



LAW NO. (10) FOR THE YEAR 2006 IN RESPECT OF SPECIFYING NOGA'S FUNCTIONS AND POWERS



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On 28th May 2006, His Majesty King Hamad bin Isa Al-Khalifa, enacted Law No. (10) for the year 2006 with respect to specifying the functions and powers of NOGA, which was established under Decree No. (63) for the year 2005. The law amended certain provisions of Decree-Law No. (42) for the year 1999 in connection with the formation of (BAPCO). The law provided as follows:

Article 1

Subject to the provisions hereof and to Article 2 of Decree No. (78) for the year 2005 with respect to the formation of the Board of Directors of the National Oil & Gas Authority and specifying its objects and functions, the National Oil & Gas Authority hereby substitutes the Supreme Council of Oil in handling all of the Council's functions provided for in Decree-Law No. (25) for the year 1980 with respect to the formation of the Supreme Council of Oil and Decree-Law No. (42) for the year 1999 with respect to the incorporation of the Bahrain Petroleum Company, and, accordingly, the Council's Secretariat is discontinued.

Article 2

(a) The management of the Bahrain Petroleum Company shall be vested in a Board of Directors to be formed by resolution of the Board of Directors of NOGA in coordination with the authorities concerned. The Company's Board of Directors shall exercise all powers and authorities necessary for carrying out the functions required to run the Company's business subject to the Company's Article of Association and to the Kingdom's overall petroleum policy. Members of the Board must fulfil integrity, efficiency and appropriate experience requirements. Where the Board is considering a matter in which a Board member has any direct, indirect personal or any other financial interest, which may conflict with his position, he shall disclose this fact in writing immediately upon coming to his knowledge that the Board is discussing such a matter. Further, he may not attend or participate in the debate of the Board on such a matter or vote on it. If no such disclosure is made, the Board of Directors shall take an appropriate action under the by-laws set by the Board.

(b) In coordination with NOGA, the Board of Directors of the Bahrain Petroleum Company shall adopt a resolution on the appointment of the President of the Company, who shall be from outside the Board.

Article 3

(a) The Board of Directors of Bapco shall submit to the Minister responsible for oil and gas affairs, who will be designated by Decree, regular reports on the Company's activities and operational progress. The report must identify any performance barriers and actions taken to overcome such barriers. The Minister may request the Company to provide him with any data, information, decisions, minutes, records or reports required for controlling the operations of the Company.

(b) Notwithstanding the independence enjoyed by the Bahrain Petroleum Company in handling its operations subject to its Article of Association, the Minister shall **monitor** the extent to which the Company complies with the law, its Articles of Association and with the Kingdom's overall petroleum policy. The Minister will also **monitor** the extent of competency and efficiency in handling its operations and in achieving its objectives.

(c) If it is found by the Minister that some actions by the Bahrain Petroleum Company are inconsistent with the law, its Articles of Association or the Kingdom's overall petroleum policy, or failure in performing its operations or in achieving its objectives competently and efficiently, the Minister may object to such actions and notify the Board of the Company about what he fees in this connection. If the Board of Directors insists on their opinion, the Board may

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refer the matter to the Minister again within seven days. Such referral must be supported by justifications by the Board. The Minister shall, within 15 days from

such referral, take a binding decision in respect of the matter in question.

(d) In exercising his control over the operations of the Bahrain Petroleum Company, the Minister will be accountable before the Council of Representatives.

Article 4

Any provision which may contradict the provisions of this law is hereby repealed.

Article 5

The Prime Minister and the Ministers, each within his/her own jurisdiction, shall implement the provisions of this law, which shall come into effect on the day immediately following its publication in the Official Gazette.

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