



**Regulations pertaining  
to Operating a Port, Jetty or Similar Facility  
in the Kingdom of Bahrain**

**Approved by GOP's Board of Director Meeting no. 21  
on 27<sup>th</sup> June 2010**

In pursuance of Article 14 of Legislative Decree No. (61) of 2006 with respect to the General Organisation of Sea Ports in Bahrain, the Board of Directors make the following regulations:

**Article 1: Title and Coming into Force**

These regulations shall be named "Regulations pertaining to Operating a Port, Jetty or Similar Facility in the Kingdom of Bahrain" and shall come into force on the 30<sup>th</sup> day after the date of publication.

**Article 2: Definitions**

The following words and terms wherever mentioned in these Regulations shall have the meanings assigned thereto hereunder unless the context expressly provides otherwise. Those terms not covered in the definitions shall have the same meaning as used internationally for ports, shipping and maritime matters.

The Minister	The Minister of Finance, being the minister responsible for ports, shipping and maritime affairs.
Chairman	Chairman of the board of directors.
The Board of Directors	The board of directors established by a Royal Decree to manage the affairs of the GOP, lay down its general policies and approve plans that govern its activities.
The Director General	The Director General of the GOP appointed by a Royal Decree to run the day to day affairs of the GOP
GOP	The General Organisation of Sea Ports
Port	Any of the following: 1) ports, docks, harbours, piers, wharves (including any private jetty), fairways, embankments and related structure; 2) all the Ports listed in the Schedule attached to the abovementioned law; 3). Any facility proclaimed by the Minister to be a port pursuant to article 14 of Legislative Decree No. (61) of 2006.



Dock	An artificial excavation or construction in which vessels may be placed for loading, unloading, fitting out or repairing and includes any synchro-lift, slips, keel blocks, inclined planes and all machinery, fixtures and things whatsoever attached or pertaining thereto.
Equipment	Any appliance, apparatus, machinery, system or accessory used or intended to be used for the purpose of providing marine or port facilities or services.
Wharf	Includes quay, pier, jetty, ramp or other landing place.
Jetty	Any berthing place or landing place, stage, platform, or similar structure, whether fixed or floating, erected or placed, wholly or in part in or over any waters including any ramp / slipway used for landing or launching a vessel;
ISPS Code	The International Ship and Port Facility Security Code as referred to in Chapter XI-2 of the SOLAS Convention;
License	A document issued by General Organisation of Sea Ports to the legal person authorizing him to operate a port, jetty or similar facility in the Kingdom of Bahrain
Licensee	The legal person authorized by the General Organisation of Sea Ports to operate a port, jetty or similar facility in the Kingdom of Bahrain.

### **Article 3: License and Jurisdiction**

No person or organisation shall operate a port, jetty or similar facility in the Kingdom of Bahrain including all waters under its jurisdiction without a "Port Operating License" issued by the General Organisation of Sea Ports.

### **Article 4: Validity**

Such license shall be valid for a period of two (2) years from the date of issue.

### **Article 5: Scope of Licensed Activities**

The scope of the Port Operating license shall include port terminal services and facilities for handling, storage and transportation of goods including chemicals, oil, dry dock and mooring buoys on land adjoining the foreshore of Bahrain and for handling of passengers carried by ships.

### **Article 6: Other Licenses**

The licensee shall ensure that all service providers within his area of operations jurisdiction are duly licensed for their respective lines of business.



**Article 7: Conformity**

The licensee shall comply with all national laws, regulations and international standards and practices related to the operations of port, jetties and similar facilities.

**Article 8: Responsibilities and Duties**

1. The licensee shall:

- operate the facilities and provide services in a reliable, efficient and safe manner to the users.
  - take utmost precaution to ensure that all ships and barges etc remain in a stable condition at all times during the total period of operation and at the time of departure.
  - take utmost precaution to avoid any pollution
  - be responsible for overseeing all services provided within his jurisdiction
  - provide data and statistical records to the GOP upon request, in a format and within the time frame required by the GOP
  - liaise with the GOP, Bahrain Port Control and the relevant authorities for all his international shipping requirements and activities, as required
  - perform all significant paper transactions and documentation on the official letterhead of the company, indicating all relevant contact information and registration details
2. Cargo shall be handled in a safe industrial manner in line with international practices and procedures.
3. Safety concerns shall be adequately addressed at all times for all operations within the port limits.
4. All equipment shall be tested and certified prior to use. The equipment is to be safe and adequately maintained at all times.
5. Any vessel and craft alongside any jetty shall not extend to an extent where it causes any restriction or inconvenience to the navigational area or channel. The maximum allowable width from plot (land) limit (as it appears on the survey document) to sea ward is 40m subjective to the location of the jetty.
6. Any incident of fire, grounding, pollution, loss of life, injury to persons or any other material loss must be promptly reported to the concerned authorities, Bahrain Port Control and to the GOP.
7. Every licensee shall maintain and preserve for a period of (3) years, complete records of his financial transactions relating to the licensee and of all Customs documents handled by him and copies of all correspondence, bill, accounts, statements and other papers relating to the business;



8. The records specified in sub-rule (12) shall be made available for examination at any time to any officer deputed by the GOP and no licensee shall refuse access to or taking extracts there from, nor shall conceal, remove or destroy any part of any such records.

#### **Article 9: Licensing Conditions and Procedures**

Procedures for granting the license to operate a port are as follows:

1. After completing the commercial registration at the relevant government ministry, the prospective jetty operator shall apply to GOP for a private port operating license.
2. Upon paying the relevant application fees (non-refundable) at the GOP, the applicant will be handed the port operating license application form to complete the registration procedures.
3. The applicant shall submit the port operating license application form duly filled in, along with the following Documents:
  - a. Draft copies of the Memorandum of Association, containing the names of the partners/shareholders, the company objectives, and a statement which indicates the authorized signatory/persons in the administrative, financial and judicial affairs of the company.
  - b. A business plan providing details on:
    - i. Type of activity or activities
    - ii. Range and type of goods/cargo to be handled
    - iii. Role and functions of Harbour and Marine Manager
    - iv. Compliance with ISPS Code – If the facilities are receiving ships /vessels engaged in international voyages, the provision of ISPS code should be complied with.
    - v. Security, Immigration and Customs arrangements
  - c. Property survey document
  - d. Insurance covering property.
  - e. A contingency plan approved by the Environmental Agency to combat any accidental pollution;
  - f. A waste management plan approved by the Environmental Agency for the disposal of wastes especially oily water and sewage.
  - g. Documentary evidence by the applicant that he has been authorized by the owner (where different) to operate the licensed facility.



- h. A Bank Guarantee if required
  - i. Documents pertaining to the experience and the qualifications of the General Manager of the company, including evidence of
    - i. experience in port management/operations for no less than 2 years; and/ or
    - ii. adequate maritime/port qualifications or equivalent.
  - j. Any other documents required by the GOP.
4. Upon all relevant terms mentioned in these regulations being duly satisfied by the GOP as well as all relevant requirements satisfied by other involved government entities, the GOP shall issue a license for operating a port facility to the applicant after paying the required fees according to GOP's applied tariff. The license shall be valid for two (2) years and subject to renewal.
5. On the request of an applicant/licensee, the Director General may grant an exemption from any of the requirements stated above provided he is satisfied that such an exemption will not compromise safety, security, environment or the efficiency of operations.

#### **Article 10: Renewal of Licenses**

The conditions for the renewal of the port operating license shall be as follows:

1. A completed application form providing the following Documents:
  - a. a Bank Guarantee if required;
  - b. a valid Commercial Registration with the appropriate business activity mentioned;
  - c. a brief summary of the company, no. of employees, and activity during previous year;
  - d. latest annual report or commercial details as may be;
  - e. documentary evidence by the licensee that he has been authorized by the owner to operate the licensed facility for the upcoming license validity period.

After reviewing the submitted documents, inspecting the facilities to its satisfaction and upon receipt of the renewal fees (non-refundable), the GOP will issue a renewed license for operating the port, jetty or similar facility with a two (2) year validity.

#### **Article 11: Changes**

The license holder shall inform the GOP in writing of any changes in the information provided in the application form, appendices thereto and authorizations within thirty days as of the date of such change.

#### **Article 12: Transfer of license**



If the beneficial ownership of the company changes, the license issued shall be considered to be automatically revoked. The license will not be transferred to the new owner and a new application for a license must be made.

**Article 13: Restrictions on Licensee**

The port operating licensee shall not:

1. operate a facility which has not been registered by the GOP.
2. allow international vessels to berth without satisfying the conditions of the ISPS-code
3. handle goods without prior approval of the GOP.
4. operate uncertified equipment and of unsatisfactory standards.
5. subcontract the operations or part of the operations to a non-licensed service provider at any time. All subcontracting is subject to prior approval from the GOP.

**Article 14: Compliance and Sanctioning**

The GOP shall have the right, at any time, to inspect the facility on the company or the establishment to ensure that it is compliance with the provisions of these regulations.

In case of non compliance, the following actions may be taken by the GOP within 4 weeks intervals, unless action is taken to rectify the violation :

1. 1<sup>st</sup> warning letter
2. 2<sup>nd</sup> warning letter and a fine of BD500.
3. Suspension or cancellation of license at the discretion of the Director General.

A licensee, whose license is cancelled due to misconduct, shall be barred from operating any port facility for a period of one year by default, or for any other period determined by the Director General.

**Article 15: Appeal**

Within four weeks of the decision of the GOP, an aggrieved applicant or licensee may appeal to the Minister against the decision of the GOP for:

1. refusal to grant a port operating license;
2. refusal to renew the licence; or
3. suspension or cancellation of the license.

The decision of the minister shall be final and conclusive.

**Article 16: Immediate Application**

All existing operators of port facilities or jetties or wharfs will immediately from the date of publication of these regulations have to apply for a temporary port operating license of 6 months



validity and register the operated jetty with the GOP. The existing port operators will be given this time frame to comply with the technical requirements of these regulations.

The GOP may suspend the operations of the jetty that fails to apply for a temporary license and/or register the operated jetty within 3 months from the date these regulations have come into force.

The GOP may suspend the operations of the jetty that fails to comply with the technical requirements of these regulations within the validity period of the temporary jetty license.

Non-approved ISPS port facilities should cease to receive any vessel on international voyages unless otherwise by arrangement with Bahrain Coast Guard or the ISPS Designated Authority.

**Article 17: Power of Use**

In case of national emergency, the GOP reserves the right to use and operate the facilities directly as required.