

LP 20/2025 Salvage Regulations and Practices in Türkiye

According to the International Convention on Salvage, 1989, salvage operation is defined as “any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever”. Although the definition is globally recognized, the application of salvage under the domestic laws can be different in various countries. This article will take a grounding incident of a ship entered with the Association in Turkish waters as an example, with reference to the professional opinions of local lawyers and marine surveyors, to briefly elaborate on the legal provisions and practices of salvage in Türkiye.

I. Case Review

In March 2025, a ship entered with the Association was preparing for bunkering operations at anchor in the Marmara Sea, Türkiye, when it ran aground due to a ship manoeuvring error. Coastal Safety immediately intervened and arranged two tugs to attend the scene. Without any paper signed by the captain, Coastal Safety still instructed the tugs to carry out salvage operations. After the ship was successfully refloated, Coastal Safety entered into negotiations with both the ship and cargo interests regarding the salvage reward. Eventually, the cargo interests first agreed with Coastal Safety to a reward, and then payment by the shipowner was determined accordingly.

II. Coastal Safety salvage services

Turkish law firm Esenye Partners explained to the Association that all Marmara Sea is under the monopoly of Coastal Safety for salvage services. According to their experience in similar matters and according to the court judgements at hand, it’s fair to say that in order to increase the salvage reward, Coastal Safety mainly argues that they are giving very prompt services, their equipment and sea vehicles always remain on standby, and the value of their equipment is high. However, each vessel passing Bosphorus is closely monitored by the authorities and salvage tugs are immediately employed if it detects that the speed of the vessel is reduced and/or the vessel is out of traffic separation scheme.

Our correspondent Omur Marine also advised in its circular that Coastal Safety is dispatching standby tugboats to location for vessels anchoring outside the

designated anchorages, and the standby charges have reportedly reached significant amounts.

III. Mandatory salvage agreement

Local lawyers suggested that where a salvage service is given, the Masters are usually forced to sign a salvage form namely Turkish Salvage Agreement ("TURKS 2015"). This form is similar to LOF but has some stricter terms than LOF.

Take LOF Clause 13 as an example, "Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares..."

In contrast, TURKS 2015 Clause 7 places higher demands on shipowners. If cargo interests refuse to pay the reward, salvors have the right to require full payment from shipowners. "The Owner of the salvaged vessel is jointly and severally liable to the SALVOR together with the cargo interests for the latter's share of the salvage remuneration, arbitrators' fees, solicitors' fees, costs and other financial burdens. Further, the shipowner is responsible for the full amount of claim including all associated expenses...."

IV. Fixing the reward

When coming into force in 2012, the new Turkish Commercial Code has almost adopted all provisions of the International Convention on Salvage, 1989 and Article 13 of the Convention is taken into consideration for calculating the salvage reward, more specifically the salvaged value of the vessel and other property; the skill and efforts of the salvors in preventing or minimizing damage to the environment; the measure of success obtained by the salvor; the nature and degree of the danger; the skill and efforts of the salvors in salvaging the vessel, other property and life; the time used and expenses and losses incurred by the salvors; the risk of liability and other risks run by the salvors or their equipment; the promptness of the services rendered; the availability and use of vessels or other equipment intended for salvage operations; the state of readiness and efficiency of the salvor's equipment and the value thereof.

In practice, Coastal Safety usually starts from 10-12% of the salvaged value but generally agrees at around 8-9% subject to the level of danger, time of operation, the place of the incident. Please also note that the value of the vessel, cargo on board,

bunker and lub oil and freight are considered when the salvage reward is calculated.

Notably, due to either financial auditing or internal management requirements, Coastal Safety tends to apply a uniform percentage standard for salvage reward. In other words, once the cargo interests agree on a certain percentage with the Administration, the shipowners must follow the percentage and cannot negotiate for a more favorable one. However, there might be some room for negotiation regarding whether freight should be taken into account. Eventually, the vessel will be allowed to depart only when both the shipowners and cargo interests have fulfilled their respective obligations to pay.

V. Advice to Members

Given the mandatory salvage services provided by Turkish authorities, as well as the strict provisions of its domestic laws on the criteria for fixing a salvage reward, ships are recommended to comply with the International Regulations for Preventing Collisions at Sea, local navigation regulations, and sailing instructions provided by agents when navigating in Turkish waters. In the event of any incident, members should take the salvage matters as explained in this article into account and seek professional assistance promptly.

For more information, please contact Managers of the Association.