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**Published on the website on May 2024**

**Law No. (15) of 2012 ratifying the Convention on Maritime Transport for Commercial Matters between The Government of the Kingdom of Bahrain and the Government of the Turkish Republic**

We, Hamad bin Isa Al Khalifa King of the Kingdom of Bahrain.

Having reviewed the Constitution,

And the Maritime Transport Convention for Commercial Matters between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey, signed definitively on 2 May 2006 in the city of Ankara;

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

Article One

The Maritime Transport Convention for Commercial Matters was ratified between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey, signed definitively on 2 May 2006 in the city of Ankara, and attached to this law.

**Article Two**

The Prime Minister and the ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa,**

Issued at Riffa Palace:

On: 20 Rabi' al-Akhir 1433 A.H.

Corresponding to: 13 March 2012

**Convention:**

**Maritime transportation for Commercial Matters between The Government of the Kingdom of Bahrain and the Government of the Turkish Republic**

That the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey (hereinafter referred to as the Contracting Parties),

Desiring to develop relations and enhance cooperation in the field of maritime transport, in order to contribute to the development of commercial relations between the two countries,

Aware of the principles laid down in the international law, in particular with regard to international treaties to which each of the Contracting States is concerned;

Taking into account the importance of maritime safety and the preservation of the marine environment in accordance with the relevant international treaties,

They have agreed as follows:

Article (1)

Definitions

For the purposes of this Convention, the following expressions shall mean the following:

1- The term (ship of a Contracting Party) means: Every ship registered in the Maritime Transport Register and flying the flag of either Contracting Party in accordance with its national laws and regulations. However, this phrase does not include:

a- Warships and ships belonging to the naval forces.

b- Fishing vessels.

c- Ships that carry out marine and geographical survey and scientific research.

d- Ships that perform administrative tasks or public functions.

e- Ships for the transport of hazardous waste.

2- The term (crew member) means: The captain of the ship and each member who works or operates in any capacity on board the ship, his name is included in the list of crew members, and carrying a valid identity document.

3- The term (international maritime transport) means: Any carriage carried out by a ship unless the ship operates only between ports situated in the territory of one of the Contracting Parties.

4- The term (inland navigation) means: Transportation of goods and passengers between the ports of either Contracting Parties. And the phrase (inland navigation) includes: Any carriage of goods, even if they are accompanied by a bill of lading, regardless of their source or destination, being transported directly or indirectly from the ports of either

contracting party to another port in the same country, and the same provisions shall apply in the case of transporting passengers even if they are transported by tickets.

Article (2)

Scope of application of this Convention

1- The purpose of this Convention is to establish and develop relations in the field of maritime transport between the two contracting parties, in order to improve the level of safety of maritime navigation, prevent marine pollution, encourage technical and educational cooperation and encourage the work of joint projects between the two countries in all maritime fields.

2- The Contracting Parties shall establish the development of their relations in the field of maritime transport on the basis of the principles of free and fair competition and freedom of maritime navigation.

3- The provisions of this Convention shall not apply to:

a- Ports that allow the entry of foreign ships.

b- National systems relating to the entry and residency of foreigners.

c- Activities restricted by a Contracting Party to ships flying its flag or its affiliated institutions or bodies, including, in particular, inland navigation, fishing, pilots, towing or salvage of a ship or providing maritime assistance.

Article (3)

Competent Authorities:

For the implementation of this Convention, the competent authorities of both Contracting Parties shall be as follows:

- For the Kingdom of Bahrain "Customs, Ports and Free Zones Affairs" or its official representative.

- For the Republic of Turkey, "Deputy Prime Minister for Maritime Transport Affairs".

Each Contracting Party shall, in the event of any amendment to the names or functions of the competent authorities, notify the other Contracting Party in writing through the diplomatic channels.

Article (4)

Procedures for the implementation of this Convention

The Contracting Parties agree to allow the competent authorities of their countries to take the following measures in order to achieve cooperation among themselves within their abilities, taking into account their international obligations:

a- Hold consultations to carry out the necessary measures to implement this Convention in accordance with the national laws of both countries.

b- Encouraging communication and exchange of information between shipping companies in the Republic of Turkey and the Kingdom of Bahrain in order to facilitate cooperation among them and establish joint projects related to the relevant fields.

c- Cooperating in matters related to the safety of maritime navigation and the prevention of marine pollution.

d- Cooperation in the field of shipbuilding and repair, modernization and development of ports, training of seafarers, and exchange of experiences.

e- Facilitate the transportation of commercial goods by sea and providing services in ports.

f- Cooperation among them in the relevant international forums.

Article (5)

Principles governing international maritime transport

1- The Contracting Parties agree to follow the principles of freedom and fairness of competition in international maritime trade, to take any measures that may impede international maritime trade between the Contracting Parties, and to work to lift any restrictions taken unilaterally relating to the international maritime transport of goods and passengers that are partially or wholly transported by ships belonging to either Contracting Party.

2- The provisions of this Convention shall not apply to the rights arising by ships of other States when participating in maritime trade between the ports of either Contracting Party.

3- This Convention shall not prevent the Contracting Parties from taking appropriate measures to ensure the free participation of their fleets in international trade on the basis of the principle of commercial competition.

Article (6)

Treatment granted to ships at ports

1- Each Contracting Party shall grant the ships of the other Contracting Party the same treatment as it grants to its ships engaged in international maritime trade with respect to the free-entry of ships into ports, the determination of berth for them, the use of all available facilities in the port, the loading and unloading of cargo, the transit, disembarkation and boarding of passengers, and the payment of any late amounts or fees or the use of services intended for maritime navigation.

2- The Contracting Parties shall do everything in their power, within their obligations and in compliance with ports regulations, including their obligations under international law, to spead and facilitate the necessary procedures in their ports and to simplify other procedures such as customs, health and security as much as possible.

Article (7)

Ship Documents

1- Each Contracting Party shall recognize the certified documents showing the nationality of the ship or any documents issued or recognized by the other Contracting Party for its ships in accordance with its applicable laws.

2- The competent authorities of each Contracting Party shall recognize the documents on board the ship of the other Contracting Party, especially those required for the safety and protection of maritime or environmental navigation, provided that such documents are issued in accordance with the relevant international treaties to which each Contracting Party is a party.

3- Ships belonging to the two contracting parties should carry a weighing certificate issued in accordance with the 1969 International Convention on Weighing Ships, and should not be subject to re-weighing in the ports of the other contracting party. The Contracting Parties shall recognize each other the certificates promulgated the national legislation of the Contracting Parties for measuring the weight of ships under 24 meters.

4- Except for the compulsory sale made on the basis of a court decision, ships belonging to either Contracting Party shall not be registered in the register of one of the Contracting Parties without presenting a cancellation certificate issued by the competent authorities of the other Contracting Party.

Article (8)

Seafarers' Identity Documents

1- Each Contracting Party shall recognize the identity documents of seafarers granted to crew members who are nationals of the Contracting Party lawfully by the competent authorities of the other Contracting Party and grant the holders of such documents the rights referred to in Articles (9) and (10) of this Convention and the conditions provided for therein.

These documents are:

- With regard to the Kingdom of Bahrain, the Seafarer's Register or the Bahraini passport.

- With regard to the Republic of Turkey, the Seafarer's Register or the Turkish passport.

2- The provisions of Articles (9) and (10) of this Convention shall apply, if possible, to crew members of ships of the Contracting Parties who are not nationals of the Kingdom of Bahrain or the Republic of Turkey and who hold identity documents issued in accordance with the provisions of the relevant international treaties.

Article (9)

The rights and obligations of the marina port

1. Members of the crew of ships belonging to either Contracting Party, who have obtained identity documents of seafarers provided for in Article (8) of this Convention, shall be allowed to stay temporarily without an entry visa while the ships are at the ports of the other Contracting Party, provided that their names are included in the list of crew members submitted by the captain of the ship to the competent authorities in the port in accordance with the regulations applicable in that port.

2- Crew members of the ship shall be subject to immigration and customs regulations upon their departure and return to the ship.

Article (10)

Crew Members Transit Rights

1- Holders of seafarers' identity documents provided for in Article (8) of this Convention shall be authorized to enter or leave the territory of a Contracting Party to another country by any means of transport as passengers for the purpose of joining their anchored ships, moving to another ship or transiting to join their ships in another country for repatriation, in emergency cases or for any other purpose, the consent of the authorities in the other Contracting Party should be obtained.

2- In any of the cases provided for in this Article, members of the ship's crew shall be granted visas from the competent authorities as soon as possible. The seafarers shall also have financial resources to cover their travel expenses.

3- If a member of the ship's crew has the identity documents provided in Article (8) and prefers to disembark in the port of the Contracting Party for health reasons or for other reasons considered legitimate by the authorities of that Party, the latter shall give the necessary permission to that person to remain in the territory of that Party for treatment, to return to his country of origin or to go to another port to depart by any means of transport.

Article (11)

Exceptions to the rights of ship crew members

1- Without prejudice to the provisions of Articles (8) and (9) of this Convention, the national regulations of any of the Contracting Parties regarding the entry, residence and departure of foreigners shall remain in force in the territories of each of the contracting parties.

2- Either Contracting Party shall have the right to refuse entry and residence in its territory to any person holding the seafarers' identity document specified in Article (8) who is considered undesirable.

3- The provisions of Articles (8) and (9) of this Convention shall also apply to individuals on board a ship who are not members of the ship’s crew and who are hired or employed on board the ship in any capacity whatsoever during the voyage as long as their names are entered in a special list.

Article (12)

Prosecution of Ship Crew Members

1. The competent authorities of either Contracting Party shall not bring lawsuits relating to crimes or offences committed on board a ship of the other Contracting Party while it is in the territory of that Party, without obtaining the consent of the diplomatic and consular authorities of the State whose flag the ship is carried, unless:

a- the ship's Captain request to prosecute the accused, or

b- the effect of the offence or offence extends to the territory of that Contracting Party, or

c- if the crime or violation violates the peace or public security of that Contracting Party.

D- legal procedures is necessary to eliminate the illegal smuggling of narcotic drugs or psychotropic substances, or

e- The crime or offence has been committed against any person other than the crew of the ship;

2- The provisions of Paragraph (1) of this Article shall not prejudice the right of the competent authorities of the Contracting Parties to carry out an inspection or investigation relating to the implementation of national laws and regulations.

3- Each Contracting Party shall, in accordance with its national laws, take the necessary procedures to avoid the seizure of ships belonging to the other Contracting Party when bringing criminal, civil or disciplinary lawsuits as far as possible. If seizure of the ship is necessary, either Contracting Party shall attempt to limit the period of seizure of the ship or allow it to depart, provided that the other Contracting Party provides a written guarantee.

Article (13)

Civil Lawsuits

The administrative or Administrative Authorities of the Contracting States shall not consider any civil dispute that may arise between the crew members of the ship of the other Contracting Party unless requested to do so by the entities of the other Contracting Party, unless requested to do so by the diplomatic or consular authorities of the country whose flag the ship flies.

Article (14)

Affected vessels

1- If a ship of one Contracting Party runs aground on the coasts of the other Contracting Party or sinks or suffers an accident or any other imminent danger in the territorial waters of the other Contracting Party, the other Contracting Party shall:

a- shall at all times provide the ship, its crew and passengers with the same help and assistance as accorded to its national ships.

b- exempt cargo and other items unloaded or salvaged from the ship mentioned in this Article,from any customs duties, provided that such shipment and other items have not been delivered for use and consumption in the territory of the other Contracting Party.

c- deliver the ship that is stranded or sunken to its owner or representative, if so requested, including all its parts, wreckage, assets, tools, devices and salvaged goods, including the cargo brought up by or belonging to the ownership of the ship.

2- The provisions of this Article shall not prejudice the rights of one of the Contracting Parties or the bodies authorized by him to settle the expenses incurred in respect of any measures taken to salvage or provide assistance to the ship or its cargo.

Article (15)

Transfer of income and other amounts attributable to transport companies

1- Each Contracting Party shall grant the transport companies of the other Contracting Party the right to use from the income and other sums collected from maritime activities in its territory to pay the arising financial obligations.

2- Each Contracting Party shall grant the transport companies of the other Contracting Party the right to transfer the revenues and other amounts collected after payment of the above-mentioned obligations in accordance with the laws and regulations of that Contracting Party.

3- Each of the Contracting Parties shall provide all facilities for such transfers

Article (16)

Protection of the marine environment

1- Ships belonging to each Contracting Party shall take the necessary procedures to prevent any environmental pollution in the territory of the other Contracting Party.

2- Ships belonging to either Contracting Party, while in the territory of the other Contracting Party, shall observe national legislation on environmental protection.

3- If a ship belonging to either Contracting Party causes environmental damage in the territory of the other Contracting Party, the causing ship shall bear responsibility for this in accordance with the legislation of that Contracting Party and the relevant international conventions.

Article (17)

Obligations under other international conventions

The provisions of this Convention shall not prejudice the rights and obligations arising from international treaties and conventions to which the Contracting Parties are parties.

Article (18)

Dispute Resolution

1- Any dispute relating to the interpretation or application of this Convention shall be settled through direct negotiations between the competent authorities of both Contracting Parties.

2- In the event of a continuing dispute, a meeting may be held at the request of one of the Contracting Parties to discuss the outstanding issues, specifying the date and place of such meeting.

3- In all cases, if one of the Contracting Parties enters into an agreement or obligation by virtue of a decision or legislation after this Convention enters into force, thereby introducing a change in the obligations or application of this Agreement, the Contracting Parties shall hold bilateral consultations to amend this Convention in line with these obligations.

Article (19)

Final Provisions

1- The Contracting Parties shall immediately notify each other through diplomatic channels of the completion of the followed legal procedures in their respective countries for the ratification of this Convention. This Convention shall enter into force thirty (30) days after the receipt of the last notification.

2- This Convention shall be valid for an indefinite period.

3- Either Contracting Party may terminate this Convention by notifying the Contracting Party in writing. Termination of this Convention shall enter into force (12) months after the receipt of the written notification by the other Contracting Party.

In witness whereof, the undersigned, duly authorized by their respective governments, have signed this Convention.

Done in the city of Ankara on May 2, 2006 in two true copies in the Arabic, Turkish and English languages, and the three texts are equally authentic, and in case of discrepancy, the English text shall be referred to.

On behalf of

On behalf of

The government of the Kingdom of Bahrain The government of the Turkish Republic