

GOVERNMENT NOTICE No. 817 published on 25/9/2020

THE PETROLEUM ACT,  
(CAP. 392)

**RULES**

*(Made under section 259 (1))*

THE PETROLEUM (WHOLESALE, STORAGE, RETAIL AND CONSUMER  
INSTALLATION OPERATIONS) RULES, 2020

ARRANGEMENT OF RULES

PART I  
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II  
APPLICATION FOR A CONSTRUCTION APPROVAL

4. Application for construction approval.
5. Construction approval application fee.
6. Grant of construction approval.
7. Obligation to construct retail outlet in rural areas.
8. Duration of construction approval.
9. Suspension and revocation of construction approval.

PART III  
LICENSING PROCEDURES

10. Obligation to obtain licence.
11. Power to enter and close facility, building or premises.
12. Licensing requirements for petroleum wholesale licence.
13. Licensing requirements for petroleum retail licence.
14. Licensing requirements for petroleum storage licence.
15. Licensing requirements for petroleum consumer installation licence.
16. Conditional licence.

17. Licence application.
18. Publication of licence application.
19. Grant of licence.
20. Duration of licence.
21. Application for transfer of licence.
22. Change of name.
23. Change of shareholding structure.
24. Application for renewal of licence.
25. Suspension or revocation of licence.

PART IV  
GENERAL OBLIGATIONS OF A LICENSEE

26. General obligations of licensee.
27. Offence for trading between wholesalers.
28. Protection of lives and property.
29. Compensation for loss suffered.
30. Procurement of petroleum product.
31. Maintenance of records, provision and disclosure of information.
32. Obligation to provide information to NPGIS.
33. Confidential information.
34. Customer service standards.

PART V  
ENVIRONMENTAL PROTECTION

35. Compliance with environmental laws and standards.
36. Sanctions for violation of environmental laws.

PART VI  
HOSPITALITY ARRANGEMENTS

37. Hospitality arrangement.

PART VII  
TECHNICAL PROVISIONS

38. Compliance with specifications and standards.
39. Technical requirements for depot.
40. Colour codes for storage tanks.
41. Technical requirements of retail outlet.
42. Location of dispensing pumps.
43. Earth bonding and installation Electronic Fiscal Pump Printer (EFPP).
44. Maintenance of oil interceptors.

*GN NO. 817 (Contd.)*

45. Building designs and canopies.
46. Electrical standby generator.
47. Petroleum price billboard.
48. Warning signs.
49. Technical requirements of consumer installation facility.
50. Fire precaution.
51. Control of petroleum product spill.
52. Decommissioning procedure.
53. Site restoration.

PART VIII  
COMPLIANCE AND ENFORCEMENT

54. Inspection of facility.
55. Notification of offence.
56. Issuance of compliance orders.
57. Power to enter and close facility, building or premises.
58. Penalties for tampering, cutting seals and tapes or removing signage to regulated facility.
59. Obligations of inspectors during inspections.
60. Prohibited acts against inspectors.

PART IX  
GENERAL PROVISIONS

61. Existing wholesaler.
62. General penalty.
63. Appeal.
64. Revocation and savings.
65. Authority to supplement procedures as needed.

SCHEDULE

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THE PETROLEUM ACT,  
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THE PETROLEUM (WHOLESALE, STORAGE, RETAIL AND CONSUMER  
INSTALLATION OPERATIONS) RULES, 2020

PART I  
PRELIMINARY PROVISIONS

Citation 1. These Rules may be cited as the Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, 2020.

Application 2. These Rules shall regulate the activities related to petroleum wholesale business, petroleum storage business, petroleum retail operations business, petroleum consumer installation operations and related matters in Mainland Tanzania but shall not apply to petroleum retail business in townships and villages.

Interpretation 3. In these Rules, unless the context otherwise requires-  
Cap. 392 “Act” means the Petroleum Act;  
“applicable law” means any principal legislation, treaty, convention, proclamation, regulation, rule, order or by-law that is customarily treated in Tanzania as having legally binding force and which is relevant to matters pertaining to the regulation of petroleum storage business, wholesale business, retail business and consumer installation operations;  
Cap. 130 “approved specification” means any specification or standard in relation to a petroleum product applied by the Authority and as approved by the Tanzania Bureau of Standards pursuant to the Standards Act, or any other standards that are widely used for best international petroleum industry practices;  
Cap. 414 “Authority” means the Energy and Water Utilities Regulatory Authority established under the EWURA Act;

- Cap. 285 “best international petroleum industry practices” means practises in accordance with the most up to date international standards that are generally accepted in the international petroleum industry for the conduct of petroleum activities taking into account the relevant safety, economic, technological and environmental aspects;
- “bulk quantity” means a single lot of not less than five hundred metric tonnes of a petroleum product;
- “Commission” means the Fair Competition Commission established under the provisions of the Fair Competition Act;
- “complaint” means a written or oral statement comprising of the facts of a matter or act complained of, related to a licensed activity, that invokes the regulatory power or jurisdiction of the Authority, and specifying the relief sought;
- “complainant” means a person that has filed a complaint with the Authority pursuant to rules made by the Authority;
- “consumer installation facility” means a petroleum product handling facility operated or to be operated by a consumer for own use purposes;
- “consumer installation licence” means a licence issued by the Authority authorizing a consumer to operate a consumer installation facility;
- “consumer installation licensee” means the holder of a consumer installation licence;
- “consumer installation operations” means any activity necessary to operate a consumer installation facility and includes all activities in respect of such facility and any activity reasonably required in connection with obtaining, handling, possession, storage and dispensing of a petroleum product for own use at such facility;
- Cap. 414 “compliance order” means an order issued by the Authority pursuant to section 39 of the EWURA Act;
- Cap. 191 “Council” means the National Environmental Management Council established under the provisions of the Environmental Management Act;
- “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;
- “depot” means a petroleum storage facility that has been constructed and meet the approved specification in respect of which wholesale business or petroleum storage

- business is carried out and it includes buildings, storage tanks, pipelines, pump house, loading gantry and firefighting systems;
- Cap. 414 “depot operator” means a person licensed to operate a depot;
- “EWURA Act” means the Energy and Water Utilities Regulatory Authority Act;
- “incident” means-
- (a) an event that involves a leakage of a petroleum product from a storage facility;
  - (b) a spill of a petroleum product as a result of dispensing or offloading activities provided that, such spillage is not less than 200 litres;
  - (c) death or personal injury occurring as a consequence of an action that is related to a regulated activity;
  - (d) a fire or an event incidental thereto that results from an action that is related to a regulated activity;
  - (e) an event that results in an emergency shutdown of a facility; and
  - (f) any other significant event that may adversely affect the conduct of a regulated activity;
- “inspector” means an officer or agent of the Authority appointed by the Authority to perform inspection as required under the Act and applicable law;
- “licence” means an authorization issued by the Authority to undertake a regulated activity;
- “licensee” means the holder of a licence;
- “licence fee” means a fee payable by a licensee as shall be prescribed by the Authority from time to time;
- “local content” means the quantum of composite value added to, or created in the economy of Tanzania through deliberate utilization of Tanzanian human and material resources and services in the petroleum operations in order to stimulate the development of capabilities of Tanzanians and to encourage local investment and participation;
- “Minister” means the minister responsible for petroleum affairs;
- “Notification of Offence” means the notification prescribed in rule 56(1);
- Cap. 392 “NPGIS” means the National Petroleum and Gas Information System established under section 124 of the Act;
- “operator” means a person licensed to undertake a regulated activity;
- “petroleum” means petroleum crude and any liquid or gas made from petroleum crude, coal, schist, shale, tree, peat or any produce of petroleum crude and includes condensate;
- “petroleum product” means an organic compound, pure or blended, which is derived from the refining or processing

of petroleum crude oils, bio- fuels, or synthetic fuels and includes-

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

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

“regulated activity” means wholesale business, petroleum storage business, retail business or consumer installation operations;

“regulated facility” means a depot or storage facility, consumer installation facility or a retail outlet;

“retail outlet” means a facility that has been constructed and meet approved specification and includes the buildings, storage tanks and dispensing pumps in respect of which a retailer is conducting retail business;

“retail business” means the sale or offer for sale of a petroleum product at a retail outlet;

“retailer” means a person licensed to operate a retail outlet;

“rural area” means a peri urban area or villages;

“storage business” means the operations related to receiving, storing and loading of a petroleum product in bulk quantity at a depot including hospitality arrangements;

“supervisor” means the operator or other person responsible for the management and monitoring of a facility and is deemed to be authorised to-

- (a) grant an inspector access to a facility, answer their

- questions and witness the taking of samples and the carrying out of inspections; and
- (b) identify physical defects and operational deficiencies within the facility and, as required, take decisions related to the suitability of such facility for use;
- Cap. 399 “Tanzania Revenue Authority” means the revenue authority established under the provisions of the Tanzania Revenue Authority Act;
- “township” means the area of jurisdiction of a township authority;
- Cap. 287 “township authority” means a township authority established under the Local Government (District Authorities) Act;
- “transport unit” means any car, machinery, ship, truck, railway wagon, barge or other means of transporting a petroleum product;
- Cap. 285 “Tribunal” means the Fair Competition Tribunal established under the provisions of the Fair Competition Act;
- “village” means a village registered under the Local Government (District Authorities) Act;
- “wholesaler” means a person licensed to undertake importation of a petroleum product in bulk quantity for the purpose of wholesale business; and
- “wholesale business” means the importation of petroleum product in bulk quantity and selling of petroleum products to licensed retailers and consumers and includes transit trade in petroleum products.

## PART II

### APPLICATION FOR A CONSTRUCTION APPROVAL

Application for  
construction  
approval

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

(2) Any person who intends to construct a regulated facility shall apply to the Authority for a construction approval by filling in Form No. 1 set out in the First Schedule to these Rules or as otherwise prescribed by the Authority.

(3) An application made under subrule (2) shall be deemed to be complete if it contains all the required information and supported by proof of payment of the application fee pursuant to rule 5.

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



*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

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Construction approval application fee

5. An application for a construction approval in rule 4(2) shall be accompanied with 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(2), proceed to evaluate such application and decide whether to grant or deny the application.

(2) The Authority shall, while making a decision whether to grant or deny a construction approval, consider the following:

- (a) compliance with rule 4(2);
- (b) compliance with land use laws save for consumer installation;
- (c) compliance with health, safety, standards and environmental requirements;
- (d) the need for investment in townships and villages as provided in rule 7;
- (e) compliance with the requirements of the provisions of the Act; and
- (f) economic viability of the business.

(3) The Authority shall cause the construction approval under subrule (1) to be published in the *Gazette* as required by the provisions of the Act.

(4) The applicant shall, within seven working days after issuance of an approval by the Authority, be notified the decision of the Board.

(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.

Obligation to construct retail outlet in rural areas

7. A retailer who possess at least four retail outlets in a city, municipality or district township area shall be required to construct at least one retail outlet in a township or village where there is no retail outlet.

Duration of construction approval

8. 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 four months from the date of issue.

Suspension and revocation of construction

9.-(1) The Authority may, by notice in the *Gazette*, amend, withdraw or suspend a construction approval provided

approval that, such withdrawal or suspension is a result of non-compliance of the Act, these Rules, applicable laws or any of the terms and conditions thereof.

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

PART III  
LICENSING PROCEDURES

Obligation to obtain licence

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

(2) Any person who contravenes the provisions of subrule (1) commits an offence and shall, on conviction, be liable to a fine of not less than twenty million shillings or imprisonment for a term of not less than two years or to both.

Power to enter and close facility, building or premises

11. Notwithstanding the penalty prescribed under rule 10(2), the Authority shall, in the event it determines that any person has contravened the provisions of rule 10(1) enter upon any building, premises or facility and close it down.

Licensing requirements for petroleum wholesale licence

12.-(1) A person shall not be issued with a wholesale licence unless his application meets the following technical and financial requirements:

- (a) possession of a storage depot or a five years hospitality agreement with another licensee;
- (b) submission of Curriculum Vitae of at least two key personnel and proof of their relevant qualifications and experience in petroleum business; and
- (c) proof of financial capability which is either-
  - (i) an audited financial statement showing annual gross turnover of not less than three billion and six hundred million shillings or equivalent in convertible currency;
  - (ii) a bank guarantee or a credit facility of not less than one billion and five hundred million shillings or equivalent in convertible currency from a bank or financial institution licensed by the Bank of Tanzania;

(iii) a bank statement of not more than three months to the date of application showing a credit balance of not less than one billion and five hundred million shillings or equivalent in convertible currency at a bank or financial institution licensed by the Bank of Tanzania to act as such; 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 facility to the applicant for the amount of not less than one billion and five hundred million shillings or equivalent in convertible currency.

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

(a) such departure shall be approved by the Board of Directors of such parent company; and

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

(i) audited financial statements showing annual gross turnover of not less than three billion and six hundred million shillings or equivalent in convertible currency of the past three years; or

(ii) a bank statement of not more than three months to the date of application showing a credit balance of not less than three billion and six hundred million shillings or its equivalent in convertible currency.

Licensing  
requirement for  
petroleum  
retail licence

13. A person shall not be issued with a retail licence unless his application meets the following licensing requirements:

(a) possession of relevant authorisation to the ownership and use of the land approving the development of a retail outlet;

(b) building permit, where applicable; and

(c) possession of a retail outlet that meets approved specifications.

Licensing  
requirement for  
petroleum  
storage licence

14. A person shall not be issued with a petroleum storage licence unless his application meets the following licensing requirements:

- (a) possession of relevant authorization to the ownership and use of the land approving the development of a petroleum bulk storage facility;
- (b) Environmental Impact Assessment Certificate;
- (c) possession of a depot that meets approved specifications; and
- (d) submission of Curriculum Vitae of at least three key personnel with engineering degree and experience in petroleum handling operations.

Licensing requirement for petroleum consumer installation licence

15. - (1) A person eligible to be issued with a petroleum consumer installation licence shall be any person that undertakes mining operations, industry operations, construction projects, agricultural farm or government projects that require supply of petroleum products and due to the nature of the operations the equipment cannot easily access a petroleum retail outlet.

(2) A person shall not be issued with a petroleum consumer installation licence unless his application meets the following licensing requirements:

- (a) possession of relevant authorisation to the ownership and use of the land;
- (b) possession of a consumer installation facility that meets approved specifications; and
- (c) submission of-
  - (i) details of the applicants' operations and the expected petroleum products requirements per month;
  - (ii) proof that, due to the nature of applicant's operations or equipment its facilities cannot easily access petroleum retail outlet.

(3) The Authority shall, while making a decision to grant or deny a petroleum consumer installation licence, take into consideration existence of supplies of petroleum products within a radius of 5km.

Conditional licence

16. The Authority may issue a licence with specific conditions to be fulfilled within a prescribed time to an applicant who fails to meet some of the licensing requirements prescribed under rules 12, 13, 14 and 15 as the case may be.

Licence application

17.-(1) An applicant for a licence shall apply to the Authority for a licence by filling in the appropriate Form 2A, 2B, 2C or 2D set out in the First Schedule to these Rules or as otherwise prescribed by the Authority.

(2) An application for a licence shall be accompanied by a duly signed integrity pledge in form No. 3 set out in the First

Schedule to these Rules, tax clearance certificate and a non-refundable application fee to be prescribed by the Authority.

Publication of application

18.-(1) A licence application received by the Authority shall be evaluated to verify its completeness and legality 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.

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

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

Grant of licence

19.-(1) The Authority may, within sixty days from the date of complete application and upon consideration of an application for a licence-

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

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

- (a) the licensing requirements set out under rules 12, 13, 14 and 15;
- (b) any objection or representation received from the public pursuant to rule 18;
- (c) the applicant's record of compliance with the Act, these Rules and other applicable laws;
- (d) economic efficiency and benefit to the applicant and the public in general;
- (e) compliance of a facility on matters including-
  - (i) safety;
  - (ii) health;
  - (iii) security;
  - (iv) handling of hazardous substances; and
  - (v) environment; and
- (f) any other matter relevant to the orderly conduct of a regulated activity in Tanzania.

(3) The Authority may deny issuing a licence where it determines that-

- (a) the applicant does not meet the requirements of subrule (2);

- (b) the applicant's activities may not be conducted in accordance with safety, health and environment requirements; or
- (c) the application has violated the mandatory requirements provided under applicable law and the Act.

(4) After issuance of a licence, the applicant shall be notified to come and collect it upon payment of a licence fee.

(5) The Authority shall, where it decides to deny an application for a licence, inform the applicant of such decision in writing within fourteen days from the date of decision including the reasons thereof.

Duration of licence

20.-(1) The licence shall be valid for a term of five years.

(2) The Authority shall revoke a licence of any licensee who fails to conduct the regulated activity for a period of-

- (a) six consecutive months during the licence term for a licensee whose licence has been issued within a period of one year; and
- (b) two consecutive months during the licence term for a licensee whose licence has been issued within a period of more than one year.

(3) Any licensee whose licence has been revoked pursuant to the provisions of subrule (2) shall not be eligible for issuance of another licence for a period of twelve months from the date of revocation.

(4) In addition to subrule (3) the Authority may declare a regulated facility whose licence has been revoked pursuant to the provisions of subrule (2) not eligible for issuance of another licence for a period not exceeding twelve months from the date of revocation.

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 in Form No. 4 set out in the First Schedule to these Rules which shall be accompanied by a non-refundable fee to be prescribed 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 the application meets the following requirements:

- (a) the application form is endorsed by the transferee or assignee;
- (b) the applicant submits together with the application

form-

- (i) the original copy of a valid EWURA licence in respect of the licensed facility;
- (ii) certified copy of tax clearance of the transferor in respect of the licensed facility;
- (iii) lease or sale agreement endorsed by Tanzania Revenue Authority;
- (iv) company registration documents of the transferee (if any);
- (v) a signed integrity pledge prescribed under these Rules; and
- (vi) any other document that will be required at the time of transfer.

(c) Notwithstanding the provision of subrule (2), where transfer is initiated by law or court order, the transferee shall submit documents of entitlement of the rights to the facility.

(4) An application received by the Authority under subrule (2) shall be evaluated to verify its completeness and legality 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 costs for publication of the notice under subrule (4) shall be borne by the Authority.

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

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

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 notice shall be accompanied by a certificate of change of name issued by relevant authority.

Change of shareholding structure

23.-(1) A change of ownership where a third party 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) the current shareholding structure approved by Business Registration and Licensing Agency;
- (c) a letter of no objection from Tanzania Revenue Authority to carry on the proposed business;
- (d) a letter of clearance from the Commission; and
- (e) a duly signed integrity pledge set out as Form No. 3 in the First Schedule to these Rules.

(3) The Authority may, before approving the application for change of shareholding structure, consult the 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 three months before expiration of the licence term, apply to the Authority for a renewal of the licence.

(2) Application for a renewal of a licence as provided under subrule (1) shall be made by filling in Form No. 5 set out in the First Schedule to these Rules.

(3) The application under subrule (2) shall be accompanied by-

- (a) a tax clearance certificate; and
- (b) for a wholesaler, petroleum products importation records of the licence due to expire and a valid copy of hospitality agreement (applicable for wholesaler who has no depot in Dar es Salaam, Tanga and Mtwara); and
- (c) a duly signed integrity pledge set out as Form No. 3 in the First Schedule to these Rules.

(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 it denies an application for renewal of 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 licence terms and conditions, refused to comply with the requirements set out under subrules (3) and (4) or willfully neglected to comply with any order given by the Authority and such acts were not remedied by such a licensee up to the time of determining the application.



Suspension or  
revocation of  
licence

25. – (1) A licence may be suspended or revoked by the Authority if a licensee-

- (a) violates any of the provisions of this Act or conditions attached to the licence which affects the conduct of regulated activity;
- (b) obtained a licence by fraud or deliberate submission of false information or statements;
- (c) fails to comply with obligations conferred within the terms stated in the licence, the Act or these Rules;
- (d) persistently fails to comply with the approved local content plans;
- (e) interrupts services to other users without authorisation of the Authority;
- (f) carries on business in a manner that is detrimental to the welfare or interest of other users;
- (g) 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 licensee whose licence has been revoked pursuant to subrule (1) shall not be eligible for being licensed by the Authority for a period of twelve months from the date of revocation.

(4) Notwithstanding the provisions of subrule (1), the Authority may-

- (a) 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; or
- (b) upon satisfaction by the explanation given under subrule (2) issue a warning or remedial measure to a licensee as it may deem fit.

PART IV  
GENERAL OBLIGATIONS OF LICENSEES

General obligations of licensee

- 26.-(1) A licensee shall at all times-
- (a) comply with-
    - (i) the Act;
    - (ii) these Rules;
    - (iii) any applicable law;
    - (iv) orders and directions of the Authority;
    - (v) provisions related to local content as provided in the Act and regulations made by the Minister;
    - (vi) applicable codes and standards on safety, hazardous substances, security, health and environment; and
    - (vii) best international petroleum industry practices practice;
  - (b) establish and maintain records pursuant to the applicable law and orders and directions of the Authority;
  - (c) as soon as practicable, but in any case not later than twenty-four hours after the event, notify the Authority of the occurrence of a dangerous situation or incident within a facility; such notification shall comprise of the steps taken or proposed to be taken by a wholesaler to remedy such dangerous situation or incident or to eliminate or minimize any danger arising therefrom;
  - (d) provide the Authority with full access to its records, documents, sites and assets pursuant to these Rules and applicable law;
  - (e) ensure the safe disposal of any petroleum product and waste oil;
  - (f) not keep fireworks or any other instruments or products in or near a facility that might pose a risk of fire or otherwise;
  - (g) not decommission or abandon a facility otherwise than pursuant to these Rules and applicable law;
  - (h) ensure that a supervisor is present at a facility at all times, and in his absence any person employed or acting as an agent of a licensee at a facility shall perform the duties of a supervisor;
  - (i) prior to effecting any major replacement or maintenance to a facility or a part thereof, notify the Authority not less than fourteen days prior to commencing such replacement or installation;

- (j) ensure that storage tanks, flow meters and dispensing pumps are calibrated for correct measurements and are in good working condition in accordance with approved specifications and good petroleum industry practices;
- (k) pursuant to the written directions of the Authority, monitor, record and reconcile all stocks of a petroleum product delivered to, stored in and dispensed from a facility and retain such records for not less than twelve months and make the same available to the Authority on demand;
- (l) prepare a weekly stock position of a petroleum product in a facility as shall be specified in writing by the Authority where necessary;
- (m) promptly notify the Authority of any apparent loss or gain of a petroleum product that is outside normal operating patterns;
- (n) maintain and make available to the Authority on demand documentary evidence demonstrating that all electrical equipment and installations in a facility relevant to the receipt, handling, storage and dispensing of a petroleum product and to areas where inflammable gases or vapours capable of producing explosive or ignitable mixtures may occur, comply with approved specification and installation procedures in accordance with existing codes or applicable law;
- (o) print a licence number on all accounting documents employed in its regulated activity, including invoices, delivery notes and receipts;
- (p) not refuse, delay or fail to comply with any order, prohibition, direction, demand, requirement or notice lawfully made, served, published or otherwise given by the Authority;
- (q) ensure the quality of petroleum or a petroleum product in its custody is maintained as per TBS specification;
- (r) ensure that it inspects and cleans its storage tanks at least once in the licence term in accordance with the best petroleum industry practices and submit a report to the Authority;
- (s) not engage in activities that impede or may impede either proper implementation of the regulated activity or any regulated activity of other licensees;
- (t) not engage in any activities that disrupt or interfere with competition, including but not limited to, cartel

- arrangement, creation of artificial shortage of petroleum products, or willful refusal to operate the regulated facility; and
- (u) 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 regulated activity; or
  - (ii) if the conduct of the regulated activity may lead to the breach of any of these Rules or materially affect its operations.
- (2) Notwithstanding the provisions of subrule (1)-
- (a) a wholesaler shall-
- (i) at all times sell a petroleum product only to a retailer, consumer installation licensee or a Government institution;
  - (ii) only procure petroleum products through importation;
  - (iii) at all times when selling petroleum products to a retailer or consumer installation licensee indicate in the invoice and delivery note the EWURA licence number and name of the purchasing licensee;
  - (iv) when selling petroleum products to a Government institution indicate the name of the institution, physical address and the responsible or contact person; and
  - (v) ensure that it invests in retail business and shall do so by constructing at least five retail outlets, two of which shall be constructed in rural areas;
- (b) a retailer shall, at all times-
- (i) ensure that the name of its retail outlet is clearly displayed as issued in the licence;
  - (ii) have and maintain a supply agreement prescribed in the Second Schedule to these Rules with at least one wholesaler, which shall not be amended without the approval of the Authority;
  - (iii) ensure that it maintains stock of petroleum products for supply to its customers of at least three days;
  - (iv) ensure that it inspects and cleans its storage facilities at least once in the licence term in accordance with good petroleum industry

- practices;
- (v) not offload a petroleum product from any vehicle to a retail outlet from 18:00 hours to 06:00 hours unless there is adequate lighting or light at the retail outlet; and
  - (vi) procure a petroleum product only from a wholesaler and establish and maintain records of such procurements pursuant to applicable law, orders and directions of the Authority;
- (c) a consumer installation licensee shall, at all times-
- (i) not engage in any sale of a petroleum product;
  - (ii) have and maintain supply agreement with at least one wholesaler;
  - (iii) ensure that no dispensing of a petroleum product is made from a place other than from a dispensing point situated at a consumer installation facility; and
  - (iv) procure a petroleum product from a wholesaler only; and
- (d) a petroleum storage licensee shall, at all times-
- (i) maintain and operate the petroleum storage depot pursuant to the applicable laws, standards and the best international petroleum industry practices;
  - (ii) ensure the petroleum products stored at the depot comply with approved specifications;
  - (iii) ensure that it inspects and cleans its storage facilities at least once in the licence term in accordance with the best international petroleum industry;
  - (iv) load the petroleum products into a transport unit approved by relevant authority; and
  - (v) inspect the transport unit before loading to ensure the unit complies with approved specifications.

Offence for trading between wholesalers

27.-(1) A wholesaler shall not sell or buy petroleum products from or to another wholesaler.

(2) Any wholesaler who contravenes the provisions of subrule (1) commits an offence and shall, upon conviction, be liable to a fine of not less than ten million shillings.

Protection of lives and property

28.-(1) A licensee shall, while storing, keeping, handling, conveying, using or disposing of any petroleum

product, take such precautions and exercise such care as may be reasonable under the circumstances in order to-

- (a) avoid endangering the safety or health of any person, or the safety of any person's property; and
- (b) prevent risk of significant environmental harm.

(2) A licensee shall dispose of a waste petroleum product in a manner and at a place intended for the safekeeping and dumping of such products in accordance with the applicable laws and good petroleum industry practices.

Compensation for loss suffered

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

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

(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, "person" includes an administrator, executor or executrix of the estate of a deceased person.

Cap. 414

Procurement of petroleum product  
GN. No.  
198 of 2017

30. A wholesaler shall not import petroleum product unless the importation is conducted through efficient procurement pursuant to the provisions of the Petroleum (Bulk Procurement) Regulations.

Maintenance of records, provision and disclosure of information

31.-(1) A licensee shall at all times-

- (a) keep complete and accurate records and data related to its regulated activity; and
- (b) in accordance with the Authority's requirements and directions, promptly provide to the Authority documents, records or information related to its regulated 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 commits an offence and shall, upon conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than two years or both.

Obligation to

32.-(1) A wholesaler shall lodge to the NPGIS the

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

provide  
information to  
NPGIS

following information:

- (a) petroleum products stock levels on daily basis;
- (b) petroleum supply by type and use, quantity and region on monthly basis;
- (c) petroleum importation by type, quantity and source on monthly basis;
- (d) petroleum exportation by type, quantity and destination on monthly basis; and
- (e) petroleum products in transit by type, quantity and destination on monthly basis.

(2) A wholesaler shall lodge the information under subrule (1), either through internet or short message services (sms).

(3) Any wholesaler who fails or refuses to provide information to the NPGIS as required by subrule (2) commits an offence and its licence shall be subject to suspension or revocation pursuant to rule 25.

Confidential  
information

33.-(1) Any information received by the Authority from a licensee pursuant to these Rules and applicable law shall be presumed not to be confidential unless stated so by the licensee and the Authority shall evaluate such information and inform the licensee accordingly.

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

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

Customer  
service  
standards

34. Subject to the guidelines issued by the Authority a wholesaler or retailer shall-

- (a) establish-
  - (i) a customer service charter;
  - (ii) service quality standards;
  - (iii) performance standards;
  - (iv) procedures for handling customers complaints;
  - (v) programs to inform the public on services related issues;
  - (vi) an office to receive and respond to questions, concerns and complaints related to its business; and

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

PART V  
ENVIRONMENTAL PROTECTION

Compliance with environmental laws and standards

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

- (2) Subject to applicable law a licensee shall-
  - (a) carry out an environmental impact assessment before establishing a facility, or making a major improvement to an existing facility;
  - (b) take all necessary preventive measures to avoid pollution resulting from operating its dispensing pumps, transfer pumps, storage tanks or other equipment at the facility;
  - (c) observe strict environmental, health, and industrial safety standards as required by applicable law; and
  - (d) perform an environmental audit related to regulated activity in accordance with applicable law.

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

Sanctions for violation of environmental laws  
Cap. 191

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

PART VI  
HOSPITALITY ARRANGEMENTS

Hospitality arrangement

37.-(1) Any person who intends to undertake petroleum wholesale business may request a depot owner to enter into a hospitality arrangement to use the said depot to conduct a wholesale business, provided that, the said depot is licensed pursuant to the provisions of these Rules.

(2) A depot owner shall, within thirty days after receipt of a written request for a hospitality arrangement from any person under subrule (1), notify such person whether it has accepted or denied such request.

(3) A depot owner may deny a request for a hospitality arrangement made by any person under subrule (2) where the request made is not economically or technically feasible.

(4) A depot owner shall, where he denies a request for a hospitality arrangement under subrule (3), give reasons in



writing to the applicant.

(5) Where any person is aggrieved by the refusal of a depot owner under subrules (3) and (4), he may refer the matter to the Authority for decision.

(6) Subject to subrule (7), a licence of a wholesaler who has entered into a hospitality arrangement with a licensee shall not be invalidated by virtue of the suspension or revocation of the licence of such licensee.

(7) In the event a depot is closed due to suspension or revocation of a licence, any wholesaler with a hospitality arrangement with a licensee of a closed facility shall be given three months to find another hospitality arrangement, failure of which shall render his licence ineffectual.

PART VII  
TECHNICAL PROVISIONS

Compliance with specifications and standards

38. A licensee and any person granted a construction approval shall comply with the approved specifications pertaining to the construction of a regulated facility, handling operations, storage and composition of a petroleum product which is consistent with these Rules and applicable law.

Technical requirements for depot

**39.-(1)** A depot operator shall establish and implement Health, Safety and Environment (HSE) policy, Standard Operating Procedures (SOPs) and Emergency Response Plan (ERP) to ensure safe depot operations.

(2) A depot operator shall ensure at all times the depot personnel and visitors at the depot put on proper Personal Protective Equipment (PPE).

(3) A depot operator shall ensure that all operational personnel undergo training on all relevant areas such as depot operations, equipment maintenance, safety procedures, firefighting, first aid etc., and a proof of such trainings shall, at all times, be available for inspection.

(4) A depot operator shall ensure that Material Safety Data Sheet (MSDS) for all products handled at the depot are available at all times.

(5) A depot operator shall ensure that HSE audits including electrical installations audits, performance of relief valves, pressure tests for delivery hoses, performance of OWS, medical check-up for depot staffs and audit of firefighting equipment are performed annually, properly documented and are available for inspection.

(6) A depot operator shall display a lay out plan of the depot which conforms with as-built facility and equipment at conspicuous place near the entrance gate.

(7) A depot operator shall ensure that at all times emergency contact numbers of fire and rescue services providers, ambulance, police or manager or owner are recorded and clearly displayed near every telephone, control centers and by the gate.

(8) A depot operator shall display adequate safety warnings, symbolic and written in both Kiswahili and English, throughout the depot which include no smoking, no mobile phones, no lighters, no fire arms, no knives or sharp objects, speed limit and high risk zones.

(9) A depot operator shall ensure that tanks are properly labeled with necessary information or data including earth resistance, dates of installation, capacities, product contained, maintenance and performed checks.

(10) A depot operator shall ensure that there are adequate means of protection against falls that may be caused by tripping or slipping during loading of road tankers or wagons are always available.

(11) A depot operator shall ensure at all times there are adequate and operational firefighting system that includes fire water supply, mechanical fire pump, manual fire alarm, jokey pump, foam system, adequate sand bins and fire extinguishers of appropriate types and sizes, adequate stand pipes with fire hoses and nozzles and water showering rings at storage tanks (sprinkler system) and filling gantry.

Colour codes  
for depot tanks

40. A depot operator shall ensure that all the pipelines at the depot are properly colour coded as follows:

- (a) Gasoline pipeline – Silver and Red Strips
- (b) Automotive Gas Oil pipeline – Grey and Yellow Strips
- (c) Kerosene pipeline – Blue Strips
- (d) Jet A1 pipeline – White and Black Strips (Zebra)
- (e) Aviation Gasoline (AVGas) pipeline – White
- (f) Industrial Diesel Oil (IDO) pipeline – Black and Grey strips
- (g) Furnace Oil pipeline – Black

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

- (h) Fire Hydrant pipeline – Red
- (i) Foam pipeline – Yellow.

Technical requirements for retail outlet

41.–(1) A retailer shall, in order to facilitate identification, especially during product deliveries into underground storage tanks, ensure that tanks manhole covers and slabs have the following colour coding-

- (a) Gasoline - Red
- (b) Kerosene - Blue
- (c) Automotive Gas Oil- Yellow

(2) A retailer shall ensure that the forecourt of a retail outlet is carefully designed to enable a customer to get on and off the refueling area safely and rapidly, and to use add-on facilities such as convenience shops, lube or wash bay, vulcanizing center, tyre alignment, air, water and balancing facilities.

Location of dispensing pumps

42.–(1) A retailer shall ensure that all dispensing pumps at a retail outlet are properly located to allow-

- (a) full visibility of dispensing pumps to approaching customer;
- (b) full visibility of dispensing pumps from the supervisor's office for security as well as overall control, and where this cannot be achieved due to design constraints Closed Circuit Television (CCTV) shall be used; and
- (c) easy access to pumps and avoid tight turning circles or the need for maneuvering to approach refueling positions.

(2) A retailer shall ensure that-

- (a) the forecourt or drive ways of a retail outlet are constructed using concrete, pavement blocks or asphalt with a provision made for a level bay to allow for accurate measurements of received petroleum products; and
- (b) fueling and offloading areas of a retail outlet are constructed out of hard surface or concrete to protect the soil from oil spills.

Earth bonding and installation of Electronic Fiscal Pump Printer (EFPP)

43. A retailer shall ensure it installs and maintains-

- (a) the offloading area with earth bonding wire; and
- (b) the dispensing pumps with Electronic Fiscal Pump Printer (EFPP) as required by the applicable law.

Maintenance of oil interceptors

44.–(1) A retailer shall always ensure that a retail outlet has oil interceptors.

(2) Fueling area and discharge for the drainage system

shall be connected to the retail outlet oil interceptor.

(3) A retailer shall ensure that the hydrocarbon content in effluent from the oil interceptor does not exceed 10 parts per million (ppm).

Building designs and canopies

45.-(1) A retailer shall ensure that all buildings at a retail outlet are designed and constructed to allow safe cash handling system, drop safes, nighttime pay windows and are fitted with adequate number of security cameras at areas with high security risks.

(2) A retailer shall ensure that canopies at the retail outlet are constructed using non-combustible materials and are above hazardous areas related to dispensing equipment and have a minimum height of five meters from forecourt finish level.

(3) A retailer shall ensure that illumination provided at a retail outlet is good enough to allow clear visibility for operation and security purposes at night.

(4) A retailer shall ensure that every luminary installed at a retail outlet is suitably explosion protected.

Electrical standby generator

46.-(1) A stand-by electrical power generator with capacity matching the retail outlet's electrical power requirements shall be installed to provide power to cover operations, security and lighting in cases of power outages or black-outs.

(2) A retailer shall ensure that an emergency switch is installed on all sites to cut-off power supply to all dispensing pumps in case of emergency situation including oil spill and fire.

Petroleum price billboards

47.-(1) A petroleum price billboard shall be erected conspicuously at a retail outlet as a free-standing structure or as part of the prime sign with the minimum dimensions of-

- (a) length - 2.0 meters
- (b) breadth - 1.2 – 1.5 meters
- (c) thickness - 0.2 meters

(2) The base of the billboard shall not be less than 3.0 meters high from ground level.

(3) The prices of all petroleum products on offer for sale at a retail outlet shall be displayed on the billboard and the unit price of each petroleum product shall appear in shillings per litres.

(4) The nature of the billboard may include neon or electronic messaging, provided the prices are clearly legible to all motorists approaching a retail outlet from a minimum distance of fifty meters.

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

Warning signs

48.-(1) Warning notices and pictograms shall be boldly displayed at a regulated facility to communicate to customers, visitors and attendants the following:

- (a) Petroleum Motor Spirit, Highly Inflammable;
- (b) No Smoking;
- (c) No Naked Fire;
- (d) Switch Off Engine;
- (e) Switch Off Mobile Phones; and
- (f) No Firearms within eight metres from dispensing and offloading area.

(2) The notices and pictograms described in subrule (1) shall be written in both Kiswahili and English, be installed in the vicinity of a dispensing pump, underground tanks, filling points and vent pipes and shall be conspicuous from a distance of three to five meters.

(3) A retailer shall ensure that an underground tank's identification includes the following:

- (a) tank number;
- (b) maximum working capacity;
- (c) product grade; and
- (d) colour code.

Technical requirements for consumer installation facility

49.-(1) A consumer with above-ground storage facility shall observe the technical requirements of a depot operator.

(2) A consumer with underground storage facility shall observe the technical requirements of a retailer.

Fire precaution

50.-(1) A licensee shall-

- (a) ensure that all buildings, roads, structures and plants used in connection with a facility are designed, constructed, equipped and maintained-
  - (i) in such a way as to prevent fires and explosions;
  - (ii) so as to minimize the harmful effects of fires or explosions if they occur;
- (b) ensure that personnel involved in the handling and dispensing of a petroleum product exercise take precautions in respect of anything that may cause fire or an explosion, and that such personnel follow applicable law on matters related to fire and explosions; and
- (c) clearly indicate by a sign a place at a facility where a petroleum product is handled or stored.

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

facility.

(3) A licensee shall ensure that no person-

- (a) keeps an engine running while a petroleum product is being loaded into a vehicle; and
- (b) receives or makes calls from a cellular telephone or any other electronic communication apparatus within a regulated facility except in places specifically designated for such activity.

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

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

(6) A licensee shall-

- (a) position the equipment described in subrule (5) in accessible places at a facility; and
- (b) in any event, not less than once a year, test the equipment described in subrule (5) in accordance with the applicable law.

(7) A licensee shall establish a fire emergency plan to be employed in the event of a fire at a 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 relevant premises; and
- (d) be made available to the Authority on request.

Control of petroleum product spill

51.-(1) A licensee shall, in the event of a petroleum product spill-

- (a) as soon as practicable and in any event not more than twenty four hours after the occurrence of such spill, inform the Authority about such spill; and

Cap. 191

(b) take all necessary steps pursuant to the provisions of the Environmental Management Act and best international petroleum industry practices or otherwise as may be necessary to clean up such spill.

(2) The Authority may, where a licensee fails to comply with subrule (1) (b) within the period of time specified by the Authority, order by a written notice such a licensee to take such steps as the Authority may require in order to clean up a petroleum product spill at its own cost.

(3) Any licensee who fails to comply with an order of the Authority issued under subrule (2) commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than two years or to both.

(4) Without prejudice to the provisions of subrules (1), (2) and (3), any person who is affected by any spill of a petroleum product and seeks redress, shall first lodge a complaint with a licensee that has caused such spill with a view to reaching an amicable settlement.

(5) Where no settlement is reached under subrule (4), the person who is affected by the spill may lodge a complaint to the Authority for compensation from the licensee who is responsible for the spill, and the Authority shall deal with such complaint in accordance with the provisions of Part VI of the EWURA Act.

Cap. 414

Decommissioning procedure

52.-(1) A regulated facility may, subject to the provisions of the Act and these Rules, be decommissioned-

(a) after receipt of a written application for a decommissioning from a licensee;

(b) by an order of the Authority where it is satisfied that such facility has been abandoned by its licensee for a period of not less than three months; or

(c) by an order of the Authority that the same be decommissioned where the Authority is satisfied that the continued operation of such facility poses or may pose a danger to lives and property.

(2) A licensee or the owner of a facility shall, at the earliest four years, but at the latest two years before the time when the use of a facility is expected to be terminated permanently, submit to the Authority for approval a decommissioning plan substantiating the following-

(a) associated costs; and

(b) the intended methods to be used during decommissioning.

(3) The Authority shall, within forty five days from the

date of receipt of the plan submitted in subrule (2) approve with such conditions as it may deem fit.

(4) The licensee or owner as the case may be shall, within two years from the date of effective operation, pay a decommissioning fund to the Authority and the same shall be kept in trust by the Authority for the purpose substantiated in subrule (1).

(5) The fund under sub rule (4) shall be prescribed by the Authority as per the bill of quantity and any prevailing condition as the Authority considers necessary.

(6) A licensee seeking to decommission a facility shall notify the Authority not less than thirty days prior to such decommissioning in order to enable the Authority make necessary inspections and to issue the necessary approvals.

(7) Notwithstanding subrule (4), if the decommissioning cost exceeds the fund in trust of the Authority, a licensee shall pay all the extra costs associated with the decommissioning of a facility, whether such decommissioning has been done following a request by the licensee or by order of the Authority.

(8) The licensee or owner as the case may be, shall be updating the decommissioning plan in form of techniques and methods prevailing at a particular time.

Site restoration

53.–(1) The Authority shall, after confirming that the area where a regulated facility has been constructed has been restored to its original state by a licensee, issue a certificate of compliance to such licensee.

(2) For the purposes of subrule (1), “restore” means to-

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

(3) The Authority shall, before issuing a certificate of compliance under subrule (1), consult the Council.

## PART VIII COMPLIANCE AND ENFORCEMENT



Inspection of  
facility  
Cap. 392  
Cap. 414

54.-(1) The Authority may inspect any regulated facility, premises, vehicle, equipment, document or vessel with a view to checking on the compliance therein with the provisions of the Act, the EWURA Act or these Rules.

(2) The Authority shall have the right of access to inspect a regulated facility, premises, vehicle, vessel, equipment and documents, and an operator shall render such assistance to an inspector as may be required in the course of such inspection.

(3) During inspection an inspector may-

- (a) take samples of any substance or articles stored in any regulated facility, premises, vessel or vehicle;
- (b) make copies or take extracts from any book, accounts or records kept on a regulated facility, premises, vessel or vehicle;
- (c) inspect machinery, equipment, appliances, meters, fittings and apparatus; and
- (d) inspect any vehicle or vessel that is found at a regulated facility or any premise.

Notification of  
offence  
Cap. 414

55.-(1) At the conclusion of an inspection and where it is found that there is violation of the provisions of the Act, EWURA Act or these Rules, the person responsible for such violation shall be required to fill in Form No. 6 set out in the First Schedule to these Rules in the following manner:

- (a) where he disputes the offence, fill in Part A of the form; or
- (b) where he admits the offence, fill in Part B form.

(2) Where the person found in violation of the law admits the offence, such person shall be required to pay the prescribed fine in accordance with the provisions of the Energy and Water Utilities Regulatory Authority (Compounding of Offence) Regulations, 2020.

(3) Where the person found in violation of the law disputes the offence such person shall be charged with a criminal offence and the provisions of the Energy and Water Utilities Regulatory Authority (Compounding of Offence) Regulations, 2020 shall apply.

(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 apply to a court of competent jurisdiction for 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.

GN. No.  
397 of 2020

GN. No.  
397 of 2020

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

Issuance of compliance order  
Cap. 414

56. The Authority may, where it is satisfied that a person has committed an offence or is likely to commit an offence or violated the provisions of the Act, the EWURA Act or the provisions of these Rules, issue a compliance order to the person responsible for such violation.

Power to enter and close facility, building or premises

57.-(1) Notwithstanding any provision under these Rules an inspector shall have the right and obligation to enter upon any regulated facility, building or premises or transport unit and close it down by putting a seal or impound it as the case may be where he determines that a regulated activity or regulated activity is being conducted therein in contravention of these Rules.

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

Penalties for tampering, cutting seals and tapes or removing signage to regulated facility

58. Any person who-

- (a) tampers with or cuts a seal or a yellow tape affixed by the Authority at a regulated facility;
- or
- (b) removes any signage affixed by the Authority at a regulated facility,

commits an offence and shall, on conviction, be liable to a fine of not less than ten million Tanzania shillings or imprisonment for a term not exceeding two years, or to both.

Obligations of inspector during inspection

59.-(1) During inspection an inspector shall to do the following:

- (a) identify himself to a licensee or customer with 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 duty where they have or

may appear to have 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 best international petroleum industry practices; and

(g) not use force or abusive, threatening and insulting language to a licensee or operator.

(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

60. - (1) A licensee shall not-

(a) hinder or obstruct the Authority in the exercise of any of the powers conferred upon it under these Rules;

(b) use abusive, threatening or insulting language to an employee or agent of the Authority;

(c) deny or fail to comply with a requirement, direction or notice of the Authority; and

(d) when required by the Authority 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, on conviction, be liable to a fine of ten million Tanzania shillings or to imprisonment for a term of not less than two years or to both.

PART X  
GENERAL PROVISIONS

Existing  
wholesaler

61. Any wholesaler who after coming into force of these Rules, does not meet the requirement provided for under these Rules shall, within three years from the date of coming into force of these Rules conform with the requirements of these Rules.

General  
penalty

62.-(1) Any person who contravenes the provisions of these Rules for which no specific penalty is prescribed commits an offence and shall, on conviction, be liable to a fine of five million shillings.

(2) Notwithstanding the provisions of these Rules, the Authority may, apart from the penalties prescribed-

(a) require any person conducting a regulated activity who contravenes the provisions of these Rules to

- issue a public and written apology; and
- (b) issue a warning to any person conducting a regulated activity who contravenes the provisions of these Rules.

Appeal

63. Any person who is aggrieved by a decision, direction or order made by the Authority or an authorised officer under Part II and III of these Rules may, within fourteen days from the date of the decision, direction or order, appeal to the Fair Competition Tribunal in accordance with the provisions of the Fair Competition Act.

Cap. 285

Revocation and savings  
G.N No.  
380 of 2018

64.-(1) The Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, 2018 are hereby revoked.

(2) Notwithstanding the revocation of the Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, all licences, approvals, 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 as needed

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

—————  
FIRST SCHEDULE  
—————

FORMS

FORM NO. 1

PETROLEUM FACILITY CONSTRUCTION APPROVAL  
(Made under rule 4(2))

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.

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

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. Please ensure that all the required documents are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application. 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: .....
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).....

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

5	<p>Contact Person:</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>
	<p><b>PART II- ESSENTIAL DOCUMENTS TO BE ATTACHED/SUBMITTED FOR APPLICATION TO BE COMPLETE</b></p>
6	<p>The applicant shall be required where appropriate, to attach/submit the following documents for the application to be complete:</p> <p>(a) Certified copy of Certificates of Business Registrations which may include:</p> <p style="padding-left: 40px;">(i) Certificate of Incorporation;  (ii) Memorandum of Association and Article of Association; or  (iii) Business Licence.</p> <p>(b) TIN and VAT certificates</p> <p>(c) Joint Venture (JV) contract (<i>if applicable</i>)</p> <p>(d) Certified copy of Certificate of Occupancy (Title Deed) or any authorization from relevant land authority that approves the plot for development of petroleum facility (<i>Not applicable for entity applying to construct a consumer installation</i>);</p> <p>(e) Certified copy of proof of ownership of land on which the consumer installation to be constructed (<i>Applicable for consumer only</i>);</p> <p>(f) Lease agreement in case the applicant is not the owner of the land on which a regulated facility to be constructed;</p> <p>(g) Certified copy of a building permit;</p> <p>(h) Certified copy of an Environmental Impact Assessment Certificate issued by relevant Authority;</p> <p>(i) An engineering layout plan which shows the regulated facility to be constructed meets the approved specifications. The layout plan should be duly signed by a registered engineer;</p> <p>(j) List of approved specifications to be applied in the construction of the regulated facility;</p> <p>(k) A project or business plan describing the scope of the proposed business activity (<i>Not applicable for entity applying to construct a consumer installation</i>);</p> <p>(l) In case of the consumer installation facility, a consumer shall submit the following:</p> <p style="padding-left: 40px;">(i) Details of the applicants operations and the expected petroleum product requirements per month; and  (ii) The proof that, due to the nature of operations or equipment its facilities cannot easily access petroleum retail outlet.</p> <p>(m) Proof of payment of an EWURA application fee</p>

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

	PART III – DECLARATION BY THE APPLICANT
7	<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>_____</p> <p>Signature <span style="float: right;">Date</span></p>

LICENCES APPLICATION FORMS

*(Made under rule 17(1))*

PETROLEUM PRODUCT RETAIL BUSINESS 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	
<b>1.</b>	Name of Applicant (Insert trading name)
<b>2.</b>	Registration Status: <i>(Fill Where Appropriate)</i>  (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable)  (c) Business license No.....  (d) TIN No. ....  (e) VAT No..... (attach copies of the documents applicable to you)
<b>3.</b>	Physical and postal Address of the retail outlet:  (a) Physical address:  Street.....Plot No.....



*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

	Block No.....Building No.....  (a) Postal Address: .....  (b) Telephone No: .....  (c) Facsimile: .....Cell Phone.....  (d) E-Mail: .....
<b>4.</b>	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).....
<b>5.</b>	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: .....
<b>6.</b>	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) (attach proof)
<b>7.</b>	If the applicant is in a Joint Venture with another entity, provide the following details: (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: ..... (attach copies of the documents applicable)
	<b>PART II – ESSENTIAL DOCUMENTS TO BE ATTACHED/SUBMITTED FOR APPLICATION TO BE COMPLETE</b>
<b>8.</b>	The applicant shall be required where appropriate, to attach/submit the following documents for the application to be complete:

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

	<ul style="list-style-type: none"> <li>(a) Certified copy of Certificates of Business Registrations which may include:             <ul style="list-style-type: none"> <li>(i) Certificate of Incorporation;</li> <li>(ii) Memorandum of Association and Article of Association; or</li> <li>(iii) Business Licence.</li> </ul> </li> <li>(b) TIN and VAT certificates</li> <li>(c) Joint Venture (JV) contract (<i>if applicable</i>)</li> <li>(d) Certified copy of Certificate of Occupancy (Title Deed) or any authorization from relevant land authority that approves the plot for development of petroleum facility;</li> <li>(e) Lease agreement in case the applicant is not the owner of the land on which a regulated facility has been constructed;</li> <li>(f) Certified copy of a building permit;</li> <li>(g) certified copy of a valid Fire Certificate from the Fire Department</li> <li>(h) Copy of construction approval from EWURA (applicable for regulated facility constructed from April 2009)</li> <li>(i) Certified copy of an Environmental Impact Assessment Certificate issued by relevant Authority;</li> <li>(j) An engineering layout plan which shows the regulated facility constructed meets the approved specifications. The layout plan should be duly signed by a registered engineer;</li> <li>(k) A project or business plan describing the scope of the proposed business activity;</li> <li>(l) Duly filled integrity pledge form;</li> <li>(m) Proof of payment of an EWURA application fee)</li> </ul>
	<p>PART III – DECLARATION BY THE APPLICANT</p>
<p><b>9.</b></p>	<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 style="text-align: center;"> <span style="display: inline-block; width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></span> <span style="display: inline-block; width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></span> </p> <p style="text-align: center;"> <span style="display: inline-block; width: 45%; text-align: left;">Signature</span> <span style="display: inline-block; width: 45%; text-align: right;">Date</span> </p>

PETROLEUM PRODUCTS WHOLESALE BUSINESS 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)
2.	Registration Status: <i>(Fill Where Appropriate)</i>  (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable)  (c) Business license No.....  (d) TIN No. ....  (e) VAT No..... (attach copies of the documents applicable to you)
3.	Physical and postal Address of the facility:  (a) Physical address:  Street.....Plot No.....  Block No.....Building No.....  (b) Postal Address: .....

*Petroleum (Wholesale, Storage, Retail and Consumer Installation  
Operations) Rules*

*GN NO. 817 (Contd.)*

	<p>(c) Telephone No: .....</p> <p>(d) Facsimile: .....Cell Phone.....</p> <p>(e) E-Mail: .....</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</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> <p>(d) Postal Address: .....</p> <p>(e) Telephone Number: .....</p> <p>(f) Facsimile: .....Cell phone: .....</p> <p>(g) E-mail: .....</p>
6.	<p>Provide on a Separate Sheet Information Related to the Applicant where applicable:</p> <p><input type="checkbox"/> Shareholding Arrangements</p> <p><input type="checkbox"/> Director(s)</p> <p><input type="checkbox"/> Members of the Board of Directors</p> <p><input type="checkbox"/> Chief Executive Officer (where applicable)</p> <p>(attach proof)</p>
7.	<p>If the applicant is in a Joint Venture with another entity, provide the following details:</p> <p>(a) Name: .....</p> <p>(b) Title: .....</p> <p>(c) Physical address: Street.....Plot No.....Block No.....</p> <p>Building No.....</p> <p>(d) Postal Address: .....</p> <p>(e) Telephone Number: .....</p> <p>(f) Facsimile: .....Cell phone: .....</p> <p>(g) E-mail: ..... (attach copies of the documents applicable)</p>
	<p>PART II: ESSENTIAL DOCUMENTS TO BE ATTACHED/SUBMITTED FOR APPLICATION TO BE COMPLETE</p>
8.	<p>The applicant shall be required where appropriate, to attach/submit the following documents for the application to be complete:</p> <p>(a) Certified copy of Certificates of Business Registrations which include:</p> <p>(i) Certificate of Incorporation;</p> <p>(ii) Memorandum of Association and Article of Association; and</p>

*Petroleum (Wholesale, Storage, Retail and Consumer Installation  
Operations) Rules*

*GN NO. 817 (Contd.)*

	<p>(iii) Business Licence.</p> <p>(b) TIN and VAT certificates</p> <p>(c) Joint Venture (JV) contract (<i>if applicable</i>)</p> <p>(d) A project or business plan describing the scope of the proposed business activity;</p> <p>(e) Resume of at least three personnel with adequate skills in petroleum industry business operations;</p> <p>(f) proof of ownership of a depot at the entry points (i.e. Dar es Salaam, Tanga and Mtwara) or hospitality agreement to use a depot located at entry points (i.e. Dar es Salaam, Tanga and Mtwara) of five years if the applicant is not the owner of the depot;</p> <p>(g) Proof of financial capability which can be either of the following:</p> <ul style="list-style-type: none"> <li>(i) a bank guarantee or credit facility of not less than one billion and five hundred million Tanzania Shillings or equivalent in convertible currency;</li> <li>(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 and five hundred million Tanzania Shillings or equivalent in convertible currency at a bank or financial institution licensed by the Bank of Tanzania to act as such;</li> <li>(iii) 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 facility to the applicant for the amount of not less than one billion and five hundred million Tanzania Shillings or equivalent in convertible currency provided that the letter shall be signed by the chief executive officer or an authorized signatory of the financial institution or a bank;</li> <li>(iv) an audited financial statement showing annual gross turn over of not less than three billion and six hundred million Tanzania Shillings or equivalent in convertible currency; or</li> <li>(v) a proof of a support from a parent company which shall be in form of the following: <ul style="list-style-type: none"> <li>▪ approval of the Board of Directors of such parent company; and</li> <li>▪ a proof of financial capability of the parent company which shall be either: <ul style="list-style-type: none"> <li>• an audited financial statement showing annual gross turnover of not less than three billion and six hundred million Tanzania Shillings or equivalent in convertible currency; or</li> <li>• a bank statement of not more than three months to the date of application showing a credit balance of not less than one billion and five hundred million Tanzania Shillings or its equivalent in convertible currency.</li> </ul> </li> </ul> </li> </ul> <p>(h) Duly filled integrity pledge form;</p> <p>(i) Proof of payment of an EWURA application fee</p>
	PART III – ESSENTIAL DOCUMENTS TO BE ATTACHED
9.	<p>List and attach the following informations:</p> <p><input type="checkbox"/> Copy of construction approval from EWURA (applicable for depots constructed from April 2009)</p> <p><input type="checkbox"/> Environmental Impact Assesment or Environmental Audit certificate (as applicable)</p> <p><input type="checkbox"/> OSHA certificate</p> <p><input type="checkbox"/> certified copy of a valid Fire Certificate from the Fire Department</p> <p><input type="checkbox"/> Engeenering layout plan duly signed by a registered engeener</p>



PETROLEUM PRODUCTS STORAGE BUSINESS 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)
2.	Registration Status: <i>(Fill Where Appropriate)</i>  (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable)  (c) Business license No.....  (d) TIN No. ....  (e) VAT No..... (attach copies of the documents applicable to you)
3.	Physical and postal Address of the facility: (a) Physical address:  Street.....Plot No.....  Block No.....Building No.....  (b) Postal Address: .....

*Petroleum (Wholesale, Storage, Retail and Consumer Installation  
Operations) Rules*

*GN NO. 817 (Contd.)*

	<p>(c) Telephone No: .....</p> <p>(d) Facsimile: .....Cell Phone.....</p> <p><b>(e) E-Mail: .....</b></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> <p>(d) Postal Address: .....</p> <p>(e) Telephone Number: .....</p> <p>(f) Facsimile: .....Cell phone: .....</p> <p>(g) E-mail: .....</p>
6.	<p>Provide on a Separate Sheet Information Related to the Applicant where applicable:</p> <p><input type="checkbox"/> Shareholding Arrangements</p> <p><input type="checkbox"/> Director(s)</p> <p><input type="checkbox"/> Members of the Board of Directors</p> <p><input type="checkbox"/> Chief Executive Officer (where applicable)</p> <p>(attach proof)</p>
7.	<p>If the applicant is in a Joint Venture with another entity, provide the following details:</p> <p>(h) Name: .....</p> <p>(i) Title: .....</p> <p>(j) Physical address: Street.....Plot No.....Block No.....</p> <p>Building No.....</p> <p>(k) Postal Address: .....</p> <p>(l) Telephone Number: .....</p> <p>(m) Facsimile: .....Cell phone: .....</p> <p>(n) E-mail: ..... (attach copies of the documents applicable)</p>
	<p align="center">PART II – ESSENTIAL DOCUMENTS TO BE ATTACHED/SUBMITTED FOR APPLICATION TO BE COMPLETE</p>
8.	<p>The applicant shall be required where appropriate, to attach/submit the following documents for the application to be complete:</p> <p>(a) Certified copy of Certificates of Business Registrations which include:</p> <p>(i) Certificate of Incorporation;</p>



*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

	<ul style="list-style-type: none"> <li>(ii) Memorandum of Association and Article of Association; and</li> <li>(iii) Business Licence.</li> <li>(b) TIN and VAT certificates</li> <li>(c) Joint Venture (JV) contract (<i>if applicable</i>)</li> <li>(d) Certified copy of Certificate of Occupancy (Title Deed) or any authorization from relevant land authority that approves the plot for development of petroleum facility;</li> <li>(e) Lease agreement in case the applicant is not the owner of the land on which a regulated facility has been be constructed;</li> <li>(f) Certified copy of a building permit;</li> <li>(g) certified copy of a valid Fire Certificate from the Fire Department;</li> <li>(h) Resume of at least three personnel with adequate skills in petroleum depot operations;</li> <li>(i) Depot Emergency Response Plan;</li> <li>(j) Copy of construction approval from EWURA (applicable for regulated facility constructed from April 2009)</li> <li>(k) Certified copy of an Environmental Impact Assessment Certificate issued by relevant Authority;</li> <li>(l) An engineering layout plan which shows the regulated facility constructed meets the approved specifications. The layout plan should be duly signed by a registered engineer;</li> <li>(m) A project or business plan describing the scope of the proposed business activity;</li> <li>(n) Duly filled integrity pledge form;</li> <li>(o) Proof of payment of an EWURA application fee</li> </ul>
	PART III – DECLARATION BY THE APPLICANT
9.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the (<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 style="text-align: center;">_____</p> <p style="text-align: center;">Signature<span style="margin-left: 300px;">Date</span></p>

CONSUMER INSTALLATION FACILITY 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.

	<b>PART I: DETAILS OF THE APPLICANT</b>
1.	Name of Applicant (Insert trading name)
2.	Registration Status: <i>(Fill Where Appropriate)</i>  (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable)  (c) Business license No.....  (d) TIN No. ....  (e) VAT No..... (attach copies of the documents applicable to you)
3.	Physical and postal Address of the facility:  (a) Physical address:  Street.....Plot No.....  Block No.....Building No.....  (b) Postal Address: .....  (c) Telephone No: .....

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

	<p>(d) Facsimile: .....Cell Phone.....</p> <p>(e) E-Mail: .....</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</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> <p>(d) Postal Address: .....</p> <p>(e) Telephone Number: .....</p> <p>(f) Facsimile: .....Cell phone: .....</p> <p>(g) E-mail: .....</p>
6.	<p>Provide on a Separate Sheet Information Related to the Applicant where applicable:</p> <p><input type="checkbox"/> Shareholding Arrangements</p> <p><input type="checkbox"/> Director(s)</p> <p><input type="checkbox"/> Members of the Board of Directors</p> <p><input type="checkbox"/> Chief Executive Officer (where applicable)</p> <p>(attach proof)</p>
7.	<p>If the applicant is in a Joint Venture with another entity, provide the following details:</p> <p>(a) Name: .....</p> <p>(b) Title: .....</p> <p>(c) Physical address: Street.....Plot No.....Block No.....</p> <p>Building No.....</p> <p>(d) Postal Address: .....</p> <p>(e) Telephone Number: .....</p> <p>(f) Facsimile: .....Cell phone: .....</p> <p>(g) E-mail: ..... (attach copies of the documents applicable)</p>
8.	<p>Nature of Business the applicant is dealing with?</p> <p><input type="checkbox"/> Commercial or industrial undertaking</p> <p><input type="checkbox"/> Government Institution</p> <p><input type="checkbox"/> Agricultural farm</p> <p><input type="checkbox"/> Mines</p>
	<p><b>PART II – ESSENTIAL DOCUMENTS TO BE ATTACHED/SUBMITTED FOR APPLICATION TO BE COMPLETE</b></p>
9.	<p>The applicant shall be required where appropriate, to attach/submit the following</p>



CORPORATE INTEGRITY PLEDGE

*(Made under rule 17(2))*

1. We ..... do believe that, unethical business practices and corruption have been one of the biggest impediments to sustainable economic growth and prosperity in Tanzania and have been eroding public confidence in the Government and its institutions ability to serve its citizen fairly;
2. As a company involved in petroleum activities in Tanzania, we acknowledge our responsibility to ensure good governance because it is necessary for continued growth and business sustainability. We also acknowledge the importance of conducting our business with the highest standards of transparency, ethics and integrity;
3. While the Government and 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

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

- (k) to maintain a proper insurance cover against losses, injuries or damage to environmental, communities, individual and properties that may be occasioned in the course of carrying business.
- 5. To ensure collective action in preventing any unethical and corrupt behavior and the highest standards of ethics, integrity and transparent in business transactions in Tanzania, we commit to:
  - (a) support a nationwide initiative intended to create fair market conditions, transparency in business transactions, and ensure good corporate governance;
  - (b) participate in roundtable discussions, meetings, and forum to identify the key concerns and current problems affecting the private sectors related to integrity and transparency in business transactions;
  - (c) share the international best practices, tools and concepts which are intended to be used by all participating entities to achieve the goals of the nationwide integrity behavior initiative;
  - (d) participate in the creation of key measures and control activities intended to ensure transparency, integrity and ethical business practice;
  - (e) support the development of an audit and certification program (including a training program for advisers and auditors) that will offer a toolbox for enterprises to introduce and implement ethical practices in their business processes; and 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 ..... 20.....

Signature .....  
Designation:.....

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

FORM NO. 4

TRANSFER OF A LICENCE FORM  
*(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)	

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

Address of the Licensed Facility			
	Postcode		Tel No.
	Email		
Licence Particulars	Type of Licence:		
	Licence No:		
	Licence Duration:		
	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.	



*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

		5.	
		6.	
		7.	

This section to be completed by the Applicant(s)			
<p>1. I the undersigned, being the new occupier of the premises detailed in the application, 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.</p> <p>2. In the event of a licence being transferred:</p> <p>(a) I agree to abide by the conditions laid down by EWURA and applicable laws, and not to alter in any way the approved arrangements of the 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;</p> <p>(b) the licence shall have the like effect in all respects as if no transfer had been made; and</p> <p>(c) all duties and responsibilities that were to be fulfilled by the transferor are automatically shift to the transferee as if no transfer was made.</p>			
Date			
Signed:		Position:	
Print Name			

<p>Ownership of the site comprising the licensed facility. If the transferor is not the owner of the site (i.e. a tenant), enter below the name and address of the owner or owners, as the case may be:</p>	
Details	Transferor to complete if applicable
Name (of owner)	
Address:	

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

Post Code		Tel No.	
Email			

Fee TZS	.....	Payable to: EWURA through Control Number.
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Notes

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.

The application should be attached with the following documents; -

1. The original copy of a valid EWURA licence in respect of the licensed facility;
2. Certified copy of tax clearance of the transferor in respect of the licensed facility;
3. Lease/sale agreement endorsed by Tanzania Revenue Authority;
4. Company registration documents of the transferee (if any);
5. Proof of payment of transfer application fee as shall be prescribed by the Authority;
6. A signed integrity pledge prescribed in the second schedule; and
7. Any other document that will be required at the time of transfer.
8. Where transfer is initiated by law or Court order, the transferee shall submit documents of entitlement of the rights to the facility

RENEWAL OF A LICENCE FORM  
(Made under rule 24 (2))

PETROLEUM CONSUMER INSTALLATION, WHOLESALE, STORAGE AND RETAIL BUSINESS

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

**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.

When completing this form, PRINT USING BLUE OR BLACK INK ONLY. Where options are given, tick the relevant box. Leave no item unanswered or unticked. 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 is enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application. Where there is a requirement to provide documentation on a separate sheet, it must be on clean, clear A-4 paper.

	PART I: DETAILS OF THE APPLICANT
1.	Name of Applicant (Insert trading name)
2.	Registration Status: <i>(Fill Where Appropriate)</i> (a) Certificate of Incorporation No..... (b) Certificate of Compliance No..... (c) Business license No.....

*Petroleum (Wholesale, Storage, Retail and Consumer Installation  
Operations) Rules*

*GN NO. 817 (Contd.)*

	<p>(d) TIN No. ....</p> <p>(e) VAT No.....</p> <p align="center">(attach copies of necessary certificates, approvals)</p>
3.	<p>Address of facility or licensee (as appropriate):</p> <p>(a) Physical address: Street.....Plot No..... Block No.....Building No..... (b) Postal Address: .....</p> <p>(c) Telephone No: .....</p> <p>(d) Facsimile: ..... Cell Phone.....</p> <p>(e) E-Mail: .....</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</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>(h) Name: .....</p> <p>(i) Title: .....</p> <p>(j) Physical address: Street.....Plot No.....Block No..... Building No.....</p> <p>(k) Postal Address: .....</p> <p>(l) Telephone Number: .....</p> <p>(m) Facsimile: ..... Cell phone: .....</p> <p>(n) E-mail: .....</p>
6.	<p>Current Licence details</p> <p>Licence No. ....</p> <p>Date Issued.....</p> <p>Expiry Date.....</p>

*Petroleum (Wholesale, Storage, Retail and Consumer Installation  
Operations) Rules*

*GN NO. 817 (Contd.)*

7.	<p>Has the licensee undergone any material changes (structural, legal, managerial or related to the services supplied) since its previous application?</p> <p>Yes ( )          If yes, provide details.....          .....          .....          ..... (Use additional Sheet if Necessary)</p> <p>No ( )</p>
8.	<p>Fee amount and method of payment:</p> <p>(a) Amount: TZS..... (b) Mode: Cash          Cheque Other (specify)..... (c) Fees Payment Receipt No. (Attach Copy).....</p>
PART III – DECLARATION BY THE APPLICANT	
9.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the (insert the name of the applicant.....). I further declare that to the best of my knowledge the information supplied herein are correct.</p> <p>_____</p> <p align="center">Signature <span style="float:right">Date</span></p>

NOTIFICATION OF OFFENCE FORM

*(Made under rule 55(1))*

(PETROLEUM WHOLESALE BUSINESS/PETROLEUM RETAIL OPERATION/PETROLEUM CONSUMER INSTALLATION OPERATIONS)

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

1. You are charged with the following offence (s):
  - (a) .....
  - .....
  - (b) .....
  - .....
  - (c) .....
  - .....
  - (d) .....
  - .....
  - (e) .....
  - .....
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.
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.

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

Signature: .....

Date: .....

PART "B"- ADMISSION OF OFFENCE

I ..... of ..... residential or

business address) being the (owner/director/manager/representative) of.....

..... admit 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:

PWL/PRL/PCIL No. ....  
.....

Designation:

Vessel Registration No. ....  
.....

Date:

Signature of the person issued with the notification  
Inspector

Signature of the

.....  
.....

SECOND SCHEDULE

*(Made under rule 26 (2) (b) (ii))*

SUPPLY AGREEMENT

PETROLEUM PRODUCTS SUPPLY AGREEMENT

BETWEEN

(WHOLESALER)

AND

(RETAILER)

PETROLEUM PRODUCTS SUPPLY AGREEMENT

This petroleum products supply agreement is made this ..... day of  
.....20.....

BETWEEN

(NAME OF THE WHOLESALER) of P. O. Box .....with Petroleum  
Wholesale Licence No: PWL-2020- with its registered office at  
..... (herein after called the “Supplier” of one part

AND



*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

(NAME OF A RETAILER) of P. O. Box .....licensed to conduct Petroleum Products Retail business as outlined in this agreement (herein after called the "Purchaser" of the other part.

WHEREAS

- (a) the supplier is a licensed person to conduct petroleum product wholesale business in Mainland Tanzania;
- (b) the purchaser is a licensed person to carry out petroleum retail business at retail outlet named
  - (i) (Name of the retail outlet as outline in the licence) with licence No: PRL-2020-.... Located at .....
  - (ii) (Name of the retail outlet as outline in the licence) with licence No: PRL-2020-.... Located at .....
- (c) the supplier is willing to supply petroleum products to a purchaser and a purchaser is willing to procure petroleum products from the supplier under the terms and conditions prescribed hereunder.

NOW THEREFORE it is hereby by agreed as follows;

1. Nature of the Contract and Consideration

The supplier covenants and agree to sell petroleum products (Petrol, Diesel and Kerosene) to the purchaser at a quantity per month as indicated below:

Petroleum Products	Quantity in litres
Petrol	
Diesel	
Kerosene	

Provide that the quantity may vary upon giving sixty (60) days notice depending on the market demand of the purchaser.

2. Duration of contract:

This agreement shall remain in force for a period of ..... years commencing from this ..... day of ..... 20..... to ..... day of ..... 20..... and may be renewed by mutual agreement of the parties.

3. Termination of contract:

- 3.1 This contract shall, unless renewed terminate at the end of the period of contract stipulated under clause 2 herein above.
- 3.2 This contract may also be terminated at any time by either part upon giving the other party two months' notice in writing.
- 3.3 Upon termination of the contract, parties shall take necessary steps to perform any contractual obligation entered before the termination.
- 3.4 Notwithstanding what is provided in clause 3.1 and 3.2 both parties reserve the right to renew this contract in such terms and conditions as parties may agree and upon issuing a prior written notice to the other party signifying intention to do so at least two months before the expiry of the contract.

4. Amendment of the contract

This agreement may be amended in writing by mutual agreement between the parties.

5. Obligation of the Supplier

The supplier hereby covenants to the purchaser as follows:

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

- (a) Shall, at all-times and as agreed in this contract, sell the agreed quantity of petroleum products to the purchaser without excuse;
  - (b) Shall sell petroleum products that meets quality specification to the purchaser;
  - (c) Shall when selling petroleum products to the purchaser issue invoices and delivery note showing the name and licence number of the retail outlet; and
  - (d) Shall sell petroleum products to a purchaser at a price not above the wholesale cap price published by EWURA.
6. **Obligation of the Purchaser**

The Purchaser hereby covenants to the Supplier as follows

  - (a) Shall at all times and as agreed herein, procure the agreed quantity of petroleum products from the supplier without excuse; and
  - (b) Shall buy petroleum products at not above approved EWURA prices.
7. **Placing an Order**
  - 7.1 The purchaser shall place an order that describes the name of the purchasing retail outlet, licence number, type of the product and the quantity to be purchased; and
  - 7.2 The placed order shall be submitted in writing to the contact person of the supplier whom shall be appointed at the time of signing this agreement.
8. **Penalty and Compensation**
  - 8.1 That upon any default by the supplier; the supplier shall be liable to pay a penalty to the purchaser equal to the gross margin of retailers as provided in the EWURA (Petroleum Products Price Setting) Rules for the quantity of petroleum products that was not supplied as per clause 1 of this contract.
  - 8.2 That upon any default by the purchaser; the purchaser shall be liable to pay a penalty to the supplier equal to the gross margin of wholesalers as provided in the EWURA (Petroleum Products Price Setting) Rules for the quantity of petroleum products that was not procured as per clause 1 of this contract.
9. **Notices**

Any notice to be given under this contract shall be in writing and shall be deemed to have been properly served if sent by email, hand-delivered or sent by registered mail to either party at the address set out below or such other address as that party may specify in writing to the other:

The Supplier:  
Chief Executive Officer,  
[Insert Name of the Company,]  
[Insert physical and postal address,]  
Telephone: [Insert landline number]  
Email: [Insert email address]

The Purchaser:  
Chief Executive Officer,  
[Insert Name of the Company,]  
[Insert physical and postal address,]  
Telephone: [Insert landline number]  
Email: [Insert email address]

*Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules*

*GN NO. 817 (Contd.)*

10. Dispute Settlement:

Any dispute arising from or in connection with this contract shall be settled amicably between the Parties, failing which the matter will be referred to EWURA for determination and the laws of Tanzania shall apply. Provided that nothing in this contract shall prevent the parties from seeking legal remedies in the Courts of Law of Tanzania.

IN WITNESS THEREOF the parties hereto have hereunder subscribed their respective hands on the day and in the manner appearing hereunder.

SIGNED and DELIVERED at DAR ES SALAAM on behalf of (Supplier) by ..... who is known to me personally/ introduced to me by..... the latter being known to me personally this ...day of..... 20.....	}	..... Supplier
BEFORE ME: Name ..... Signature ..... Address ..... Qualification .....		
SIGNED and DELIVERED at DAR ES SALAAM on behalf of (Purchaser) by ..... who is known to me personally/ introduced to me by..... the latter being known to me personally this ...day of..... 20....	}	..... Purchaser
BEFORE ME: Name ..... Signature ..... Address ..... Qualification .....		

Dodoma  
.....2020,

GODFREY H. CHIBULUNJE  
*Director General*