

# **RULES AND REGULATIONS**

## Putting Safety and Security First

This booklet contains the Rules and Regulations of the SOHAR Port and Freezone to ensure good order, safety, security and protection of lives and property, along with sound environmental practices in the SOHAR Port and Freezone Area. These Rules and Regulations also take into account the acknowledged commercial objectives of the Tenants, on an individual and collective basis.

Due to the size and scale of SOHAR Port and Freezone, and the varying nature of the businesses that operate here we have divided these Rules and Regulations into two sections. However, please note that common clauses apply to all areas. We trust that through these Rules and Regulations and their enforcement the SOHAR Port and Freezone will remain a safe, secure but also efficient environment to operate your business.

### SOHAR Port and Freezone Management.

May 2015

## Contents

### Section I: **Common Rules and Regulations SOHAR Port and Freezone (landside)**

This section contains common clauses for users of the SOHAR Industrial Port (landside) and SOHAR Freezone. It contains chapters on Property Rights, Permits, Health, Safety, Security, Environment, Emergency Response and Enforcement.

### Section II: **Rules and Regulations SIP Port Area (waterside)**

This sections contains specific clauses on the use of the Marine interface such as Vessel Access and Communication, Tug and Pilot usage, Marine Services, Order and Safety, Dangerous Goods and Pollutions prevention.

## More Information About Our Rules and Regulations

### 1.1 Scope

These SOHAR Port and Freezone (SPF) Rules and Regulations apply to all juridical and natural persons entering or using the SOHAR Port and Freezone for any purpose or reason whatsoever, and all vehicles, objects and other terms of personal property in the SOHAR Port and Freezone.

The guidelines to these SPF Rules and Regulations, published separately on [www.soharportandfreezone.com](http://www.soharportandfreezone.com), shall be deemed to form an integral part of these rules and regulations.

### 1.2 Objective

The objective of these SPF Rules and Regulations is to ensure good order, safety, security and protection of lives and property, and sound environmental practices in the SOHAR Port and Freezone Area (SPF Area) while taking fully in account the acknowledged commercial objectives of the Tenants, on an individual and collective basis.

### 1.3 Omani Law

Nothing in these SPF Rules and Regulations may be construed as conflicting with, overriding or invalidating Omani Law, or any international treaties or agreements to which the Government of the Sultanate of Oman (GSO) is a party.

### 1.4 Property Right Agreement

These SPF Rules and Regulations are not intended in any manner to override or alter the obligations and rights of any Party under a Property Right Agreement it is party to. In case of any conflict, the applicable terms of the relevant Property Right Agreement shall prevail.

## 1.5 Amendments

These SPF Rules and Regulations may be altered or amended by SOHAR Port and Freezone Authority (SPFA) when considered necessary or appropriate pursuant to the terms of the Property Right Agreements and the most recent version shall be applicable at all times.

# Part I: Common Rules and Regulations Port and Freezone

## 1. Definition

COMAH: Control of Major Accident Hazards.

Common Area(s): the SPF Area other than Plots. This includes corridors between SIP and the Freezone, and any other corridors outside SIP for which SIPC has management responsibility.

Common Area Work Permit: a permit, issued by SPFA to a Tenant, to execute Work in Common Areas, or Work in a Plot which may affect the Common Areas.

EIA: Environmental Impact Assessment.

Fire Safety Plan: a written plan in which a Tenant describes its measures to prevent, alarm and combat fire (hazards).

Best International Practices: in respect of a Party, the exercise of that degree of professional skill, diligence, prudence and foresight as would reasonably and ordinarily be expected from a skilled, qualified and experienced entity responsible for carrying out responsibilities and discharging operations of a type such as comprise the business of such Party, and complying with those practices, methods, equipment, specifications and standards of management, safety and performance. Best international practices are not intended to signify optimum practices or methods, but rather to signify reasonable and prudent practices and methods.

Customs Territory: that part of the lands or seas of the SPF Area subject to the Oman customs control and procedures.

GSO: Government of the Sultanate of Oman.

GSO Entity: any governmental apparatus as defined in Royal Decree No. 26 of 1975.

HSSE Framework: a set of risk-based HSSE policies and procedures, including its management and monitoring systems with respect to the Tenant's activities on its Plot as well as in the Common Areas.

License Agreement: an agreement between SPFA and a Tenant to which SPFA grants to a Tenant certain rights of way and easements in the Common Area and/ or a Plot and in which is described and defined the various responsibilities, tasks, rights and duties that go with such rights of way and easements or occupation.

MOTC: the Ministry of Transport and Communications of the GSO.

Operational Phase: the phase after the Construction Period in which productive activities are tested, started up or in continual operation.

Other SPF User: any user of the SPF Area other than a Tenant or a GSO Entity.

Party: means (i) a Tenant; (ii) a GSO Entity; or (iii) an Other SPF User.

Pipeline: all pipes used for the transport of fixed substances, liquids and gases as well as cables, in each case located in or above the ground in the Common Areas, and all ancillary or related installations within the Common Areas.

Pipeline Corridor: a reserved corridor in the Common Areas in which one or more Pipelines are located or proposed to be located.

Pipeline Permit: a permit, issued by SPFA to a Tenant, to construct, own, operate and maintain one or more Pipelines in the Common Areas.

Plot: an area within the SPF Area with respect to which SPFA has entered into a Property Right Agreement, or License Agreement.

Plot Work Permit: a permit, issued by SPFA to a Tenant, allowing such Tenant to start Work on a Plot for the first time or to allow additional construction works not covered by the initial Plot Work Permit and which could have adverse impact outside the Plot of the Tenant such to the discretion of SPFA.

Preliminary Plot Work Permit: a preliminary permit, issued by SPFA to a Tenant, allowing such Tenant to start a limited scope of Work on a Plot.

Property Right Agreement: a Provisional Plot Plan Agreement, a Sub-usufruct Agreement, Land Lease Agreement, or Land Reservation Agreement.

Provisional Plot Plan Agreement, or PPPA: an agreement between a potential Tenant and SIPC entered into prior to entering into a Sub-usufruct Agreement for the purpose of reserving a Plot and the associated rights and in which contains a description of the Plot.

Seveso III: Seveso-III (Directive 2012/18/EU) on the control of major-accident hazards involving dangerous substances.

SIP: SOHAR Industrial Port, encompassing the SIP Area and the SIP Port Area as registered in Ministry of Housing land registry krooki No. 2-19-087-01-001.

SIP Area: the land area that the SIPC holds in usufruct according to Royal Decree No. 80/2002 and No. 122/2008.

SIPC: the SOHAR Industrial Port Company S.A.O.C., established as a joint venture between the GSO and Mainport Holding Rotterdam B.V.

SPF HSSE Committee: the coordinating group of public and private parties called together for preparation of Health, Safety, Security and Environment measures. Its responsibilities include the provision of emergency response measures.

SPFA: SOHAR Port and Freezone Authority, consisting of the legal entities 'SOHAR Industrial Port Company SAOC' (SIPC) and 'SOHAR Freezone LLC'.

SPF Area: the SOHAR Industrial Port Area (SIP Area) and the SOHAR Freezone Area.

SPF User: Any tenant or other SPF User.

Special Transport Permit: a permit, issued by SPFA to a Tenant, to execute the transportation of a load through the Common Areas not satisfying applicable road design criteria.

Sub-usufruct Agreement (SUA): an agreement pursuant to which SPFA grants to a Tenant a sub-usufruct right in a Plot and in which is described and defined such Tenant's Plot and all the various responsibilities, tasks, rights and duties that go with the sub-usufruct of such Plot.

Tenant: any entity with which SPFA has entered into a Property Right Agreement, or a License Agreement.

Tenant Emergency Response Plan: the collection of all the measures a Tenant has taken to ensure adequate emergency

response on its Plot, and the way it is tied in with the SPFA facilitated cooperation to ensure adequate emergency response in the SPF Area.

Tenant Security Plan: the collection of all the measures a Tenant takes to ensure security on its Plot, and the way it is tied in with the SPFA facilitated co-operation to ensure security in the SPF Area.

Work: any construction or construction-related activity (e.g., removal, alteration or repair) or maintenance activity in the SPF Area.

Terms not defined herein shall have the meaning ordinarily ascribed to them in the Shorter Oxford English Dictionary.

## **2. Property Rights**

### **2.1 Valid Property Right Agreement**

Each Tenant conducting activities within the SOHAR Port and Freezone relating to/or including the need or use of a property right shall, prior to commencing such activities, enter into a valid Property Right Agreement and shall thereafter ensure that such Property Right Agreement is renewed on a timely basis as required therein.

### **2.2 Compliance with Property Right Agreement Obligations**

Each Tenant shall comply with and shall cause all its employees, contractors, invitees and agents to comply with all obligations stipulated in the Property Right Agreement.

### **2.3 Activities under the Property Right Agreement**

Each Tenant shall ensure that the Leased Premises and/or Plot (as applicable) are used for only the activities stipulated in the License and/or the relevant Property Right Agreement (as applicable), and shall not conduct any other activities.

### **2.4 Sharing of Leased Premises**

No Tenant may share its leased premises or land with any other person unless such sharing arrangement is subject to a Sub-Lease previously approved by SPFA.

### **2.5 Registration of Property Right Agreements**

All Tenants shall register their Property Right Agreements, including commercial mortgages, with the relevant authorities according to the law.

### **2.6 Insurance**

Any contractor shall be insured under a Construction All Risk (CAR) policy in respect of the construction being carried out by it and/or its client within SPF. Tenants must insure their premises as per the requirements specified in their Property Right Agreements against fire and other perils. All policies shall be sufficient to cover clearance and replacement costs of the structure, fixtures and fittings and shall include third party and public liability coverage.

### **2.7 Right to Enter Premises**

Authorized representatives of SPFA as well as any other persons authorized by SPFA, shall have the right to enter a Tenants Plot and/or Leased Premises at any time with reasonable prior notice subject to compliance with the Tenants Entry Pass and HSSE procedures for proper purposes related to the Property Right Agreement and these Rules and Regulations. Each Tenant and License holder shall cooperate with SPFA and provide all necessary facilities for entry, inspection, examination and testing, as applicable.

## **3. Permit System**

### **3.1 Plot Work Permit**

To start work on a Plot for the first time, a Party must have obtained a Plot Work Permit, which will be issued by SPFA prior to the commencement of the work and only if all the conditions for the use of the Party's Plot are fulfilled; provided that SPFA may issue a Preliminary Plot Work Permit if all requirements for a Plot Work Permit have not been satisfied. When the work

is complete in accordance with the Plot Work Permit, such construction must satisfy the SPFA requirements, where upon the SPFA shall issue a Notification of Compliance, such Notification not to be unreasonably withheld or delayed.

The Tenant must notify SPFA of any proposed additional construction works not covered by the initial Plot Work Permit and which could have adverse impact outside the Plot of the Tenant such to the discretion of SPFA, either in the construction or operational phase. SPFA, on its sole discretion, will advise the Tenant on the permitting process.

### **3.2 Common Area Work Permit**

To start work in Common Areas, or work in a Plot, which may affect the Common Areas, a Common Area Work Permit is necessary. A Common Area Work Permit is an approval to start a specific construction activity affecting the Common Areas. It is valid for a limited duration and for the defined construction activity only. The permit holder shall restore the Common Areas and Infrastructure affected by the Work to its original condition and elevation.

### **3.3 Pipeline Permit**

In order to lay, construct or work on, Pipelines in the Common Areas, a Tenant or SPF user shall first obtain and maintain a Pipeline Permit from SPFA. The Pipeline Permit shall specify the route allocation and the design, maintenance and management of the Pipeline and any other specifications, Rules and Regulations that must be adhered to by the relevant Tenant or SPF user. For the avoidance of doubt, all such specifications pertaining to the laying, construction and/or work on Pipelines within the Common Areas shall be subject to review and approval by SPFA.

Each Tenant or SPF user shall, in coordination with SPFA, remove, or cause the removal of, Pipelines installed by it or on its behalf that it no longer uses or intends to use, and shall effect such removal, at its sole expense, within three hundred and sixty five (365) days after discontinuing the use of such Pipelines.

### **3.4 Special Transport Permit**

A Special Transport Permit is necessary prior to transporting loads in the Common Areas that do not meet the applicable road design criteria (WB-20) and higher than six point five (6.5) metres.

### **3.5 Applications for Permits**

All permit applications must be submitted to SPFA in accordance with the 'Guideline Permit System' (published separately) and where possible through the online permit application system.

### **3.6 Conditions**

SPFA has the right to set conditions and restrictions in the permits related to the good order, health, safety and the protection of lives and property and the environment in the SPF Area, and may require that the relevant part of the Work be discontinued immediately if, in the opinion of SPFA, this is reasonable, properly considered and according to Best International Practices necessary with regard to any of the foregoing.

### **3.7 Coordination**

Permit holders must appoint a person responsible for coordinating all aspects of the permit including the communication with SPFA.

SPFA shall coordinate activities in the Common Areas to the extent practicable, so as to minimize undue delay, interference or obstruction.

### **3.8 Liabilities**

Permit holders are responsible for any damages caused by their activities. Permit holders with Property Right Agreements will have the same liability and insurance requirements as described in the Property Right Agreement.

### **3.9 Inspections**

SPFA shall have the right, at any time, with reasonable prior notice, but shall have no obligation to inspect any work on the Plots or in the Common Areas to ensure that the Permit conditions are satisfied.

### **3.10 Hindrance**

The owner or person in charge of anything that is causing or likely to cause hindrance or an obstruction in the Common Area shall, if so directed by SPFA, remove or eliminate the cause of such hindrance or obstruction forthwith and within such time limit as directed by SPFA at the cost of the owner.

### **3.11 Fees**

If applicable, the Tenant or SPF user shall promptly pay the relevant fee for obtaining any SPF permit pursuant to the regime provided in the relevant application form.

### **3.12 Compliance**

Failure to comply with permit conditions or violations of these SOHAR Port and Freezone Rules and Regulations by a permit holder may result in cancellation of the permit by SPFA.

## **4. HSSE General**

### **4.1 General**

SPFA, as the landlord, may issue any order necessary for the good order, health, safety, security, protection of lives and property, and sound environmental practices in the SIP & FZS Areas. These orders will be issued in accordance with the objectives of these SPF Rules and Regulations and Best International Practices.

### **4.2 Law**

The main regulatory framework for HSSE matters is Omani Law, i.e. the applicable Royal Decrees and Ministerial Decisions. The Ministries of the GSO Entities are responsible for setting standards and issuing permits for the activities in the SIP & FZS Area. These permits may include control measures and monitoring obligations. In addition, Ministerial guidance notes (such as issued by SEU) and International standards (such as IPPC, BAT, NFPA and SEVESO III) ) may be imposed by GSO with the status of law.

SPF Users are required to obtain the specific licenses, permits and consents from the relevant GSO Entities and ensure compliance of these environmental Laws, regulation or licenses, permits and consents.

### **4.3 Coordination**

SPFA initiates and facilitates to establish a framework of cooperation on HSSE matters in the SIP Area. It does this in cooperation with the tenants and the relevant government entities, like the Ministry of Regional Municipalities, Ministry of Environment and Climate Affairs / SOHAR Environmental Unit, the Ministry of Health, the Ministry of Manpower and the Royal Oman Police and the Public Authority for Civil Defence and Ambulance (PACDA).

### **4.4 Tenant HSSE Framework**

Every Tenant in the SPF must establish an HSSE framework based on a risk assessment of its activities. This framework comprises of HSSE policies and procedures, including its management and monitoring systems with respect to the Tenant's activities on its Plot as well as in the Common Areas.

In the 'Guideline HSSE Framework' the issues are listed that, as far as relevant for the SPF industries, must be addressed in the HSSE Framework. The HSSE Framework must be submitted to SPFA at, or prior to, the time when the Tenant is operational in the SPF Area. The Framework has to be updated after significant changes of the hazard risks. SPFA has the right to review each Tenant's HSSE Framework and can request revision.

### **4.5 SPF HSSE Committee**

To facilitate coordination and information exchange on HSSE matters SPFA has established an HSSE Committee. The HSSE Committee consists of representatives of SPFA, Tenants and GSO authorities. This HSSE Committee prepares Health, Safety, Security, Environment and Emergency Response measures and will meet on a monthly basis. Depending on the necessity Sub-committees can be formed to address specific topics. The HSSE Committee reports to the joint meeting of Port and Freezone executives (SOHARLinks and FreezoneLinks).

#### **4.6 Tenant HSSE Representative**

All Tenants must appoint (a) professional and qualified HSSE representative(s). The HSSE representative(s) will be the principal contact person(s) for all HSSE matters between SPFA and the Tenant and needs to be an active member in the SPF HSSE Committee and its sub-committees. The contact details of the HSSE representative(s) shall be provided to SPFA in writing.

## **5. Health**

#### **5.1 General**

Tenants must have appropriate provisions for the healthcare of their employees in the SPF, based on the actual occupational health and safety risks within their facility. The availability of medical staff and medical equipment (if applicable) must be reported to SPFA on request.

#### **5.2 Notification of Diseases and Accidents**

Each SPF User shall immediately notify SPFA and the relevant authorities, namely the Ministry of Health and Ministry of Manpower, of any infectious diseases and/ or occupational accidents at its Plot, site and/ or any other land or premises within the SPF Area on which the relevant SPF User undertakes activities.

#### **5.3 Animal and Plant Health**

Laws concerning animal and plant health and quarantine and the protection of animals and plants from diseases and pestilence, shall apply in the SPF Area, and to persons, baggage, carriers and goods containing possible animal or plant disease-carrying vectors arriving in the SPF Area directly from the Customs Territory and foreign territories.

## **6. Safety**

#### **6.1 Safety Obligations**

Tenants whose activities pose an external risk of major credible accidents (such as referred to in Seveso III or UK COMAH criteria) shall A: Make a Quantitative Risk Assessment, B: Implement a Safety Management System and C: Prepare a Safety Report as per below clauses. The 'Guideline HSSE Framework' provides guidance on the typical content and structure of these documents (A, B and C).

#### **6.2 Quantitative Risk Assessment**

A Quantitative Risk Assessment (QRA) is a systematic identification of possible hazards, quantified as to its likelihood and consequences and spatially represented as risk contours around the concerned source of possible hazard. The above mentioned quantitative risk assessment is an integral part of the HSSE Framework and through this must be made available to SPFA and must be updated after significant changes of the hazard risks.

#### **6.3 Safety Management System**

On the basis of the QRA the tenant shall establish a Safety Management System documenting his major-accident prevention policy. A Safety Management System comprises of all measures necessary to prevent major accidents and to limit their consequences for human safety and the environment. If there are changes made in the operation or facilities of the Tenant that might have impact on hazard risks, the Tenant will make sure that the major-accident prevention policy and Safety Management System is reevaluated and amended accordingly.

#### **6.4 Safety Report**

In the Safety Report it is established that:

- A major-accident prevention policy and a safety management system has been introduced;
- major-accident hazards are identified and the necessary measures have been taken to prevent such accidents and the consequences for man and the environment;
- the design, construction, operation and maintenance of all installations associated with the operation of the establishment, warehouses, equipment and infrastructure associated with the dangers of a major accident within the facility are sufficiently safe and reliable;
- a Tenant Emergency Response Plan was created.



## **6.5 Fire Safety**

All Tenants must have a Fire Safety Plan as part of the HSSE Framework, and must adhere to the applicable Omani Law as to the fire-safety standards for buildings, layout of buildings and equipment. As part of the applicable Omani Law, adequate fire-fighting equipment must be on site as stipulated in the permits issued by the Public Authority for Civil Defence and Ambulance. The availability of fire-fighting equipment and personnel, must be reported to SPFA on request.

## **6.6 Traffic Safety**

On the roads in the Common Areas the Omani Law and the SPF Anti Hazardous Driving Policy is applicable (as published by SPFA on [www.soharportandfreezone.com](http://www.soharportandfreezone.com)). SPFA has delegated authority regarding the enforcement of traffic regulations.

Any driver or operator of a vehicle or equipment capable of being driven or operated must be in possession of a valid license issued by the ROP or other license valid in Oman for the class of vehicle or equipment being driven or operated.

Speeding or any other irresponsible road behavior will be subject to fines or other penalties in accordance with applicable law.

## **6.7 Closure of Roads**

SPFA has the authority to temporarily close roads in the Common Areas. Provided that, to the extent practicable, SPFA will provide timely written notice of any such closure and will ensure that Tenants have access to their Plot.

## **6.8 Licensing of Equipment**

Each SPF User shall ensure that all vehicles, cranes, forklift trucks and similar equipment using public roads are properly licensed by, and registered with, the ROP.

# **7. Security**

## **7.1 Cooperation**

SPFA, the Tenants and the relevant GSO Entities shall work together for the security of the SPF Area. This cooperation is based on the requirements of the Royal Oman Police and other Oman entities as to security or security related matters. The general operational rules, practices and procedures of these security measures are set forth in 'Guidelines Security' available with SPFA.

SPFA has coordinating responsibility for the various activities as to security and has set standards for communication and infrastructure measures.

## **7.2 Security Levels**

There are three security levels applicable in the SIP & FZS Area: normal, heightened and high alert. The security level will be determined by the GSO from time to time and SPFA will communicate the required security level to the Tenants.

## **7.3 Identification**

No one may enter the Common Areas without presenting proper identification documents and passing through identification control at one of the entry gates at the outer perimeter of the SIP & SFZ Areas.

All persons and vehicles entering into and exiting from the Port and/or Freezone must have an appropriate Gate Pass and can be subject to searches and security checks at the entry and exit gates by SPFA and/or the ROP stationed at such entry and exit points and other points deemed necessary.

## **7.4 Obligations of the Tenants**

Each Tenant is responsible for security on its own Plot. Each Tenant shall prepare a Tenant Security Plan as part of its HSSE framework. Guidance for the content of this plan can be found in the 'Guideline HSSE Framework'.

Special requirements are necessary for the guarding and patrolling of above ground pipelines and -bridges. Such requirements must be reviewed by SPFA and approved by ROP.

All security breaches must be reported to SPFA and the Royal Oman Police.

### **7.5 Forced Entry**

SPFA Security may break open any premises in case of a Tier 2/3 emergency occurring within or affecting the premises.

## **8. Environment**

### **8.1 General**

All SPF Users operating a facility or conducting work must have these activities duly licensed and/or approved by the Ministry of Environment and Climate Affairs.

### **8.2 Air Quality**

Any SPF User that operates a stationary air pollution source(s) within the SPF Area shall be required to conduct monitoring of the emissions from those sources and report the results of that monitoring to the relevant GSO authorities. The frequency of monitoring and reporting shall be in accordance to the applicable permit or law but in no case shall such monitoring and reporting be less than once annually.

### **8.3 Dust**

In principle, no dust may be created in the SPF Area. Dust sources, such as, but not limited to, dust generated by traffic, installation work and processes, should be identified and contained. If required by SPFA (in its sole discretion), the generator of that dust shall take appropriate and reasonable measures to contain such dust. If required, the SPF User causing the dust shall prove that the dust generated by its activities does not and will not reach or negatively affect neighboring premises and that such dust generation meets the applicable environmental laws.

### **8.4 Water Quality**

Direct discharge of any wastewater, either industrial or domestic, that does not meet the effluent discharge standards as established by MECA is prohibited. Effluent discharges from waste water treatment facilities shall meet the applicable discharge standards or permit requirements. Compliance with such standards or permit requirements shall be the responsibility of the owner/operator of the facility.

### **8.5 Water Resources**

SPFA does not allow any new water resource developments or the development of any ground water well or surface water abstraction.

### **8.6 Spills**

All spills and releases outside the framework of the (preliminary) environmental permit must be reported to SPFA and the Ministry of Environment and Climate affairs.

Tenants with an operational interface with the SIP Port Area must incorporate special requirements of the Ministry of Environment and Climate Affairs with respect to oil spills and hazardous substances spills in their Emergency Response Plans.

### **8.7 Groundwater Monitoring**

SPFA has the right to request monitoring of groundwater, in case there is reason to expect groundwater contamination.

### **8.8 Waste Disposal**

Each SPF User shall dispose of wastes in a manner approved by SPFA and MECA. Such approval shall include the use of approved waste transporters and approved disposal facilities.

### **8.9 Waste Transport**

Any entity intending to engage in waste transport within the SPF Area shall obtain approval by MECA to engage in such activity. Waste transporters shall maintain a manifest of the waste materials handled and/or transported by them and present such manifest to SPFA upon demand. No waste transporters shall dispose of, or deliver waste in, any manner not approved or authorized by MECA.

### **8.10 Waste Management Facilities**

All waste management facilities shall be subject to the approval and authorization of SPFA and MECA prior to commencing operations. Such facilities shall be opened to inspection by SPFA and the relevant authorities at any time and shall maintain sufficient records as to allow SPFA to determine the competence of their operations. No waste management facility may accept any waste delivered to it by a transporter not approved or authorized by SPFA and MECA to engage in such activity. Waste management facilities shall include, but not be limited to, landfills, incinerators, physical and chemical treatment facilities processing, recovering, or disposing of waste.

### **8.11 Discharge of Waste**

The discarding of litter, rubbish or waste materials or the discharge, emission or spill, intentionally or unintentionally, of any substance in the SPF Area is prohibited, other than as explicitly permitted by a written permit or authorization of the relevant Governmental Authority and/or SPFA. Every incident and violation of this prohibition must be immediately reported to SPFA. The person or entity responsible for any pollution in violation of Law, permit or Best International Practices will be liable for all costs of the cleanup operations and shall pay compensatory damages for any resulting harm to persons or property within the SPF Area as well as for any fines or penalties imposed by any Governmental Authority.

### **8.12 Liquid Industrial Waste**

The SPF User shall be responsible for treating liquid industrial waste to the required applicable standard for each receiving medium or agency in accordance with the law or agreement as applicable and shall discharge the same in accordance with the law or agreement, as applicable.

### **8.13 Liability**

The person or entity responsible for any pollution in violation of Law, permit or Best International Practices will be held liable for all costs of the cleanup operations and any resulting damage within the SPF Area.

## **9. Emergency Response**

### **9.1 Coordination**

SPFA initiates and facilitates the establishment of an operational emergency response system. Through the SPF HSSE Committee SPFA, Tenants and the relevant government entities (PACDA, ROP, Ministry of Health and Ministry of Manpower) will coordinate and work together in emergency response.

### **9.2 SPF Emergency Response Plan**

The SPF Emergency Response Plan provides the framework for emergency response within SIP and FZS Area and has the following basic elements:

- Three tier system, for classification of crises and emergency response;
- a central alarm number for alerting;
- a Central Emergency Response Centre coordinated by the Royal Oman Police;
- a SIP & FZS common telephone list for contact numbers;
- a SIP & FZS common inventory of resources (firefighting, health and other equipment);
- joint training exercises.

In case of a Tier 2/3 incident a senior representative of the originator has to be part of the SPF Crisis Management Team. External communication shall be done via this Crisis Management Team.

### **9.3 Tenant Emergency Response Plan**

All Tenants must have a risk based Tenant Emergency Response Plan as part of the HSSE Framework and in line with the SPF ERP which must be submitted to SPFA for review and approved by the competent GSO entity. The requirements for such Tenant Emergency Response Plan are specified in the 'Guideline HSSE Framework'.

### **9.4 Drills and Exercises**

The HSSE Framework must address an annual routine of risk based drills and exercises. Such drills and exercises shall be conducted at least two times per year and shall involve external stakeholders. Drills and exercises may be carried out in the SPF Area only after notification of such tests or drills to SPFA.

### 9.5 Forced entry

PACDA personnel may take full control of a fire-fighting situation in case of Tier 2/3 incidents. Where an SPF user's premises are unmanned, unguarded, closed or locked, fire-fighting personnel may make forced entry where there is reasonable justification (including a subsequent false alarm discovery), and/or where failure to do so could result in significant losses either in terms of damage to person or property of either the Tenant, SPF User, SPFA, or third parties.

### 9.6 Incident Notifications and Reporting

Any accident or other incident must be reported immediately to the central alarm number for the SPF Area when it:

- Is noticeable outside the plot, or;
- cannot be contained within a Tenant Plot, or;
- might affect other Plots or the Common Area, or;
- involves serious injury, or;
- involves a fatality, or;
- involves fire, or;
- involves a major spill, or;
- Involves release of hazardous materials.

Within 24 hours from termination of the incident an incident report must be submitted to SPFA Coordination Center with the following information:

- The circumstances of the accident or incident;
- the dangerous substances involved, if any;
- the data available for assessing the effects of the accident or incident on persons and the Environment, and;
- the emergency measure taken, if any;
- the steps envisaged;
- the medium and long-term effects of the accident or incident and;
- prevention of recurrence of such an accident or incident, and;
- updated information if further investigation reveals additional facts that alters that information or the conclusions drawn.

Incident	SPFA	ROP	SEU/MECA	PACDA	Min. Health	Min. Manpower
Health / Injuries	X				X	X
Safety / Fire	X		X	X		
Security	X	X				
Environmental	X		X			

Table of incidents vs. authorities to be notified

### 9.7 Evaluation

In case of a Tier 2 or Tier 3 incident, an evaluation shall be held within 48 hours upon termination of the incident.

### 9.8 Statistics

Each SPF User shall maintain statistical records of any accident or other incident that occurs whilst conducting its activities (not limited to serious or fatal accidents).

## 10. Enforcement

### 10.1 Prohibitions and Restrictions

The following is not permitted in the Common Areas:

- Possession or use of alcohol or drugs;
- dumping of waste or any other activities that might cause soil pollution;
- digging or otherwise removing soil, except as expressly permitted pursuant to a valid Construction Permit;
- smoking;

- entry into the seawater return- and storm water drainage channels is forbidden for all persons, unless special permission is received from SIPC;
- firearms are not allowed in the SPF Area. Any violations will be notified to the appropriate GSO Entities;
- stopping or staying without necessary reason, especially in the corridors.

### **10.2 Removal of Obstructions**

The owner or person in charge of anything that is causing or is likely to cause hindrance or an obstruction in the Common Areas shall, if so directed by SPFA, remove or eliminate the cause of such hindrance or obstruction forthwith and within such time limit as directed by SPFA at the sole cost of the owner. Upon failure to remove such obstruction, in an emergency, SPFA may, but shall not be obligated to, remove such obstruction at the cost of the owner thereof.

### **10.3 Failure to Comply**

In addition to any other liability it may have under the Law, an SPF User that violates these SPF Rules and Regulations may be subject to additional liabilities imposed by SPFA and the Law, including without limitation:

- Issuance of a prohibition notice, which requires an immediate cessation (fully or partially) of operations by the SPF User until such time as the required remedial action has been implemented to the satisfaction of SPFA;
- issuance of a correction notice, specifying the necessary corrective action and the date by which the required corrective action must be completed in case there is potential danger to HSSE, as determined by SPFA;
- notification to the SPF User of the violation; provided, however, if there is a persistent failure to remedy the violation, SPFA may issue a warning notice, specifying the necessary corrective action and the date by which the required corrective actions must be completed.
- levying of a fine against the SPF User;
- prohibiting for a specified period the entry or exit of certain specified persons or goods to or from the SPF Area or the provision of certain services by such SPF User.

## Part II: Rules and Regulations SIP Port Area

### 1. Definitions

AGCC: Arabian Gulf Cooperation Council

AIS: Automatic Identification system

Approach Channel: the buoyed channel dredged to –18.5 metres (LAT) from the open sea to the entrance of the Port.

Berth: any berth, dock, pier, jetty, quay (wall), wharf, mooring, anchorage, or offshore terminal, or any place regularly used for berthing or mooring vessels.

Common Area(s): the SIP Area other than Plots.

Dangerous Goods: any substance that may cause danger of explosion, fire, corrosion, poisoning, intoxication or radiation, as identified in (i) the IMDG Code, (ii) the (International) Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, or (iii) the (International) Code for the Construction and Equipment of Ships carrying Liquefied Gasses in Bulk of the IMO.

Draught: the deepest draught of any vessel.

ETA: the estimated time of arrival.

ETD: the expected time of departure.

Best International Practices: in respect of a Party, the exercise of that degree of professional skill, diligence, prudence and foresight as would reasonably and ordinarily be expected from a skilled, qualified and experienced entity responsible for carrying out responsibilities and discharging operations of a type such as comprise the business of such Party, and complying with those practices, methods, equipment, specifications and standards of management, safety and performance. Best international practices are not intended to signify optimum practices or methods, but rather to signify reasonable and prudent practices and methods.

GSO : the Government of the Sultanate of Oman.

GSO Entity : any governmental apparatus as defined in Royal Decree No. 26 of 1975.

Harbour Master: the SIPC staff member, including his authorized deputies, appointed by SIPC to carry out the duties of the Harbour Master, as specified in these Rules and Regulations Port Area.

Harbour Master Office: the office of the Harbour Master and his authorized deputies in the SIP Area.

IAAE: International Agency for Atomic Energy.

IACS: International Association of Classification Societies.

IBC Code: (International) Bulk Chemical Code.

IMDG Code: International Maritime Dangerous Goods Code of the IMO.

IMO: International Maritime Organization.

ISGOTT: International Safety Guide for Tankers and Terminals.

ISPS Code: the International Ship and Port Facility Security Code.

Lowest Astronomical Tide (LAT): the reference level to which depths are referred to for the SOHAR Industrial Port Area.

License Agreement: an agreement between SIPC and a Tenant to which SIPC grants to a Tenant certain rights of way and easements in the Common Area and/or a Plot and in which is described and defined the various responsibilities, tasks, rights and duties that go with such rights of way and easements or occupation.

Master: the person in practical and operational command of a vessel.

MECA: Ministry of Environment and Climate Affairs.

Naked lights: open flames or fires, incandescent material, or any other unconfined source of ignition.

Nautical Charts: the official GSO nautical charts.

Oman: means the Sultanate of Oman.

Other SIP User: any user of the SIP other than a Tenant or a GSO Entity.

Party : (i) a Tenant, (ii) a GSO Entity, or (iii) any Other SIP User.

Pilot Station : the location outside the Port in open sea as indicated in the Nautical Charts where pilots (dis) embark.

PCC : Port Coordination Centre.

PMS: Port Management System.

Plot: an area within the SIP Area with respect to which SIPC has entered into a Provisional Plot Plan Agreement, a Sub-usufruct Agreement, or License Agreement.

Port: the area of water within the boundaries of the breakwaters and the shoreline.

Port Dues: charges levied by SIPC on a Vessel for using the Port.

Port Operator Guidelines and Procedures: the guidelines and procedures a Terminal Operator or a Service Provider issues for the operations on its quay or jetty in the Port.

Port Information Guide: the guide published by SIPC (as posted on the SIPC website from time to time at [www.soharportandfreezone.com](http://www.soharportandfreezone.com)) which describes the characteristics of the Port, the Port Dues and operational practices of the Harbour Master.

Property Right Agreement: a Provisional Plot Plan Agreement, a Sub-usufruct Agreement, Land Lease Agreement, or Land Reservation Agreement.

Rules and Regulations for Seaports: the Rules and Regulations for seaports issued by the Arabian Gulf Cooperation Council (AGCC), August 1998 edition, or any up-dated or later version in effect from time to time.

Service Provider: a company that offers maritime-related services in the Port such as towage, pilotage, mooring/unmooring services, removal of wastes, etc.

Ship's Agent: any company or firm or person appointed by a ship owner, charterer or operator and duly approved by SIPC to provide agency services to Vessels.

SIP: SOHAR Industrial Port, encompassing the SIP Area and the SIP Port Area as registered in Ministry of Housing land registry krooki No. 2-19-087-01-001.

SIP Area: the land area that the SIPC holds in usufruct according to Royal Decree No. 80/2002 and No. 122/2008.

SIP Port Area: the area of water that the SIPC holds in usufruct according to the Royal Decree No. 80/2002 and No. 122/2008 including the marine related infrastructure such as, but not limited to, quay walls and jetties of the SIP.

SIPC: the SOHAR Industrial Port Company S.A.O.C., established as a joint venture company between the GSO and Mainport Holding Rotterdam B.V.

Smoking: smoking or carrying a lighted cigar, cigarette, pipe, shisha or other similar object with lighted contents.

SPFA: SOHAR Port and Freezone Authority, consisting of the legal entities 'SOHAR Industrial Port Company SAOC' (SIPC) and 'SOHAR Freezone LLC'.

Sub-usufruct Agreement: an agreement pursuant to which SIPC grants to a Tenant a sub-usufruct right in a Plot and in which is described and defined such Tenant's Plot and all the various responsibilities, tasks, rights and duties that go with the sub-usufruct of such Plot.

Tenant: means any entity with which SIPC has entered into a Provisional Plot Plan Agreement, a Sub-usufruct Agreement, or a License Agreement.

Terminal Operator: means any Party who operates a quay or jetty or storage operation in the SIP Area.

Vessel: any vessel or craft including a water plane, a hydrofoil, a hovercraft, a drilling unit, a work platform or similar object, a dredger, a floating crane, an elevator, a pontoon and any floating machine, floating object or floating installation.

Terms not defined herein shall have the meaning ordinarily ascribed to them in the Shorter Oxford English Dictionary.

## 2. General

### 2.1 Objectives and Applicability

The objective of these Marine Area Rules and Regulations is to ensure good order, health, safety, security, protection of lives and property, and sound environmental practices in the SIP Port Area while taking fully in account the acknowledged commercial objectives of the Tenants, on an individual and collective basis. These Rules and Regulations Port Area apply to all vessels and juridical and natural persons entering or using the SIP for any purpose or reason whatsoever unless otherwise stated herein.

### 2.2 Other Regulations & Agreements

Nothing in these Rules and Regulations Port Area may be construed as conflicting with, overriding or invalidating Omani Law, the Rules and Regulations for Seaports or any international treaties or agreements to which GSO is a party. These SPF Rules and Regulations are not intended in any manner to override or alter the obligations and rights of any Party under a Property Right Agreement it is a party to. In case of any conflict, the applicable terms of the relevant Property Right Agreement shall prevail.

### 2.3 Responsibility of the Master

The Master of any vessel shall always remain responsible for ensuring that such vessel observes and fulfills all relevant requirements contained in these Rules and Regulations Port Area. Nothing in within these Rules and Regulations Port Area shall relieve the Master of any vessel from his responsibility for the vessel under his command.

### 2.4 Authority to Manage and Operate

Pursuant to the Concession Agreement between GSO and SIPC, as ratified by Royal Decree 80/2002 and No. 122/2008 SIPC was granted the exclusive right to develop manage and operate the SIP as a landlord port manager and to (i) perform all facilitating and coordinating functions concerned with the safe and efficient movement of vessels, cargo and passengers, (ii) collect Port Dues assessed on vessels visiting the Port based on their gross tonnage, and (iii) facilitate pilotage, towage and other maritime services executed by private companies within the SIP.



## 3. The Harbour Master

### 3.1 General

The Master of any vessel visiting the SIP Port Area for any purpose whatsoever shall at all times and in all respects be subject to the direction of the Harbour Master and such Master shall observe, obey, abide by and comply with all orders and instructions, written or verbal, made or given by the Harbour Master as long as they do not conflict with such Master's legal responsibilities.

### 3.2 Responsibility

The Harbour Master is charged by SIPC with responsibility for all aspects of vessel movements, vessel and Port safety, and overseeing compliance by all Port users with these Rules and Regulations Port Area.

### 3.3 Coordination

The Harbour Master shall coordinate the pilotage, towage, mooring and unmooring services and other maritime related services as required.

SPFA, in consultation and co-operation with the Service Provider and the Harbour Master, shall develop guidelines and procedures to be followed for the purpose of safety and smooth operations of pilotage, towage and mooring services.

### 3.4 Reporting

The Harbour Master shall report to the Ministry of Transport and Communications any vessel which does not comply with these Rules and Regulations Port Area, the Rules and Regulations for Seaports, Omani Law, international treaties, laws and regulations, or IMO conventions, and shall decide, in consultation with the Ministry of Transport and Communications, if necessary, on the measures to be taken.

### 3.5 Tug Usage

The Harbour Master may, at his discretion, determine the number of tugs that shall be required to attend to Vessels moving in the SIP Port Area.

## 4. Access to the SIP Port Area

### 4.1 Approach

The approach to the Port is through the approach channel, marked with buoys as indicated in the Nautical Charts. Vessels when sailing in the approach channel and Port shall have their propeller(s) submerged and shall have a field of vision from the bridge complying with IMO recommendations.

The approach channel is one-way traffic. Depending on ship size, ship maneuverability, shipping traffic or other relevant facts and circumstances, the Harbour Master may designate the approach channel for two-way traffic.

Pilot boarding area shall be as indicated in the Nautical Charts.

Anchorage are available at locations indicated in the Nautical Charts (Oman 257 by National Hydrographic Office of the Sultanate of Oman).

### 4.2 Entry

No vessel is allowed to enter the Port unless maneuvering devices and mooring equipment (including anchoring equipment) are in good working condition, and those specifically permitted by the Harbour Master.

Any vessel intending to use Port of SOHAR, must use the designated approach channel and enter this channel only between the outer approach buoys. Any vessel failing to follow this regulation whose action results in any damage to fish traps or other markers will be liable for full value of compensation.

It is mandatory for all vessels that enter SOHAR Port vicinity to have their AIS (Automatic Identification System) to be turned on and all relevant fields are to be filled accurately.

### **4.3 Vessels Leaving the Port**

The Master or the Ship's Agent for any vessel intending to depart the Port must give to the Harbour Master at least three (3) hours notice of the ETD.

Each vessel wishing to leave the Port shall obtain an SIPC Port clearance issued by the Harbour Master. Such port clearance may be withheld for any vessel for any violation of the provisions of these Rules and Regulations Port Area, or for any legal cause or restraint duly ordered by a court in Oman, or for non-payment of Port Dues.

### **4.4 Detention of Vessels**

The Harbour Master may, if necessary, in consultation with the Ministry of Transport and Communications, detain any vessel that does not comply with Omani Law or international law or regulations.

### **4.5 Departure of Vessels**

- Agents must clear all the ship's documents from the PCC prior to departure.
- PCC will be informed by the agents that the ship operations have been completed and that the vessel will be ready to sail and that marine services have to be ordered at least two (2) hours before departure.
- PCC will then inform the pilot, tugs and linesmen about the ship boarding time.
- PCC will call the ship to complete departure information.

All information shall be provided in accordance with internationally recognized digital standards and the specific instructions of the Harbour Master in the PMS.

## **5. Communications**

### **5.1 Language**

All communications related to the co-ordination of vessel movements and operations shall be in English.

### **5.2 Pre-arrival Notice**

- a. Notices of ETA shall be sent by the Master and/or the Ship's Agent to the Harbour Master Office three (3) calendar days and confirmation of the ETA should be sent one (1) day prior to the Vessel's arrival at the SIP Port Area.
- b. The Master of any vessel bound for the Port and/or the Ship's Agent shall contact the Harbour Master Office at least four (4) hours prior to arrival with an up-dated ETA and ask reconfirmation to enter the SIP Port Area.

### **5.3 VHF-Communications**

Communication within the SIP Port Area shall be conducted on the following channels:

Between Vessel and Harbour Master Office: VHF Channel 71

Between pilot and Harbour Master Office: VHF Channel 13

Between pilot and Vessels: VHF Channel 13

Between pilot and tugs: VHF Channel 13

Between Pilot and Linesmen: VHF Channel 13

A continuous twenty four (24) hour listening watch is maintained on VHF Channel 16 and the Port working channel (VHF Channel 71).

### **5.4 Required Motor Vessel Notification**

The Port Coordination Centre (PCC) should receive an arrival notice through the Port Management System (PMS) from agents 72 hours prior to arrival.

The following information is to be included in the arrival notice for PCC to do all their pre-checks:

- Ship's name and call sign
- Port of Registry
- IMO number
- Name of Master
- ETA and ETD draft

- Overall Length
- De-rating Certificate or De-rating Exemption Certificate
- Discharging/loading
- Type of cargo
- List of dangerous goods
- Documents of compliance
- Crew List
- Passenger List
- Cargo manifest
- Insurance
- International Tonnage Certificate (ITC)
- Cargo Ship Safety Certificate (CSCC)
- Oil record book part 1
- Garbage record book
- Stowage Plan (\*)
- Material Safety Data Sheet (MSDS)
- Certificates quality vessel, with company, place and date of issuance
- ISSC
- Ships acting security level
- Security levels of last 10 ports of call
- Importer or exporter to be called upon
- Declaration stating that no person with suspected or actual case of infectious disease is on board
- De-ballasting requirement and timing
- Any crew changes, bunkering, store, medical assistance, tanker cleaning required, immobilization, hot work and lowering of lifeboat

(\*) Not required for the vessels arriving empty at the Port.

Following the arrival notice, agents must fill in the required information in the PMS, after which the PCC will give the vessel a call number. Should there be a change in the vessel's ETA, the agents must then update the PMS accordingly.

### 5.5 Required Motor Tanker Vessel information

The Port Coordination Centre will receive via the PMS the ship's particulars (Questionnaire 88/Form C) from the sheltering company or shipping agent. PCC will check the ship's particulars in order to know if the ship is reliable enough to come into the jetty and to make sure that the vessel has all the valid documents.

The following documents are checked prior and upon arrival:

- International Oil Pollution Prevention Certificate (IOPPC)
- SOLAS safety equipment
- SOLAS safety radio
- SOLAS safety construction
- Load line certificate
- Internationally safety management (ISM)
- Civil Liability Certificate (CLC)
- Certificate of fitness (Gas/Chemicals)
- Certificate of class
- ISPS/ISSC
- Condition Assessment Scheme (CAS) – if applicable
- Material Safety Data Sheet (\*)

(\*) Not required for the vessels arriving empty at the Port.

The above documents must be made available at all times.

After the acceptance has been made by the PCC, the agents will add the vessel in the PMS after which the vessel will be assigned a call number.

In addition to the PCC checks, upon arrival the following parties will also inspect the ship before starting of operations:

- Customs
- Health
- Immigration
- Marine safety department (random checks are carried out prior or during the vessel operation).

## **6. Vessels**

### **6.1 Vessel Insurance**

All vessels entering the SIP Port Area must have proper insurance that sufficiently covers any third party liability, including liabilities resulting from dangerous goods or oil spills, spills of chemicals or other toxic or hazardous materials. The vessel must have on board written proof of such insurance, which shall be provided, to the Harbour Master upon request.

### **6.2 Vessel Requirements**

Vessels shall be designed, constructed, equipped, operated and maintained so as to comply with the provisions of the applicable IMO codes and conventions and requirements of the vessel's classification society, which must be a member of IACS. All vessels shall hold valid certificates issued by the flag state of the Vessel and/or by a classification society recognized by a flag state, which is a member of IACS.

All vessels shall have on board papers and documents to be presented or made available for inspection in accordance with the Rules and Regulations for Seaports.

The Harbour Master has the right to refuse entry to the Port of any vessel not in compliance with the above-mentioned requirements.

### **6.3 Port Dues**

Every Vessel entering the Port, other than GSO exempted Vessels, shall be liable to pay Port Dues. Port Dues shall be paid by or on behalf of the Vessel.

SPFA has the right to alter, change, or amend from time to time the Port Dues, provided that such alteration, change or amendment is reasonable under the prevailing circumstances and has been discussed prior to implementation with the applicable GSO Entity.

SPFA publishes the schedule of Port Dues on its website at [www.soharportandfreezone.com](http://www.soharportandfreezone.com)

## **Conduct of Vessels**

### **6.4 Right of Way**

Vessels leaving the Port shall in general have the right of way over vessels entering the Port.

### **6.5 Draught Marks**

All vessels moving in the Port shall have clearly visible draught marks and shall not be loaded over their marks.

### **6.6 Anchors**

Every vessel shall, when entering, navigating or leaving the Port, have anchors ready for immediate use.

### **6.7 Speed Limit**

Vessels shall proceed and maneuver at safe speeds within the Port at all times. The maximum speed allowed in the Port is seven (7) knots at all times, unless otherwise established by the Harbour Master in his sole discretion.

### **6.8 Permission to Enter or Leave**

Vessels shall call the Harbour Master Office to obtain permission to enter or leave the Port via the Port working channel (VHF Channel 71) or VHF Channel 16.

### **6.9 Responsibility for Behavior of Crew**

The Master of a vessel shall be held responsible for the behavior of the crew of such vessel while in the SIP and for the strict observance of Omani Law; particularly those laws concerning the sale, possession or consumption of drugs and alcohol.

## **7. Marine Services**

### **7.1 Pilotage**

Pilotage is compulsory for any vessel, with exemption of GSO Vessels (including Omani military Vessels) or other Vessels specifically exempted by the Harbour Master.

Unless otherwise advised by the Harbour Master, the pilot will (dis)embark the vessel at the Pilot Station. Vessels shall reduce speed and make lee to accommodate the safe (dis)embarking of the pilot.

Requests for pilotage shall be made through the Ship's Agent and addressed to the Harbour Master Office as follows:

- In the case of an arriving Vessel, at least four (4) hours before the service is required.
- In the case of a departing Vessel, at least two (2) hours before the service is required.

### **7.2 Towage and Mooring Services**

The use of tugs is compulsory for any vessel with an overall length of more than seventy (70) meters entering and leaving the Port and while berthing or departing. Vessels shall contract directly with the Service Provider for this service, which shall be provided according to the United Kingdom Standard Conditions for Towage and Other Services (revised 1986).

The number of tugs for vessels with an overall length of more than seventy (70) meters shall be determined by the Harbour Master, in co-ordination with the entity providing tug services. The Harbour Master may set the number of compulsory tugs for vessels with an overall length of less than seventy (70) meters if determined necessary in his sole discretion for good order and safety in the Port.

Requests for towage and mooring services within the Port shall be made through the Ship's Agent and shall be addressed to the Harbour Master Office at least two (2) hours before such services are required. Tugs and mooring services being provided for that purpose will be charged at the vessel's expense.

At the sole discretion of the Harbour Master, tugs and other marine services will be employed during adverse weather conditions while a Vessel is alongside. Marine services being provided for that purpose will be charged at the vessel's expense.

## **8. Order and Safety in the SIP Port Area**

### **8.1 General**

The Harbour Master may issue any order in writing or otherwise, for the good order and the safety of shipping, persons and property within the SIP Port Area. The Harbour Master will endeavor to issue all such orders in accordance with the objectives of these Rules and Regulations Port Area.

### **8.2 Severe Weather Precautions**

All vessels moored in the Port or berthing shall take such precautions in severe weather as may be necessary and reasonable, and as may be ordered by the Harbour Master.

### **8.3 Retention of Sufficient Crew**

The Master of any Vessel moored in the Port shall, unless the Harbour Master specifically permits otherwise, at all times retain on board sufficient crew to operate the Vessel.

### **8.4 Accommodation Ladders/Gangways**

The vessel is to provide safe and well-secured ladders and gangways or procure such ladders and/or gangways from the relevant terminal.

### **8.5 Anchoring**

Vessels are allowed to anchor in the anchorage area only after obtaining the permission of the Harbour Master. Anchoring within the Port is expressly prohibited unless specifically permitted in writing by the Harbour Master.

In the Port, the Master of a Vessel shall refrain from:

- a. Using an anchor to stop a Vessel
- b. Maneuvering a Vessel with a dragging anchor; or
- c. Casting anchor or lying at anchor

The above prohibition does not apply in the cases stated below:

- a. To prevent collision or contact;
- b. or while following the advice of a registered pilot.

### **8.6 Tests and Drills**

No emergency, safety, fire or other tests or drills may be carried out in the SIP Port Area, including the lowering of lifeboats, except with the prior written permission of the Harbour Master.

### **8.7 Removal of Obstructions**

The owner or person in charge of any object whether floating or submerged, causing or likely to cause an obstruction in the Port shall, if so directed by the Harbour Master, remove such obstruction forthwith and within such time limit as directed by the Harbour Master at the cost and risk of such owner or person in charge.

### **8.8 Reporting of Incidents**

If any vessel sustains or is involved in any incident involving loss of life, serious injury to any person, grounding, collision, pollution or any other damage to property, or if such vessel sustains any material damage which may affect such vessel's seaworthiness or efficiency, the Master of the Vessel shall deliver to the Harbour Master in writing a full report of the incident or damage within twenty four (24) hours of the occurrence of the incident or damage, and in any case before departure.

Terminal Operators and Service Providers shall also report any such marine incidents to the Harbour Master.

### **8.9 Berthing**

A vessel shall use adequate mooring ropes to safeguard the Vessel to the satisfaction of the Harbour Master. Mooring ropes must be in good condition (in the opinion of the Harbour Master), and the Harbour Master may require ships to renew any mooring ropes, which, in his sole opinion, are damaged or unsuitable. Upon mooring of any Vessel, the Vessel shall be responsible for placing the appropriate number of traps on the hawsers to prevent ingress and egress of rats to and from the Vessel.

Any vessel with Dangerous Goods in bulk on board shall have its bow pointing in the direction of quick exit from its berth and/or shall place its mooring ropes in a manner that allows tugs in a crisis situation to immediately take control of such mooring ropes in order to tow the Vessel away promptly, unless the Harbour Master specifically permits otherwise.

### **8.10 Loading and Discharging of Cargo**

Vessel movements for discharging or loading generally will be in the order of vessel arrival and shall be determined by the Harbour Master in full coordination with the applicable Terminal Operator, taking into account the information contained in the relevant notifications (Article 8.8).

The loading and discharge of cargo in the Port is the responsibility of the vessel staff and the applicable Terminal Operator.

The applicable Port Operators guidelines and procedures are to be followed for the purpose of safety and smooth operations. They are not to override or conflict with these Rules and Regulations Port Area or any of the other laws, rules or regulations referred to in Article 3.4 above, and shall be in accordance with Best International Practices, including, without limitation, the IBC-Code and ISGOTT.

### **8.11 Naked Lights**

Naked Lights are allowed only in galleys whose construction, location in the Vessel and ventilating system offer protection to the penetration of combustible gases.

Any vessel that has sparks issuing from its funnel shall be prohibited from entering or remaining in the Port. Masters shall be responsible for ensuring that no such sparks are issuing from their Vessels immediately prior to and during their stay in the Port.

### **8.12 Smoking**

Smoking is prohibited in the SIP Port Area except in specially designated smoking areas.

Smoking on board a Vessel in the Port is allowed only in rooms designated for this purpose.

Rooms and places directly accessible from the outside environment shall not be designated as rooms and places where smoking is allowed.

Rooms and places where smoking is permitted shall be clearly marked as such.

Each Terminal Operator and Industry shall ensure that the prohibition on smoking and the prohibition on Naked Lights are clearly announced by signs in Arabic and in English.

### **8.13 Emergency**

In an emergency situation, all persons and Vessels in the SIP Port Area must adhere to instructions issued by the Harbour Master.

### **8.14 Cleaning of Vessel**

Vessels with hazardous cargo or remnants of hazardous cargo can be cleaned only after having obtained written permission of the Harbour Master for this purpose. This is also subject to terminal and MECA approval. Only a registered party is to carry out the cleaning. This requirement also applies to fumigation activities.

### **8.15 Repair Activities on Berthed Ships**

Any repair, painting or hot work or other hot works activity on board a Vessel in the SIP Port Area can only be executed after having obtained written permission of the Harbour Master for this purpose.

### **8.16 Diving**

Any diving activity in the SIP Port Area can only be executed after having obtained written permission of the Harbour Master and ROP Coast Guard or this purpose.

### **8.17 Bunkering**

Bunkering activities in the SIP Port Area can only be executed by an operator licensed by SIPC. SIPC will issue working procedures with the objective of ensuring safe and secure practices for bunkering operations. Any bunkering activity as well as the working procedures used by the licensed bunker operator shall be recorded in written form and be notified to the Harbour Master, who shall be entitled at all times to inspect the written forms and any bunkering activities.

### **8.18 Fishing**

Fishing and fishing activities are strictly prohibited in the SIP Concession area.

## **9. Dangerous Goods**

### **9.1 Notification**

The Master of any Vessel arriving with Dangerous Goods shall give prior written notice to the Harbour Master stating full particulars of the cargo. Such vessel must display the relevant signals (as defined in IMO regulations) at all times and keep in constant contact with the Harbour Master.

### **9.2 Packing and Labelling**

All Dangerous Goods are to be transported, packed and labeled in accordance with IMO regulations and the guidelines of the IAAE.

### 9.3 Handling

No Dangerous Goods or other goods or materials likely to cause personal injury or damage to property may be brought into the SIP Port Area, unless transported and handled according to IMO requirements (as set forth in the IMDG Code).

### 9.4 Explosives and Radioactive Materials

Approvals from both the competent Government authority and the Harbour Master must be obtained in advance for the import and/or export from or into the Port of IMO Class 1 & 7 Goods, or any radioactive materials, or systems containing such materials, in accordance with the guidelines of the IAAE.

### 9.5 Hazardous Waste

The import and/or export of hazardous wastes shall be subject to permits issued by the Ministry of Environment and Climate Affairs and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which came into force from May 1992.

### 9.6 Ship to Ship Transfer

Ship to ship (STS) operations in the SIP Port Area can only be executed by an operator licensed by SIPC. SIPC will issue working procedures with the objective of ensuring safe and secure practices for STS operations. Any STS operation as well as the working procedures used by the licensed STS operator shall be recorded in written form and be notified to the Harbour Master, who shall be entitled at all times to inspect the written forms and any STS operation. All STS operations are subject to Harbour Master approval taking into consideration the weather, technical, operational and safety procedures.

## 10. Security

### 10.1 ISPS Code

All vessels and port facilities subject to the ISPS Code must comply with and observe all ISPS Code requirements for vessels and Port facilities.

### 10.2 Security Level

All vessels and companies considered as port facilities shall take security measures to maintain and operate at security Level 1 (as defined in the ISPS Code), and when instructed, to allow prompt response to move to and operate at security Level 2 or 3 (as ordered).

### 10.3 Ship-to-Shore Communication

All vessels, operators and companies within the SIP Port Area shall observe the security measures stated in the Ship Security Plans and the Port Facility Security Plans (as defined in the ISPS Code) and liaise with the Port Facility Security Officers (as defined in the ISPS Code) to ensure that such facility always operates at the appropriate security level.

### 10.4 Security Cooperation

All Parties shall cooperate in Security and Emergency Response planning according to Best International Practices.

## 11. Preventing Pollution

### 11.1 General

The discharge or spill, intentionally or unintentionally, of any substance in the SIP Port Area is prohibited, other than as explicitly permitted by a written permit or authorization of the Ministry of Environment and Climate Affairs or any other Oman public authority and the Harbour Master. Every incidence and violation of this prohibition must be immediately reported to the Harbour Master. The person or entity responsible for any pollution will be held responsible for all costs of the cleanup operations and any resulting damage within the SIP Port Area.

### 11.2 Waste Discharge Prohibition

Each Vessel is to ensure that no solid waste, household waste or oily water of any sort is discharged overboard, whether it is from bilge, pump rooms, scuppers, overflows or washed overboard from the deck of the Vessel. Failure to comply with this rule will result in liabilities to the Vessel for clean-up and other damages and claims arising from such discharge.



No residues from dry bulk cargoes shall be thrown, washed overboard from the Vessel's deck or flushed or pumped overboard through the holds washing or bilge system into the Port. Failure to comply with this rule will result in liabilities to the vessel for cleanup and other damages and claims arising from such prohibited activity.

Suspected pollution of any kind, whether from a vessel or sighted in the vicinity, must be immediately reported to the Harbour Master with a full written report.

### 11.3 Ballast Water Management

All Vessels shall comply with IMO Marine Environment Protection Committee Guidelines to implement Ballast Water Management Program (Ballast Water Exchange in the open sea) IMO Res. A 868 (20). The Harbour Master may order examination of a vessel's record books and may conduct tests to ensure that all vessels abide by such guidelines.

## 12. Sanctions applicable in the SIP Port Area

### 12.1 Fines

SPFA is entitled to levy fines for violations in or related to the SIP Port Area.

These fines shall be according to Best International Practices and the Rules and Regulations for Seaports and shall be in fair relation to the nature of the violation.

Fines shall be levied when (a) there is an infringement of these Rules and Regulations SIP Port Area or (b) any memorandum issued by the Harbour Master for the good order and the safety of shipping, persons and property within the SIP Port Area. These memoranda shall be posted on [www.soharportandfreezone.com](http://www.soharportandfreezone.com) from time to time.

### 12.2 Warnings

The Harbour Master shall first give a written warning to an offending party of an Infringement without levying a fine, unless the Harbour Master deems such Infringement is so egregious as to evidence recklessness, willful misconduct, negligence or an intentional or conscious violation or breach of such seriousness that a fine should immediately be imposed.

After a first written warning, fines will be levied as per the below table: if the Infringement giving rise to the first fine recurs within two (2) years or if the offending party accumulates additional warnings within two (2) years, the maximum fine will apply.

### 12.3 Appeals

If an offending party disagrees with any warning and/or fine levied by the Harbour Master, such offending party shall have the right to appeal such warning or fine with the Ministry of Transport and Communication, Directorate of Ports and Maritime Affairs. Any such appeal should be addressed to the Director of Maritime Affairs.

### 12.4 Fine structure Marine Area

Violation of Article (Rules and Regulations Port Area)	Fine	
	Minimum OMR	Maximum OMR
Article 3 The Harbour Master	250	1000
Article 4 Access to the SIP Port Area	250	1000
Article 8 Order and Safety in the SIP Port Area	500	2000
Article 9 Dangerous Goods	500	2000
Article 10 Security	500	2000
Article 11 Preventing Pollution	500	2000

## Guidelines

The guidelines below will also ensure you are in line with SOHAR Port and Freezone's Rules and Regulations:

Guidelines for the Permit System  
Guidelines for the HSSE Framework  
Guidelines for Security

They are available to view via [www.soharportandfreezone.com /en/customerlounge/downloads](http://www.soharportandfreezone.com/en/customerlounge/downloads) (the Downloads section within the Customer Lounge).

These will be amended from time to time by SOHAR Port and Freezone authority, so please ensure that you check the website regularly.

