

IN THE MATTER OF ROUTINE INSPECTION AT RETAIL OUTLETS

AND

**IN THE MATTER OF CHECKING ON COMPLIANCE TO FUEL MARKING
REQUIREMENTS AND EWURA'S DIRECTIVES AT RETAIL OUTLETS BY A.S
COMPANY LIMITED – OILCOM KIZOTA SERVICE STATION LOCATED AT
KIZOTA STREET IN DODOMA REGION.**

(COMPLIANCE ORDER NO: 01-02-2018)

REFERENCE NO: BA.306/369/627/43

**(Made under section 39 of the EWURA Act, Cap. 414 and section 240 (1) (f) of
the Petroleum Act, Cap. 392)**

PRELIMINARIES

On 15th September, 2017, EWURA sent two Petroleum Inspectors to inspect A. S Company Limited – Oilcom Kizota Service Station located at Kizota Street in Dodoma Region with a view to checking on compliance to licencing requirements. During inspection it was revealed that A.S Company Limited – Oilcom Kizota Service Station was violating licence conditions as it was found operating with an expired licence and furthermore has not complied with the licensing requirements. The retail outlet was ordered to close until it rectifies its anomalies and its licence is renewed.

However, on 6th December 2017 while conducting fuel marker detection exercise contrary to EWURA's order A.S Company Limited – Oilcom Kizota Service Station was found operating without EWURA's permission to reopen the station. During inspection the inspectors took tests and examinations to determine the presence and concentration levels of the marker in the samples of petroleum products. The test results indicated that the sample for IK (Illuminated Kerosene) failed the fuel marker detector test and consequently EWURA closed down the facility and required the operator to, among other things, settle the matter with Tanzania Revenue Authority (TRA) in compliance with the law.

Nonetheless on 31st January 2018 the facility was found to be operating after having tampered with EWURA seals contrary to EWURA's order and the law while it had not cleared the matter with TRA as required.

Rule 16(2) of the Energy and Water Utilities Regulatory Authority Petroleum (Marking and Quality Control) Rules, GN. No. 210 of 2010, states that the Authority shall issue an Order in writing for reopening or de-quarantining of a facility.

Tampering with EWURA seals contravenes, Rule 19 of the Energy and Water Utilities Regulatory Authority Petroleum (Marking and Quality Control) Rules, GN. No. 210 of 2010, and is punishable as such. Furthermore, operating without a licence contravenes section 131(4) of the petroleum Act, Cap 392.

ORDER

THEREFORE, and based on the foregoing EWURA has considered the matter in accordance with the applicable law and has decided that **A.S Company Limited – Oilcom Kizota Service Station** located at **Kizota Street** in **Dodoma Region** be and is **HEREBY ORDERED** to:

- (a) immediately stop selling or offering for sale Petroleum Products from **A.S Company Limited – Oilcom Kizota Service Station**; and
- (b) explain in writing within seven (7) days from the date of receipt of this Order why legal action should not be taken against it for:
 - (i) tampering with EWURA official seals contrary to Rule 19 of the Energy and Water Utilities Regulatory Authority Petroleum (Marking and Quality Control) Rules, GN. No. 210 of 2010; and
 - (ii) for undertaking petroleum operations without obtaining a petroleum retail licence renewal from EWURA contrary to the Petroleum Act, Cap. 392.

GIVEN under seal of the Energy and Water Utilities Regulatory Authority this 9th day of February, 2018.



Nzinyangwa E. Mchany
ACTING DIRECTOR GENERAL

Order served upon, and received by

KIZOTA A.S. COMPANY on this *16/2* day

of *FEBRUARY* 2018.

Oil Com

Name *SALWA AWADH*

Signature *[Signature]*

Designation *MENSA*



(Official Stamp)

This Order is issued in duplicate. Sign both copies and retain your copy while the other copy is to be returned to the Authority to authenticate due service of the Order.