

GOVERNMENT NOTICE No. 378 published on 3/08/2018

THE PETROLEUM ACT
(CAP 392)

THE PETROLEUM (REFINERY OPERATIONS) RULES, 2018

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THE PETROLEUM ACT
(CAP.392)

RULES

(Made under section 259(1))

THE PETROLEUM (REFINERY OPERATIONS) RULES, 2018

PART I
PRELIMINARY PROVISIONS

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|----------------|---|
| Citation | 1. These Rules may be cited as the Petroleum (Refinery Operations) Rules, 2018. |
| Application | 2. These Rules shall apply to regulation of activities related to petroleum refinery operations and related matters in Mainland Tanzania. |
| Interpretation | 3. In these Rules, unless the context otherwise requires- |
| Cap. 392 | “Act” means the Petroleum Act;
“applicable law” means any principal law, treaty, convention, proclamation, regulation, rule, order or by-law that is in force in Tanzania and which is relevant to matters pertaining to the regulation of petroleum refinery operations; |
| Cap. 130 | “approved specification” means any specification or standard in relation to crude oil, spiked crude oil or a petroleum product that is applied by the Authority and is approved by the Tanzania Bureau of Standards pursuant to the Standards Act, or any other standards that are widely used for petroleum industry best practices; |
| Cap.414 | “Authority” means the Energy and Water Utilities Regulatory Authority established under the Energy and Water Utilities Regulatory Authority Act;
“bulk quantity” means a single lot of not less than two hundred litres of a petroleum product; |

Cap.414

“compliance order” means an order issued by the Authority pursuant to section 39 of the Energy and Water Utilities Regulatory Authority Act;

“dangerous situation” means a situation involving a feedstock or petroleum product that-

- (a) endangers the safety or health of a person, or the safety of a person’s property; or
- (b) creates an immediate risk of significant environmental harm;

“decommissioning fund” means a fund to be established by the Authority pursuant to the provisions of section 197 of the Act;

“facility” means a petroleum refining plant that meets internationally accepted standards and includes refinery units, pipelines, storage tanks, buildings, pumping stations, laboratory, pump house and firefighting systems in respect of which a regulated activity is carried out;

“feedstock” means crude oil or spiked crude oil;

“incident” means-

- (a) a spill of feedstock or a petroleum product as a result of dispensing or offloading activities provided that, such spillage is not less than two hundred litres;
- (b) death or injury occurring as a consequence of an action that is related to a regulated activity;
- (c) a fire or an event incidental thereto that results from an action that is related to a regulated activity;
- (d) an event that results in an emergency shutdown of a facility; or
- (e) any other significant event that may adversely affect the conduct of a regulated activity;

“inspector” means an officer or agent of the Authority appointed to perform inspection as required under the Act or applicable law;

“licence” means an authorisation issued by the Authority to undertake a regulated activity;

“licensee” means the holder of a licence;

“licence fee” means a fee payable by a licensee to the Authority to undertake a regulated activity;

“notification of offence” means the notification prescribed in the First Schedule;

“NPGIS” means the National Petroleum and Gas Information System established under section 124 of the Act;

“petroleum product” means an organic compound, pure or blended, which is derived from the refining or processing of petroleum crude oils, biofuels, or synthetic fuels and include-

- (a) asphalts, bitumen, petroleum coke and other residual product;
- (b) bunkers or heavy residual fuel oils for combustion engines or industrial heat processes, such as burners for boilers or heating furnaces;
- (c) commercial gases, methane, ethane, propane, butane and other similar petroleum gases, biogas or mixtures of these gases, whether in gaseous or liquefied state;
- (d) gasoil or automotive diesel, biodiesel, industrial marine diesels or synthetic diesel;
- (e) gasoline, bionaptha or a bioethanol product;
- (f) kerosene or other similar oils for illumination or combustion applications;
- (g) lubricating oils, base oils or refined and blended finished oils;
- (h) turbo fuels for jet propulsion engines; and
- (i) other product or by-products of petroleum crude processing having a Flash Point lower than 120 degrees Celsius, and determined in a Pensky-Martens Closed Cup (PMCC) test apparatus;

“petroleum product spill” means the discharge of feedstock or a petroleum product of not less than two hundred litres onto or into any land or water, or any structure or thing;

“regulated activity” means an activity necessary to operate a facility and includes all activities in respect of such facility and any activity reasonably required in connection with the procurement and refining of feedstock, the sale of a petroleum product to a trader, wholesaler or Government institution in bulk quantity or for export to any foreign country;

“risks management plan” means a plan prepared by a licensee and approved by the Authority under rule 32;

“serious violation” means a breach of the requirements of occupational health, safety and environmental matters or a breach of the terms and conditions of a licence, the Act or applicable law which are of such magnitude that poses an imminent danger to lives and property;

“supervisor” means the operator or other person responsible for the management and monitoring of a licensed facility and who is authorised to:

- (a) grant an inspector access to the facility, answer their questions and witness the taking of samples and the carrying out of inspections; and
- (b) identify physical defects and operational deficiencies within the facility and, as required, take decisions related to the suitability of such facility for use;

“trader” means a person appointed by relevant authority to engage in international procurement and supply of petroleum products;

“transport unit” means a car, machinery, ship, truck, railway wagon, barge or other means of transporting feedstock, petroleum product in bulk quantity or for export to any foreign country;

Cap. 285 “Tribunal” means the Fair Competition Tribunal established under the Fair Competition Act;

“wholesaler” means any person who engages in the importation, storing or selling of a petroleum product in bulk quantity for the purpose of wholesale business; and

“wholesale business” means the importation, storing or selling of a petroleum product in bulk quantity and includes transit trade in petroleum products.

PART II

APPLICATION FOR A CONSTRUCTION APPROVAL

Application
for
construction
approval

4.-(1) A person shall not construct a facility without seeking and obtaining an approval from the Authority in the manner provided herein.

(2) Any person who intends to construct a facility shall apply to the Authority by filling in the application form set out in the Second Schedule.

(3) Any person who constructs a facility without seeking and obtaining a construction approval from the Authority commits an offence and shall, on conviction, be liable to a fine of not less than twenty million Tanzania Shillings or imprisonment for a term of not less than three years but not exceeding five years or both.

Construction
approval
application

5. An application for construction approval under rule 4(2) shall be accompanied by a non-refundable application fee as

fee may be prescribed by the Authority.

Grant of
Construction
Approval

6.-(1) The Authority shall, upon receipt of an application made under rule 4, proceed to evaluate the application and decide whether to grant a construction approval or deny the application.

(2) The Authority shall, while making a decision on the application in subrule (1), consider the following factors-

- (a) compliance of the application with the requirements of the National Energy Policy, the Act and any other applicable laws;
- (b) applicant's compliance with land use laws;
- (c) applicant's compliance with health, safety, quality and environmental requirements;
- (d) whether the technology to be used in the construction of the facility allows for flexibility in upgrading the said facility in order to comply with any future technology; and
- (e) whether the project is necessary for the sustainable development of the energy sector and that the same is going to offer some economic benefits to the applicant and the economy in general.

(3) The Authority shall cause the construction approval to be published in the *Gazette* as required by section 128 of the Act.

(4) The applicant shall, after issuance of an approval by the Authority, be notified to come and collect the approval.

(5) The Authority shall, in the event that it denies an application for a construction approval, inform the applicant of such decision in writing, including the reasons thereof.

Duration of
construction
approval

7.-(1) A construction approval issued by the Authority under rule 6 shall remain in force for such period as the Authority may allow.

(2) A construction approval shall cease to have effect in the event the holder of the said approval fails to commence construction within twenty four months from the date of grant.

(3) The Authority may, on its own initiative or upon an application by a holder of the construction approval extend the duration of the construction approval for such period as it may think fit.

Notice of
commencement

8. Any person issued with a construction approval shall notify the Authority on the commencement of construction within

thirty days prior to the commencement of such construction.

Suspension
and
revocation of
construction
approval

9.-(1) Where any term or condition of a construction approval has not been complied with, the Authority may, by Notice in the *Gazette*, withdraw, amend, suspend or revoke a construction approval.

(2) Where the Authority intends to withdraw, suspend, revoke or amend a construction approval it shall, at least twenty-one days before the date of intended withdrawal, revocation, suspension or amendment notify its holder of its intention to withdraw, suspend, revoke or amend such approval and the reasons thereof.

(3) The Authority may, by notice in the *Gazette*, reinstate a construction approval revoked or suspended under sub-rule (1) if satisfied that the reasons for the revocation or suspension no longer exist.

PART III LICENSING PROCEDURES

Obligation
to possess
licence

10.-(1) A person shall not conduct a regulated activity without a licence.

(2) Any person who contravenes the provisions of this rule commits an offence and shall be liable on conviction, to a fine of not less than twenty million Tanzania Shillings or to imprisonment for a term of not less than two years but not more than five years or both.

(3) Notwithstanding the penalty prescribed under rule 10 (2), where the Authority determines that a person is conducting a regulated activity without a licence and has been served with a compliance order, it shall enter upon the premises or facility for purposes of closing it down.

Application
for licence

11.-(1) A person who intends to apply for a licence to the Authority shall fill in the appropriate form set out in the Third Schedule.

(2) The application in for licence shall be accompanied by a duly signed integrity pledge in the form set out in the Fourth Schedule, tax clearance certificate and a non-refundable application fee as may be prescribed by the Authority.

Requiremen
ts for
issuance of

12.-(1) A person shall not be issued with a licence unless the applicant meets the following requirements-

licence

- (a) possession of a facility;
- (b) possession of adequate skilled personnel to conduct a regulated activity; and
- (c) proof of financial capability to operate and maintain a facility.

(2) Notwithstanding the generality of sub-rule (1), the Authority may issue a licence with specific conditions to be fulfilled within a prescribed time to an applicant who fails to meet some of the requirements in sub-rule (1).

Evaluation
and
publication
of licence
application

13.-(1) The Authority shall evaluate an application for licence to verify its completeness and legality of the information contained therein and thereafter issue a public notice in a newspaper of wide circulation in Tanzania with a view of soliciting comments and representations on the application.

(2) The costs of publication of the notice under sub-rule (1) shall be borne by the Authority.

(3) The public shall be invited to submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall also be considered by the Authority in arriving at the decision on the application.

Grant of
licence

14.-(1) The Authority may, upon consideration of an application for a licence-

- (a) deny the application;
- (b) grant the application and issue a licence; or
- (c) refer back the application to the applicant.

(2) The Authority shall, while making a decision to grant or deny a licence, take into consideration-

- (a) the licensing requirements set out under rule 12;
- (b) compliance with the laws on land ownership and use;
- (c) any objection or representation received from the public pursuant to rule 13;
- (d) the applicant's record of compliance with the Act, these Rules and other applicable laws;
- (e) the economic benefit of the project to the applicant and the public in general;
- (f) the flexibility of the facility with regard to later additions or modifications of capacity which may be desirable in view of changing requirements;
- (g) compliance of a facility to the-

- (i) safety requirements;
 - (ii) health requirements;
 - (iii) security requirements;
 - (iv) handling of hazardous substances; and
 - (v) environmental requirements;
- (h) any other matter relevant to the orderly conduct of refinery operations in Tanzania.
- (3) the Authority may deny issuing a licence where it determines that-
 - (a) the applicant does not meet the requirements of sub-rule (2) of this rule;
 - (b) the applicant's activities may not be conducted in accordance with safety, health and environment requirements; or
 - (c) the application has violated the mandatory requirements provided under applicable law and the Act.
- (4) After issuance of a licence, the licensee shall be notified to collect it upon payment of a licence fee.
- (5) Where an application for a licence has been denied, the Authority shall inform the applicant, in writing, of its decision and reasons thereof.

Duration of
licence

- 15.-(1) A licence to conduct a regulated activity shall be valid for a period of fifteen years.
- (2) Notwithstanding sub-rule (1), the Authority may, upon a written application by a licensee, extend the period for the licence.
- (3) Where a licensee fails to conduct a regulated activity for a period of twelve consecutive months, the Authority may revoke the licence.
- (4) A licensee whose licence has been revoked pursuant to sub-rule (3) shall not be eligible for issuance of a licence for a period of twelve months following the revocation.

Application
for transfer
of licence

- 16.-(1) A licence shall not be assigned or transferred to another person without the written approval of the Authority.
- (2) A person who intends to transfer or assign a licence shall apply to the Authority by filling in the appropriate form set out in the Fifth Schedule.
- (3) An application for transfer or assignment shall not be considered by the Authority unless-

- (a) a transferee or assignee possesses the qualifications for issuance of the licence; and
- (b) the said application is endorsed by the transferor or assignor.

(4) The Authority shall evaluate an application received under sub-rule (2) to verify its completeness and the legality of the information contained therein and thereafter issue a public notice in a newspaper of wide circulation in Tanzania with a view to soliciting comments and representations on the application.

(5) The costs for publication of the notice shall be borne by the Authority.

(6) The public shall be invited to submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall also be considered by the Authority in arriving at its decision on the application.

(7) The Authority shall after the expiration of the notice in sub-rule (4), evaluate the application together with comments received, if any, and make a decision whether to approve or disapprove the application for transfer or assignment of the licence as the case may be.

Change of
name

17.-(1) A licensee may change its name pursuant to the provisions of these Rules and applicable laws.

(2) A licensee who has changed the name in respect of which a licence was issued shall within thirty days after such change notify the Authority, in writing and such notification shall be accompanied with a certificate for change in name issued by relevant authorities.

Change of
shareholdin
g structure

18. (1) A change of ownership that makes a third party a majority shareholder of a company in respect of which a licence has been issued shall require the written approval of the Authority.

(2) The party seeking approval under this rule shall submit the following documents in support of his application-

- (a) a duly signed and stamped deed of share transfer;
- (b) the current shareholding structure approved by Business Registration and Licensing Agency;
- (c) a letter of no objection from Tanzania Revenue Authority to carry on the proposed business;
- (d) a letter of clearance from the Commission; and
- (e) a duly signed integrity pledge.

(4) The Authority may before approving any change in the shareholding structure, consult the Fair Competition Commission and the Tanzania Revenue Authority.

Application
for renewal
of licence

19.-(1) A licensee may, not less than six months before expiration of a licence term, apply to the Authority for a renewal of a licence.

(2) An application for a renewal of a licence as provided under sub-rule (1) shall be in the form set out in the Sixth Schedule and accompanied with a tax clearance certificate and any other information as may be required by the Authority.

(3) The Authority shall, when making a decision whether to grant or deny an application for renewal of a licence, consider the applicant's compliance to the conditions of the licence which is due to expire.

(4) Where the Authority denies an application for renewal of a licence, it shall inform the applicant, in writing, of its decision and the reasons thereof.

(5) The Authority shall not renew the licence of a licensee who has, during the term of the licence which has expired or is due to expire-

- (a) failed to comply with the terms and conditions;
- (b) refused or willfully neglected to comply with any order given by the Authority; and
- (c) failed to remedied any acts which are in contravention of the Act or these Rules, up to the time of determining the application.

Suspension
or
revocation
of licence
Cap.392

20.-(1) The Authority may suspend or revoke a licence for a period of twelve months where a licensee-

- (a) violates any of the provisions of the Act or conditions attached to the licence which affects the conduct of regulated activity;
- (b) obtained a licence by fraud or deliberate submission of false information or statements;
- (c) fails to comply with obligations conferred within the terms stated in the licence;
- (d) persistently fails to comply with the approved local content plans;
- (e) interrupts services to other users without authorisation of the Authority;
- (f) carries on business in a manner that is detrimental to

the welfare or interest of other users;

- (g) fails to pay the tariffs, rates and charges established by the Authority;
- (h) persistently fails or refuses to submit information to the NPGIS;
- (i) fails to comply with the applicable health, safety, service, quality or environmental standards, or any other additional standards as may be stated in the licence; or
- (j) is convicted or found guilty of an offence relating to corruption, money laundering, economic crimes or tax evasion.

(2) The Authority shall not suspend or revoke a licence, unless a twenty-one days' notice of intention to suspend or revoke the licence has been issued to a licensee.

(3) The Authority may waive the suspension or revocation of a licence, as the case may be, upon satisfaction that a licensee has abstained from the act that caused the suspension or that the reason for suspension no longer exists.

PART IV GENERAL OBLIGATIONS OF A LICENSEE

General
obligations
of licensee

21. A licensee shall at all times-

(a) comply with-

- (i) the Act;
 - (ii) these Rules;
 - (iii) the applicable law;
 - (iv) orders and directives of the Authority;
 - (v) provisions related to local content as provided in the Act and regulations under the Act made by the Minister;
 - (vi) applicable codes and standards on safety, hazardous substances, security, health and environment; and
 - (vii) the petroleum industry best practices;
- (b) save for export trade, sell a petroleum product only to a trader, a wholesaler, a consumer installation licensee or a Government institution;
- (c) ensure that it inspects or cleans its storage facilities when and as required and in accordance with petroleum industry best practices;

- (d) establish and maintain records pursuant to the applicable law and orders and directives of the Authority;
- (e) and as soon as practicable, but in any event not later than twenty four hours after the fact, notify the Authority of the occurrence of a dangerous situation or incident within the facility and such notification shall comprise of the steps taken or proposed to be taken by a licensee to remedy such dangerous situation or incident or to eliminate or minimize any danger arising therefrom;
- (f) provide the Authority with full access to its records, documents, sites and assets pursuant to these Rules and applicable law;
- (g) ensure the safe disposal of any feedstock, petroleum product and waste oil;
- (h) procure and maintain in force a valid insurance cover in respect of all liabilities that may arise from the conduct of its regulated activity;
- (i) avoid keeping fireworks or any other instruments or products in or near a facility that might pose a risk of fire or otherwise;
- (j) ensure that its feedstock or petroleum products comply with the approved specifications;
- (k) avoid decommissioning the facility otherwise than pursuant to these rules and applicable law;
- (l) ensure that a supervisor is present at a facility at all times, and in his absence any person employed or acting as an agent of a supervisor at a facility shall perform the duties of a supervisor;
- (m) prior to effecting any major replacement or maintenance to a facility or a part thereof, notify the Authority not less than sixty days prior to commencing such replacement or installation;
- (n) ensure that a facility and related equipment are calibrated for correct measurements and are in good working condition in accordance with approved specifications and petroleum industry best practices;
- (o) pursuant to the written directions of the Authority, monitor, record and reconcile all feedstock delivered to and stored in and petroleum products dispensed from a facility and retain such records for not less than

twelve months and make the same available to the Authority on demand;

- (p) promptly notify the Authority of any apparent loss or gain of feedstock or a petroleum product that is outside normal operating patterns;
- (q) maintain and make available to the Authority, on demand, documentary evidence demonstrating that all electrical equipment and installations in a licensed facility relevant to the receipt, handling, storage and dispensing of a petroleum product and to areas where inflammable gases or vapours capable of producing explosive or ignitable mixtures may occur, comply with approved specification and installation procedures in accordance with existing codes or applicable law;
- (r) avoid abandoning a facility other than in accordance with the licence conditions, the Act, these rules, applicable law or directives of the Authority;
- (s) display in a conspicuous place at a facility a licence or a certified copy thereof;
- (t) print a licence number on all accounting documents employed in its regulated activity, including invoices, delivery notes and receipts;
- (u) refrain from engaging in any activities that may disrupt or interfere with competition; and
- (v) and as soon as practicable, but in any event not later than ninety days after becoming aware of the fact, notify the Authority:
 - (i) of inability to conduct the regulated activity; or
 - (ii) if the conduct of the regulated activity may lead to the breach of any of these rules or materially affect its operations.

Protection
of lives and
property

22.-(1) A licensee shall, while transporting, storing, keeping, handling, conveying, using or disposing of any feedstock, petroleum product or waste oil, take such precautions and exercise such care as may be reasonable under the circumstances in order to-

- (a) avoid endangering the safety or health of any person, or the safety of any person's property; and
 - (b) prevent risk of significant environmental harm.
- (2) A licensee shall dispose of waste petroleum product in

a manner and at a place intended for safekeeping and dumping of such products in accordance with applicable law and good petroleum industry practices.

(3) A licensee shall establish a unit that shall address and be responsible for all health, safety and environmental matters and obligations related to a regulated activity.

Compensation for loss suffered

23.-(1) A licensee shall be obliged to compensate any person who has suffered any loss as a result of a regulated activity.

(2) Any person who has suffered loss as a result of a regulated activity shall lodge a complaint with a licensee whose regulated activity has caused such loss with a view to reaching an amicable settlement.

(3) Where no settlement is reached under sub-rule (2), the person who has suffered loss may refer the matter to the Authority for determination.

(4) For the purpose of this rule, a person includes an administrator, executor or executrix of the estate of a deceased person.

Insurance

24. A licensee shall ensure that it procures and maintains adequate insurance cover for the environment, personnel, customers and visitors of a facility.

Maintenance of records and disclosure of information

25.-(1) A licensee shall-

(a) at all times keep complete and accurate records and data related to its regulated activity;

(b) in accordance with the Authority's requirements and pursuant to its directions, promptly provide to the Authority documents, records or information related to its regulated activity; and

(c) provide to the Authority, on an annual basis, a report on compliance with the risk management plan as required under rule 32.

(2) Any person who refuses to furnish information or statement as required under sub-rule (1) (b) of this rule or furnishes false information or statement to the Authority shall be liable on conviction to a fine of five million Tanzania Shillings.

(3) Any person who refuses to furnish information or statement as required under sub-rule(1)(b) of this rule or furnished false information or statement to the Authority for the second time

shall be liable to pay a fine of ten million Tanzania Shillings and shall have his licence suspended for a period of twelve months.

Information
to NPGIS

26. A licensee shall lodge to the NPGIS the following information-

- (a) feedstock importation by type, quality, quantity and source for every shipment;
- (b) feedstock and petroleum products stock levels on weekly basis; and
- (c) feedstock and petroleum products exportation by type, quality, quantity and destination, on monthly basis.

Information
obtained
under these
Rules not to
be
confidential

27.-(1) Any information received from a licensee pursuant to these Rules and the applicable law shall be presumed not to be confidential information.

(2) A licensee shall not withhold information from the Authority on the ground that it is confidential.

(3) A licensee may request the Authority not to circulate specific data or information in the Authority's possession, provided that only the Authority shall determine whether or not such information is confidential.

(4) The Authority shall prohibit the publication of any information where it makes a determination that such information is confidential.

Customer
service
standards

28. Subject to approval by the Authority and as specified in the guidelines issued by the Authority, a licensee shall-

(a) establish-

- (i) a customer service charter;
- (ii) service quality standards;
- (iii) performance standards;
- (iv) procedures for handling customers complaints; and
- (v) an office to receive and respond to questions, concerns and complaints related to its refining business; and

(b) maintain trained staff to address customers issues in a timely and transparent manner.

PART V

ENVIRONMENTAL PROTECTION

Compliance
with
environmen
tal laws and
standards

29.-(1) A licensee shall comply with the requirements of all applicable environmental laws and standards related to a facility.

(2) Subject to applicable law, a licensee shall-

- (a) carry out an environmental impact assessment before making any major improvement to an existing facility;
- (b) take all necessary preventive measures to avoid pollution resulting from operating its facility;
- (c) observe strict environmental, health, and industrial safety standards as required by applicable law; and
- (d) perform environmental audits related to regulated activity in accordance with applicable law.

(3) For the purpose of subrule (2)(a), the term “major improvement” means an improvement that aims at expanding the size of a facility.

Sanctions
for
violation of
environmen
tal laws
Cap.191

30. Where the Authority determines that a licensee has violated these Rules or any applicable law on matters related to protection of the environment it shall take appropriate actions pursuant to provisions of the National Environment Management Act and other applicable laws.

PART VI TECHNICAL PROVISIONS

Compliance
with
specificatio
ns and
standards

31.-(1) A licensee shall comply with the approved specification pertaining to a facility, transportation, handling, storage and composition of feedstock or a petroleum product which is consistent with the Act, these Rules, applicable law and petroleum industry best practices.

(2) A licensee shall not deviate from any approved specification without prior approval of the Authority, and the Authority shall not grant such an approval unless it is satisfied that such deviation is for public interest and shall not negatively affect public safety and the environment.

(3) A licensee shall not use any container to store or convey feedstock or a petroleum product unless such container is leak and spill proof and otherwise suitable and safe for storage and conveyance of the feedstock or the petroleum product.

Risk
managemen
t plan

32.-(1) A licensee shall, at all times, prepare, maintain and implement a risk management plan.

(2) The risk management plan shall contain details on foreseen risks, expected impacts and mitigation measures to be employed to such risks.

(3) The licensee shall, based on the risk management plan in sub rule (1), prepare and maintain an emergency response plan that shall include spillage control and fire precaution.

(4) The risk management plan shall be submitted to the Authority for approval.

Fire
precaution

33. - (1) A licensee shall-

(a) ensure that all buildings, roads, structures and plants used in connection with a facility are designed, constructed, equipped and maintained:

(i) in such a way as to prevent fires and explosions;

(ii) so as to minimize the harmful effects of fires or explosions if they occur;

(b) ensure that personnel involved in the handling and dispensing of a petroleum product exercise caution in respect of anything that may cause fire or an explosion, and that such personnel follow applicable law on matters related to fire and explosions; and

(c) clearly indicate by a sign a place at a facility where feedstock or a petroleum product is handled or stored.

(2) A licensee shall make reasonable efforts to ensure that no person throws, leaves or creates any open or naked light, spark or flame or any burning or smouldering material on a facility.

(3) A licensee shall ensure that no person receives or makes calls from a cellular telephone or uses any other electronic communication device within a facility except in places specifically designated for such activity.

(4) A licensee shall take adequate precautions to prevent the outbreak of fire when storing, keeping, handling, conveying, using or disposing of a petroleum product or feedstock.

(5) A licensee shall provide adequate fire extinguishing equipment and maintain such equipment in good working condition in accordance with these Rules, applicable law, standards and pursuant to directions and orders issued by the Authority.

- (6) A licensee shall-
 - (a) position the fire extinguishing equipment in accessible places at a facility; and
 - (b) not less than once a year, test the fire extinguishing equipment pursuant to applicable law.
- (7) A licensee shall establish a fire emergency plan to be employed in the event of a fire at a facility which shall-
 - (a) include a suitable and adequate fire-fighting plan that comprises-
 - (i) the locations and types of all fire-fighting equipment; and
 - (ii) an action plan that identifies, *inter alia*, assembly points and the tasks of all employees;
 - (b) include provisions for training of employees to deal with a fire emergency situations, the records of which shall be preserved;
 - (c) be provided to employees employed in or on the relevant premises; and
 - (d) be made available to the Authority on request.

Control of
feedstock or
petroleum
product
spill

- 34.-(1) A licensee shall, in the event of a spill of feedstock, a petroleum product or any other waste product-
- (a) inform the Authority about such spill as soon as practicable and in any event not more than twenty four hours after the occurrence of the spill; and
 - (b) take all necessary steps pursuant to good petroleum industry practices or otherwise as may be necessary to clean up such spill.
- (2) In the event that a licensee fails to comply with sub-rule (1) within the period prescribed, the Authority may, by written notice, order such licensee to take appropriate steps as the Authority may require in order to clean up the spill at its own cost.
- (3) A licensee who fails to comply with a directive or an order of the Authority issued pursuant to sub-rule (2) commits an offence and shall be liable on conviction-
- (a) in the case of an individual, to a fine of not less than one hundred million Tanzania Shillings or imprisonment for a term of not less than ten years but not more than fifteen years or both; or
 - (b) in the case of a body corporate, to a fine of not less than five hundred million Tanzania Shillings.

(4) Without prejudice to the provisions of sub-rules (1), (2) and (3), any person who is or has been affected by any spill and seeks redress, shall lodge a complaint with a licensee whose facility has caused such spill with a view to reaching an amicable settlement.

(5) Where no settlement is reached under sub-rule (4), the person who is or has been affected by the spill may refer the complaint to the Authority for compensation from the licensee and the Authority shall determine the matter accordingly.

Decommissi-
-oning
procedure

35. – (1) A licensee shall submit a decommissioning plan to the Authority-

- (a) before a regulated activity ceases to continue;
- (b) before a licence to operate a facility expires;
- (c) before a licence is surrendered; or
- (d) before the use of a facility is permanently terminated.

(2) The decommissioning plan shall contain proposals for continued production or shut down of production, decommissioning of a facility and any other relevant information.

(3) The decommissioning of a facility may constitute further use of the facility, other uses, complete or part removal and disposal or abandonment of the facility.

(4) The Authority may, upon receipt of a decommissioning plan, require further information and evaluation, or may require a new or amended decommissioning plan.

(5) A licensee shall update the decommissioning plan where-

- (a) there are additions or substantial changes to a facility;
- (b) the expected method or costs of carrying out the re-commissioning work have changed significantly as a result of new techniques for the work becoming available;
- (c) the previously assumed techniques are no longer permissible or considered adequate; or
- (d) the Authority so requests.

(6) Unless otherwise directed by the Authority, the decommissioning plan shall be submitted within the first two years, or at least two years before the use of a facility is expected to be terminated permanently.

(7) Notwithstanding the foregoing provisions, the Authority may issue an order for decommissioning of a facility

subject to the provisions of this rule, where it is satisfied that-

- (a) such facility has been abandoned by a licensee for a period of more than twelve months; or
- (b) the continued operation of such facility poses or is likely to pose a danger to lives and property.

(8) The costs of decommissioning and any other associated costs shall be borne by the decommissioning fund, provided however, where the said costs are over and above the amount of money in the fund, the same shall be met by a licensee to such amount as the Authority may determine.

Site
restoration

36.-(1) The Authority shall, after confirming that the area where a facility has been constructed has been restored by a licensee, issue to the licensee a certificate of compliance.

(2) For the purposes of this rule “restore” means to-

- (a) return the area on which a facility is located to its original and natural state as it was prior to the installation of such facility; or
- (b) render the area on which a facility is located, or part thereof, compatible with its intended after-use, including-
 - (i) removing buildings, structures, plant and debris;
 - (ii) establishing compatible contours and drainage;
 - (iii) replacing soil, re-vegetation, slope stabilisation; and
 - (iv) infilling excavations.

(3) The Authority shall, before issuing a certificate of compliance under this rule, consult the National Environmental Management Council.

PART VII COMPLIANCE AND ENFORCEMENT

Inspection
of facility

Cap.414

37.-(1) The Authority shall have the right to enter and inspect any facility, premises, equipment, document or transport unit with a view to ensuring compliance with the provisions of the Act, the Energy and Water Utilities Regulatory Authority Act and these Rules.

(2) A licensee or any other person operating in that behalf shall render necessary assistance to an inspector as may be required in the course of such inspection.

- (3) During inspection an inspector may-
 - (a) take samples of any feedstock or petroleum product stored in any facility, premises or transport unit;
 - (b) make copies or take extracts from any book, accounts or records kept on a facility, premises or transport unit;
 - (c) inspect machinery, equipment, appliances, meters, fittings and apparatus; and
 - (d) inspect any transport unit that is found at a facility or any premise.

Obligations
of inspector
during
inspection

38.-(1) During inspection an inspector shall be required to do the following:

- (a) identify himself to a licensee or supervisor with an identity card issued by the Authority;
- (b) explain to a licensee or supervisor the purpose of the inspection;
- (c) conduct himself with fairness, objectivity and integrity;
- (d) not engage in any form of discrimination, bias or harassment;
- (e) refrain from conducting an inspection where there appears to be conflict of interest;
- (f) carry out inspection in a professional manner in accordance with the requirements of these Rules, codes, guidelines, inspection checklist, standards, applicable laws and prudent utility practices; and
- (g) refrain from using force or abusive, threatening and insulting language.

(2) An inspector who contravenes the provision of sub-rule (1) shall be dealt with in accordance with the Authority's procedures.

(3) Any person aggrieved by an act of an inspector during inspection may, within fourteen days from the date of the act, report the matter in writing to the Authority.

Notification
of offences
Cap. 414

39.-(1) At the conclusion of an inspection and where it is found that there is violation of the provisions of the Act, Energy and Water Utilities Regulatory Authority Act or these Rules, the licensee or any person responsible for such violation, shall-

- (a) where he admits the offence, fill in Part B of the Notification of the Offence set out in the First Schedule; or

(b) where he disputes the offence, fill in Part A of the Notification of the Offence set out in the First Schedule.

(2) Where after inspection a person has been found in violation of the law and has admitted to committing the offence such person shall, within fourteen days from the day of the said admission, be required to pay the fine to be prescribed by the Authority.

(3) Where after inspection a person has been found in violation of the law and is disputing commission of the offence such person shall, within seven days from the date of commission of the offence, be required to answer the charges in writing.

(4) Upon the conclusion of the inspection and where the inspector is satisfied that the continued operation is in contravention of the law or poses an imminent danger to the lives of people and animals or is likely to cause destruction of property, he may proceed to order closure of the said facility regardless of whether the licensee or person responsible has admitted to the offence or not.

(5) Notwithstanding the provisions of sub-rule (4), where an inspector decides to close the facility, he shall record the reasons which have compelled such decision, including all the available evidence.

(6) An inspector may, during the course of an inspection, break any seal for the purpose of inspecting or taking a sample provided that the inspector shall thereafter affix the Authority's seal.

(7) A person shall not offload any petroleum product or feedstock from a transport unit which is affixed with the Authority's seal without prior authorisation from the Authority.

(8) The Authority may seek the assistance of law enforcement authorities, including the police force, in carrying out an investigation, inspection or impoundment of a transport unit.

(9) The Authority may impound any transport unit where an inspector determines that the continued operation of the transport unit is in contravention of the law or poses an imminent danger to the lives of people and animals or is likely to cause destruction of property.

(10) After the Authority has impounded a transport unit pursuant to sub-rule (9) it shall, without prejudice to the penalties spelt out in these Rules and the Act, order the supervisor of such transport unit to take such action in accordance with good

petroleum industry practices and environmental laws.

(11) A transport unit which has been impounded under the provisions of this rule shall only be released upon the Authority being satisfied that-

- (a) the non-conforming petroleum products therein have been disposed of or blended in accordance with good petroleum industry practices and environmental laws;
- (b) Tanzania Revenue Authority has certified in writing that it has no objection to such release if the matter was referred to it by the Authority;
- (c) the supervisor or licensee has paid the appropriate fine pursuant to these Rules; and
- (d) the Authority has issued an order in writing for the release of such transport unit.

(12) Notwithstanding the provisions of sub rule 9, the Authority shall not be responsible for any loss arising from the impoundment of a transport unit, and all costs associated with the impoundment and safe keeping of such transport unit shall be borne by the supervisor or licensee.

Refusal to
sign
notification
of offence

40. A person who refuses to sign the Notification of Offence upon being required to do so by an inspector pursuant to rule 39 commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzania Shillings or imprisonment for a term of not less than three years but not more than five years or to both.

Issuance of
compliance
order
Cap.414

41. While discharging its regulatory functions and where it is satisfied that there is a continued violation of the provisions of the Act, the Energy and Water Utilities Regulatory Authority Act and these Rules, the Authority shall issue a compliance order to the person responsible for such violation.

Power to
enter and
close
facility,
building or
premises

42.-(1) Notwithstanding any provision in these Rules, an inspector with an order shall have the right and obligation to enter upon any facility, building or premises and close it down where he determines that a regulated activity conducted therein is in contravention of these Rules.

(2) While discharging his obligation under sub-rule (1) an inspector may seek the assistance of law enforcement institutions including the police and the said institutions shall provide the requested assistance to the inspector.

Prohibited
acts against
inspectors

43.-(1) A licensee shall not-

- (a) hinder or obstruct the Authority in the exercise of any of the powers conferred upon it under these Rules;
- (b) use abusive, threatening or insulting language to an inspector;
- (c) refuse or fail to comply with a requirement, direction or notice of the Authority; and
- (d) refuse or fail to give any information or answer any question to the best of his knowledge and belief, when required to do so by the inspector.

(2) Any person who contravenes the provision of this rule commits an offence and shall be liable, on conviction, to a fine of twenty million Tanzania Shillings or to imprisonment for a term not exceeding two years or both.

Reference
to Tanzania
Revenue
Authority

44. Notwithstanding the penalties prescribed in the Act, the Authority shall refer to Tanzania Revenue Authority or any other relevant authority any person found with non-conforming petroleum products where it believes that there were attempts by a person to defraud the Government of its revenue.

PART VIII GENERAL PROVISIONS

Appeal

Cap.285

45. Any person who is aggrieved by the decision of the Authority under rule 6, 9, 14, 16, 18, 19 or 20 may lodge an appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

Revocation
of G.N No.
218 of 2017

46. - (1) The Petroleum (Refinery Operations) Rules, 2017 are hereby revoked.

(2) Notwithstanding the revocation of the Petroleum (Refinery Operations) Rules, 2017, all orders, exemptions or directives made or issued under those Rules shall be deemed to have been made or issued under these Rules, and shall remain in force until revoked or otherwise cease to have effect.

Authority to
supplement
procedures

47. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by law

as needed to enable it to effectively and completely adjudicate on any matter before it.

FIRST SCHEDULE

(Made under rule 39)

NOTIFICATION OF OFFENCE

To..... Address.....

1. You are charged with the following offence (s):

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

2. In the event you admit commission of the offence (s) you should complete “PART B” below and send this notification to the Authority and pay the statutory penalty for each offence you admit within fourteen days from the date of service of this notification.

3. In the event you deny commission of the offence(s) you should complete “PART A” below and send this notification to the Authority together with answers, in writing, to the charges mentioned above, within seven days from the date of service of this notification.

4. Penalty for each offence mentioned above shall be as provided for under the Petroleum Act, Cap. 392, the Energy and Water Utilities Regulatory Authority Act, Cap. 414 or any other laws relevant to the conduct of the Petroleum Refinery Operations.

PART "A" NOTIFICATION OF INTENTION TO ANSWER CHARGES

I of residential or
business address) being the (owner/director/manager/representative) of.....
..... intend to respond to the Authority/ Court of law on the
charge (s)
Nos.....set out in Paragraph 1 of this Notification.
Signature: Date:

PART "B"- ADMISSION OF OFFENCE

I of residential or
business address) being the (owner/director/manager/representative) of.....
..... admit to the commission of the offence(s)
Nos.....set out in Paragraph 1 of this Notification and
I undertake to pay the requisite fine of TZS..... within a period of
fourteen days from the date hereof.
Signature: Date:

FACILITY DETAILS

Name of the Facility.....
PREL No.
Location of the Facility.
Signature of the person issued with the notification
.....

ISSUED BY

Name:
Designation:
Date:
Signature of the Inspector
.....

SECOND SCHEDULE

(Made under rule 4 (2))

APPLICATION FOR APPROVAL TO CONSTRUCT A REFINING PLANT

For EWURA Use Only	
Date Received:	File Number:
Time Received:	Received by:

IMPORTANT NOTE: Please complete this form and submit it to the Director General together with all relevant enclosures.

In order to avoid unnecessary delays, answer all items in full and submit to EWURA a complete form with all necessary enclosures. No application will be processed until it has been filled completely.

Once complete and ready for submission, FILL IN USING BLUE OR BLACK INK ONLY. Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. All separate sheets of information must be on a clean and clear A-4 paper.

PART I: DETAILS OF THE APPLICANT	
1.	Name and address (a) Name of the Applicant:..... (b) Business address: Street.....Plot No..... Block No.....Building No..... (c) Postal Address: (d) Telephone No: (e) Facsimile:Cell Phone..... (f) E-Mail:
2.	Location and complete address of the refining plant (a) Location: Street.....Plot No..... Block No.....Building No.....

	(b) Postal Address:
3.	<p>Registration Status: <i>(Fill Where Appropriate)</i></p> <p>(a) Certificate of Incorporation No.....</p> <p>(b) Certificate of Compliance No.....</p> <p>(c) Business license No.....</p> <p>(d) TIN No.</p> <p>(e) VAT No.....</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</p> <p><input type="checkbox"/> Parastatal Organization</p> <p><input type="checkbox"/> Government Agency</p> <p><input type="checkbox"/> Cooperative Society</p> <p><input type="checkbox"/> Joint Venture</p> <p><input type="checkbox"/> Other (specify)..... <i>(if not sole proprietor please attach the registration documents)</i></p>
5.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address:</p> <p style="padding-left: 20px;">Street.....Plot No.....Block No.....</p> <p style="padding-left: 20px;">Building No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>
6.	<p>Provide on a Separate Sheet Information Related to the Applicant where applicable:</p> <p><input type="checkbox"/> Shareholding Arrangements</p> <p><input type="checkbox"/> Director(s)</p> <p><input type="checkbox"/> Members of the Board of Directors</p> <p><input type="checkbox"/> Chief Executive Officer (where applicable)</p>
7.	<p>If the applicant is in a Joint Venture with another entity, provide the following details:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address:</p> <p style="padding-left: 20px;">Street.....Plot No.....Block No.....</p> <p style="padding-left: 20px;">Building No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>

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8.	Fee amount and method of payment: (a) Amount: TZS..... (b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify)..... (c) Fees Payment Receipt No. (<i>Attach Copy</i>).....
----	--

PART II- LIST OF ENCLOSURES	
9.	<p>Please attach the following documents and indicate below:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of Registration <input type="checkbox"/> Certificate of compliance <input type="checkbox"/> Certificate of Incorporation <input type="checkbox"/> Memorandum of Association & Articles of Association <input type="checkbox"/> Copy of Application Fee Receipt <input type="checkbox"/> Joint Venture contract <input type="checkbox"/> Extracts of the Certified Audited Accounts/ Financial statement <input type="checkbox"/> Design and As-built Drawings <input type="checkbox"/> Feasibility study <input type="checkbox"/> List of process technologies and relevant licensors <input type="checkbox"/> Proposed feedstock supply and product evaluation scheme <input type="checkbox"/> Applicant proposal with respect to the procurement of goods and services obtainable in Tanzania <input type="checkbox"/> Local content plan <input type="checkbox"/> Fire report/ Certificate <input type="checkbox"/> A description on the manner and place in which crude oil or raw gas shall be delivered to the facility <input type="checkbox"/> Building Permit <input type="checkbox"/> Title Deed or any other authorisation approving use of land <input type="checkbox"/> Environmental Impact Assessment Certificate <input type="checkbox"/> Business or project plan <input type="checkbox"/> Business license <input type="checkbox"/> Engineering layout plan duly signed by a registered engineer <input type="checkbox"/> Other (Specify)..... <p>NB: Engineering drawings duly signed by a registered engineer shall specify the following:</p> <ul style="list-style-type: none"> (a) Process flow diagrams of the processing units; (b) Major refinery units; (c) The number of tanks for storing feedstock and petroleum products; (d) The location, layout and design of the laboratory; (e) the location and distances between building structures and facilities and equipment; (f) entry and exit; (g) perimeter wall and property boundaries; and (h) that the engineering and design has been done in accordance with approved specifications
PART III – DECLARATION BY THE APPLICANT	
10	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorised to make this application on behalf of the applicant and that to the best of my knowledge the information supplied herein is correct and that within a reasonable period of time after notice, I undertake to provide whatever additional information EWURA may require in order to evaluate this application.</p> <p>SWORN/AFFIRMED at.....) by the said.....who is identified to)</p>

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	<p>Street.....Plot No.....</p> <p>Block No.....Building No.....</p> <p>(a) Postal Address:</p> <p>(b) Telephone No:</p> <p>(c) Facsimile:Cell Phone.....</p> <p>(d) E-Mail:</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</p> <p><input type="checkbox"/> Parastatal Organisation</p> <p><input type="checkbox"/> Government Agency</p> <p><input type="checkbox"/> Cooperative Society</p> <p><input type="checkbox"/> Joint Venture</p> <p><input type="checkbox"/> Other (specify).....</p>
5.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address:</p> <p>Street.....Plot No.....Block No.....</p> <p>Building No.....:</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>
6.	<p>Application Fee and Method of Payment:</p> <p>(a) Amount: TZS.....</p> <p>(b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify).....</p> <p>(c) Fees Payment Receipt No. (Attach Copy).....</p>
	<p>PART II – ENCLOSURE</p>

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7.	<p>Please attach the following documents and indicate below:</p> <ul style="list-style-type: none"><input type="checkbox"/> Business license<input type="checkbox"/> TIN certificate<input type="checkbox"/> VAT Certificate<input type="checkbox"/> Feedstock supply agreement<input type="checkbox"/> Petroleum products sale agreement (if any)<input type="checkbox"/> OSHA certificate<input type="checkbox"/> Fire Certificate from the Fire Department<input type="checkbox"/> Business plan describing the scope of a regulated activity;<input type="checkbox"/> Duly filled integrity pledge form<input type="checkbox"/> Any other. (Specify)
----	---

	PART III – DECLARATION BY THE APPLICANT
8.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorised to make this application on behalf of the applicant (<i>insert the name of the</i> <i>applicant</i>.....) and that to the best of my knowledge the information supplied herein is correct.</p> <p>SWORN/AFFIRMED at.....) by the said.....who is identified to) me by...../known to me personally) the latter being known to me personally this) DECLARANT day of20....)</p> <p>BEFORE ME:</p> <p style="text-align: center;">_____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner for Oaths and submitted to EWURA together with the necessary supporting documents.</p>

FOURTH SCHEDULE

(Made under rule 11(2))

INTEGRITY PLEDGE

1. We do believe that, unethical business practices and corruption have been one of the biggest impediments to sustainable economic growth and prosperity in Tanzania and have been eroding public confidence in the Government and its institutions ability to serve its citizen fairly.
2. As a company involved in petroleum activities in Tanzania, we acknowledge our responsibility to ensure good governance because it is necessary for continued growth and business sustainability. We also acknowledge the importance of conducting our business with the highest standards of transparency, ethics and integrity.
3. While the Government and Prevention and Combating of Corruption Bureau (PCCB) have their own initiatives for reducing corruption and other unethical practices, we realise that those initiatives cannot succeed without individual and collective commitment from business community to level the playing field and to build integrity in the business environment.
4. In view of the foregoing, we pledge the following:
 - (a) not, through any of our employees, representatives or agents, to involve in any form of bribery, corruption whether direct or indirect or unethical behavior in whatever form;
 - (b) to clearly communicate with all employees and business partners about stance on fighting all forms of bribe, corruption and other unethical behavior in whatever form;
 - (c) to maintain and share with our employees the code of conduct which will be a guide in executing our daily business operations in order to comply with high ethical standards of conduct and anti-corruption laws;
 - (d) to conduct regular training on anti-bribery and anti-corruption to our employees and business partners in order to ensure that they are updated and knowledgeable of the Company's policy in implementing this pledge;
 - (e) to conduct integrity risk assessment that will help to identify corruption risks inherent in business operations and apply effective measures;
 - (f) to maintain appropriate financial reporting mechanisms that are accurate and transparent;

- (g) to enter into integrity pacts with business partners and government agencies when dealing with procedures related to the bidding and procurement of supplies, materials, equipment, and construction;
 - (h) to maintain channels by which employees and other stakeholders can raise ethical concerns and report suspicious circumstances in confidence without risk of reprisal, and a designated officer will be tasked with investigating all reports received and taking appropriate action;
 - (i) to refrain from engaging in business with parties who have demonstrated unethical business practices;
 - (j) not to engage in any arrangements that undermines or is prejudicial to the national security; and
 - (k) to maintain a proper insurance cover against losses, injuries or damage to environmental, communities, individual and properties that may be occasioned in the course of carrying business.
- 5. To ensure collective action in preventing any unethical and corrupt behavior and the highest standards of ethics, integrity and transparent in business transactions in Tanzania, we commit to:
 - (a) support a nationwide initiative intended to create fair market conditions, transparency in business transactions, and ensure good corporate governance;
 - (b) participate in roundtable discussions, meetings, and forum to identify the key concerns and current problems affecting the private sectors related to integrity and transparency in business transactions;
 - (c) share the international best practices, tools and concepts which are intended to be used by all participating entities to achieve the goals of the nationwide integrity behavior initiative;
 - (d) participate in the creation of key measures and control activities intended to ensure transparency, integrity and ethical business practice;
 - (e) support the development of an audit and certification program (including a training program for advisers and auditors) that will offer a toolbox for enterprises to introduce and implement ethical practices in their business processes; and institutionalise the whole process to promote sustainability of the integrity initiative.
- 6. To confirm our commitment to this pledge, we hereby commit ourselves as a company and individuals to be bound in all aspects by this integrity pledge and shall be responsible for all the consequences which may result to non-compliance to this pledge.
- 7. To fight any form of corruption practices whereby zero tolerance action will be taken against any employee, staff or other person involved in corruption in relation to the business, regardless of position and status.

8. To report any corrupt or unethical practices that occur in the business place to the appropriate Authority.
9. We shall also ensure that our employees and agents comply with this pledge and in any event of non-compliance we commit ourselves to be responsible for their action.

Signed by
for and on behalf of
this day of 20....

Signature
Designation:.....

Witness
Name:.....
Signature:.....
Designation:.....

FIFTH SCHEDULE

(Made under rule 16)

APPLICATION FOR TRANSFER OF A LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Please complete this form and return it together with all relevant enclosures to the Director General.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the required information. You may submit your application electronically or by delivering the same to EWURA offices. EWURA will not process this application until it has been found to be complete. Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. Each separate sheet of information attached to the application corresponds to a specific item in the application.

This section to be completed by the current holder of the License			
Licensee's name			
Name and address of the Transferor			
Reason for Transfer (attach documentary proof)			
Address of the Licensed Facility			
		Postcode	Tel No.
		Email	
Licence Particulars	Type of Licence:		
	Licence No:		

The Petroleum (Refinery Operations

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	Licence Duration:		
	Expiry Date:		
I agree to the transfer of the licence to the applicant(s) below:			
Name and physical address of the Transferee :		Date:	
Business Organisation (Sole proprietor, Company, Partnership)		Position:	
Principal Officer (only if the transferee is a company or partnership)		Date:	Company Seal
		Signature:	
Names of Partners or Shareholders		1.	
		2.	
		3.	
		4.	
		5.	
		6.	
		7.	

This section to be completed by the Applicant(s)	
1. I, the undersigned, being the holder of the licence in the application, hereby apply for the transfer of the licence and I hereby declare that the information stated herein in	

<p>regard to the transferee is true to the best of my knowledge.</p> <p>2. In the event of the licence being transferred:</p> <p>(a) I agree to abide by the conditions laid down by EWURA and applicable laws, and not to alter in any way the approved arrangements of the licence without the written approval of EWURA, nor use the said licence for any other purpose than those prevailing at the time the licence is transferred;</p> <p>(b) the licence shall have the like effect in all respects as if no transfer had been made; and</p> <p>(c) all duties and responsibilities that were to be fulfilled by the transferor are automatically shifted to the transferee as if no transfer was made.</p>			
Date			
Signed:		Position:	
Print Name			
<p>Ownership of the site comprising the licensed facility.</p> <p>If the transferor is not the owner of the site (i.e. a tenant), enter below the name and address of the owner or owners, as the case may be:</p>			
Details	Transferor to complete if applicable		
Name (of owner)			
Address:			
Post Code		Tel No.	
Email			
Fee TZS	Payable to: EWURA Account: 01J1022244000; CRDB Holland Branch.	

Notes	<p>1. The applicant(s), (if an individual person or partnership) must be over 18 years of age.</p> <p>2. By signing the form, both the transferee and transferor declare that they are authorised to make this application and that the information supplied herein is correct.</p> <p>3. This application together with the appropriate fee, should be forwarded to the Director General, EWURA at 7TH Floor, LAPF Pension Fund Tower, Opposite Makumbusho</p>
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Village, Kijitonyama, P.O Box 72175, Dar es Salaam.
<p>The application should be attached with the following documents;-</p> <ol style="list-style-type: none">1. The original copy of a valid EWURA licence in respect of the linsenced facility;2. Certified copy of tax clearance certificate in respect of the linsenced facility;3. Lease/ Sale agreement stamp duty paid;4. Company Registration documents;5. Transmission document (in case the type of transfer if by transmission i.e death or order of the Court)6. Proof of payment of transfer application fee; and7. Any other document that will be required at the time of transfer.

SIXTH SCHEDULE

(Made under rule 19(2))

APPLICATION FOR RENEWAL OF A LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Please complete this form and return it to the Director General together with all other relevant enclosures.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the required information. You may submit your application electronically or by delivering the same to EWURA offices. EWURA will not process this application until it has been found to be complete. Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. Each separate sheet of information attached to the application corresponds to a specific item in the application.

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (insert trading name)
2.	Registration Status: <i>(fill where appropriate)</i> (a) Certificate of Incorporation No..... (b) Certificate of Compliance No..... (c) Business license No..... (d) TIN No. (e) VAT No.....

3.	<p>Address of facility</p> <p>(a) Physical address: Street.....Plot No.....</p> <p>Block No.....Building No.....</p> <p>(b) Postal Address:</p> <p>(c) Telephone No:</p> <p>(d) Facsimile:Cell Phone.....</p> <p>(e) E-Mail:</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company Parastatal Organisation Government Agency</p> <p><input type="checkbox"/> Cooperative Society</p> <p><input type="checkbox"/> Joint Venture</p> <p><input type="checkbox"/> Other (specify).....</p>
5.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title: (c) Physical address:</p> <p>Street.....Plot No.....Block No.....</p> <p>Building No.....:</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>

6.	<p>Details of the Current Licence</p> <p>Type of a licence:.....</p> <p>Licence No.</p> <p>Date of issue.....</p> <p>Expiry Date.....</p>
7.	<p>Has the licensee undergone any material changes (structural, legal, managerial or related to the services supplied) since its previous application?</p> <p>Yes – If yes, provide details.....</p> <p>.....</p> <p>.....</p> <p>..... (Use additional sheet where necessary)</p>
8.	<p>Application Fee and method of payment:</p> <p>(a) Amount: TZS.....</p> <p>(b) Mode:..... Cash Cheque Other (specify).....</p> <p>(c) Fees Payment Receipt No. (Attach Copy).....</p>

	PART II – DECLARATION BY THE APPLICANT
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	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorised to make this application on behalf of the applicant and that the information supplied herein is correct to the best of my knowledge and that within a reasonable period of time after notice, I undertake to provide whatever additional information EWURA may require in order to evaluate this application.</p> <p>SWORN/AFFIRMED at.....) by the said.....who is identified to) me by...../known to me personally) the latter being known to me personally this) DECLARANTday of20....)</p> <p>BEFORE ME:</p> <p>_____</p> <p>COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner for Oaths, accompanied and submitted with the necessary supporting documents and submitted to the EWURA.</p>
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Dodoma,
....., 2018

NZINYANGWA E. MCHANY
Director General