



Sayı : 38591462-720-2023-525

14.02.2023

Konu : Rus Petrol Ürünlerine Getirilen Tavan Fiyat Uygulaması Hk.

Sirküler No: 126

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 10.02.2023 tarihli ekte sunulan yazıda;

Deniz yolu ile taşınan Rus petrol ürünlerine G7 Ülkeleri, Avrupa Birliği ve Avustralya tarafından 5 Şubat 2023 tarihinden itibaren geçerli olmak üzere tavan fiyat uygulaması getirildiği bildirilmektedir.

Bu uygulama ile premium Rus petrolünün varil fiyatı 100 dolar olarak belirlenirken, iskontolu ürünlerde varil başına 45 dolarlık bir sınıra ulaşılmış olup, üst sınır seviyesinin her iki ayda bir gözden geçirilmesine ve şu anda varil başına 65 dolar olan Rus ham petrol fiyatına Mart 2023 itibari ile düzenleme getirilmesine karar verilmiştir.

Tavan fiyat uygulamasına ilişkin bilgiler ve bu uygulamanın işleyişine ve uygulanmasına ilişkin güncel olarak yayınlanmış olan ABD, AB ve Birleşik Krallık' a ait kılavuzlar ekte yer almaktadır.

Bilgilerinize arz/rica ederim.

Saygılarımla,

e-imza

İsmet SALİHOĞLU
Genel Sekreter

Ek:ICS'den alınan 10.02.2023 tarihli yazı. (3 sayfa)

Dağıtım:

Gereği:

- Tüm Üyeler (WEB sayfası ve e-posta ile)
- Türk Armatörler Birliği
- GİSBİR (Türkiye Gemi İnşa Sanayicileri Birliği Derneği)
- VDAD (Vapur Donatanları ve Acenteleri Derneği)
- TÜRKLİM (Türkiye Liman İşletmecileri Derneği)
- KOSDER (Koster Armatörleri ve İşletmecileri Derneği)
- GBD (Gemi Brokerleri Derneği)
- TURSSA (Gemi Tedarikçileri Derneği)

Bilgi:

- Yönetim Kurulu Başkan ve Üyeleri

Bu belge, 5070 sayılı Elektronik İmza Kanuna göre Güvenli Elektronik İmza ile İmzalanmıştır.



Evrakı Doğrulamak İçin : <https://ebys.denizticaretodasi.org.tr/enVision/Dogrula/BSP8NLHH4>
Bilgi için: Birmur OFLU Telefon: 02122520130/ 317 E-Posta: birmur.oflu@denizticaretodasi.org.tr
Meclis-i Mebusan Caddesi No:22 34427 Fındıklı-Beyoğlu-İSTANBUL/TÜRKİYE
Tel : +90 (212) 252 01 30 (Pbx) Faks: +90 (212) 293 79 35
Web: www.denizticaretodasi.org.tr E-mail: iletisim@denizticaretodasi.org.tr KEP: imeakdto@hs01.kep.tr





İSTANBUL VE MARMARA, EGE, AKDENİZ, KARADENİZ BÖLGELERİ

İSTANBUL & MARMARA, AEGEAN, MEDITERRANEAN, BLACKSEA REGIONS

DENİZ TİCARET ODASI CHAMBER OF SHIPPING



- ROFED (Kabotaj Hattı Ro-Ro ve Feribot İşletmecileri Derneği)
- UTİKAD (Uluslararası Taşımacılık ve Lojistik Hizmet Üretenleri Derneği)
- WISTA Türkiye Derneği
- Türk Uzakyol Gemi Kaptanları Derneği

Bu belge, 5070 sayılı Elektronik İmza Kanuna göre Güvenli Elektronik İmza ile İmzalanmıştır.



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Tel : +90 (212) 252 01 30 (Pbx) Faks: +90 (212) 293 79 35
Web: www.denizticaretodasi.org.tr E-mail: iletisim@denizticaretodasi.org.tr KEP: imeakdto@hs01.kep.tr





Walsingham House
35 Seething Lane
London
EC3N 4HA
Tel +44 20 7090 1460

info@ics-shipping.org | ics-shipping.org

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10 February 2023

MLC(23)06 & IC(23)01

**TO: MARITIME LAW COMMITTEE
INSURANCE COMMITTEE**

IMPLEMENTATION OF PRICE CAP ON SEABORNE RUSSIAN PETROLEUM PRODUCTS BY THE G7 NATIONS, THE EUROPEAN UNION AND AUSTRALIA EFFECTIVE FROM 5 FEBRUARY 2023.

Action Required: To note the information on the implementation of the price cap on seaborne Russian petroleum products by the G7 nations, The EU and Australia which came into force on 5 February 2023 and the attached updated guidance issued respectively, by the US, the EU and the UK, in respect of its operation and implementation.

The negotiations to set the price cap for seaborne Russian petroleum products went down to the wire with an agreement to set the price at \$100 per barrel on premium Russian oil products and a \$45 per barrel cap on discounted products finally being reached late on 3rd February. This price cap came into effect on 5th February. The negotiations were prolonged by the push from Poland and the three Baltic states for the caps to be set at lower levels with a view to curbing the revenues Russia receives from selling fuel as much as possible. There will be a review of the cap level every two months.

At this time the price cap on Russian crude oil remains at \$60 per barrel but this price will be reviewed in March.

Given the number of varied oil products on the market, two caps have been introduced to cover two categories of refined oil products. 'Premium-to-crude' products are those of high export value often used for transport and electricity generation, such as kerosene-based jet fuel and diesel, while 'discount-to-crude' pertains to products of a lesser value like naphtha. The two-cap approach has been introduced as the authorities consider this is the simplest to implement and the most workable for industry.

As with the price cap on Russian Crude oil the price cap operates as an exception to a sanctioned trade and allows services to be provided in respect of the sale and import of Russian petroleum products into third party countries. The import of these products (and

Russian crude oil) in to the G7 coalition countries is prohibited with the EU prohibition on the import of Russian petroleum products into the EU (Article 3m, para 1 and 3(b) of Regulation 833/2014) coming into force on 5th February.

The United States Treasury Department has published combined guidance on the Implementation of the Price Cap Policy for both Crude oil and Petroleum Products of Russian Origin (**Annex A**). The European Union has updated the relevant sections of its guidance previously issued on 3 December 2022 (**Annex B**) and the United Kingdom also published combined guidance (**Annex C**).

The combined and updated guidance closely follows the previous guidance issued following the price cap on seaborne Russian crude oil in December 2022 with the same covered services, 3 tier system, attestation process and safe harbour provisions (described in detail in MLC(22)32 and IC(22)09). Shipowners and their insurers are still within tier 3 in recognition that they do not regularly have access to price information in the ordinary course of business. Shipowners must therefore obtain and retain an attestation from their customer/contractual counterparty regarding compliance with the price cap. The sample attestation wording is largely unchanged and although this wording includes confirmation that the oil or petroleum products were purchased at or below the price cap, it does not appear to require specific reference to the particular product and whether this is a premium to crude or discount to crude product.

Petroleum products are defined as those with a harmonized tariff schedule heading 2710. The US and UK guidance specifically lists those products within heading 2710 that are subject to the premium to crude price cap and these include gasoline, motor fuel blending stock, gasoil and diesel fuel, kerosene and kerosene-type jet fuel, and vacuum gas oil. All other products defined at 2710 but not specifically listed in the guidance are subject to the discount to crude price cap and this includes naphtha, residual fuel oil, and waste oils. The EU guidance includes a list of all the petroleum products falling under code 2710 and states which is the applicable price cap for each product.

As with Russian crude oil the price cap applies from loading through to the first landed sale in a jurisdiction other than Russia. Once the product has cleared customs the price cap does not apply to any further on shore sale. However, if after clearing customs the products are taken back out by sea, without being substantially transformed in a jurisdiction other than Russia, the price cap still applies. For the purposes of petroleum products blending will only result in a substantial transformation if a blending operation results in a tariff shift of the Russian petroleum product (e.g., a change in the applicable harmonized tariff code) between the input and output refined products.

To ensure market participants are able to transition to these new sanctions there will be a new 55-day winddown period which is similar to, but slightly longer than for the wind down period for crude oil (45 days). This means refined oil products loaded onto vessels before 5:01am GMT on 5 February and offloaded before 5:01am GMT on 1 April are not subject to the oil price cap for petroleum products.

Finally, the EU and UK guidance provides some further clarification with respect to bunkering services. The provision of bunkering services to a ship carrying Russian origin oil or oil products is not prohibited but as of 5 February service providers cannot provide services to facilitate the transport of Russian bunker fuel unless it is being traded at or below the price cap.

The EU guidance also states that bunkering by an EU vessel of Russian petroleum products in Russia is possible provided the purchase is required to meet the essential needs of the purchaser in Russia. Furthermore if an EU person has no reason to suspect that the petroleum product that it has purchased for bunkering its vessel in a third country is of Russian origin it should not be held liable if it transpires the product is of Russian origin. If, however, the EU person knew of or could not have ignored the Russian origin of the product it would be in breach of Article 3m paragraph 1 of Council Regulation (EU) No 833/2014. The UK guidance states that a UK vessel cannot purchase Russian origin bunker fuel for the purpose of refuelling (i.e., no matter the circumstances).

Russian petroleum products which were imported into the EU before 5 February 2023 can be used for bunkering purposes. After 5 February it is prohibited to import Russian petroleum products into the EU (this is without prejudice to the exceptions and derogations in Article 3m, including shipments that were imported by Bulgaria, Croatia or landlocked Member States).

The comparison table previously circulated as Annex D to circular MLC(22)32 and IC(22)09 has been updated to reflect the main changes in the revised guidance issued by the US, EU and UK (**Annex D**). These changes are highlighted in blue text for ease of reference.

The secretariat continues to engage with the authorities on this issue and therefore if Members have any feedback concerning any implementation or compliance issues arising out of the price cap on Russian oil and Russian petroleum products then please provide details to the undersigned via: legal@ics-shipping.org

[MLC\(23\)06 & IC\(23\)01 -Annex A - US Combined Guidance Price Cap](#)

[MLC\(23\)06 & IC\(23\)01 -Annex B - EU Updated Guidance Price Cap](#)

[MLC\(23\)06 & IC\(23\)01 -Annex C - UK Combined Guidance Price Cap](#)

[MLC\(23\)06 & IC\(23\)01 -Annex D - Price Cap on Russian Seaborne Oil and Oil Products](#)

Leyla Pearson
Senior Manager, Legal