construction contracts to yacht management or chartering. AKSOY handle all matters related to yachts, including registration, seizure/arresting, flagging, marina accidents, yacht insurances, fires, collisions, theft, coast guard/harbour master inspections, port authority procedures, yacht construction contracts & yacht mortgages, transit log issues, fuel supplies, and more. Feel free to contact us for any yacht & marina related legal concerns in Türkiye.

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Legislation

Republic of Türkiye
Ministry of Environment, Urbanization and Climate Change

Circular Regarding Maritime Waste Application
Nr 2022/14, 09/09/2022

Chapter One

Purpose, Scope, Basis, and Definitions

Article 1: Purpose and Scope

(1) The purpose of this Circular is to regulate the procedures and principles regarding the Maritime Waste Application (DAU=Denizcilik Atıkları Uygulaması), which includes the "Ship Waste Tracking System (Gemi Atık Takip Sistemi – GATS-)" and the "Blue Card System (Mavi Kart Sistemi – MKS)" to be used for the notification methods required for waste and cargo residues resulting from the normal activities of ships in Türkiye's maritime jurisdiction.

(2) This Circular covers the procedures and principles related to transactions that natural or legal persons according to the Regulation on the Reception of Waste from Ships and the Control of Waste must perform in the in Maritime Waste Application (Denizcilik Atıkları Uygulaması – DAU) as online application.

(3) Marine vessels that do not have equipment capable of generating waste other than waste motor oil are outside the scope of this Circular.

Article 2: Basis

This Circular has been prepared based on the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78 Convention), to which Türkiye is a party; Articles 11, 12, and 24 of the Environmental Act No. 2872, European Union Directive 2019/883, and the relevant provisions of the Regulation on the Reception of Waste from Ships and the Control of Waste.

Article 3: Definitions

In the implementation of this Circular:

(a) Maritime Waste Application (DAU-Denizcilik Atıkları Uygulaması): An online application covering the Ship Waste Tracking System (GATS) and the Blue Card System (MKS-Mavi Kart Sistemi), used for operations under the Regulation on the Reception of Waste from Ships and the Control of Waste.

(b) Ship Waste Tracking System (GATS-Gemi Atık Takip Sistemi): An online application regulating the operations of oil tankers of 150 GRT and above, other ships of 400 GRT and above, and coastal facilities serving these ships, in accordance with the provisions of the Regulation on the Reception of Waste from Ships and the Control of Waste.

(c) Blue Card System (MKS-Mavi Kart Sistemi): An online application regulating the operations of all ships with waste-generating equipment that are not within the scope of GATS (Gemi Atık Takip Sistemi, Circular Art. 3/b), as well as coastal facilities serving these ships (fishing shelters, marinas, dry docks, similar coastal facilities, and floating docking areas and platforms not connected to land) in accordance with the provisions of the Regulation on the Reception of Waste from Ships and the Control of Waste.

(ç) Port Single Window System (LTP): A system that allows ship-related notifications to be entered and retrieved from a single database.

Chapter Two Obligations

Article 4: Ministry's Obligations

The Ministry of Environment, Urbanization and Climate Change is responsible for:

(a) Following national and international developments related to the management of ship waste, Environmental Act, the MARPOL Convention, and the relevant EU Directive, and taking necessary measures to ensure the sustainability and ease of use of the DAU (Maritime Waste Application).

(b) Organizing of applications and arranging regulatory/guiding actions to standardize applications.

(c) Evaluating complaints regarding deficiencies in waste reception facilities and waste collection ships via DAU (Maritime Waste Application) and taking necessary measures in accordance with the Regulation on the Reception of Waste from Ships and the Control of Waste.

(ç) Registering or ensuring the registration of the Approved Waste Reception Facility Project Report and Waste Management Plan in the DAU (Maritime Waste Application).

(d) Monitoring the ship-generated waste management operations conducted by waste reception entities through DAU (Maritime Waste Application).

(e) Conducting inspections of waste collection ships and coastal facilities to ensure the effective implementation of DAU (Maritime Waste Application).

(f) Assigning user roles in the Integrated Environmental Information System for users reported by authorized institutions/organizations and waste reception entities.

(g) Managing user registrations and updates in DAU (Maritime Waste Application) for users submitted by authorized institutions/organizations.

Article 5: Provincial Directorates' Obligations

Provincial Directorates are responsible for:

(a) Managing the registration and updates of users as ports, marinas, and fishing shelters located in provincial jurisdiction on DAU (Maritime Waste Application).

(b) Registering waste collection ships licenced by Provincial Directorate to DAU (Maritime Waste Application).

(c) Monitoring ship waste management operations performed by waste reception entities through DAU (Maritime Waste Application).

(ç) Conducting inspections of waste collection ships and coastal facilities to ensure the effective implementation of DAU (Maritime Waste Application).

(d) Monitoring ship transactions performed through DAU (Maritime Waste Application) through online system.

Article 6: Ship Agencies' and Ships' Obligations

(1) Agencies of ships subject to GATS (Gemi Atık Takip Sistemi, Ship Waste Tracking System) are responsible for:

(a) Submitting ship waste notifications through the Port Single Window System (LTP, Liman Tek Pencere Sistemi).

(b) Making waste notifications at least 24 hours before arrival at a port, or immediately upon departure for voyages lasting less than 24 hours.

(c) If requesting waste discharge in Turkish territorial waters without stopping at a Turkish port and coming from a foreign port, submitting waste notifications through the LTP application (Port Single Window System, Liman Tek Pencere Sistemi).

(ç) Reporting any changes in arrival time or waste quantities immediately via LTP (Port Single Window System, Liman Tek Pencere Sistemi) after submitting a waste notification.

(2) Captains, owners, or agents of ships subject to MKS (Blue Card System, Mavi Kart Sistemi) are responsible for:

(a) Registering ships in MKS (Blue Card System, Mavi Kart Sistemi) through coastal facilities.

(b) Registering ships subject to MKS (Blue Card System, Mavi Kart Sistemi) and entering Turkish territorial waters for the first time, through coastal facilities along with their navigation permit processes (transit log).

(3) "Commercial, sports, and recreational vessels, as well as fishing vessels" subject to MKS (Blue Card System, Mavi Kart Sistemi):

(a) Ships with a carrying capacity of less than 12 people, including passengers and crew, shall dispose of their sewage (black waste water) and waste generated through navigation at least once every 15 days at a waste reception facility or a waste collection vessel.

(b) Ships with a carrying capacity of 12 or more people, including passengers and crew, shall dispose of their sewage (black waste water) and waste within 10 days after returning to port upon completing their operations. If they embark on another voyage within those 10 days, they must dispose of their all waste at a waste reception facility or a waste collection vessel before departure.

(c) If the waste tanks of the ships mentioned in this section are 80% full or more before departure, they are not allowed to leave the port without first disposing of their waste.

Article 7: Waste Reception Entities' Responsibilities

(1) Entities serving ships subject to GATS are responsible for:

(a) Registering with DAU.

(b) Reporting any incorrect, misleading, or incomplete waste notifications to the relevant Port Authority.

(c) Ensuring waste reception facilities and ships are ready for waste collection and providing waste reception services completely.

(ç) Issuing a Waste Transfer Form via GATS and providing/delivery it to the ship's captain, owner, or agent.

(d) Entering waste management information into GATS.

(e) Seeking Ministry approval if notified of waste types beyond those listed in the Waste Reception Facility Approval Document.

(2) Entities serving ships subject to MKS have similar obligations, including issuing QR codes for each registered ship at no charge.

(1) Ship agencies must report complaints about deficiencies in waste reception facilities and ships through DAU.

(2) Passenger ships with cabotage route permits must submit at least one waste notification every 24 hours.

(3) Port Authority officials may check waste notifications and transfers via DAU.

(4) Captains must keep the Waste Transfer Form for waste delivered by reception facilities or collection ships.

(5) Ship agencies are responsible for incomplete or misleading notifications.

(6) The accuracy of Waste Transfer Form data is the responsibility of the ship, waste collection ship, and waste reception entity.

Article 11: Miscellaneous Provisions

(1) Those who fail to comply with waste transfer procedures will face administrative penalties under the Environmental Act

(2) Waste queries will not be conducted for ships without waste collection tanks under the Technical Regulations for Ships.

(3) Transactions for ships that obtained a Blue Card before 02/09/2020 will continue under the existing Blue Card number.

Article 12: Repealed Circular

The Circular on the Maritime Waste Application (2020/21), dated 02/09/2020, has been repealed

Article 13: Enforcement

This Circular enters into force on its publication date.

Article 14: Execution

The provisions of this Circular shall be executed by the Minister of Environment, Urbanization, and Climate Change.

Chapter Three Miscellaneous and Final Provisions

Article 10: Waste Notification and Waste Transfer



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