

21

## Replies of Turkish Maritime Law Association. For Judicial Sales Working Group

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Konu: Comments of the Turkish Maritime Law Association regarding the Beijing Draft

Dear Sirs,

We apologize for the delay in reverting on this matter.

The Turkish Maritime Law Association ("TMLA") would wish to emphasize that any inconsistency or discrepancy with the International Convention on Maritime Liens and Mortgages, 1993 ("1993 MLM Convention") and International Convention on Arrest of Ships, 1999 ("1999 Arrest Convention") ought to be avoided at all costs.

Indeed, both of these Conventions have been adopted by the United Nations and are currently in force. As such, any State Party to either or both of these Conventions would only be able to ratify an international instrument on Judicial Sales, if such instrument was in strict compliance with these two Conventions.

Turning to the Turkish position, we are pleased to report that Turkey will shortly accede to both Conventions. On the other hand, the new Draft Turkish Ship Register Regulation provides for explicit rules regarding the deletion of Turkish vessels judicially sold abroad. According to these Rules, the following requirements must be satisfied:

[1] The notice, as set out in article 11 paragraph 2 of the 1993 MLM Convention must have been duly given,

[2] The judicial sale, must have been conducted by the competent administrative or judicial authority in such foreign country,

[3] That authority must have issued a proper certificate of deletion,

[4] If the judicial sale, has been conducted in a State,

[a] that is a party to the 1993 MLM Convention, such certificate shall be issued in accordance with article 12 paragraph 5 of the 1993 MLM Convention,

[b] that is not a party to the 1993 MLM Convention, such certificate, must have been duly approved in accordance with the provisions of the Convention on Abolishing the Requirement of Legalisation for Foreign Public Documents, 1961 ("1961 Apostille Convention").

[c] that is not a party neither to the 1993 MLM Convention nor the 1961 Apostille Convention, such certificate shall be certified by the Turkish Consulate in that Country.

It will be noted that the new Turkish system is essentially repeating the rules set out in the 1993 MLM Convention.

We hope that these comments will be of assistance and look forward to meeting you all in Dublin.

Kind regards,  
Kerim Atamer  
President, TMLA