

Logistics, Transport and Shipping

Turkey's geographic and geopolitical location means the country is an important logistics and trans-shipment hub for local and international companies alike. The national economy relies heavily on the transport networks which link Turkey's ports, airports, cities and rural communities. As a result, robust and effective legal structures are essential to ensuring that these routes and corridors operate smoothly, with goods continuing to flow.

Transporting goods can be a complicated process, involving multiple handlers, jurisdictions and legal relationships, along with tight timeframes and dependent contractual relationships. In practice, it can also be challenging to monitor and maintain service levels within cross-border arrangements. These factors collectively mean the sector is prone to conflicts. As a result, it is crucial to carefully consider contractual arrangements, ensuring they include effective mechanisms for dealing with disputes.

Moroğlu Arseven supports a full range of clients operating in domestic and international environments, across all modes of cargo carriage, including cold chain supply networks and transport infrastructure operators. Our clients are involved in air, sea, road and rail transport activities, intermodal and trans-loading systems, along with all related brokerage, warehousing and storage services.

The firm has significant experience assisting parties on both the customer and provider side of these arrangements, as well as interested parties like insurers, underwriters and financiers. We support cargo-owners on one side, as well as freight forwarding, logistics, vehicle and warehouse operators, common carriers, ro-ro vessel operators, shipbuilders and rolling stock manufacturers, port and terminal operators, along with technical and maintenance service providers, on the other.

Moroğlu Arseven advises on a wide range of issues in this context, including insurance and risk management, sub-contracting arrangements, high-volume contract management, charter party agreements, CISG and bill of lading issues, environmental and sustainability compliance, health and safety regulations, as well as dealing with hazardous material incidents, spills and accidents. The firm also supports with a full range of issues related to sanctions, trade restrictions, customs and border security compliance.

Moroğlu Arseven's strong intellectual property team helps logistics, transport and shipping clients to proactively protect their intellectual property in Turkey. The firm supports with a full range of issues, including litigation, enforcement, counselling, prosecution and transactions. Intellectual property advice is tightly integrated with other practice areas, assisting clients to establish, protect and commercialise their intellectual property assets from the earliest possible stage. For instance, parallel import issues, licensing, custom seizures, as well as issues arising for autonomous or driverless vehicles.

Moroğlu Arseven regularly advises on processes and requirements for Turkey's Ministry of Transport and Infrastructure, as well as many relevant General Directorates and other regulatory bodies. We strategically support and represent clients during all aspects of their interactions with these bodies, assisting clients to obtain a wide range of routine and exceptional approvals, exemptions or licenses. Our support includes dealing with day-to-day regulatory relations, as well as high-stakes regulatory investigations or enforcement proceedings.

The firm's dispute resolution team provides full-scope and integrated support to logistics, transport and shipping clients, meaning conflict specialists are involved from the early stages of emerging issues. We support clients with all aspects and perspectives on disputes, along with regulatory investigations. Support includes representing clients in a full spectrum of forums and related processes, including civil and administrative litigation, arbitration and alternative

dispute resolution methods, strategic negotiation and settlement processes, as well as injunctions and enforcement actions. For instance, representing clients involved in disputes about lost, damaged or delayed cargo, unpaid debts, insurance and subrogated claims, transit liability, contractual breaches, demurrage and detention issues, injuries to employees or passengers, environmental regulatory investigations, as well as contentious credit letter and finance matters.

Moroğlu Arseven assists logistics, transport and shipping clients with all types of major corporate transactions, including mergers, acquisitions, joint ventures, strategic partnerships, spin-offs, divestitures and group restructures. The firm has significant expertise assisting during complex, inter-jurisdictional transactions, where strategic guidance is required to deal with the legal, commercial and operational factors simultaneously. These projects often involve high values, or complicated leveraging and equity structures. We work closely with companies, shareholders, investors and financiers on both buy and sell-side, assisting through all stages of these projects. Moroğlu Arseven places a strong focus on ensuring we consider each client's business objectives and the dynamics of the logistics, transport and shipping industries, then reflect these factors into the transaction's structure, risk allocation, or asset transfers.

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