



Release of Arrested Ship in Turkish Maritime Law

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Arrest Procedure

Under Turkish law, the arrest of all types of vessels including yachts, cargo ships, and passenger vessels is regulated by the Turkish Commercial Code. A vessel may be arrested pursuant to these provisions regardless of whether it flies the Turkish flag or a foreign flag.

As a preliminary condition for arrest, one of the maritime claims listed in the Turkish Commercial Code must exist (Art. 1352) This list of maritime claims is adopted verbatim from the International Convention on Arrest of Ships 1999. In addition, the Code also incorporates claims granting maritime liens as regulated under the International Convention on Maritime Liens and Mortgages 1993.

As examples claims arising from seafarers' wages, claims based on loss of cargo under a charterparty, or claims arising from the supply of bunkers, materials, or provisions constitute maritime claims in respect of the relevant vessel.

In order to arrest a vessel based on a maritime claim, the debtor of the claim must, in principle, be the registered

owner of the vessel. Turkish courts rely on registry certificates and data from sources such as the Equasis database to determine ownership. However, if the claim is one that gives rise to a maritime lien, the debtor does not need to be the vessel's owner. Even if the vessel has been sold, the creditor may still request its arrest.

Before the court conducts its prima facie examination of the claim, the applicant must provide security of approximately 10,000 SDR (around USD 13,700). Seafarers' claims are exempt from this requirement. Nevertheless, the opposing party may request the court at any stage to increase the amount of security. Furthermore, Turkish law allows arrest of a sister ship owned by the same debtor.

If the court at the port where the vessel is located grants the arrest application, the vessel irrespective of its flag or registry is detained by the enforcement office and prohibited from sailing (seizure). Even if the vessel is underway, in the case of foreign-flagged ships, the arrest decision may be enforced with the assistance of the Turkish Coast Guard Command until the vessel leaves Turkish territorial waters.

Release of the Ship

In maritime trade, time is money. No shipowner wishes to keep a vessel under arrest, whether justified or not. The procedures for the release of a vessel are also regulated in detail under the Turkish Commercial Code. There are two primary options:

Option I: Providing security equivalent to the vessel's value:

The vessel may be released upon submission of security equal to its value. In this case, the arrest decision formally remains in effect, but the vessel is returned to the debtor/owner and allowed to resume operations. However, if the vessel's value significantly exceeds the underlying claim, this option may not be commercially reasonable.



Option II: Providing security for the full maritime claim:

Alternatively, provided that it does not exceed the vessel's value, sufficient security covering the full amount of the maritime claim, including interest and costs, may be submitted, and the court may be requested to lift the arrest. In this scenario, unlike the first option, the arrest decision itself is revoked.

In both cases, the party providing security may at any time apply to the court for reduction, substitution, or cancellation of the security. The security may be in cash or in the form of a definite and unconditional bank guarantee letter.

Accordingly, in order to secure the release of a vessel arrested by Turkish authorities under the Turkish Commercial Code (as opposed to arrest under Turkish Criminal Law), it is essential to conduct a detailed assessment of the nature and amount of the claim, as well as the type and value of the vessel. Subsequently, a maritime lawyer should establish a clear legal strategy. It is also crucial to plan these procedures and to act swiftly in advance taking into account working hours, weekends and public holiday. Because as emphasized above in maritime trade, time is indeed money.



Aksoy Law Firm

Aksoy Law Firm provides expert legal assistance and attorney services for arrest of ships or yachts and release of the vessel in Turkish maritime law. Our firm is prepared to offer high-level legal services ranging from protecting clients' interests on all legal stage of arresting. Aksoy Law Firm handle all matters related arrest of ships in Turkish Law, including application for arrest, legal advising for guarantees for release and all procedures by enforcement office, harbour master, Turkish coast guard or Turkish maritime court. Please feel free to contact us for any arrest of ships related legal concerns in Türkiye.

Managing Partners



Nigar AKSOY
Attorney at Law
nigar@aksoylaw.com
+90 555 899 44 00
English
Izmir - Türkiye



Dr. Sami AKSOY, LLM
Attorney at Law
sami@aksoylaw.com
+90 555 899 44 00
English, German
Izmir - Türkiye

AKSOY Law Firm

Izmir-Türkiye | +90 555 899 44 00 | info@aksoylaw.com
aksoylaw.com