

GOVERNMENT NOTICE No.50 published on 31/1/2020

**THE PETROLEUM ACT
(CAP 392)**

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RULES

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(Made under section 259 (1))
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THE PETROLEUM (LUBRICANTS OPERATIONS) RULES, 2020

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THE PETROLEUM ACT
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THE PETROLEUM (LUBRICANTS OPERATIONS) RULES, 2020

(Made under section 259(1))

PART I
PRELIMINARY PROVISIONS

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|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation | 1. These Rules may be cited as the Petroleum (Lubricants Operations) Rules, 2020. |
| Application | 2. These Rules shall regulate the wholesale, blending, distribution and retail business of petroleum lubricants. |
| Interpretation
Cap. 392 | 3. In these Rules, unless the context otherwise requires:
“Act” means the Petroleum Act;
“applicable law” means any principal law, treaty, proclamation, regulations, rules, order or a by-law that is customarily treated in Tanzania as having legally binding force in matters pertaining to regulation of petroleum lubricants operations in Mainland Tanzania;
“approved specification” means any specification or standard in relation to a petroleum product applied by the Authority and as approved pursuant to the Standards Act, and any other standards that are widely used as Petroleum industry best practices; |
| Cap. 130 | |
| Cap. 414 | “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act; |

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- Cap. 340
- “blending customer” means a wholesale lubricant licensee who has a contract with a lubricant oil blender to blend its products;
 - “brand owner” is a licensed lubricants’ wholesaler and whose brand is registered with the Authority;
 - “certification authority” means the Weights and Measures Agency established under the provisions of the Executive Agencies Act;
 - “container” means any receptacle including a drum, pail, jerry can, tin, carton, can or jar in which a lubricant is stored or carried;
 - “compliance order” means an order issued by the Authority pursuant to section 39 of the EWURA Act;
 - “customer” means any person supplied or that has a contract to be supplied with lubricants;
 - “dangerous situation” means a situation involving a 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;
 - “dealership agreement” means the contractual arrangement that establishes, *inter alia*, a relationship between a wholesaler and a distributor or a distributor and a retailer with respect to the purchase and sale of a lubricant as required by rule 40;
 - “decant” means transfer of a lubricant from one container to another;
 - “designated customer” means a person who buys lubricants from a wholesaler for his own use;
 - “distributor” means a person who has a dealership agreement with a wholesaler with respect to the purchase and sale of a lubricant and who sells a lubricant to a customer;
- Cap. 414
- “EWURA Act” means the Energy and Water Utilities Regulatory Authority Act;
 - “incident” means:
 - (a) an event that involves the leakage of a petroleum

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- product from a transport unit or a spill of a petroleum product resulting from the dispensing or offloading activities;
- (b) death or personal injury occurring as a result of the conduct of a licensed activity or retail business;
 - (c) a fire or an event incidental to a fire resulting from the conduct of a licensed activity or retail business; or
 - (d) any other significant event that may adversely affect the conduct of a licensed activity or retail business;
- “inspector” means an officer or an agent of the Authority appointed by the Authority to perform the functions of inspection as required under the Act and applicable law;
- “leak” means the discharge of a lubricant into any structure or thing;
- “licence” means an authorization issued by the Authority to conduct a licensed activity pursuant to these Rules;
- “licensee” means a holder of a licence;
- “licensed activity” means an activity related to the lubricant wholesale, blending, distribution or retail business;
- “licensed facility” means a warehouse, storage tank, blending plant and associated equipment and accessory which a licensee uses to conduct a licensed activity;
- “lubricants retail business” means storing, handling and selling of lubricants to customers through a lubricants’ shop;
- “lubricants shop” means any place where a lubricant is sold or offered for sale to a customer by a retailer;
- “lubricants wholesale business” means an activity necessary for importing of lubricants or importation of base oil and additives for blending and selling of lubricants to a distributor, a wholesalers branded petrol stations and designated customers;
- “LOB” its an acronym of Lubricants Oil Blender;
- “lubricants blending business” means all those activities necessary for manufacturing lubricants;
- “NPGIS” its an acronym of the “National Petroleum and Gas Information System” maintained by the Authority;
- “operator” means a person who is responsible for the day-to-day

activities of a licensed facility or lubricants shop, whether such person is on the relevant premises during business hours or is the owner of such facility and who for the purpose of these Rules, shall be deemed to have the authority and the ability to:

- (a) grant an inspector access to the relevant premises and facilities to facilitate the performance of the inspector's duties;
- (b) detect any defect weakness within a licensed facility and make an authoritative judgment as to its suitability for further use;
- (c) answer questions raised by inspectors; and
- (d) witness the inspection process.

“Petroleum Industry Best Practises” means any conduct related to a petroleum product intended to preserve product quality and meeting generally accepted health, safety and environmental requirements;

“retailer” means a person who conducts a lubricants retail business;

“Sample Collection Form” means a document issued by the Authority as prescribed in the sixth Schedule and which is to be completed by an inspector during the collection of a lubricants sample;

“supplier” means a person conducting an activity in connection with a lubricant wholesale, distribution, blending or retail business;

Cap. 130 “TBS” its an acronym of “he Tanzania Bureau of Standards” established under the Standards Act;

Cap. 285 “tribunal” means the Fair Competition Tribunal established under the provisions of the Fair Competition Act; and

“wholesaler” means any person who engages in lubricants wholesale business.

PART II

APPLICATION FOR A CONSTRUCTION APPROVAL

Application for
construction
approval

4.– (1) A person shall not construct a lubricants' blending plant without seeking and obtaining a construction approval from the Authority in a manner provided under these

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Rules.

(2) Any person who intends to construct a lubricants' blending plant shall lodge an application with the Authority by filling in the application form prescribed in the First Schedule to these Rules or as otherwise described by the Authority.

(3) Any person who constructs a lubricants' blending plant 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 or both.

Application to be accompanied by fee

5. An application for a construction approval under rule 4 shall be accompanied by a non-refundable application fee as shall be prescribed by the Authority.

Grant of construction approval

6. - (1) The Authority shall, upon receipt of an application described in rule 4, proceed to evaluate such application and decide whether to grant, deny or refer back the application.

(2) The Authority shall, while making a decision whether to grant or deny a construction approval, consider the application compliance with-

- (a) land ownership and land use laws; and
- (b) health, safety and environmental requirements.

(3) The Authority shall cause the construction approval under subrule(1), to be published in the Government *Gazette*.

(4) After issuance of an approval, the applicant shall 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) The construction approval issued by the Authority under rule 6 shall cease to have effect in the event the holder of the said approval fails to commence construction within twenty

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four months from the date of issue.

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

Notice of commencement

8. A holder of a construction approval shall issue to the Authority a notice of commencement of construction not less than thirty days prior to the start of construction.

Suspension and revocation of construction approval

9.– (1) The Authority may, by notice published in the *Government Gazette*, withdraw or suspend a construction approval if any of the terms and conditions thereof has not been complied with.

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

(3) Notwithstanding the provisions of subrule (1) and (2) the Authority may, by notice in the *Government Gazette*, withdraw or suspend a construction approval on the application or with the consent of the holder of such approval.

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

(5) Without prejudice to the provisions of subrule(2), the Authority may, pending the expiry of the notice under that subrule and where there are compelling reasons to do so, order the holder of the construction approval to stop the construction work.

PART III

LICENSING PROCEDURES

Obligation to obtain licence

10.-(1) A person shall not conduct a licensed activity without seeking and obtaining a licence from the Authority.

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(2) The Authority shall issue licenses in respect of the following activities:

- (a) lubricants wholesale business;
- (b) lubricants blending business; and
- (c) lubricants distribution business.

(3) Any person who contravenes the provisions of subrules (1) commits an offence and shall be liable on conviction, to a fine of not less than twenty million Tanzania Shillings or imprisonment for a term of not less than two years but not more than five years or both.

Power to enter
and close a
facility

11. Notwithstanding the penalty prescribed under rule 10(3), the Authority shall, in the event it determines that a person is or has contravened the provisions of rule 10 (1), enter upon any facility and close it down.

Licensing
requirements for
lubricants
wholesale
licence

12.-(1) A person shall not be issued with a lubricants wholesale licence unless the application meets the necessary technical and financial licensing requirements which are:

- (a) written proof of ownership or lease of a lubricants warehousing that complies with Petroleum industry best practices including:
 - (i) an emergency exit;
 - (ii) sufficient ventilation;
 - (iii) spillage containment; and
 - (iv) adequate fire fighting equipment;
- (b) possession of oil and lubricants handling permit from the relevant authority;
- (c) submission of curriculum vitae of at least two key personnel and proof of their relevant qualifications and experience in petroleum lubricants business; and
- (d) proof of financial capability which is either:
 - (i) an audited financial statements showing annual gross turnover of not less than two hundred million Tanzania Shillings and a good business track record; or
 - (ii) a bank statement showing a credit balance

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of not less than two hundred million Tanzania shillings; or

(iii) a bank guarantee or a credit facility of not less than two hundred million Tanzania Shillings from a bank or financial institution licensed by the Bank of Tanzania; or

(iv) a letter of comfort from a financial institution or a bank licensed by the Bank of Tanzania that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than two hundred million Tanzania Shillings, provided that the letter shall be signed by the chief executive officer or an authorized signatory of the institution or the bank.

(2) Notwithstanding the provisions of subrule (1), an applicant may rely on the financial capability of its parent company provided that-

(a) the Authority is provided with a written consent or guarantee from the parent company; and

(b) the applicant shall submit proof of financial capability of the parent company which shall be either-

(i) an audited financial statements showing annual gross turnover of not less than one billion Tanzania Shillings; and

(ii) a bank statement of not more than three months to the date of application showing a credit balance of not less than one billion Tanzania Shillings or its equivalent in convertible currency.

Licensing
requirements for
lubricants
blending licence

13. A person shall not be issued with a lubricants blending licence unless the application meets the necessary technical and financial licensing requirements which are:

(a) a written proof of ownership of a lubricants blending plant that complies with petroleum

- industry best practices;
- (b) possession of an Environmental Impact Assessment Certificate from the relevant Authority;
- (c) submission of curriculum vitae of at least two key personnel and proof of their relevant qualifications and experience in petroleum lubricants handling operations; and
- (d) proof of financial capability which is either:
 - (i) previous year's audited financial statements showing an annual gross turnover of not less than five hundred million Tanzania Shillings and a good business track record;
 - (i) a bank statement showing a balance of not less than five hundred million Tanzania Shillings;
 - (ii) a bank guarantee of not less than five hundred million Tanzania Shillings; or
 - (iii) a letter of comfort from a financial institution or a bank that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than five hundred million Tanzania Shillings, provided that the letter shall be signed by the chief executive officer or an authorized signatory of the institution or the bank.

licensing
requirements for
lubricant
distribution
licence

14.A person shall not be issued with a lubricants distribution licence unless the application meets the necessary technical licensing requirements which are:

- (a) a written proof of ownership or lease of a lubricants warehousing that complies with petroleum industry best practices including:
 - (i) an emergency exit;
 - (ii) sufficient ventilation;
 - (iv) spillage containment; and
 - (v) adequate firefighting equipment;

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- (b) possession of oil and lubricants handling permit from the relevant authority;
- (c) names of wholesalers and retailers that the applicant has entered into dealership agreements with; and
- (d) possession of adequate skilled personnel.

Conditional licence

15. Notwithstanding the generality of rule 12, 13 and 14 the Authority may issue a licence with specific conditions to be fulfilled within a prescribed time.

Licence application

16. An applicant for a licence shall apply to the Authority for a licence by filling in the application form prescribed in the Second Schedule or as otherwise provided by the Authority.

Application to be accompanied by an integrity pledge, tax clearance certificate and Fee

17. An application for a licence under rule 16 shall be accompanied by a duly signed integrity pledge in the form provided in the Third Schedule to these Rules, a tax clearance certificate and a non-refundable application fee as shall be prescribed by the Authority.

Publication of licence applications

18.-(1) A licence application received by the Authority shall be evaluated to verify its completeness and correctness of the information contained therein and shall thereafter publish a notice of the application in at least two newspapers of wide circulation in Tanzania, one in English and another in Kiswahili, with a view to soliciting comments and representations on the application.

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

(3) The public shall be invited, by the notice to be published under subrule(1), to submit their comments and representations within fourteen days from the date of publication and the comments and representations received shall be considered by the Authority in arriving at the decision on the application.

Grant of licence

19. -(1) The Authority shall, upon consideration of an

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application for a licence:

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

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

- (a) the licensing requirements in rules 13, 14 and 15;
- (b) the protection of the environment;
- (c) objections or representations received from the public pursuant to rule 18;
- (d) compliance to land use laws;
- (e) compliance of the proposed licensed facility on matters related to:
 - (i) safety;
 - (ii) health;
 - (iii) security;
 - (iv) handling of hazardous substances; and
 - (v) environment;
- (f) the applicant's record of compliance with the Act, these Rules and other applicable laws; and
- (g) any other matter relevant to the orderly conduct of lubricants business in Tanzania.

(3) The Authority shall, in the event that it denies or refers back an application for a licence, informs the applicant of such decision in writing, including the reasons thereof.

Duration of
Licence

20. (1) The term of a licence shall be:

- (a) for lubricants wholesale business a period of five years;
- (b) for lubricant distribution business, a period of five years and
- (c) for lubricants blending business, a period of ten years.

(2) A licence shall remain valid for the term stated in subrule (1), provided, that the Authority may, on the written application by a licensee, extend the period for such further period as the Authority may deem fit.

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(3) Notwithstanding the provisions of subrules (1) and (2), a licence shall cease to have effect if the respective licensee fails to commence a licensed activity within six months after issuance of the licence.

Application for
transfer of
licence

21.- (1) No licence shall be assigned or transferred to another person without a written approval of the Authority.

(2) Any transferor or assignor of a licence shall apply to the Authority by filling the application form prescribed in the Fourth Schedule or as otherwise provided by the Authority.

(3) Notwithstanding the provisions of subrule (1) no application for a transfer or assignment of a licence shall be entertained by the Authority unless it is endorsed by the transferee or assignee, as the case may be.

(4) A licence transfer application received by the Authority shall be evaluated to verify its completeness and correctness of information contained therein and thereafter a notice of the application shall be published in at least two newspapers of wide circulation in Tanzania, one in English and another in Kiswahili with a view to soliciting comments and representations on the application.

(5) The public shall be invited, by the notice published under subrule (4), to submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall be considered by the Authority in arriving at the decision on the application.

(6) The Authority shall, after the expiration of the notice in subrule (5), evaluate the application together with comments received (if any) and make a decision whether to grant or deny the application for transfer or assignment.

Change of name

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

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

Change in

23.- (1) A change of ownership where a third party

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shareholding
structure

becomes a majority shareholder of a company in relation to which a licence has been issued shall require the written approval of the Authority.

(2) The party seeking approval under subrule (1) shall submit the following documents in support of his application-

- (a) a duly signed and stamped deed of share transfer;
- (b) tax clearance certificate of a transaction; and
- (c) any other information as may be required by the Authority.

Cap. 212

(3) A licensee shall, after filing with the Registrar of companies the necessary forms evidencing the change of shareholding as required by the Companies Act, notify the Authority about such change.

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

Application for
renewal of
licence

24.–(1) A licensee who wishes to renew a licence shall, not less than six months before expiration of the licence term, apply to the Authority for a renewal of the licence.

(2) Application for renewal of a licence in subrule (1) shall be in the form prescribed in the Fifth Schedule to these Rules or as otherwise prescribed by the Authority.

(3) An application for renewal of a licence shall be accompanied by a tax clearance certificate and other information as may be required by the Authority.

(4) The Authority shall while making a decision whether to grant or deny an application for renewal of a licence consider the applicant's compliance to the Act, these Rules and terms and conditions of the licence which is due to expire.

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

(6) 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, failed to comply with the terms and conditions of the licence, refused or wilfully neglected to comply with any Order given by the Authority and such acts were not remedied by such licensee up to the time of

determining the application.

Suspension or
revocation of
licence

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25. – (1) A licence may be suspended or revoked by the Authority for a period of twelve months if the licensee:

- (a) Violates any of the provisions of the Act or conditions attached to a 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 authorization of the Authority;
- (f) carries on business in a manner that is detrimental to the welfare or interest of other users;
- (g) violates 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 said licence has been issued to a licensee.

(3) The Authority may waive the licence suspension if it is satisfied that a licensee has abstained from the act that caused the suspension and the reason for suspension no longer exists.

PART IV
GENERAL AND SPECIFIC OBLIGATIONS OF A SUPPLIER

General obligations of a wholesaler

26. A Wholesaler shall:

- (a) comply with:
 - (i) applicable law;
 - (ii) orders and directives of the Authority;
 - (iii) these Rules;
 - (iv) provisions related to local content as provided in the Act and regulations made by the Minister;
 - (v) petroleum industry best practices; and
 - (vi) any guidelines issued by the Authority;
- (b) ensure that any lubricant that is imported, blended, stored, transported or sold is registered and approved by the Authority before it is used in Tanzania;
- (c) ensure that lubricant products are adequately packed and the content weight or volume is accurate;
- (d) ensure that it only sells lubricants to a distributor it has entered into a dealership agreement with;
- (e) ensure that it only sells lubricants to distributors, lubricant shops and designated consumers;
- (f) ensure that a lubricant container is marked with the following information:
 - (i) manufacturer's name;
 - (ii) product brand name;
 - (iii) product type;
 - (iv) performance level;
 - (v) quantity in weight or volume;
 - (vi) batch number;
 - (vii) specification whether virgin or recycled base oil.
- (g) ensure that it has material safety data sheet for each lubricant;
- (h) provide the Authority with a copy of a bill of lading not less than fourteen days prior to the arrival of the vessel importing the lubricant consignment to Tanzania;

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- (i) upon clearance, provide the Authority with proof of payment of taxes and duties and TBS batch certification of the consignment;
- (j) inform the Authority as soon as practicable, but in any event not more than twenty-four hours after the occurrence of a dangerous situation or incident related to its licensed activity, or occurring within its licensed facility, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimize the danger arising from such situation;
- (k) upon request, make available to the Authority records of the licensed activity;
- (l) print the number of the licence on every accounting document used for its operations with a customer, including invoices, delivery notes, and receipts;
- (m) conduct business in such a way that:
 - (i) customers are treated fairly and equally; and
 - (ii) comparable services are provided to all customers;
- (n) not engage in any activity that disrupts or interferes with competition;
- (o) as soon as practicable, but in any event not later than thirty days after it becomes aware of the fact, notify the Authority:
 - (i) if it is unable to conduct its licensed activity;
 - (ii) if the conduct of its licensed activity would or might lead to the breach of any of these Rules, applicable law or materially affect services to the customers; or
 - (iii) of any material change in circumstance that adversely affects its licensed activity;
- (p) cause the operator to be present on the licensed facility at all times;
- (q) notify the Authority of any change of its address,

- name or location not later than seven days after such change;
- (r) display in a conspicuous place at its licensed facility its licence or a true copy thereof, duly certified; and
- (s) issue an official receipt bearing its registered name and address in all transactions relating to lubricants which shall specifically set out:
 - (i) its registered name and address;
 - (ii) the quantity and price of the lubricant sold; and
 - (iii) the date of the transaction.

General obligations of distributor

27. A distributor shall:

- (a) comply with:
 - (i) applicable law;
 - (ii) orders and directives of the Authority;
 - (iii) these Rules;
 - (iv) petroleum industry best practices; and
 - (v) any guidelines issued by the Authority;
- (b) ensure that it enters into a dealership agreement with a holder of a lubricant wholesale licence;
- (c) unless the dealership agreement states otherwise, only buy lubricants from a wholesaler it has entered into a dealership agreement;
- (d) only buy, transport, store or sell lubricants that are registered by the Authority;
- (e) ensure that products are adequately packed and the content weight or volume is accurate;
- (f) ensure that it keeps details of its customers and product purchased including name, address, physical location, quantity, brand, receipts and invoices.
- (g) ensure that a lubricant is marked with the following information:
 - (i) manufacturer's name;
 - (ii) product brand name;
 - (iii) product type;

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- (iv) performance level;
 - (v) quantity in weight or volume;
 - (vi) batch number; and
 - (vii) specification whether virgin or recycled base oil.
- (h) ensure that it has material safety data sheet for each lubricant;
 - (i) inform the Authority as soon as practicable, but in any event not more than twenty-four hours after the occurrence of a dangerous situation or incident related to its licensed activity, or occurring within its licensed facility, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimize the danger arising from such situation;
 - (j) upon request, make available to the Authority records of the licensed activity;
 - (k) print the number of a licence on every accounting document used for its operations with a customer, including invoices, delivery notes, and receipts;
 - (l) conduct business in such a way that:
 - (i) customers are treated fairly and equally; and
 - (ii) comparable services are provided to all customers;
 - (m) not engage in any activity that restricts, disrupts or interferes with competition;
 - (n) as soon as practicable, but in any event not later than thirty days after it becomes aware of the fact, notify the Authority:
 - (i) if it is unable to conduct the licensed activity;
 - (ii) if the conduct of the licensed activity would or might lead to the breach of any of these Rules, applicable law or materially affect services to the customers; or
 - (iii) of any material change in circumstance

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- that adversely affects its licensed activity;
- (o) notify the Authority of any change of its address, name or location not later than seven days after such change;
- (p) display in a conspicuous place at its licensed facility its licence or a true copy thereof, duly certified; and
- (q) issue an official receipt bearing its registered name and address in all transactions relating to lubricants which shall specifically set out:
 - (i) its registered name and address;
 - (ii) the quantity and price of the lubricant sold; and
 - (iii) the date of transaction;

General obligations of LOB

28. A LOB shall:

- (a) comply with:
 - (i) applicable law;
 - (ii) orders and directives of the Authority;
 - (iii) these rules;
 - (iv) petroleum industry best practices; and
 - (v) any guidelines issued by the Authority;
- (b) ensure that the blending formulation is certified by the appropriate certification body;
- (c) only blend lubricants for a holder of a lubricant wholesale licence;
- (d) ensure that the testing and measuring instruments used for its licensed activity are accurate and calibrated by the certification Authority;
- (e) on a monthly basis, submit to the Authority a report on the blended lubricant brand which shall include the following particulars:
 - (i) the owner of such blended lubricant;
 - (ii) brand of the blended lubricant; and
 - (iii) the quantity of the blended lubricant.
- (f) inform the Authority as soon as practicable, but in

- any event not more than twenty-four hours after the occurrence of a dangerous situation or incident related to its licensed activity or occurring within its licensed facility, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimize the danger arising from such situation;
- (g) ensure that waste is safely disposed of in compliance with applicable law;
 - (h) upon request, make available to the Authority records of the licensed activity;
 - (i) maintain and make available to the Authority upon request documentary evidence that:
 - (i) all electrical equipment and installations in the licensed facility relevant for the conduct of its licensed activity comply with existing relevant codes or/and applicable law; and
 - (ii) areas of the licensed facility where flammable gases or vapours may occur comply with existing relevant codes or applicable law;
 - (j) print the number of a licence on every accounting document used for its operations, including invoices, delivery notes, and receipts;
 - (k) conduct business in such a way that:
 - (i) blending customers are treated fairly and equally; and
 - (ii) comparable services are provided to all blending customers;
 - (l) not engage in any activities that restricts, disrupt or interfere with competition;
 - (m) as soon as practicable, but in any event not later than thirty days after it becomes aware of the fact, notify the Authority:
 - (i) if it is unable to conduct its licensed activity;
 - (ii) if the conduct of its licensed activity

would or might lead to the breach of any of these Rules, applicable law or materially affect services to blending customers; or

- (iii) of any material change in circumstance that adversely affects its licensed activity;
- (n) cause an operator to be present in the licensed facility at all times;
- (o) notify the Authority of any change of its address, name or location not later than seven days after such change; and
- (p) display in a conspicuous place at its licensed facility its licence or a true copy thereof, duly certified.

General obligations of retailer

29. A retailer shall:

(a) comply with:

- (i) applicable law;
- (ii) orders and directives of the Authority;
- (iii) these Rules;
- (iv) petroleum industry best practices; and
- (v) any guidelines issued by the Authority;
- (b) only buy, transport, store or sell lubricants that are registered by the Authority;
- (c) ensure that lubricant products are adequately packed and the content weight or volume is accurate;
- (d) ensure that a lubricant is marked with the following information:
 - (i) manufacturer's name;
 - (ii) product brand name;
 - (iii) product type;
 - (iv) performance level;
 - (v) quantity in weight or volume; and
 - (vi) batch number.

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- (e) ensure that it has material safety data sheet for each lubricant material data sheet;
- (f) inform the Authority or any other relevant authority as soon as practicable, but in any event not more than twenty-four hours after the occurrence of a dangerous situation or incident related to its retail business, or occurring within its lubricant shop, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimize the danger arising from such situation;
- (g) upon request, make available to the Authority records of the licensed activity;
- (h) not engage in any activity that restricts, disrupts or interferes with competition;
- (i) issue an official receipt bearing its registered name and address in all transactions relating to lubricants which shall specifically set out:
 - (i) its registered name and address;
 - (ii) the quantity and price of the lubricant sold; and
 - (iii) the date of transaction;

Protection of
lives and
property

30. -(1) A wholesaler, a LOB, a distributor and a retailer shall, while storing, keeping, handling, conveying, using or disposing of a lubricant, 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 significant environmental harm.

(2) A wholesaler and a LOB shall dispose of any waste related to lubricant business in a manner and at a place intended for the safekeeping and dumping of such products pursuant to applicable law and petroleum industry best practices.

Compensation
for loss
suffered

31.-(1) A supplier shall compensate any person who has suffered any loss as a result of a licensed activity or a retail business as the case may be.

(2) Any person who has suffered loss as a result of a

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licensed activity may lodge a complaint with a supplier whose licensed activity or retail business, as the case may be, has caused such loss with a view to reaching an amicable settlement.

Cap. 414 (3) In the event no settlement is reached under subrule (2), the person who has suffered loss may refer the matter to the Authority for decision and the Authority shall deal with such matter as if it is a complaint lodged pursuant to the provisions of the EWURA Act.

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

Insurance 32. A supplier shall ensure that it procures and maintains adequate insurance cover for the licensed activity.

Maintenance of records, provision and disclosure of information 33. - (1) Every wholesaler, LOB or distributor shall at all times:

(a) keep complete and accurate records and data related to its licensed activity; and

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

(2) Any person who refuses to furnish information or statement as required under subrule (1) (b) or furnishes false information or statement to the Authority shall be liable to a fine of not less than twenty million Tanzania Shillings or to imprisonment for a term of not less than five years or both.

Confidential Information 34.-(1) Any information received by the Authority from a supplier pursuant to these Rules and applicable law shall be presumed not to be confidential.

(2) A supplier shall not be entitled to withhold information from the Authority on the ground that it is confidential.

(3) A supplier may request the Authority not to circulate specific data or information that it has provided to the Authority, provided, that only the Authority shall determine

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that such information is confidential.

(4) The Authority shall limit or prohibit the publication of any information to the public in the event it makes a determination that such information is confidential.

PART V
ENVIRONMENTAL PROTECTION

Compliance with environmental laws and standards

35. -(1) Every supplier shall comply with the requirements of all applicable environmental laws and standards related to a licensed activity.

(2) Subject to applicable law a wholesaler, distributor or a LOB shall:

- (a) carry out an environmental impact assessment when establishing a licensed facility, or making a major improvement to an existing facility;
- (b) take all necessary preventive measures to avoid pollution resulting from its licensed activity;
- (c) observe strict environmental, health, and industrial safety standards as required by applicable law; and
- (d) perform an environmental audit related to licensed 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 the licensed facility and increasing the number of storage tanks.

Consequences of violation of licence conditions

Cap. 191

36. The Authority shall, in the event it determines that a supplier has violated any of the licence conditions, the Act, these Rules or any applicable law on matters related to the protection of environment, take appropriate actions pursuant to the provisions of the Environmental Management Act.

PART VI
TECHNICAL OBLIGATIONS OF A SUPPLIER

Compliance with

37.- (1) A supplier shall comply with approved specifications pertaining to the handling, storage and

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specifications composition of a lubricant which is consistent with these Rules and applicable law.

(2) A supplier 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 will not negatively affect public safety and the environment.

Execution of dealership agreement

38. – (1) No distributor shall conduct lubricant distribution business unless he has a dealership agreement with a wholesaler.

(2) A wholesaler, shall within thirty days after receipt of a written request for a dealership agreement from a distributor, notify such distributor whether it has accepted or denied such request.

(3) A wholesaler and distributor shall execute and make available to the Authority upon request a dealership agreement.

(4) A wholesaler or distributor may refuse a request for a dealership agreement made by a distributor or a retailer pursuant to subrule (2), as the case may be, where the request made is not economically or technically feasible and may result in a wholesaler being unduly prejudiced.

(5) In the event a wholesaler denies a request for a dealership agreement pursuant to subrule (4) it shall give reasons in writing.

(6) In the event a distributor or retailer is aggrieved by the refusal of the wholesaler or a distributor under subrule (4) or the termination of the dealership agreement under rule 41 the distributor, may refer the matter to the Authority for a decision and the Authority shall deal with such matter as if it is a complaint lodged pursuant to the provisions of Part VI of the EWURA Act.

(7) Notwithstanding the generality of this rule, a distributor shall identify and prepare a list of all distributors and retailers it has a dealership agreement with pursuant to subrule (2).

Provision of technical

39. - (1) A wholesaler shall provide technical support to a distributor with whom it has a dealership agreement and

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support shall ensure that its lubricants distribution business is conducted in accordance with these Rules and its licensed facility complies with the requirements prescribed in these Rules.

(2) A distributor shall

(a) be deemed to be an agent of a wholesaler with whom it has a dealership agreement, and the said wholesaler shall be responsible for all the conducts of the distributor; and

(b) provide technical support to a retailer with whom it has a dealership agreement and shall ensure that its lubricant retail business is conducted in accordance with these Rules and its retail outlet complies with the requirements prescribed in these Rules.

(3) A retailer shall be deemed to be an agent of a distributor with whom it has a dealership agreement, and the said distributor shall be responsible for all the conducts of the retailer.

Preparation and Submission of a Plan

40. Each wholesaler and distributor shall prepare, maintain and submit an annual plan to the Authority a plan which shall include:

(a) a list of all distributors or retailers, as the case may be, it has entered into a dealership agreement with pursuant to rule 38;

(b) a detailed plan on how it shall provide technical support to dealers as required by rule 39; and

(c) detailed plan on how it will monitor the performance of distributors or retailers, as the case may be, it has entered into a dealership agreement with.

Termination of dealership agreement

41.- (1) Any party to a dealership agreement may terminate the dealership agreement, provided a prior notice of sixty days is given to the other party.

(2) Notwithstanding any agreement to the contrary and without prejudice to the provisions of subrule(1), any party to a

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dealership agreement may terminate the dealership agreement it has entered into, where it determines that the operations of the other party is in violation of these Rules and applicable laws.

Offence

42. Any person who contravenes the provisions of rules 40 commits an offence and shall upon conviction be liable to a fine of not less than three million Tanzania shillings or imprisonment for a term of not less than three years or both.

Prohibition to decant

43. – (1) No person except a brand owner shall decant or repack a lubricant for purposes of sale unless authorized in writing to do so by the Authority.

(2) A distributor duly authorized under subrule (1) shall not decant a lubricant of wholesaler in the absence of the written authorization of:

- (a) the lubricants brand owner; or
- (b) the entity that is entitled to possess such lubricant.

(3) A distributor duly authorized pursuant to subrule(2) shall, before decanting a container, conduct a thorough inspection of such lubricants container to ensure that it is not damaged.

Prohibition on under filling

44.– (1) The net lubricant quantity contained in a container shall not be less than the content specified in the container and any shortfall in the lubricant quantity contained shall constitute under filling.

(2) The following circumstances shall raise a presumption that a container is under filled:

- (a) a broken seal;
- (b) a seal that has been tampered with; or
- (c) the absence of a seal.

(3) Possession of an under filled container that has not been so identified or that has not been removed from a licensed facility, shall raise a presumption that such container is for sale.

Reference of violation to the certification

45. A wholesaler, LOB or distributor who sells, offers for sale, packs or distributes an under filled container shall be

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- authority referred to the certification authority for action.
- Deceptive trade practices 46.-(1) A supplier shall not engage in any activity that may deceive, tend to deceive or have the effect of deceiving a customer, with respect to:
- (a) the brand name of a lubricant; and
 - (b) lubricant's composition, grade or quantity.
- (2) Any supplier who contravenes the provisions of subrule (1) shall be liable to a fine of three million Tanzania shillings.
- Storage of a lubricant 47. – (1) A wholesaler, a LOB and a distributor shall:
- (a) locate, construct, maintain and operate its works connected with storage of a lubricant in accordance with these Rules, respective licence, applicable laws and good petroleum industry practices; and
 - (b) conduct its licensed activity in such a way so as not to endanger public health or safety.
- (2) A wholesaler, a LOB and a distributor shall mark with conspicuous signs the storage tanks and containers of each product.
- (3) A wholesaler, LOB and distributor shall, when storing a lubricant, employ appropriate safeguards to ensure that a leak is easily detected.
- (4) A LOB shall, where it intends to replace or install equipment at a licensed facility or a part thereof, notify the Authority not less than thirty days prior to commencing such replacement or installation in order to allow the Authority to make necessary inspection and issue necessary approvals.
- Provision for fire extinguishing equipment 48.-(1) A wholesaler, a LOB and a distributor shall provide and maintain adequate fire extinguishing equipment at a licensed facility as required by applicable law and Good Petroleum Industry Practices.
- (2) A wholesaler, a LOB and a distributor shall, not less than once a year, test the fire extinguishing equipment pursuant to its specification and applicable law.

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Preparation of
fire emergency
plan

49. A LOB shall establish a fire emergency plan to be employed in the event of a fire at a licensed facility that 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 the training of employees to deal with a fire emergency situation, the records of which shall be preserved;
- (c) be provided to employees employed in or on the licensed facility; and
- (d) be made available to the Authority on request.

PART VII
LUBRICANTS SAMPLING AND TESTING
PROCEDURES

Sub-Part I
Sampling Process

Sampling

50.-(1) The Authority shall conduct sampling and testing of lubricants in accordance with the Act and these Rules.

(2) The Authority shall, upon receipt of any complaint or on its own motion, take samples of and test any petroleum product from any licensed facility, transport unit or lubricant shop:

(3) A supplier shall ensure that an operator is present at a licensed facility, transport unit or lubricant shop at all times.

Preliminaries
to sampling

51.-(1) Upon arrival at a licensed facility, transport unit or lubricant shop and having identified themselves, inspectors shall take samples and deliver to an operator, driver or to any

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employee working at a licensed facility, transport unit or a lubricant shop the sample collection form prescribed in Sixth Schedule to these Rules for signing.

(2) An operator, driver or any employee working at a licensed facility, transport unit or a lubricant shop shall be required to:

- (a) co-operate with inspectors;
- (b) comply with any instructions or requests made by inspectors pursuant to their mandate; and
- (c) grant inspectors unhindered access to any document, the licensed facility, transport unit and lubricant shop as appropriate.

How samples
are to be taken

52. - (1) Inspectors shall, in each sampling process, take three samples of any type of a lubricant from a licensed facility, transport unit or lubricant shop.

(2) A sample of a lubricant referred in subrule (1) shall be taken from a lubricant container in the following manner:

- (a) for a 3 litre and above container, the container will be opened and the sample distributed into three portions of one litre each; and
- (b) for a less than 3 litre container, individual containers amounting to 3 litres in total shall be distributed in 3 equal portions.

(3) Lubricant samples for testing shall only be taken by an inspector using a container that meets approved specifications.

- (4) An inspector shall ensure that each sample taken is:
- (a) properly labelled;
 - (b) witnessed by an operator, driver or any other employee and an inspector; and
 - (c) sealed properly with the seal of the Authority.

Sample
collection
forms to be
signed

53.-(1) An inspector shall complete the sample collection form prescribed in the Sixth Schedule to these Rules as appropriate that shall then be counter-signed by an operator.

(2) Inspectors shall in the event that an operator, driver or any employee working at a licensed facility, transport unit or

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lubricant shop refuses or fails to counter- sign the sample collection form, note that such, operator, driver or employee has failed or refused to sign the form.

(3) An inspector shall, in respect of the samples described in rule 52 (1) and (2):

- (a) deliver one sample to an operator, driver or any employee working at alicensed facility, lubricant shop or a transport unit to be conserved for possible re-testing;
- (b) deliver one sample to one of the laboratories selected pursuant to rule 56 (1) for testing; and
- (c) conserve one sample in the Authority's storage facility for possible re-testing.

(4) The Authority shall properly maintain the document pursuant to chain of custody of the samples described in subrule (3).

Operator,
driver or
employee to
witness and
facilitate the
sampling
exercise

54. -(1) An operator, a driver or any employee working at alicensed facility, lubricants shop or a transport unit as the case may be shall, during the sampling process:

- (a) be entitled to witness the entirety of the sampling process; and
- (b) facilitate the sampling process in any way that the inspectors may require.

(2) Lubricants samples shall be retained by the Authority and the operator not longer than two months after the date of collection.

Offence

55. - Any person who contravenes the provisions of rule 51 or rule 53 shall be liable on conviction to a fine of not less than five million Tanzania Shillings or to imprisonment for a term of not less than three years or both:

Sub-Part II

Lubricants Testing and Re-testing Procedures

Selection of
qualified
laboratories

56.-(1) The Authority shall select a laboratory qualified to test lubricant samples in accordance with the approved

specification.

(2) The Authority shall, while selecting a laboratory pursuant to subrule(1) consider the following:

- (a) the ability of the laboratory to conduct specific tests pursuant to the approved specification;
- (b) whether the laboratory is equipped with up-to-date and calibrated instruments, and supplies consistent with the scope and volume of tests to be conducted;
- (c) the laboratory's reputation in the community on matters of professionalism and ethical behaviour;
- (d) information related to the laboratory's participation in voluntary accreditation programme and its current certification status;
- (e) ease of communication, particularly in respect of questions arising; and
- (f) timely delivery of test results.

(3) The costs for sampling and testing a lubricant shall be borne by the Authority.

(4) The Authority shall, not more than seven working days after receiving the results from a laboratory, notify the operator in writing of the results whether conforming or non-conforming, and it shall thereafter:

- (a) take no further action where test results indicate that a sample is conforming to approved specifications; or
- (b) deal with the operator in accordance with rule 64 (1) where the test results indicate that a sample is non-conforming to approved specifications.

Re-testing
process

57.-(1) The Authority may in the event that any person disputes the results under rule 56 (4), conduct a re-test of the samples pursuant to these Rules and the costs of re-testing shall be borne by the person disputing the first results.

(2) Notwithstanding the provisions of subrule (1) the re-test of the samples shall only be done where:

- (a) the Authority has received a request in writing for a re-test;
- (b) the seals of the sample to be tested remain intact

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- and the samples are not tempered with; and
- (c) re-test costs have been fully paid by the disputing person.

(3) In the event that the Authority determines to re-test a sample, the Authority shall recover the sample conserved by the operator pursuant to rule 53(3) (b) and the sample conserved by the Authority pursuant to rule 53(3) (c) to be re-tested in two separate laboratories selected by the Authority pursuant to rule 56 (1); provided, however, that no testing shall be conducted by a laboratory that was involved in the first testing process.

Right to witness re-test

58.-(1) The operator, the complainant or their representatives shall have the right to witness a re-test.

(2) In the event that an operator, complainant or their representatives refuse or fail to appear for the re-testing described in subrule (1), such operator, complainant or their representative shall be deemed to have:

- (a) waived its right to witness the re-test; and
- (b) authorized the Authority to proceed with the re-testing in their absence.

(3) After receipt of the results of the re-testing, the Authority shall:

- (a) make a final determination on the test results from the two laboratories taking into account the results of the first test; and
- (b) notify the operator or any other person disputing the results of such determination.

(4) The results of the re-testing process shall be final.

Sub-Part III

Procedures on Inspection of a Licensed Facility or a Transport Unit

Procedure for inspection of licensed facility, lubricant shop or transport

59.- (1) An inspector may, at any time, inspect a licensed facility, lubricant shop, transport unit or any document related to the conduct of a licensed activity to ensure compliance with applicable law.

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unit

(2) An operator shall render all necessary assistance to facilitate any inspection of its licensed facility, lubricant shop or transport unit pursuant to subrule(1).

(3) During inspection, an inspector may:

(a) take a sample of any lubricant; or

(b) make a copy or take an extract from any book, data base, account or record kept at the licensed facility, lubricant shop, transport unit or any other place.

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

(5) 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.

Offence

60.- Any person who contravenes the provisions of rule 59 (2) commits an offence and shall upon conviction be liable to a fine of not less than twenty million Tanzania Shillings or imprisonment for a period of not less than three years or both.

Sub-Part IV

Procedures on Impoundment of a Transport Unit

Procedures for
impounding
transport unit

61.-(1) An inspector may impound any transport unit where they determine that the lubricant brand found is not registered by the Authority for use in Mainland Tanzania.

(2) The Authority shall carry out stock taking of the non-registered lubricant brand found under subrule (1); the stocktaking shall be witnessed by the operator.

(3) The Authority shall affix its seal on any transport unit after impounding it and no person shall offload any lubricant from such transport unit without prior authorization of the Authority.

(4) The Authority may seek the assistance of law enforcement authorities, including the police force, in

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impounding a transport unit.

(5) After the Authority has impounded a transport unit pursuant to subrule(1) it shall without prejudice to the penalties spelt out in these Rules and the Act, order the operator to dispose such products in accordance with Good Petroleum Industry Practices and environmental laws.

(6) Possession of a brand of lubricants cylinder that has not been registered with the Authority, shall raise a presumption that such lubricant is non- conforming.

Release of
impounded
transport unit

62.- A transport unit which has been impounded under the provisions of rule 61 (1) shall only be released upon the Authority being satisfied that:

- (a) the non-conforming lubricants therein have been disposed of in accordance with petroleum industry best practices and environmental laws;
- (b) the operator has paid the appropriate fine pursuant to these Rules; and
- (c) the Authority has issued an order in writing for therelease of such unit.

Exemption from
liability

63. -Notwithstanding the provisions of rules 61 and 62 the Authority is exempted from any liability arising from the impoundment of any transport unit, and all the costs associated with the impoundment and safe keeping of such transport unit shall be borne by an operator.

Sub-Part V

Penalties for Non-Conforming Products

Penalties for
non-conforming
products

64.-(1) Any operator found with non-conforming petroleum product shall be liable on conviction to a fine of;

- (a) for a lubricant oil blender, ten million Tanzania shillings or imprisonment for a term of not less than three years or both;
- (b) for a wholesaler, seven million Tanzania shillings or imprisonment for a term of not less than three years or both;
- (c) for a distributor, six million Tanzania shillings or

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imprisonment for a term of not less than three years or both; and

(d) for retailer , five million Tanzania shillings or imprisonment for a term of not less than three years or both.

(2) Without prejudice to the penalty prescribed in subrule (1), the Authority may, in the event of non-conforming, order the operator found with such products to:

(a) stop the operator from transferring the lubricant to another operator, selling or offering for sale the non-conforming product;

(b) order the operator, under the supervision of the Authority, to dispose of the non-confirming product in accordance with Good Petroleum Industry Practices and environmental laws; and

(c) order the operator to compensate any person who has lodged and proved a complaint for any damage caused by such non-conforming lubricants.

(3) The Authority may seek the assistance of other authorities, including the police force, in the process of disposing off a non-confirming product under subrule (1).

(4) Notwithstanding the provisions of subrule (1) and (2) the Authority shall revoke a licence of any habitual offender.

Licensed facility that has its licence revoked

65.-Any licensed facility of which a licence has been revoked pursuant to rule 64 (4) shall remain closed and not be eligible for issuance of a licence for a period of twelve months from the date of revocation.

Temporary closure of a facility or impounding of a transport unit

66. -The Authority may, upon taking a lubricant sample pursuant to these Rules, order the temporary closure of the licensed facility or part thereof, or impound a transport unit pending release of the test results of the samples taken where:

(a) the Authority determines that continuing the operations of a licensed facility or the transport unit will pose an imminent risk of injury to life or damage to property and the environment;

(b) the Authority finds that several complaints have

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been filed with the Authority against the same operator;

- (c) the Authority has obtained provisional results indicating that the tested lubricants are non-conforming; or
- (d) the operator admits that the sample lubricants are non-conforming.

Reference to TRA and other government institutions

67.- Notwithstanding the provisions of these Rules and any other penalties prescribed in the Act the Authority shall refer to TRA or any other relevant authority any person found with non-conforming lubricants where it believes that there were attempts by such person to defraud the Government of its revenue.

Sub-Part VI

Disposal of a Non-Conforming Products

Disposal of a non-conforming products

68.-(1) An operator whose product has been disposed of pursuant to rule 65 (1) shall in addition be liable to pay the appropriate fine pursuant to these Rules within 7 days of the product being disposed off.

(2) Failure by the operator to pay the fine pursuant to subrule(1) shall have its licenced facility, transport unit or lubricant shop as appropriate, closed until the fine is paid in full and the Authority has issued an order in writing for re-opening.

Penalties for tampering, cutting seals and tapes or removing any signage to licensed facility or Transport Unit

69.-Any person who:

- (a) tampers with a non-conforming product barred by the Authority pursuant to rule 64(1) (a); or
- (b) removes any signage affixed by the Authority at a licensed facility, lubricant shop or a transport unit,

commits an offence and shall on conviction be liable to a fine of two million Tanzania Shillings or imprisonment for a term not more than three years, or both.

PART VIII
COMPLIANCE AND ENFORCEMENT

Inspection of
licensed facility

70.-(1) The Authority may, at any time, inspect a licensed facility, transport unit or a lubricant shop pursuant to these Rules and applicable law.

(2) The Authority may inspect a licensed facility, equipment or documents, and an operator, shall render such assistance to inspectors as may be required in the course of such inspection.

(3) Notwithstanding the generality of subrule (2) an inspector may, with an Order in hand, enter upon any lubricant shop for the purpose of conducting an inspection.

(4) During inspection, an inspector may:

- (c) take samples of any substance or equipment or articles stored in a licensed facility or a lubricant shop;
- (a) make copies or take extracts from any book, accounts or records kept on a licensed facility or a lubricant shop;
- (b) inspect machinery, equipment, appliances, meters, fittings and apparatus; and
- (c) inspect any transport unite that is found at a licensed facility or a lubricant shop.

Notification of
offences

71.- (1) At the conclusion of an inspection and where it is found that there was violation of the provisions of the Act, EWURA Act and these Rules, the person responsible for such violation, shall:

- (a) where he disputes the offence, fill in Part A of the Notification of the offence prescribed in the Seventh Schedule o these Rules; or
- (b) where he admits the offence, fill in Part B of the Notification of the offences prescribed in the Seventh Schedule to these Rules.

(2) Any person who has been found in violation of the law and who has admitted to the offence under the provision of subrule (1) (a), shall, within fourteen days, from the day of the

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said admission, be required to pay the fine prescribed by the Authority.

(3) Any person who has been found in violation of the law and who disputes the offence under the provision of subrule (1) (b), 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 of the transport unit or a facility poses an imminent danger to the lives of people and animals or destruction of property, he may proceed to order for the closure or impoundment, as the case may be, of the said facility or transport unit regardless of whether the said person has admitted to the offence or not.

(5) Notwithstanding the provisions of subrule(4), an inspector who has decided to close a facility or to impound a transport unit, shall note down the reasons which have compelled him to take such decision including all the available evidences.

Offence

72. Any person who refuses to sign in the notification of offence upon being required by an inspector under rule 71 (1) commits an offence and shall, be liable to a fine not less than five million Tanzania shillings or imprisonment for a term not less than three years or both.

Issuance of compliance orders

73. The Authority may, while discharging its regulatory functions and where it finds that there is a continued violation of the provisions of the Act, the EWURA Act and the provisions of these Rules, issue a compliance order to the person responsible for such violation.

(2) An inspector may, while discharging his obligation under subrule(1), seek the assistance of law enforcement institutions including the police and such institution shall provide the requested assistance to the inspector.

Obligations of inspector during Inspection

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

(a) identify himself to a licensee or customer with an

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- identity card issued by the Authority;
- (b) explain to a licensee or customer 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 taking part in a duty that has or may appear to have a 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 Petroleum industry best practices ; and
- (g) not use force or abusive, threatening and insulting language to a supplier.

(2) Any inspector who contravenes the provision of subrule (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.

Prohibited acts
against
inspectors

75. -(1) A supplier shall not:

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

(2) Any person who contravenes the provision of subrule (1) commits an offence and shall be liable, to a fine of five million Tanzania shillings or to imprisonment for a term

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not exceeding two years or both.

Decommissioning procedure

76.-(1) A licensed facility may, subject to the provisions of this rule, be decommissioned:

- (a) after receipt of a written application for decommissioning from a LOB;
- (b) by an order of the Authority where it is satisfied that such facility has been abandoned by its licensee for a period not less than three months; or
- (c) by an order of the Authority that the same be decommissioned after the Authority is satisfied that the continued operation of such facility poses danger to lives and property.

(2) A LOB shall in the event that it seeks to decommission a licensed facility, notify the Authority not less than thirty days prior to such decommissioning in order to enable the Authority to make necessary inspections and issue necessary approvals.

(3) Notwithstanding any provision of these Rules, a LOB shall pay all costs associated with the decommissioning of a licensed facility, whether such decommissioning has been done following the request by the LOB or by Order of the Authority, as the case may be.

Site restoration

77.- (1) A LOB shall, prior to decommissioning a licensed facility, restore the licensed facility to its original state so that it does not pose a threat to the environment or the safety and health of the public.

(2) The Authority shall, after completion of the restoration of a licensed facility to its original state by a LOB, issue a certificate of compliance to a LOB confirming such restoration.

(3) For the purposes of sub- rule (1) “restore to its original state” means:

- (a) to return the area in which a licensed facility is located to its original and natural state as it was before the construction and installation of the licensed facility; or
- (b) to render the area in which the licensed facility is

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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 top soil, re-vegetation, slope stabilization; and
- (iv) infilling of excavations.

(4) The Authority shall, before issuing a certificate of compliance under subrule (2), consult National Environmental Management Council.

PART IX
GENERAL PROVISIONS

Appeal

78. Any person who is aggrieved by the decision of the Authority under rules 6, 9, 19, 21, 23, 24 or 25 may lodge an appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

Revocation of
GN No 377/2018

79.- (1) The Petroleum (Lubricants Operations) Rules, 2018 is hereby revoked.

(2) Notwithstanding the revocation of the Petroleum (Lubricants Operations) Rules, 2014 and the Petroleum (Lubricant Sampling and Testing) Rules, 2014, all orders, exemptions or directives made or issued or deemed to have been made or issued under those rules shall be deemed to have been made under these Rules, and shall remain in force until revoked or otherwise expire or cease to have effect.

Authority to
supplement
procedures

80. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by the Act, the EWURA Act and applicable law to enable it to effectively and completely adjudicate on any matter before it.

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FIRSTSCHEDULE

(Made under Rule 4(2))

LUBRICANT BLENDING CONSTRUCTION APPROVAL

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 through the address above together with all relevant enclosures.

In order to avoid unnecessary delays, please 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 found to be complete.

Once complete and ready for submission, **PRINT 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 of Applicant (Insert trading name), business address, telephone and fax numbers (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:

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2.	Location and complete address of the proposed facility (a) Location: Street.....Plot No..... Block No.....Building No..... (b) Postal Address:
3.	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.....
4.	Legal status of the Applicant: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Public Limited Liability Company <input type="checkbox"/> Private Limited Liability Company <input type="checkbox"/> Parastatal Organization <input type="checkbox"/> Government Agency <input type="checkbox"/> Cooperative Society <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other (specify)..... <i>(if not sole proprietor please attach the registration documents)</i>
5.	Contact Person: (a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No..... (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Provide on a Separate Sheet Information Related to the Applicant where applicable: <input type="checkbox"/> Shareholding Arrangements <input type="checkbox"/> Director(s) <input type="checkbox"/> Members of the Board of Directors <input type="checkbox"/> Chief Executive Officer (where applicable)

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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: Street.....Plot No.....Block No..... Building No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>
8.	<p>Fee amount 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. (<i>Attach Copy</i>).....</p>
PART II- LIST OF ENCLOSURES	
9.	<p>Please attach your application with the following documents and indicate them where necessary;</p> <p><input type="checkbox"/> Certificate of Registration</p> <p><input type="checkbox"/> Certificate of compliance for a foreign company</p> <p><input type="checkbox"/> Certificate of Incorporation</p> <p><input type="checkbox"/> Memorandum of Association</p> <p><input type="checkbox"/> Articles of Association</p> <p><input type="checkbox"/> Copy of Application Fee Receipt</p> <p><input type="checkbox"/> Joint venture (where applicable)</p> <p><input type="checkbox"/> Extracts of the Certified Audited Accounts/ Financial statement</p> <p><input type="checkbox"/> Approvals and Consents by relevant authorities</p> <p><input type="checkbox"/> Building Permit</p> <p><input type="checkbox"/> Proof of possession on use of land</p> <p><input type="checkbox"/> Environmental Impact assessment</p> <p><input type="checkbox"/> Business or project plan</p> <p><input type="checkbox"/> Business license</p> <p><input type="checkbox"/> Engineering layout plan duly signed by a registered engineer</p> <p><input type="checkbox"/> Other (Specify).....</p> <p>NB:Engineering drawings duly signed by a registered engineer shall specify the following:</p> <p>(a) the number of tanks and loading gantries;</p> <p>(b) the location and distances between building structures and facilities and equipment;</p>

Petroleum (Lubricants Operations)

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	<p>(c) entry and exit; (d) perimeter wall and property boundaries; (e) location and identification of loading gantries; and (f) that the engineering and design has been done in accordance with approved specifications</p>
	<p align="center">PART III – DECLARATION BY THE APPLICANT</p>
<p>10</p>	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized 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 me by...../known to me personally the latter being known to me personally thisday of2018</p> <p align="right">..... DECLARANT</p> <p>BEFORE ME:</p> <p align="center">_____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>

Petroleum (Lubricants Operations)

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SECOND SCHEDULE
(Made under Rule 16)

FORMS FOR LICENCE APPLICATION

FORM 1.1: LUBRICANT WHOLESALE LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the information required to consider this application. 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. You should ensure that all required documentation are enclosed and that 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)

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

2.	<p>Registration Status: <i>(Fill Where Appropriate)</i></p> <p>(a) Certificate of Incorporation No.....</p> <p>(b) Memorandum and Articles of Association (where applicable)</p> <p>(c) Business license No.....</p> <p>(d) TIN No.</p> <p>(e) VAT No.....</p>
3.	<p>Physical and postal Address of the retail outlet:</p> <p>(a) Physical address:</p> <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 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).....</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>

Petroleum (Lubricants Operations)

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	(d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Application Fee 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 – ENCOLOSURE
7.	Attach the following documents/ permits issued by relevant authorities(where appropriate) : <input type="checkbox"/> Business license <input type="checkbox"/> Certificate of incorporation <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Memorandum and Article of Association <input type="checkbox"/> TIN certificate. <input type="checkbox"/> VAT Certificate <input type="checkbox"/> Proof of ownership or lease of the warehouse (the proof should include an emergency exit, sufficient ventilation, spillage containment and adquate fire fighting equipment) <input type="checkbox"/> Oil and Lubricant handling permit <input type="checkbox"/> adquate skilled personnel (personnel’s profile) <input type="checkbox"/> proof of financial capability being either previous year’s audited financial statements showing an annual gross turnover of not less than Two hundred million Tanzania Shillingsor a bank statement showing a credit balance of not less than two hundred million Tanzania Shillingsor a bank guarantee or a credit facility of not less than two hundred million Tanzania Shillingsor an unequivocal letter of comfort from a financial institution or a bank that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than two hundred million Tanzania Shillings <input type="checkbox"/> OSHA certificate <input type="checkbox"/> Business plan <input type="checkbox"/> Memoranda of understanding (if any) governing commercial transactions of regulated goods and services. <input type="checkbox"/> Duly filled integrity pledge form <input type="checkbox"/> Any other.
	PART III – DECLARATION BY THE APPLICANT
8.	I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

	<p>on behalf of the applicant (<i>insert the name of the applicant.....</i>). I further declare that to the best of my knowledge the information supplied herein are 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 thisday of2018</p> <p style="text-align: right;">} DECLARANT</p> <p>BEFORE ME: _____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>
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FORM 1.2: LUBRICANT DISTRIBUTION LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the information required to consider this application. 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. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	<p>Registration Status: <i>(Fill Where Appropriate)</i></p> <p>(a) Certificate of Incorporation No.....</p> <p>(b) Memorandum and Articles of Association (where applicable)</p> <p>(c) Business license No.....</p> <p>(d) TIN No.</p> <p>(e) VAT No.....</p>
3.	<p>Physical and postal Address of the retail outlet:</p> <p>(a) Physical address:</p> <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 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).....</p>
5.	Contact Person:

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

	(a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No.....: (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Application Fee 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 – ENCOLOSURE	
7.	Attach the following documents/ permits issued by relevant authorities(where appropriate) : <input type="checkbox"/> Business license <input type="checkbox"/> Certificate of incorporation <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Memorandum and Article of Association <input type="checkbox"/> TIN certificate. <input type="checkbox"/> VAT Certificate <input type="checkbox"/> adequate skilled personnel (personnel’s profile <input type="checkbox"/> OSHA certificate <input type="checkbox"/> Memorandum of understanding (if any) governing commercial transactions of regulated goods and services. <input type="checkbox"/> Duly filled integrity pledge form <input type="checkbox"/> Any other.
PART III – DECLARATION BY THE APPLICANT	
8.	I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant (<i>insert the name of the applicant.....</i>). I further declare that to the best of my knowledge the information supplied herein are correct. SWORN/AFFIRMED at..... by the said.....who is identified to me by...../known to me personally

Petroleum (Lubricants Operations)

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	the latter being known to me personally this DECLARANTday of2018 BEFORE ME: _____ COMMISSIONER FOR OATHS NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices
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FORM 1.3: LUBRICANT BLENDING LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

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. You should ensure that all required documentation are enclosed and that 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)

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

2.	<p>Registration Status: <i>(Fill Where Appropriate)</i></p> <p>(a) Certificate of Incorporation No.....</p> <p>(b) Memorandum and Articles of Association (where applicable)</p> <p>(c) Business license No.....</p> <p>(d) TIN No.</p> <p>(e) VAT No.....</p>
3.	<p>Physical and postal Address of the retail outlet:</p> <p>(a) Physical address:</p> <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 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).....</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>

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

	(d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Application Fee 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 – ENCOLOSURE
7.	Attach the following documents/ permits issued by relevant authorities(where appropriate) : <input type="checkbox"/> Building Permit <input type="checkbox"/> Land Title <input type="checkbox"/> Business license <input type="checkbox"/> Certificate of incorporation <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Memorandum and Article of Association <input type="checkbox"/> TIN certificate. <input type="checkbox"/> VAT Certificate <input type="checkbox"/> Proof of ownership or lease of the warehouse (the proof should include an emergency exit, sufficient ventilation, spillage containment and adequate fire fighting equipment) <input type="checkbox"/> Oil and Lubricant handling permit <input type="checkbox"/> adequate skilled personnel (personnel's profile) <input type="checkbox"/> proof of financial capability being either previous year's audited financial statements showing an annual gross turnover of not less five hundred million Tanzania Shillings or a bank statement showing a credit balance of not less than five hundred million Tanzania Shillings or a bank guarantee or a credit facility of not less than five hundred million Tanzania Shillings or an unequivocal letter of comfort from a financial institution or a bank that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than five hundred million Tanzania Shillings <input type="checkbox"/> List of wholesaler and retailer the Applicant is intending to distribute them with Lubricant <input type="checkbox"/> Environmental Impact Assessment certificate <input type="checkbox"/> OSHA certificate <input type="checkbox"/> Fire Certificate from the Fire Department <input type="checkbox"/> Contracts or Agreements

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	<input type="checkbox"/> Memoranda of understanding (if any) governing commercial transactions of regulated goods and services. <input type="checkbox"/> Duly filled integrity pledge form <input type="checkbox"/> Any other.
	PART III – DECLARATION BY THE APPLICANT
8.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant (<i>insert the name of the applicant.....</i>). I further declare that to the best of my knowledge the information supplied herein are 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>_____</p> <p>COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>

THIRD SCHEDULE

INTEGRITY PLEDGE

(Made Under rule 17)

1. We do believe that, unethical business practices and corruption have been one of the biggest impediments to sustainable economic

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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 the Prevention and Combating of Corruption Bureau (PCCB) have their own initiatives for reducing corruption and other unethical practices, we realize 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.

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

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 institutionalize 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 [2018]

Signature
Designation:.....

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

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

FOURTH SCHEDULE

(Made under rule 21(2))

APPLICATION TO TRANSFER A LICENCE

This section to be completed by the Current Licensee			
	Current Licensee to complete as appropriate		
Current 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:		
	Licence Duration:		

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

		Expiry Date:		
I agree to the Licence being transferred 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 new occupier of the premises detailed in the application,	

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GN NO.50 (contd.)

hereby apply for the transfer of the current licence and I hereby declare that the information stated herein in regard to the transferee are true to the best of my knowledge.			
2. In the event of a licence being transferred:			
(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 premises without the written approval of EWURA, nor use the said premises for any other purpose than those prevailing at the time the licence is transferred;			
(b) the licence shall have the like effect in all respects as if no transfer had been made; and			
(c) all duties and responsibilities that were to be fulfilled by the transferor are automatically shift to the transferee as if no transfer was made.			
Date			
Signed:		Position:	
Print Name			

Ownership of the site comprising the licensed facility. If the transfer or 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:			
Details	Transfer or to complete if applicable		
Name (of owner)			
Address:			
Post Code		Tel No.	
Email			

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

Fee TZS	Payable to EWURA Account through control No. to be provided by EWURA.
<p>Notes</p> <ol style="list-style-type: none">1. The applicant(s), (if an individual person or partnership) must be over 18 years of age.2. By signing the form both the transferee and transferor declare that they are authorized to make this application and that the information supplied there herein is correct.3. This application together with the appropriate fee, should be forwarded to the Director General, EWURA at 4TH Floor, PSSSF House, Makole Road, , P.O Box 2758, Dodoma.		

<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 licensed facility;2. Certified copy of tax Clearance in respect of the licensed facility;3. Lease/ Sale agreement stamp duty paid;4. Company Registration documents;5. In case the type of transfer if by death or order of the Court the Applicant will be required to submit the supporting documents.6. Proof of payment of transfer application fee;and7. Any other document that will be required at the time of transfer

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GN NO.50 (contd.)

FIFTH SCHEDULE

(Made under rule 24 (2))

APPLICATION FOR RENEWAL OF A LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

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. You should ensure that all required documentation are enclosed and that 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)

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

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.	Address of retail outlet: (a) Physical address: Street.....Plot No..... Block No.....Building No..... (b) Postal Address: (c) Telephone No: (d) Facsimile:Cell Phone..... (e) E-Mail:

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GN NO.50 (contd.)

4.	Legal status of the Applicant: Sole Proprietorship Partnership Public Limited Liability Company Private Limited Liability Company Parastatal Organization Government Agency Cooperative Society Joint Venture Other (specify).....
5.	Contact Person: (a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No.....: (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:

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

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	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized 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) me by...../known to me personally) the latter being known to me personally this) DECLARANTday of2018)</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 of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>
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SIXTH SCHEDULE

(Made under rule 51 and 53)

SAMPLE COLLECTION FORM

DATE: TIME:

NAME OF THE SUPPLYING COMPANY/DEALER:

RESSELLER'S OUTLET/LUBRICANTS DEALER NAME:

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GN NO.50 (contd.)

PLOT NO.	BLOCK:	STREET/VILLAGE:.....		
DISTRICT.....		REGION:		
LUBRICANTS NAME (TYPE e.g. Engine oil):				
SAMPLE NO: BATCH NO:				

OPERATOR(S) (NAMES):

SIGNATURE:

- | | |
|---------|-------|
| 1. | |
| 2. | |

INSPECTOR(S) (NAMES):

SIGNATURE:

- | | |
|---------|-------|
| 1. | |
| 2. | |

REMARKS BY THE INSPECTOR (S)

.....

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

SEVENTH SCHEDULE

(Made under rule 71)

NOTIFICATION OF OFFENCE

(LUBRICANTS WHOLESALE BUSINESS/LUBRICANTS DISTRIBUTION
BUSINESS/LUBRICANTS RETAIL BUSINESS)

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

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

(a)

(b)

(c)

(d)

(e)

(f)

2. If you WISH to admit commission of the offence (s) you should complete "PART B" below and send this notification, together with the statutory penalty for each offence to which you admit, to the Authority within fourteen days from the date of service of this notification.

3. If you DO NOT WISH to admit to have committed the offence (s) you are required to complete "PART A" below and send this notification to the Director General of the Authority together with answers, in writing, to the charges mentioned above, within seven days from the date of service of this notification.

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4. Penalty for each offence mentioned above shall be as provided for under the Petroleum Act, Cap. 392, the EWURA Act, Cap. 414 or any other laws relevant to the conduct of the Petroleum Wholesale Business.

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..... plead guilty to the

charge (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/VEHICLE/VESSEL DETAILS

ISSUED BY

Motor Vehicle Reg. No.....

Name:

PLWL/PLRL/ No.

Designation:

Petroleum (Lubricants Operations)

GN NO.50 (contd.)

Vessel Registration No.

Date:

Signature of the person issued with the notification

Signature of the Inspector

.....

.....

Dodoma
13th January, 2019

NZINYANGWA E. MCHANY
Director General