



Gibraltar Port Authority
Conditions for the Issue of a Port Operator Licence

BUNKER LICENCE CONDITIONS

- 1) Every application should be sent to the Gibraltar Port Authority (hereinafter referred to as the 'GPA') so as to reach not less than eight weeks before the date on which the applicant desires the Licence, Re-Licence, Re-Registration or amendment applied for to take effect.
- 2) An application must be submitted with evidence that a notice has been published in the Gazette and in one local newspaper not later than 21 days before the date fixed by the GPA to consider the application.
- 3) (a) The applicant must be a fit and proper person, or if the applicant is a company or a partnership, the directors and shareholders or the partners (as the case may be), must be fit and proper persons to carry on the business.

(b) The applicant must produce letters from two referees who are aware of, or are involved in shipping, stating that the applicant is a fit and proper person for the business in which he wishes to engage.
- 4) The applicant must have available financial and managerial resources appropriate to the business.
- 5) The applicant must be in possession of a valid trade licence issued by the Trade Licensing Authority in Gibraltar, which relates specifically to the activity for which a Port licence is being sought.
- 6) The applicant must show evidence that he/they have complied with statutory requirements in respect of the commencement of the business and now complies with statutory requirements in respect of the operation of the business.
- 7) The applicant shall maintain an operational office in Gibraltar which may or may not be the ISM-DOC Office.
- 8) New bunker operators will be required to pay a one-off premium of £250,000 (two hundred and fifty thousand pounds).
- 9) Bunker operators must agree to pay the Port Environmental Levy on a monthly basis.
- 10) In addition to holding a trade licence (which must include the sale of fuels, oils and lubricants), a petroleum licence is also required.
- 11) All vessels used in bunker operations must be classed by one of the seven classification societies recognised by Gibraltar and registered by an EU Registry, ideally Gibraltar. The recognised societies are:
 1. Lloyds Register of Shipping
 2. American Bureau of Shipping
 3. Bureau Veritas
 4. Det Norske Veritas
 5. Germanischer Lloyd
 6. Registro Italiano Navale
 7. Nippon Kaiji Kyokai
- 12) All statutory and classification certification is to be valid and in order for the type of vessel and cargoes to be carried.
- 13) Each bunker vessel must hold an International Ship Management (ISM) Certificate.
- 14) The tanker must be manned in accordance with the SMD issued to the ship by duly qualified seafarers as per STCW95.



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- 15) The operator shall only employ such tankers that meet the current applicable IMO and ED requirements.
- 16) The applicant will ensure that the vessel shall maintain a level of security (under the ISPS Code) as required by the Captain of the Port.
- 17) The application will ensure that the tanker must be seaworthy in every respect and fully certified to undertake ocean voyages at any time so required.
- 18) All vessels used for bunkering operations should be under 20 years of age, unless exceptional approval is given by the Minister responsible for the Port.
- 19) If the tanker is a British vessel, then she would be subject to a "General Inspection" from time to time; otherwise it will be subject to PSC under Paris MOD.
- 20) The tanker must have a valid "CLC" cover issued by the Flag State against a P & I cover.
- 21) Any floating storage facility licensed for this purpose by the Gibraltar Port Authority (GPA) should be no larger than 50,000 metric deadweight tonnes, unless exceptional approval is given by the Minister responsible for the Port.
- 22) Any floating storage tankers for new operators will be anchored south of 'A' Head in positions agreed by the GPA. It should be noted that weather conditions in this area are not as ideal as the northern anchorage and that in the event of heavy seas, bunker operations must be halted. Vessels will not be moved north to allow the continuation of operations, for as long as there are two floating storage tankers occupying the northern anchorage.
- 23) Should a bunker operator choose to move their floating storage tanker away from Gibraltar for any reason, there is no guarantee that the vessel will, on its return, be placed in the same anchorage position. If the Bay is congested at this time, it may be necessary for the tanker to anchor on the East Side of Gibraltar until a suitable space becomes available. No bunker operations can take place on the East Side, nor can any bunker barge dock alongside the 'mother ship' in this area (notwithstanding this, Point 16 above applies throughout).
- 24) Storage vessels (mother ships) will not be classed as Harbour Craft.
- 25) Bunker Operators commencing operations after 1 January 2005 will be allowed no more than two bunker barges, one of which, when not servicing vessels, may be berthed alongside its 'mother ship' (when weather conditions allow) for limited periods of time. Otherwise, they must anchor in the Eastern Anchorage.
- 26) Bunker barges must be licensed for this purpose by the GPA and should be less than 100 metres length overall and up to a maximum of 6,000 metric deadweight tonnes, unless exceptional approval is given by the Minister responsible for the Port.
- 27) Bunker barges may be allowed to berth at the Detached Mole or other Port areas at the discretion of the Captain of the Port. These vessels have to be on two hours' notice to move.
- 28) Crew shore leave shall be given, keeping in view that the vessel must at all times have sufficient crew available on board to meet any emergency situation.
- 29) Appropriate oil prevention, retention and spill treatment equipment must be carried on all vessels.
- 30) All flexible hoses used in bunker transfers are required to be tested and certificates produced on an annual basis.
- 31) The vessel shall maintain full record of grades and quantity of bunkers supplied to each vessel. A sample shall be taken in a bottle in the presence of the ship's master/chief engineer/nominated officer, of the oil supplied and the same shall be signed and sealed before handing over to the ship.



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- 32) During a ship-to-ship transfer of product to the floating storage tanker, booms must be placed around both vessels.
- 33) Any dispute with respect to the quality and quantity of bunkers supplied must be referred to the Captain of the Port. Any appeal against the decision of the Captain of the Port shall be referred to the Minister with responsibility for the Port whose decision will be final.
- 34) Any spillage or pollution must immediately be notified to the Captain of the Port through Gibraltar Port Control and the ship must take its own action in accordance with SOPEP.
- 35) Any accident resulting in loss of life or property or damage to the environment must be communicated to the Captain of the Port as well as the Maritime Administrator as soon as is practicable. A summary report on the incident must follow within 24 hours.
- 36) Bunker operators must formally confirm in writing that they will strictly adhere to the Bunkering Code of Practice at all times. Failure to do so may result in the suspension or revocation of their port operator licences.
- 37) A licensed bunkering company shall train at least one deck or engineer cadet and at least one deck or engine room rating every year in accordance with the STCW95 and relevant Gibraltar regulations to the satisfaction of the Maritime Administrator. The training should lead to :-
- Reg II/2 – Officer in charge of a navigational watch (Deck cadet)
 - Reg III/1 – Officer in charge of an engineering watch (Engineer cadet)
 - Reg II/4 – Navigating watch rating
 - Reg III/4 – Engineer watch rating
- The company shall ensure that that at least 50% of the required sea-service is performed on ships engaged in international voyages.
- 38) Bunker operators must provide the relevant information to the GPA on request to show that all their employees who are employed in Gibraltar are registered with the ETB and that all local official employment procedures are being observed.
- 39) An agreed number of local crew or crew trainees must be employed aboard each vessel.
- 40) Bunker operators must, at all times, assist the GPA Bunkering Superintendent when so required. The Bunkering Superintendent is tasked with monitoring all bunker operations in Gibraltar and can inspect any vessel undertaking bunkering operations in Gibraltar Port waters without notice.
- 41) Bunker operators and relevant ships shall maintain regular contact with the Bunkering Superintendent on day-to-day operational matters.
- 42) The vessel shall comply with provisions of such Administrative Instructions issued by the Maritime Administrator and Port Circulars issued by the Captain of the Port that may apply to bunkering vessels.
- 43) A bunker operator licence will, in the first instance, be issued for a period of twelve months. Bunker licences may be renewed thereafter unless good cause is shown to the contrary, for periods not exceeding twelve months at a time.
- 44) A bunker operator must settle all port dues, levies and fees within 30 days of billing, and in default, the licence may be suspended or revoked.
- 45) The application must demonstrate his/their knowledge of ship 'Bunkering' work specifically, as opposed to knowledge of 'shipping' generally.
- 46) Bunker operators cannot apply for any additional activity within the Port, such as slops collection or sullage



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treatment, without first obtaining permission from the GPA.

- 47) A port operator may only carry out activities within the Port for the class or classes of activities for which he is licensed
- 48) An applicant shall, within seven days of being notified that he/they have been licensed or re-licensed by the GPA, send to the GPA such particulars as may be prescribed in respect of all appropriate Port Workers employed by him/them with an application that they be registered or re-registered as Port Workers.
- 49) All commercial entities collaborating or working together under this licence will be named on the licence. Should any of the named entities cease to work together under the terms of this licence, such licence will become void and a fresh licence application will be required naming the new parties. No further operations by any former named entities will be authorised until such new application is considered and approved.

50) Charges for Port Operations:

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| 1 | On first registration as a Port Operator, for an operator first registered after 3 May 2001 a one off fee | £ 1,000 |
| 2 | Fee for the first grant of a Bunkering Licence, for a Licence first granted after 3 May 2001 a one of fee | £ 250,000 |
| 3 | An Annual Re- Registration fee as a Port Operator | £ 100 |
| 4 | An Annual fee for a Bunkering Licence | £ 10,000 |

Fees for registration and re – registration of Port Workers:

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| 1 | Annual fee for Registration of a Port Worker | £ 2 |
| 2 | Annual fee for Re - Registration of a Port Worker | £ 2 |

Fees for Certificates and licenses:

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| 1 | Fees for the Issue or Renewal of a certificate of registration as a Port Operator | £ 5 |
| 2 | Fee for the Issue or Renewal of a certificate of registration as a Port Worker | £ 5 |
| 3 | Fee for the Issue of a duplicate certificate | £ 5 |
| 4 | Fee for the Endorsement of a certificate of registration | £ 5 |
| 5 | Fee for the Amendment of a certificate of registration | £ 5 |

Fees for Inspection and Copies:

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| 1 | Fee for Inspection of a licence | £ 10 |
| 2 | Fee for a certified copy of a licence or certificate | £ 5 |
| 3 | Fee for inspection of an application | £ 5 |
| 4 | Fee for a copy of an application | £ 5 |

- 51) The Captain of the Port of the Gibraltar Port Authority reserves the right to amend or introduce new licensing conditions at any time.