Authors and Co-Editors	
Authors	5
List of Abbreviations	25
Preface	29
General Introduction Kubra Yetis Samli	31
§1. GENERAL BACKGROUND OF THE COUNTRY I. Geography and Demography II. Political System	31 31 31
§2. GENERAL INTRODUCTION RELATING TO TRANSPORTATION I. Inland Waterways and Ports II. Railroads III. Road Systems IV. Airports V. Pipelines	32 33 34 34 34
Part I. Introduction Kerim Atamer	37
Chapter 1. Maritime and Transport Law	37
Chapter 2. History of Maritime and Transport Law	39
Chapter 3. Sources of Maritime and Transport Law	40
§1. International Conventions	40
§2. CONFLICT OF LAWS	40

§3. NATIONAL LAW	41
Chapter 4. Jurisdiction and Courts	42
§1. MARITIME CASES	42
§2. OTHER TRANSPORT LAW CASES	42
Part II. Maritime Law	43
Chapter 1. Waterways Dolunay Ozbek	43
§1. Introduction	43
§2. Sources	43
§3. ZONES I. Internal Waters II. Territorial Sea III. Straits IV. Contiguous Zone V. Continental Shelf VI. Exclusive Economic Zone VII. High Seas	43 44 45 49 49 50 51
Chapter 2. Vessels Kerim Atamer	52
§1. DEFINITION AND LEGAL STATUS I. Definition II. Legal Status	52 52 52
§2. REGISTRATION AND NATIONALITY OF VESSELS I. National Ship Register A. Introduction B. Rights Admitted for Registration C. Effect of Registration D. Nationality II. Register for Ships under Construction III. Turkish International Ship Register	53 53 54 54 55 56 57
 A. Introduction B. Incentives C. Ships Admitted for Registration D. Applicable Provisions E. Rights Admitted for Registration 	57 57 58 58

7-1-1-	- 0	M 1	
Table	OI	Contents	S

F. Nationality	58
IV. Special (Flag-in) Register (Roll)	59
V. Home Port Log	59
VI. Statistics	60
VII. Authority	60
VIII. Public Registers	60
IX. State Liability	60
X. Notices in Arrest and Enforcement Proceedings	61
§3. RIGHTS IN REM AND APPLICABLE PROVISIONS	61
§4. ACQUISITION AND OWNERSHIP	62
I. Requirements of Transfer	62
II. Sale and Purchase	63
III. Financial Leasing	63
§5. MARITIME LIENS	64
I. Introduction	64
A. Historical Origin	64
B. Source of the New Turkish Law	65
C. Conflict of Laws	65
D. Bibliography	66
II. Classes of Maritime Liens	66
A. Principal Rule B. Exceptions	66
B. ExceptionsC. Additional Lien	67 68
D. Debtor	68
E. Legal Construction	68
III. Scope of Security	69
IV. Property Subject to Maritime Liens	70
V. Characteristics of Maritime Liens	70
VI. Priority and Ranking	70
A. Priority	70
B. Ranking	71
C. Priority granted to Public Costs of Removal	71
VII. Assignment and Subrogation	72
VIII. Extinction of Maritime Liens	72
A. General Principles	72
B. Lapse of Time	73
1. Maritime Liens under the MLMC	73
2. General Average Contributions	73
3. Principal Claim	74
C. Judicial Sale	74
D. Wreck	75
§6. Mortgages on Ships and Newbuildings	76
I. General Concepts	76

+

		A.	Sources	76
		B.	Legal Nature	76
		C.	Bibliography	77
	Π .	Cre	eation of the Ship Mortgage	77
		A.	Persons entitled to grant the Ship Mortgage	77
		B.	Property subject to the Ship Mortgage	78
			1. Ship with all Appurtenances	78
			2. Shares in the Ship	78
			3. Newbuildings	78
			4. Collateral Ship Mortgage	79
			5. Hire	79
			6. Indemnities	79
			7. Payments under Insurance Policies	80
		C.	Amount of the Secured Claim	81
		•	1. Applicable Rule	81
			2. Principal Claim	81
			3. Interest, Incidental Claims and Enforcement Costs	81
		D.	Remedies of the Mortgagee	82
	TIT.		malities relating to the Creation of the Ship Mortgage	82
			Mortgage Deed	82
			Registration	83
			Protection against Deletion	83
	IV.		nking	83
			idity Period of Mortgage	84
)	signment of Mortgage	84
			ortgage Bonds	85
	,		Introduction	85
			Pledge on Ship Mortgage	85
			Assignment	86
	VIII		ransitional Provisions	86
	,			
\$7.	SHII	Bu	JILDING CONTRACTS	87
0			ctasoglu Sanli	
			roduction	87
			ntract Price	88
			arantees	88
			perty	89
	200		rranty	89
			mination	90
			mitation of Liability	91
	V ALL	• 11	initiation of Liability	
Ch	ante	r 3	. Master and Seamen	92
Cun	1			72
Unit	cyt	JUL,C		
§1.	GEN	VER A	AL INFORMATION	92
0 '				
§2.	LEC	AL	REGULATION	93

I. International Jurisdiction of Turkish Courts	93
II. Competent Courts	93
III. Applicable Law	94
A. International Conventions	94
1. ILO Conventions	94
2. IMO Conventions	95
B. National Law	96
1. Private International Law	96
2. Marine Labour Act	96
3. Labour Act	96
4. Turkish Commercial Code	97
5. Turkish Code of Obligations	97
IV. Nationality of the Master and Seamen	97
V. Definition of Seaman	98
A. Turkish Commercial Code	98
B. Marine Labour Act	98
C. Regulation on Seafarers	98
VI. Employment	99
A. Employment Contract	99
1. Form	99
2. Types	99
3. Extinction	99
B. The Rights of a Seaman	101
1. Wage	101
2. Hours of Work	102
3. Annual Leave	102
4. Severance Payment	102
5. Repatriation	103
VII. Maritime Lien	103
VIII. Master's Special Position	104
A. Scope of Application	104
B. Duties of the Master	104
C. Master as the Representative of the Shipowner	104
D. Master as the Representative of the Cargo Owner	105
E. Collision	105
F. Liability of the Master	106
Chapter 4. Vessel Owners and Operators	107
erim Atamer	
1. Terminology	107
2. Ownership	108
3. LIABILITIES	109
I. Liability in Tort	109
II. Vicarious Liability	109

	A. Maritime Law	109
	B. General Provision	110
	III. Particular Provisions on Liability	110
	A. Collision	110
	B. Marine Pollution	111
	C. Wreck Removal	111
Ch	pter 5. Limitation of Shipowner's Liability (LLMC, CLC, FUND)	113
Ker	n Atamer	
§1.	NTRODUCTION TO THE NEW TURKISH LAW	113
§ 2.	LIMITATION ACCORDING TO THE LLMC	115
O	I. Scope of Application	115
	A. Generally	115
	B. Pure Domestic Cases	115
	C. Non-State Party Persons or Ships	115
	II. Who can Invoke Limitation?	116
	III. What Kinds of Vessels are Subject to Limitation?	116
	A. General Rules	116
	B. Ships Intended for Navigation on Inland Waterways	117
~	C. Drilling Ships	117
	IV. What Claims are Limited?	118
	A. Claims Subject to Limitation	118
	B. Claims Excepted from Limitation	118
	V. Limitation Amounts	119
	A. LLMC Limits	119
	B. Passenger Claims	119
	C. Ships of Less than 300 Tons	119
	D. Drilling Ships	120
	E. Pilots	120
	VI. Loss of Limitation	120
	VIII. Cross or Single Liability?	121
	VIII. Limitation Fund	121
	A. Generally D. Limitation without Constitution a Fund	121
	B. Limitation without Constituting a Fund C. Priority of Claims in Respect of Domesta to Herbour	121
	C. Priority of Claims in Respect of Damage to Harbour	121
	Works, Basins and Waterways and Aids to Navigation IX. Compulsory LLMC Insurance	121
	IA. Compuisory LLIVIC msurance	122
§3.	LIMITATION ACCORDING TO THE CLC/FUND	122
	I. Scope of Application	122
	A. Generally	122
	B. Pure Domestic Cases	123
	C. Extending the Scope of Application of the CLC	123

	1. Legislative Purpose	123
	2. Non-CLC Persons	123
	3. Non-CLC Places	124
	4. Liability Insurance	125
	5. Independent Limitation Funds	125
	D. Procedural Intervention of the Fund	125
	II. Who can Invoke Limitation?	126
	III. What Kinds of Vessels are Subject to Limitation?	126
	IV. What Claims are Limited?	127
	V. Limitation Amounts	127
	A. CLC Limits	127
	B. Pilots	127
	VI. Loss of Limitation	127
	VII. Cross or Single Liability?	128
	VIII. Limitation Fund	128
	A. Generally	128
	B. Limitation without Constituting a Fund	128
	IX. Compulsory CLC Insurance	128
84.	MUTUAL RULES ON LIMITATION FUNDS	128
3	I. Claims Against Pilots	128
	II. Limitation Fund for Personal Liability	129
	III. Loss of Right to Limitation	129
	IV. Subrogation	130
	V. Securities	130
v	VI. Other Creditors	130
	VII. Interest	131
	VIII. Jurisdiction	131
	IX. Legal Costs	132
	171. Dogui Cobto	132
Ch	anter 6 Maritime Transport Contracts	133
	apter 6. Maritime Transport Contracts	133
LCE	ehan Yesilova Aras	
81	Introduction	133
31.	INTRODUCTION	133
82	BAREBOAT CHARTER AGREEMENTS	133
32.	DAKEDOAT CHARTER AUKEENENTS	. 133
83	TIME CHARTER AGREEMENTS	135
30.		133
84.	CONTRACTS FOR THE CARRIAGE OF GOODS	136
3	I. Types of Contracts of Carriage	136
	II. Seaworthiness	136
	III. The Obligations and Liabilities related to Loading	137
	A. Substitution of Goods	137
	B. Liability of Shipper/Documentary Shipper for Incorrect	131
^	Information	137
J	C. Loading on a Different Ship	138

		D. Deck Cargo	138
	IV.	Laytime and Demurrage	139
		A. 'Arrived Ship' Requirement for Notice of Readiness	139
		B. Laytime	140
		1. Duration	140
		2. Interruption	140
		3. Despatch Money	141
		4. Payment	141
		C. Demurrage	141
		1. Duration	141
		2. Interruption	141
		3. Payment	141
	V.	Cancellation of Contract	142
		A. Voyage Charter	142
		B. Liner Shipping Contract	142
	VI.	Other Provisions relating to Loading	143
		A. Failure to Load	143
		B. Incomplete Loading	143
	VII	Non-Acceptance of Goods at Port of Discharge	143
§5.	Doo	CUMENT OF CARRIAGE: BILL OF LADING	144
	I.	Introduction	144
		Bill of Lading as Negotiable Instrument and Document of Title	144
	III.	Evidentiary Value of Bill of Lading	145
-		A. Evidence of Legal Relationship	145
		1. Introduction	145
		2. Charterparty Bill of Lading	145
		3. Identity of Carrier	146
		B. Ex Scriptura Liability of Carrier	146
		C. Proof of Freight	147
	IV.	Clean Bill of Lading in Exchange for Letter of Guarantee	147
§6.	Coi	NTRACTS FOR THE CARRIAGE OF PASSENGERS	148
Ch	apte	er 7. Carrier's Liability for Passengers, Baggage and	
	r	Cargo	149
Du	ygu I	Damar	
§1.	LIA	BILITY FOR PASSENGERS & BAGGAGE	149
	I.	Sources	149
	II.	Persons Liable	150
	III.	Liability	151
		A. General	151
		B. Liability Period	152
		C. Liability Rule	154

	Table of Contents
1. General	154
2. Passengers	155
3. Luggage	156
4. Contributory Fault	157
D. Loss Covered	157
E. Limitation of Liability	158
IV. Notice and Time Bar	160
§2. LIABILITY FOR CARGO	161
I. Sources	161
II. Persons Liable	162
III. Transport Liability	164
A. General	164
B. Liability Period	165
C. Goods Covered	166
D. Liability	166
1. General	166
2. Cause of Liability	167
3. Concurrent Causes	170
4. Loss Covered & Calculation	170
E. Limitation of Liability	
F. Liability for Misinformation in the B/L	171 173
G. Wrongful Delivery IV. Notice of Loss and Time Bar	174 175
IV. Notice of Loss and Time Dar	175
Chapter 8. Pilotage Baris Gunay	176
§1. Introduction	176
§2. Types of Pilotage According to the TCC	176
§3. LIABILITY OF THE SHIPOWNER FOR THE ACTS OF PILOTS	176
§4. LIABILITY ARISING FROM COLLISIONS	177
§5. LIMITATION OF LIABILITY	177
§6. MARITIME LIEN FOR PILOTAGE AND LIMITATION OF ACTIO	ONS 177
§7. ARREST FOR PILOTAGE CLAIMS	178
Chapter 9. Towage and Pushing Contracts Baris Gunay	179
§1. Introduction	179
Ústřední knihovna právnické fakulty MU Brno	17

§2. L	LEGAL NATURE OF TOWAGE CONTRACT	179
§3. T	OWAGE AND SALVAGE	179
§4. L	LIABILITY TO THIRD PARTIES	180
§5. R	RIGHT TO LIMIT LIABILITY	180
§6. C	GENERAL AVERAGE	180
§7. A	ARREST FOR TOWAGE CLAIMS	181
§8. L	LIMITATION OF ACTIONS	181
	pter 10. Collisions yt Suzel	182
§1. C	GENERAL INFORMATION	182
I	I. International Jurisdiction of Turkish Courts II. Competent Courts III. Applicable Law A. International Conventions 1. 1910 Collision Convention 2. Convention on Civil Jurisdiction 3. COLREG B. National Law 1. Private International Law 2. Turkish Commercial Code IV. National Regulation A. Scope of Application B. Loss C. Fault 1. Basic Rule 2. Pilot 3. Error in Navigation and Both-to-Blame Collision Clause 4. Apportionment of Fault D. Limitation of Liability E. Maritime Claim F. Maritime Lien G. Time Bar and Extinction Period	183 183 183 183 183 184 184 184 184 185 185 185 185 185 186 186 187 188 188 188

Chapter 11. Salvage Baris Gunay	190
§1. Introduction	190
§2. Property Salvage	190
I. Properties subject to Salvage	190
II. Relevant Waters	191
III. Salvage Contracts	191
IV. Salvage Operations Controlled by Public Authorities	192
V. Salvage Reward	192
VI. Apportionment	192
A. Single Reward	192
B. Apportionment between Salvors	193
C. Apportionment between Master, Crew and Other Persons	193
§3. Environmental Salvage	194
§4. LIFE SALVAGE	194
§5. MARITIME LIEN FOR SALVAGE CLAIMS	194
§6. LIMITATION OF ACTIONS	194
§7. ARREST OF SHIPS FOR SALVAGE CLAIMS	195
37. MINEST OF SILLS FOR SALVAGE CLAIMS	193
Chapter 12. General and Particular Average Kerim Atamer	196
§1. GENERAL AVERAGE	196
I. Introduction to the New Turkish Law	196
II. Definition	196
III. Applicable Rules	197
IV. Supplementary Provisions	198
A. The Contributing Fund	198
B. Securities of the Receiving Fund	198
C. The Adjustment	198
D. Limitation Period	199
§2. Particular Average	200
Chapter 13. Marine Pollution	201
Kerim Atamer	
§1. Sources of Law	201
I. International Conventions	201

A. Prevention and Response	201
B. Compensation	202
II. National Law	203
§2. LIABILITY AND COMPENSATION FOR MARINE POLLUTION DAMAGES	203
I. Oil Pollution	203
II. Non-CLC Pollution	203
Chapter 11 Arrest of Shine and Enforcement of Maritime	
Chapter 14. Arrest of Ships and Enforcement of Maritime	205
Claims	205
Kerim Atamer	
§1. Sources and Principles of the New Law	205
I. Problems under Previous Law	205
II. The New Law	206
A. Applicable Provisions	206
B. Bibliography	207
C. Terminology	208
1. Arrest	208
2. Injunction	208
D. Principle of lex fori	209
E. Judicial Bodies	209
§2. JUDICIAL PROCEDURE FOR THE ARREST	210
I. Competent Judicial Authority or Court	210
A. Competency	210
1. Competency 1. Courts	210
2. Not Arbitration Tribunals	210
B. Jurisdiction	210
1. Exclusive Jurisdiction under New Law	211
	211
2. Arrest prior to Commencement of Proceedings on the	211
Merits Amost often Commont of Droppedings on the Marita	
	213
4. Objections and Amendments	213
5. Proceedings on the Merits	214
6. Enforcement of Foreign Judgments and Awards	214
7. Damages for Wrongful Arrest	215
II. Procedural Conditions	215
A. Problems under Previous Law	215
B. Arrest as Exclusive Remedy	216
C. Legal Grounds for Arrest	217
1. Claims Fallen Due	217
2. Claims Not Yet Fallen Due	217
III. Application and Enforcement Procedure	217
A. Application	217
B. Court Order	218
C. Appeal	218

	D.	Enforcement of the Arrest Order	218
		1. Time for Application	218
		2. Time and Costs of Enforcement	219
		3. Service of the Order	219
		4. Prohibition of Departure	219
		5. Protocol of Enforcement	219
		6. Notices of Arrest	220
		7. Departing Ships	220
		8. Scope of Arrest	220
		9. Maintenance and Trading under Arrest	221
	E.	Remedies against the Arrest Order	221
		1. Objections	221
		2. Changes and Amendments	222
		3. Appeal	222
§3.	SHIP		222
		efinition	222
	II. Im	munity	223
		tachable Ships	223
84.	MARIT	ME CLAIM	225
		osed List	225
	II. Lo	ans in Respect of a Particular Ship	227
		rest for Ship Mortgage	227
		Mortgage as a Maritime Claim	227
~		Protection of the Security	228
§5.	SECUR	TY	229
	I. Co	unter-security by the Applicant	229
	A.	Requirement	229
	$\mathbf{B}.$	Increase upon Request	229
	C.	Decrease upon Request	230
	D.	Exemption	230
	II. Se	curity for the Release of the Ship	230
	A.	Options	230
	$\mathbb{B}.$	Who May Provide Security?	231
	C.	Form	231
	D.	Disclaimer	232
	E.	Applications Concerning the Security	232
§6.	SUBSEC	QUENT ARRESTS OF THE SAME SHIP	232
§7.	LIFTING	G AND DELETION OF THE REGISTRATION OF THE ARREST	233
§8.	REMED	IES FOR WRONGFUL ARREST	233
§ 9.	JUDICIA	AL SALE AND THE RULES FOR APPORTIONMENT AND RANKING	234

I. Proceedings to Maintain the Arrest	234
A. Time Limit	234
B. Particulars in Respect of Ship Mortgages	234
II. Judicial Sale	236
A. Seizure of the Ship	236
B. Right to Request Judicial Sale	236
C. Sale Pendente Lite	237
D. Procedures for Judicial Sale	238
E. Sale by Auction	238
F. Notice of Forced Sale	238
G. Private Sale	240
H. Legal Effect of the Sale	240
III. List of Priorities	241
A. Principle	241
B. Eight Classes of Priorities	241
C. Five Classes of Claims	242
IV. Bankruptcy	243
A. Generally	243
B. Protection of Mortgage Bond Holders	243
1. Bank	244
2. Shipowner	244
§10. JUDGMENTS IN REM	245
§11. Transitional Provisions	245
Part III. Other Transport	247
Chapter 1. Transport by Road Burcu Celikcapa Bilgin	247
§1. Introduction	247
§2. International Transport by road	247
I. Carrier's Liability	248
II. Wilful Misconduct	248
III. Interest	249
IV. Direct Action Against the CMR Insurer	249
§3. CARRIAGE OF GOODS BY ROAD UNDER THE TCC	249
I. Rights and Obligations of the Sender	250
II. Rights of the Carrier	250
III. Liability of the Carrier	251
A. Basic Principle	251
B. Exclusion of Liability	251
C. Responsibility for Servants	251

Table of	Contents
D. Extent of Liability E. Wilful Misconduct IV. Limitation of Actions	252 252 252
§4. Road Transport Act	252
Chapter 2. Transport by Rail Kubra Yetis Samli	254
§1. STATUTORY PROVISIONS: LEGISLATION	254
§2. Carriage of Passengers	255
§3. CARRIAGE OF GOODS I. General II. The Liability of the Carrier	255 255 256
Chapter 3. Inland Navigation Kerim Atamer	258
Chapter 4. Air Transport Feyzi Ercin / Pelin Erkut / Pelin Aydogdu	259
§1. Introduction	259
§2. International Conventions I. Turkey's Accessions II. International Transport of Passengers, Baggage and Cargo A. Montreal Convention B. Warsaw Convention C. Montreal Protocols III. Domestic Air Transport	259 259 260 261 261 261
 A. Sources of Law B. General Principles of Liability C. Limitation of Liability D. Overview on Limits IV. Turkish Court Practice 	261 262 264 266 266
 A. Application of the Warsaw Convention B. Calculation of Limits under Turkish Law and Practice 	266 267

C. Delay

D. Moral Damages

B. Criminal Proceedings and Aircraft Accidents

V. Aircraft Accidents

A. In General

268

269

271

271

272

VI. Time Limits VII. Jurisdiction	273273
Chapter 5. Multimodal Transport Duygu Damar	275
§1. Introduction	275
§2. PARTICULAR RULES I. Contract for the Multimodal Transport of Goods II. Persons Liable III. Liability IV. Limitation of Liability V. Notice of Loss and Time Bar	275 275 277 277 278 279
Selected Bibliography	281
Index	285