



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

### **SHIP-TO-SHIP TRANSFER (STS) LICENCE**

#### **Background**

These conditions apply to Ship-to-Ship (STS) bulk transfers and are distinct from “Bunkering” activities, which take place between a barge and the mother vessel and a barge and the receiving vessel.

The purpose of these conditions is to ensure that the service being provided is carried out in a safe, efficient and reputable manner.

#### **GENERAL CONDITIONS**

##### **Company Standard**

1. The applicant must be a fit and proper person, or if the applicant is a company or partnership, the directors and shareholders or the partners as the case may be, are fit and proper persons to carry on the business.
2. If a company evidence must be provided that it is incorporated under Gibraltar Companies Act.
3. The applicant must produce to the Captain of the Port two letters of reference.
4. The applicant must maintain suitable premises, adequately manned, appropriate to the business in Gibraltar.
5. The applicant must have available financial and managerial resources appropriate to the business (Company organogram to be provided).
6. The applicant must comply with statutory requirements in respect of the commencement of the business and ensure compliance with statutory requirements in respect of the operation of the business.
7. The applicant will, by his/their registration, contribute to the efficiency and viability of the Port and ensure continuity of service. Therefore the applicant must provide the Captain of the Port a full and detailed business plan on how new business is to be generated by his engagement as a Port Operator (STS) in the Port of Gibraltar.
8. The applicant must demonstrate his knowledge of STS transfer work specifically. This can best be demonstrated by a proven history of safe operations of a similar nature over at least 24 months. To demonstrate this, the applicant should provide statistics of transfers undertaken, evidence of lost time accidents, statistics of accidents /incidents during this period.
9. The applicant must further provide a Certificate of Good Standing from the Registry of Companies, and full details of all Directors and Shareholders.
10. Persons employed by the applicant must be registered with the Employment and Training Board and fulfil all legal obligations in respect of pay, tax and social insurance.
11. Prior to the issue of a licence, the applicant must produce documentary evidence to the satisfaction of the Captain of the Port that adequate insurance is in place for:
  - (a) Employer liability min £10m
  - (b) Product liability min £5m
  - (c) Public Liability min £5m
  - (d) Professional indemnity £5m
  - (e) A full description of the insurance cover is required, together with the sums insured – please refer to the Gibraltar Port Authority’s insurance conditions.



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### **Operational Standards**

1. The applicant must demonstrate that all operations are carried out, as a minimum to STS best practice guidelines (IMO's "Manual on Oil Pollution, Section 1 Prevention" as amended, and the ICS and OCIMF "Ship to Ship Transfer Guides"). These recommendations should be supplemented by a company specific Operations Manual which mandates compliance to these standards.
2. The Manual described above will be presented as a Site Specific manual taking into consideration the particular operating criteria applicable in the Port of Gibraltar.
3. The manual will contain a Risk Assessment specific to Gibraltar operations.  
A controlled copy of the manual will be made available for approval by Port of Gibraltar.

### **Superintendents and Other Personnel**

1. All personnel engaged by the applicant in the operation and support of the STS will be familiar and experienced in their individual roles and able to demonstrate their competence and qualification for the same.
2. In particular it is imperative that the person in overall charge of the operation (STS Superintendent) should comply with the criteria set out at annex A

### **Equipment**

1. The applicant must provide evidence that he/they have the necessary equipment required for an STS operation and also have suitable storage facilities for this equipment when not in use.
2. The applicant must demonstrate that they have a planned preventive maintenance programme. In addition, all equipment used in transfers is required to conform to ISO standards with valid certification produced on an annual basis :-
  - (a) Fendering equipment complies with ISO 17357
  - (b) Hose comply with relevant ISO standards for design and testing.
3. The applicant should also be able to demonstrate that sufficient resources are available to immediately replace any equipment damaged or lost in operation.
4. Appropriate prevention, retention and spill treatment equipment should be carried on all vessels engaged in the operation.

### **Area of Operation**

1. The applicant will agree that all STS operations conducted in Gibraltar will be carried out in areas to be designated by the Port of Gibraltar within the Western Anchorage.
  - (a) The company will only conduct STS operations within British Gibraltar Territorial Waters at slots assigned by the Gibraltar Port Authority.
  - (b) All operations will be immediately suspended or terminated if so instructed by the Port of Gibraltar or if the limiting weather criteria stipulated by the Port are exceeded or if any unforeseen circumstances adversely impact the safe conduct of the operation.



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### **General**

- a) If the Gibraltar Port Authority believes that any of the above conditions are not met to its satisfaction; it may suspend or withdraw a licence at any time.
- b) A Port Operator Licence holder must settle all port dues, levies and fees within 30 days of billing, and in default, the licence may be suspended or revoked.
- c) A Port Operator Licence is valid for twelve months and must be renewed annually. A condition for renewal is that the operator must continue to review and update procedures in accordance with best management practises and industry standards.
- d) The Gibraltar Port Authority reserves the right to amend the conditions for issue of a Port Operator Licence at any time.
- e) 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.



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#### **ANNEX A**

#### **Requirements for STS Superintendent**

- Valid EU Certification to Master Mariner level with Certificate of "Specialised Petroleum Tanker Training" applicable to the cargo handled and satisfactory evidence of appropriate tanker experience
- Valid Medical Certification equivalent to the MCA - ENG1 Standards
- Be able to demonstrate experience in a senior position as deck officer
- Proven ability in Ship Manoeuvring

The STS Superintendent will be licensed by the Gibraltar Port Authority.

To gain a license the STS Superintendent will be required to demonstrate a comprehensive knowledge of the following.

#### **Procedures and Standards**

- Familiarisation with company's policy and document control procedures
- Familiarisation with company's documented ISO approved Safety Management System
- Familiarisation with OCIMF recommendations for STS operations and fender / hose manufacturer's information

#### **Evidence of STS Operations**

"Tripping record" illustrating training with the following operations to include:-

- 'At Anchor' operations (manoeuvring carried out by local pilots)
- 'At Anchor' operations where manoeuvring is carried out by STS Superintendent 'with' and 'without' tug assistance
- 'Underway' operations
- Attendance at an approved simulator course
- Letter of satisfactory operation by senior STS Superintendent

***The approval process will include consideration of factors such as vessel size, type and daytime / night time berthings.***



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#### **ANNEX B**

**For each STS Operation the following will be required:-**

- The approved STS plan for each vessel must be provided to the Gibraltar Port Authority at least 48 hours in advance of the intended operation.
- In addition to the STS plan, full details of the cargo to be transferred including its IMDG Code categorisation must also be provided at least 48 hours in advance. The Gibraltar Port Authority may refuse any STS operation it considers to be of an unacceptable risk.
- Identification of the Licensed STS Superintendent. There is a requirement to nominate the person in overall control of an STS operation who must be licensed.
- At least one person in the employ of the port operator (STS) must have undergone sufficient training in spillage / pollution response measures. Evidence of such training, must be provided to the satisfaction of the Captain of the Port.
- During a ship-to-ship transfer of persistent oils/black oils booms must be placed around both vessels in order that any spillage may be contained.
- 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.
- 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.
- The operator must abide by the Port Rules and the authority of the Captain of the Port.



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a) Charges for Port Operations:

1	On first registration as a Port Operator, for an operator first registered after 3 May 2001 a one off fee	£ 1,000
2	An Annual Re- Registration fee as a Port Operator	£ 100
3	An Annual fee for a Ship Chandlery Licence	£ 1,000

(b) Fees for registration and re – registration of Port Workers:

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

(c) Fees for Certificates and licenses:

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

(d) Fees for Inspection and Copies:

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

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**Guide to Port Applications Requirements**  
**STS LICENCE**

	YES	NO
Application must be submitted as shown in Form 2		
Application must be signed either by individual applying for Licence, or if body corporate, by an authorised individual.		
Application must be accompanied by the fee		
Application must be received no less than 8 weeks before the date of its start, renewal or amendment.		
A new application must be submitted with evidence that a notice has been published in the Gazette and in one newspaper no later than 21 days before the date fixed by the GPA to consider the application.		
<b><i>Specific details to this Application:</i></b>		
a) Does the applicant have available to him, adequate premises in or near the Port, which (where appropriate) are approved by the Collector of Customs under the provisions of the Imports and Exports Ordinance? Evidence to be attached.		
b) Does the applicant have available to him, adequate staffing, plant and equipment necessary (in the opinion of the GPA) for the safe and professional carrying on of the business? Evidence to be attached.		
c) Is the applicant a fit and proper person (or persons in the case of a company)? Referees letter – Stating applicant is fit and proper person for the business		
d) Does the applicant have available the financial and managerial resources appropriate to the business? Evidence to be attached.		
e) Practical evidence and examples of 'STS' work. Demonstrates knowledge of STS transfer work.		
f) Business plan		
g) Certificate of good standing from Registry of Companies, full details of all Directors and Shareholders, as well as a full set of audited accounts		
h) Employment and training board details		
i) Evidence of Insurance cover in line with GPA's requirements.		
j) Evidence of necessary equipment required in an STS operation and suitable storage facilities for this equipment when not in use.		
k) Evidence of sufficient training in spillage / pollution measures by at least one person in the employ of STS operator		