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MIDSTREAM AND DOWNSTREAM PETROLEUM OPERATIONS REGULATIONS, 2023

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S. I. No. 8 of 2023

PETROLEUM INDUSTRY ACT, NO. 6, 2021

MIDSTREAM AND DOWNSTREAM PETROLEUM OPERATIONS REGULATIONS, 2023

[*9th Day of February,* 2023] Commencement.

In exercise of the powers conferred on it by sections 33, 125(3) and 174(3) of the Petroleum Industry Act, No. 6, 2021 ("the Act") and all other powers enabling it in that behalf, the Nigerian Midstream and Downstream Petroleum Regulatory Authority ("the Authority"), makes the following Regulations —

PART I — GENERAL PROVISIONS

Objectives.

1. The objectives of these Regulations are to —

(*a*) regulate the operations of companies in the Nigerian midstream and downstream petroleum sector ;

(*b*) provide procedure for the grant of licences, permits, authorisations and payment of fees ; and

(*c*) provide sanctions and penalties for failure to comply with these Regulations.

Application.

2. These Regulations applies to operations in the midstream and downstream petroleum sector.

Application for licence, permit or authorisation.

3.—(1) Subject to the provisions of these Regulations, an application for a licence, permit or authorisation to undertake any of the operations under these Regulations shall be made in a form prescribed in a guidelines or directions issued by the Authority.

(2) A licence issued pursuant to these Regulations shall expire on the 31st December of the year issued, except otherwise stated in the licence.

(3) Without prejudice to subregulation (2) of this regulation, where there is a modification of a facility with change in capacity or product slate on or before the 31st of December, the subsisting licence shall become invalid, and a new licence shall be issued.

(4) An application for renewal of a licence, permit or authorisation shall be made not less than 30 days, or such longer period as the Authority may prescribe, before the expiration of the original licence and in a manner prescribed by the Authority.

(5) A licensee or permit holder shall obtain requisite approvals from the Authority prior to the commencement of any petroleum operation.

PART II — DUTIES AND OBLIGATIONS

Duties of licensee and permit holder.

4. A licensee or permit holder shall —

(*a*) appoint, in writing, a manager who shall take continual charge of all operations authorised by the Authority ;

(*b*) notify the Authority of every appointment made under paragraph (*a*) of this regulation and any subsequent change not later than 72 hours of such appointment or change ;

(*c*) provide its personnel with personal protective equipment and ensure that such equipment is maintained in good condition ;

(*d*) establish emergency medical procedures including an appropriately manned and well-equipped onsite clinic, standard first aid boxes, automated external defibrillators situated at strategic locations in the facility, and medical evacuation procedures ;

(*e*) provide fire-fighting and first aid equipment at every facility or installation in accordance with best industry standards ;

(*f*) ensure that all personnel and contractors undergo occupational fitness tests and minimum industry training as may be specified by the Authority ;

(*g*) provide clear, comprehensive, safe and practical operational procedures and guidelines for its personnel ;

(*h*) develop good health protection and promotion programmes for its personnel and mandate all its contractors to take similar actions ;

(*i*) ensure that all contract documents entered into with contractors specify the responsibilities of contractors with regards to safety of operations ;

(*j*) develop and maintain contingency procedures and measures for the safety of personnel and equipment in an emergency ;

(*k*) develop and regularly update an integrated emergency plan for the management of hazardous events and accident situations likely to occur and ensure that drills are carried out periodically ;

(*l*) ensure that laboratories used for petroleum operations are accredited by, and operated in a manner prescribed by the Authority ;

(*m*) ensure that its operations are undertaken pursuant to a valid licence, permit or authorisation as stipulated in the First Schedule to these Regulations ; and

(*n*) perform such other duties as the Authority may prescribe from time to time.

Duties of a manager

5. A manager appointed under these Regulations shall —

(*a*) ensure compliance with the provisions of these Regulations, guidelines or any other directives issued by the Authority ;

(*b*) appoint in writing, a legal and regulatory compliance officer and report the appointment and any subsequent change to the Authority not later than 72 hours of such appointment or change ;

(*c*) appoint in writing, competent persons for the purpose of general supervision of specific operations in midstream and downstream facilities, including construction, operations, maintenance, processing, storage, distribution, retailing, health, safety, environment, and community matters ;

(*d*) report any appointment and subsequent change of a competent person not later than 72 hours of such appointment or change to the Authority ;

(*e*) ensure that competent persons are given appropriate training for the efficient and safe performance of their duties ;

(*f*) maintain a register setting out the details and responsibilities of the competent persons, mutual relationships and lines of reporting and communication ;

(*g*) provide operational office and accommodation for the personnel of the Authority as the Authority may direct ;

(*h*) ensure that every operation or procedure is carried out by qualified and competent personnel, and adequate systems are put in place to determine and approve qualified personnel for each operation and procedure ;

(*i*) ensure the availability of critical spare parts for equipment in compliance with the requirements and directives of the Authority ;

(*j*) ensure that the facility's landscaping, surroundings, and environment are well maintained at all times and kept in good condition ; and

(*k*) ensure that the facility is free of items, which may constitute hindrance to evacuation or escape of personnel in the event of a fire, leak or spill.

Duty to provide information.

6. The Authority may direct a person to provide information or data on any midstream and downstream operations and the person shall comply with the directive in the prescribed manner within the time-frame stipulated in the direction.

PART III — IMPORTATION, EXPORTATION, SHIPPING, UNSHIPPING, LANDING OF PETROLEUM, PETROLEUM DERIVATIVES, PETROLEUM LIQUIDS OR PETROLEUM PRODUCTS

Entry into prescribed port.

7.—(1) A person shall not import petroleum, petroleum derivatives, petroleum liquids or petroleum products through a port in Nigeria other than a prescribed port.

(2) A person who intends to import petroleum, petroleum derivatives, petroleum liquids or petroleum products through a port other than the prescribed port, shall apply to the Authority in writing, stating the quality, quantity and nature of the petroleum, petroleum derivatives, petroleum liquids or petroleum products to be imported.

Compliance with statutory requirements for berthing

8. A ship, tanker or vessel entering a Nigerian harbour shall comply with statutory requirements for berthing, loading and discharge of petroleum, petroleum derivatives, petroleum liquids or petroleum products.

Declaration of quantity and quality of petroleum, petroleum derivatives, petroleum liquids or petroleum products carried by vessels entering harbour.

9.—(1) The master of a vessel carrying petroleum, petroleum derivatives, petroleum liquids or petroleum products shall upon entry into a prescribed port, deliver a written declaration to the Authority, stating the —

(*a*) quantity and quality of petroleum, petroleum derivatives, petroleum liquids or petroleum products contained in the vessel ; and

(*b*) quantity and quality of petroleum, petroleum derivatives, petroleum liquids or petroleum products intended to land at that port or any other port in Nigeria and specifying the part and type of product.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, where the agent of a vessel delivers the written declaration to the harbour master in anticipation of a vessel's arrival, the master of the vessel may not be required to make any declaration.

(3) A vessel shall not commence discharge of petroleum, petroleum derivatives, petroleum liquids or petroleum products without obtaining vessel clearance from the Authority at a prescribed fee.

Declaration by vessel leaving harbour.

10.—(1) Petroleum, petroleum derivatives, petroleum liquids or petroleum products shall not be exported from Nigeria without a valid approval or export permit.

(2) Crude oil, condensates, liquid petroleum products and natural gas liquids shall not be exported from Nigeria without a valid wholesale petroleum liquid supply licence from the Authority and export permit.

(3) The owner of petroleum, petroleum derivatives, petroleum liquids or petroleum products to be exported from a port shall, in addition to complying with all statutory requirements, deliver to the harbour master, before and after loading any ship, written declarations, stating, in the case of a declaration made —

(*a*) before loading a vessel, the approximate quantity of petroleum, petroleum derivatives, petroleum liquids or petroleum products with which that vessel is to be loaded ; and

(*b*) after loading a vessel, the quantity of petroleum, petroleum derivatives, petroleum liquids or petroleum products with which the vessel has been loaded.

Testing of samples of petroleum, petroleum derivatives, petroleum liquids, or petroleum products.

11. Imported petroleum, petroleum derivatives, petroleum liquids or petroleum products shall not be discharged without —

(*a*) sampling ;
(*b*) testing of products from an approved laboratory ; and
(*c*) the issuance of a certificate of quality from the Authority.

Prohibition of discharge into waters.

12. A person shall not discharge or allow the escape of petroleum, petroleum derivatives, petroleum liquids or petroleum products into the Nigerian waters.

Payment to the Authority, and Midstream and Downstream Gas Infrastructure Fund.

13.—(1) There shall be a payment of 0.5% of wholesale price of petroleum products sold in Nigeria to the Authority, which shall be collected from wholesale customers for —

(*a*) imported petroleum products sold in Nigeria ; and

(*b*) petroleum products processed and sold in Nigeria.

(2) There shall be a payment of 0.5% of wholesale price of petroleum products and natural gas sold in Nigeria to the Midstream and Downstream Gas Infrastructure Fund which shall be paid by wholesale customers for —

(*a*) imported petroleum products and natural gas sold in Nigeria ; and

(*b*) petroleum products and natural gas processed and sold in Nigeria.

(3) Following the issuance of certificate of quantity or reconciliation of products sold in Nigeria, the Authority shall issue a debit note for the payment stipulated in subregulations (1) and (2) of this regulation.

(4) Payments stipulated in subregulations (1) and (2) of this regulation shall be made within 21 days of issuance of the debit note by the Authority, and the Authority shall ensure collection at wholesale points.

(5) Where the sum referred to in subregulations (1) and (2) of this regulation is not paid within 21 days of the issuance of debit note, a sum equal to 10% of the amount unpaid shall be added for each or part of the month after the date on which payment ought to have been made.

(6) The Authority may, in addition to the penalty specified in subregulation (5) of this regulation, suspend the operations of the facility into which the product was processed, discharged, or stored until the payment is made.

(7) Notwithstanding the provisions of subregulation (6) of this regulation, for subsequent transactions, the Authority shall require the producer of petroleum products and natural gas or the importer to pay the levy before allowing evacuation or vessel discharge.

PART IV — MIDSTREAM AND DOWNSTREAM GAS OPERATIONS

Licences, permits and authorisations for midstream and downstream gas operations.

14. A person shall not undertake the following gas operations in the Nigerian Midstream and Downstream sector without a valid licence, permit, or authorisation issued by the Authority —

(*a*) the establishment, design, construction, or operation of a gas processing facility, including the modification and decommissioning of such facilities ;

(*b*) the offtake of natural gas or gas products and derivatives from a gas facility ;

(*c*) the establishment, construction, or operation of a natural gas blending facility ;

(*d*) blending operations in a gas depot, including modification and decommissioning of such depots ;

(*e*) third party blending operations in a gas processing plant ;

(*f*) establishment, construction and operation of a gas transportation and distribution pipeline ;

(*g*) the construction and operation of a gas distribution system ;

(*h*) the operation of a gas transportation network ;

(*i*) the virtual transportation of gas and gas derivatives ;

(*j*) liquefied petroleum gas (LPG) or compressed natural gas (CNG) bulk cylinder exchange to Micro-Distribution centres or resellers.

(*k*) LPG or CNG truck peddling or retailing activities ;

(*l*) the establishment, construction, modification, operation, and decommissioning of a bulk gas storage facility ;

(*m*) the establishment, construction, modification, operation, and decommissioning of a gas refilling or refueling facility ;

(*n*) the establishment, construction, modification, operation, and decommissioning of a CNG or LNG facility ;

(*o*) the establishment, construction, modification, operation, and decommissioning of gas import and export terminals ;

(*p*) the selection, design, construction, installation, and operation of metering facilities ;

(*q*) wholesale gas supply operations ;

(*r*) retail gas supply operations ;

(*s*) industrial gas storage and utilisation, including gas stored and utilised by ministries, departments, and agencies of the federal, state, and local governments for their own use ;

(*t*) industrial natural gas liquids, including plant condensate, storage and utilisation, which shall include gas stored and utilised by ministries, departments, and agencies of the federal, state, and local governments for their own use ;

(*u*) domestic gas aggregation ;

(*v*) wholesale gas trading and settlement operations ;

(*w*) coastal vessel gas operations ;

(*x*) technology adaptation for gas facilities ; and

(*y*) importation and exportation of natural gas, natural gas liquids and gas derivatives.

Gas transportation and distribution.

15.—(1) An application for a gas transportation and distribution pipeline licence shall be made in accordance with the Petroleum Pipeline Regulations issued by the Authority.

(2) A licensee shall obtain the approval of the Authority to introduce hydrocarbons into a newly constructed or refurbished pipeline system prior to the commencement of operations on the pipeline.

(3) A holder of a gas distribution licence shall —

(*a*) distribute and sell its natural gas without discrimination to consumers in a local distribution zone ; and

(*b*) be entitled to sell natural gas to non-wholesale customers.

(4) A gas distribution licence may —

(*a*) include provisions for providing third-party access to the gas distribution network, gas retailer or gas distributor on its own initiative ; and

(*b*) authorise a gas retailer access to the gas distribution network under terms and conditions agreed to by the parties.

(5) A gas transportation network operator licence shall be applicable, where a pipeline is operated on a common carrier basis or a network.

(6) Where a pipeline is operated on a common carrier basis, the terms for access to the gas transportation pipeline shall comply with the relevant network code.

(7) Where a pipeline is operated for its own account, the facilities shall operate subject to open access conditions under these Regulations.

(8) A person intending to carry out virtual transportation activities for gas and gas derivatives shall register the mode of transportation with the Authority.

(9) Where the virtual transportation referred to in subregulation (8) of this regulation is operated on a common carrier basis, the terms for the operation of the natural gas transportation shall comply with the relevant provisions of these Regulations.

LPG or CNG bulk cylinder peddling (exchange) operations

16.—(1) LPG or CNG bulk cylinder exchange to Micro-Distribution Centres (MDC) or resellers shall not be operated without approval from the Authority.

(2) A truck for the peddling of LPG shall not be operated without permit from the Authority.

Bulk gas storage.

17.—(1) A bulk gas storage facility shall not be used for export and import of gas without the approval of the Authority.

(2) Natural gas or gas derivatives products shall not be exported from a bulk gas storage facility without valid wholesale supply licence issued by the Authority, and export permit from the relevant authority.

(3) A holder of a bulk gas storage licence shall undertake the activities prescribed by the licence in compliance with section 133 of the Act.

Wholesale gas supply

18.—(1) Wholesale natural gas supply shall be conducted at licenced wholesales points.

(2) A holder of a wholesale gas supply licence shall be entitled to —

(*a*) purchase natural gas or gas products directly from a third-party ; and

(*b*) sell and deliver wholesale gas to wholesale customers and gas distributors at any location in Nigeria.

(3) A wholesale gas supplier shall undertake the activities prescribed by the wholesale gas supply licence in compliance with the provisions of section 143 of the Act.

(4) A holder of wholesale gas supply licence shall —

(*a*) conduct its activities in compliance with regulations on health, safety and environment issued by the Authority ; and

(*b*) comply with customer protection measures in accordance with sections 164, 165 and 166 of the Act.

(5) A wholesale gas supplier shall undertake its activities in compliance with the conditions of the licence.

Retail gas supply.

19. A holder of a retail gas supply licence shall be entitled to —

(*a*) purchase marketable natural gas directly from a producer, wholesale gas supplier or third-party on a free market basis ; and

(*b*) sell or retail compressed or liquefied natural gas to customers at any location in Nigeria on a free market basis.

Gas aggregation.

20. A domestic gas aggregation licence —

(*a*) shall be for a period of two years effective from the date of the grant of the licence ; and

(*b*) may be renewed in accordance with the provisions of the Act and guidelines issued by the Authority.

Industrial gas storage and utilisation.

21.—(1) Industrial gas storage and utilisation licence shall not serve as licence for the sales of industrial gas, but only for consumption by the licensee within the licenced premises.

(2) Industrial gas storage tanks shall be separated from buildings or fixed sources of ignition, to —

(*a*) reduce the risk of fire spreading to the tank ; and

(*b*) maintain safe dispersal of natural gas or gas products.

(3) A gas storage tank shall be situated outdoors in a position to prevent the accumulation of vapour at ground level.

(4) Gas storage construction and installation shall be in accordance with guidelines issued by the Authority from time to time.

Gas export and import terminal facilities.

22.—(1) From the commencement of these Regulations, a gas export and import terminal shall not be operated where the terminal —

(*a*) is not established by an Order issued by the Authority ;

(*b*) fails to comply with the Petroleum (Transportation and Shipment) Regulations made by the Authority ; and

(*c*) does not have a valid licence, permit and authorisation issued by the Authority.

(2) Natural gas and gas products shall not be evacuated from the terminal for export or supply to bulk customers in Nigeria without a valid wholesale gas supply licence issued by the Authority.

(3) The loading or unloading of gas shall not be carried out without the authorisation of the Authority.

Natural gas and gas products import and export permit

23. Natural gas and gas products shall not be —

(*a*) imported without an appropriate permit issued by the Authority ; or

(*b*) exported from Nigeria without Wholesale Gas Supplier Licence.

PART V — MIDSTREAM AND DOWNSTREAM PETROLEUM LIQUIDS OPERATIONS

Licenses, permits and authorisations for midstream and downstream petroleum liquids operations.

24. A person shall not undertake the following petroleum liquids operations in the Nigerian midstream and downstream petroleum sector without a valid licence, permit, or authorisation issued by the Authority —

(*a*) the establishment, design, construction, or operation of hydrocarbon processing facilities and installations including the modification and decommissioning of such facilities, which shall be in accordance with the Hydrocarbon Refining Facility Regulations issued by the Authority ;

(*b*) the offtake of petroleum products ;

(*c*) the establishment, construction or operation of a hydrocarbon liquid blending plant, waste recycling facility, waste treatment facility and bitumen processing plant ;

(*d*) the establishment, construction or operation of a lubricant refilling facility ;

(*e*) blending operations in a petroleum products depot including the modification and decommissioning of such depot ;

(*f*) third party blending operations ;

(*g*) establishment, construction and operation of petroleum liquids transportation and distribution pipelines ;

(*h*) establishment, construction and operation of petroleum products distribution systems ;

(*i*) operation of petroleum liquids and petroleum products transportation network ;

(*j*) virtual transportation of petroleum liquids ;

(*k*) establishment, construction, modification, operation, and decommissioning of a bulk petroleum liquids storage facility ;

(*l*) the bulk storage, sale and distribution of petroleum products ;

(*m*) petroleum products backloading operations ;

(*n*) establishment, construction, modification, operation, and decommissioning of petroleum products jetties ;

(*o*) wholesale petroleum liquids supply operations ;

(*p*) establishment, construction, and operation of petroleum liquids retailing operations and infrastructure ;

(*q*) establishment, construction, fabrication and operation of petroleum filling or service stations, floating filling stations, mobile containerised filling stations, operated for industrial use or storage and sales, riverine or marine filling station plants and associated infrastructure ;

(*r*) the construction or installation of small-scale industrial petroleum products storage and utilisation facilities ;

(*s*) operation of bunkering vessels and barges utilised in the storage or supply of petroleum products, natural gas and natural gas products ;

(*t*) establishment, construction, installation, and operation of AGO or DPK storage and sales facilities ;

(*u*) peddling, storage and sales of AGO and DPK by trucks ;

(*v*) industrial petroleum products storage and utilisation which shall include petroleum products stored and utilised by ministries, departments, and agencies of the federal, state and local governments for their use ;

(w) importation and exportation of petroleum, petroleum liquids and petroleum products and its derivatives ; and

(x) technology adaptation for petroleum liquids facilities.

Petroleum liquids transportation pipeline.

25.—(1) An application for a petroleum liquids pipeline licence shall be made in accordance with the Petroleum Pipeline Regulations issued by the Authority.

(2) A licensee shall obtain the approval of the Authority to introduce hydrocarbons into a newly constructed or refurbished pipeline system prior to the commencement of operations on the pipeline.

Petroleum liquids and petroleum product transport network operator.

26.—(1) A person within the petroleum liquids transportation network shall not operate without an appropriate licence issued by the Authority.

(2) Where a pipeline is operated on a common carrier basis, the development and operation of the terms for access to the petroleum liquids transportation pipeline shall comply with the relevant network code issued by the Authority.

(3) Where a pipeline is operated for its own account, the facilities shall be operated subject to open access conditions under these Regulations.

(4) A holder of petroleum liquids transportation network operator licence shall be entitled to conduct activities specified in the licence, including–

(a) conveying petroleum liquids through the transportation network ;

(b) balancing the inputs and offtakes from the transportation network ;

(c) providing open access to the transportation network ; and

(d) charging fees for the use of the transportation network.

(5) The Authority —

(a) shall grant one petroleum liquids transportation network operator licence for specified petroleum liquids within a geographically defined area to a single network operator ; and

(b) may at its discretion, issue licences to other parties for the operation of isolated or dedicated pipelines.

Virtual transportation for petroleum liquids.

27.—(1) A person intending to carry out virtual transportation of petroleum liquids activities shall register the mode of such transportation with the Authority.

(2) A mode of virtual transportation shall not be used for transporting petroleum liquids without obtaining appropriate licence, permit, or authorisation from the Authority.

(3) A person within the virtual transportation network shall not operate without obtaining appropriate licence, permit or authorisation from the Authority.

Bulk petroleum liquids storage.

28.—(1) A person shall not load or unload petroleum products in a licensed bulk storage facility without the approval of the Authority.

(2) A bulk petroleum liquid storage facility shall not be used for products export and import without obtaining the approval or permit from the Authority.

(3) Petroleum products for export from depot facilities shall only be sourced from refineries and petrochemical plants.

(4) Petroleum products shall not be exported from a bulk petroleum liquids storage facility without a valid certificate of quantity and quality and wholesale petroleum liquids supply licence issued by the Authority.

(5) A third-party petroleum product shall not be stored in a depot without a valid throughput agreement and the throughput agreement shall be submitted to the Authority.

(6) A holder of a bulk petroleum liquid storage licence shall undertake the activities stipulated in the licence in compliance with the following obligations, to —

(*a*) establish and make available to the public at its office —

(*i*) procedure and terms for obtaining third-party access or throughput services on open access basis, and

(*ii*) method of response to the request for its services ;

(*b*) procure, construct, install, operate, and maintain its facilities in a safe, economical, reliable, and environmentally sustainable manner, taking into consideration strategic plans formulated by the Authority ; and

(*c*) shut down its facilities in an emergency, to carry out maintenance or in response to curtailment directives as may be issued by the Authority.

(7) Where a licensee operates for its own account, it shall —

(*a*) grant to third-parties, the right to use or have access to capacity within its facilities to ensure competitive gas supply ;

(*b*) consult with, and obtain a written approval of the Authority, prior to any modification of technical and operational rule of practice relating to the operation in the facility ;

(*c*) conduct its licenced activities in a non-discriminatory manner, where the licence is issued on an open access basis ;

(*d*) manage its facilities as a prudent operator and abstain from activities, which in the opinion of the Authority may prevent, restrict, or distort competition ;

(*e*) conduct its licenced activities in accordance with the Act, Midstream and Downstream Petroleum (Safety) Regulations issued by Authority and any other applicable law ;

(*f*) comply with the requirements for environmental protection, management, and restoration issued by the Authority and any other applicable law ; and

(*g*) mark, maintain and secure the boundaries of its facilities and associated infrastructure constructed under the terms of its licence and any other applicable law.

Petroleum products backloading.

29. A holder of a bulk storage licence shall not conduct petroleum products backloading without obtaining the approval of the Authority.

Petroleum products distribution

30.—(1) A holder of petroleum product distributor licence shall —

(*a*) develop and maintain a safe, efficient, reliable, and economical service, for the distribution of petroleum products to individual customers and petroleum product retailers ;

(*b*) carry on its business in a manner that promotes competition and discourages monopoly in the retail supply of petroleum products in Nigeria ;

(*c*) conduct its licenced activities in accordance with the Act, applicable Regulations and any other applicable law ;

(*d*) avoid undue preference or discrimination between persons or class of persons in establishing prices ; and

(*e*) comply with customer protection measures prescribed by the Authority.

(2) A petroleum products distribution licence may —

(*a*) include provisions for third party access to a distribution network by petroleum products retailers or distributors ; and

(*b*) permit petroleum product retailers or distributors to access a distribution network under terms and conditions agreed to by the parties.

Wholesale petroleum liquids supply.

31.—(1) Wholesale petroleum liquids supply shall be conducted at a licenced wholesales point.

(2) A producer of petroleum liquids or natural gas shall not export or deliver petroleum liquids or natural gas to bulk customers in Nigeria without a valid wholesale petroleum liquids supply licence.

(3) A holder of crude oil refining or bulk petroleum liquids licence shall not export petroleum products from a refinery or depot without a valid wholesale petroleum liquids supply licence.

(4) A wholesale petroleum liquids supplier shall conduct the activities under its licence in compliance with the following general obligations, to —

(*a*) provide a reliable supply of petroleum liquids to purchasers on request ; and

(*b*) desist from activities, which in the opinion of the Authority may prevent, restrict or distort competition.

(5) A holder of wholesale petroleum liquid supply licence shall —

(*a*) conduct the activities under its licence in accordance with Midstream and Downstream Petroleum (Safety) Regulations issued by the Authority and any other applicable law ; and

(*b*) comply with customer protection measures under sections 164, 165 and 166 of the Act.

(6) A wholesale petroleum liquids supplier shall conduct its activities in compliance with the covenants and conditions of the licence and with customer protection measures prescribed by the Authority.

Bunkering and barge vessel licence.

32. A person shall not load or discharge petroleum liquids and petroleum products into a vessel or barge within Nigerian territorial waters, without obtaining the approval, permit or clearance of the Authority.

Industrial petroleum liquids storage and utilisation.

33.—(1) Industrial storage and utilisation licence shall not be used for sales, but only for consumption by the licensee within the licenced premises.

(2) Where a person contravenes the provision of subregulation (1) of this regulation, the Authority may —

(*a*) seal the facility ; and

(*b*) suspend, cancel or terminate the licence.

(3) Industrial petroleum liquids tanks shall be separated from a building or fixed source of ignition, to —

(*a*) reduce the risk of fire spreading to the tank ; and

(*b*) ensure safe dispersal of petroleum products.

(4) Petroleum liquids storage tanks shall not be situated outdoors in a position that allows accumulation of vapour at ground level.

Petroleum liquids export and import.

34.—(1) From the Commencement of these Regulations, Petroleum liquids export and import terminal shall not be operated where the terminal —

(*a*) is not established by an Order issued by the Authority ;

(*b*) fails to comply with the Petroleum (Transportation and Shipment) Regulations made by the Authority ; and

(*c*) does not have a valid licence, permit and authorisation issued by the Authority.

(2) Petroleum liquids shall not be evacuated from the terminal for export or supply to bulk customers in Nigeria without a valid wholesale petroleum liquid supply licence issued by the Authority.

(3) Loading or unloading of petroleum liquids shall not be carried out without the approval of the Authority.

Petroleum liquids and petroleum products import and export permit.

35.—(1) A person shall not import, store, sell, or distribute petroleum, petroleum products, petroleum derivatives and petroleum products additives in Nigeria without a valid permit or licence granted by the Authority.

(2) A person shall not export petroleum or petroleum products from Nigeria without a valid wholesale petroleum liquid supply licence from the Authority, and export permit from appropriate authority.

(3) The Authority shall process application for export of petroleum and petroleum products in Nigeria.

Product certification and accounting.

36.—(1) The Authority may grant approval to an application for product certification to petroleum marketers only where the conditions for issuance of product certification are met.

(2) There shall be reconciliation and accounting of petroleum liquids, petroleum derivatives and petroleum products by the Authority to ensure traceable record and data of import.

Part VI — Miscellaneous Provisions

Midstream and downstream oil and gas service companies

37.—(1) A company shall not render or be engaged to render any service to the midstream and downstream petroleum sector without a permit to carry out such service issued by the Authority.

(2) An application for permit shall be made to the Authority upon payment of prescribed fees, and in compliance with any other requirements prescribed by the Authority.

(3) The Authority shall on receipt of an application under sub-regulation (2) of this regulation, after due consideration, issue the applicant with a permit in the relevant category.

(4) A licensee or permit holder shall only engage the services of companies with appropriate and valid midstream and downstream petroleum sector service permit.

(5) A licensee or permit holder shall be responsible for ensuring that the service provider complies with the requirements stipulated by the Authority.

Conformity assessment.

38. A pipeline, midstream and downstream facility, including storage facility and installations shall be subjected to annual conformity assessment in line with the requirements of the Authority.

Technology adaptation.

39.—(1) A new technology shall be subjected to technology qualification process before deployment into the midstream and downstream petroleum sector.

(2) A new technology shall not be deployed into the midstream and downstream petroleum sector without valid approval from the Authority.

(3) Technology qualification exercise shall include technical verification and validation of technology, laboratory evaluation of technology, and pilot implementation of qualified technology.

Deferment of operations.

40.—(1) A licensee or permit holder who intends to defer the operations of its facility, shall notify the Authority in writing not less than 12 months before such deferment.

(2) Where a licensee or permit holder defers the operations of its facility without the authorisation of the Authority, the facility shall be deemed to be operational, and subject to the terms and conditions of the licence or permit.

Reconciliation.

41. All petroleum, petroleum derivatives, petroleum liquids, or petroleum products produced or imported into the country shall be subject to reconciliation at such intervals as may be determined by the Authority.

Right to enter and inspect premises in case of offences.

42. An officer authorised by the Authority may at any time enter and inspect any facility or premises where the officer has reasonable grounds to suspect that the provisions of these Regulations is being contravened.

Prescribed Returns.

43. The Authority may by notice in writing require any person carrying out midstream and downstream petroleum operations to submit such returns and other information as may be required from time to time, in such form and at such times as may be specified in the notice.

Form of application.

44.—(1) An application for a licence, permit or authorisation shall be made in a manner prescribed by the Authority.

(2) An application made by an affiliate of a person that has applied for or holds any other licence, permit, or authorisation from the Authority, shall disclose such relationship.

(3) The Authority shall prescribe appropriate service charge for the grant of such licence, permit or authorisation.

Notices for non-compliance.

45.—(1) Where, in the opinion of the Authority, any act or activity prohibited under these Regulations is likely to be undertaken by any person, the Authority may serve a "potential incidence of noncompliance notice" specifying the activity and directing the person to desist from such activity.

(2) Where there are established contravention as specified in subregulation (1) of this regulation, and it imposes no immediate danger to personnel, environment or equipment, the Authority may —

(*a*) serve an "incidence of noncompliance notice" on the person, specifying the act or activity ;

(*b*) direct the person to whom the notice is issued to do or not to do, the specified act or activity ; and

(*c*) specify the time frame for compliance with the notice.

(3) Where the person to whom the notice or directive issued under sub-regulation (2) of this regulation fails to comply, the Authority shall —

(*a*) issue a "noncompliance notice" ;

(*b*) impose the sanctions under the Act ; and

(*c*) apply the administrative penalties in these Regulations.

(4) The Authority may issue a "component incident of noncompliance notice" for a specific piece of equipment or location when it is determined to be part of an unsafe situation or it is detrimental to people, property, and environment, and can be shut-in without affecting the overall safety of the facility.

(5) Where the specific piece of equipment or location referred to in sub-regulation (4) of this regulation cannot be shut-in without affecting the overall safety of the facility, the Authority may issue a "facility shut down notice".

General offences.

46.—(1) Any person who —

(*a*) fails to obtain a licence, permit or authorisation required under these Regulations ;

(*b*) fails to provide information required under these Regulations ;

(*c*) makes a false declaration to the Authority or wilfully furnishes information so required which is in any respect false or insufficient ; or

(*d*) fails to comply with any provisions of these Regulations or any directives given or condition of any permit or licence issued under these Regulations,

shall, in addition to the sanctions, fines and penalties contained in the Act, be liable to the relevant administrative penalties contained in the Second Schedule to these Regulations, and any licence, permit or authorisation granted to that person may be suspended or revoked.

(2) Without prejudice to any specific sanctions provided in these Regulations, where a person contravenes the provisions of these Regulations, the Authority —

(*a*) shall seal the premises where the activity was undertaken ;

(*b*) may dismantle and seize the facilities by which the activities were undertaken ;

(*c*) shall confiscate and dispose of equipment or materials, including any petroleum products, employed by the person in the activity ; and

(*d*) shall impose penalties as contained in the Second Schedule to these Regulations.

(3) Where no specific penalty for an offence under these Regulations is provided in the Second Schedule to these Regulations, the Authority may impose an administrative penalty not exceeding United States Dollars $1,000,000.

Powers to issue guidelines.

47.—(1) The Authority may issue guidelines, directives, and notices for the effective implementation of these Regulations.

(2) Where no specific provision is made in these Regulations for any part of the construction, processing, operation, storage, distribution, and maintenance of midstream and downstream facilities, subject to the approval of the Authority, practices conforming with international best standards shall be observed.

Interpretation.

48. In these Regulations —

"*Act*" means the Petroleum Industry Act, No. 6, 2021 ;

"*AGO*" means Automotive Gas Oil or Diesel ;

"*Authority*" means the Nigerian Midstream and Downstream Petroleum Regulatory Authority ;

"*blending operations*" means activities that involves the mixing or blending of different proportions of gas such as propane-butane, ethane-propane-butane etc., or the mixing or blending of different proportions of petroleum liquid products such as base oil-additives etc ;

"*CNG*" means Compressed Natural Gas ;

"*CNG Compression Facilities*" means facilities used for compression of natural gas to less than the volume it occupies at standard atmospheric pressure ;

"*competent person*" means a person appointed, with the approval of the Authority, by the manager in writing as a reliable person capable of exercising overall general supervisory responsibility in ensuring compliance with the provisions of these Regulations ;

"*Crude oil*" has the meaning ascribed to it in the Act ;

"*Critical equipment*" means any equipment which if taken out of commission,may endanger the life of or lead to a malfunctioning or a shut-down of the facility or part of it ;

"*Debit Note*" means a document issued by Authority as a means of formally requesting for payment of established levy ;

"*Distribution pipeline*" means a low-pressure pipeline for the purpose of conveying natural gas or petroleum products to customers ;

"*DPK*" means Dual Purpose Kerosene ;

"*FPSO*" means Floating, Production, Storage and Offloading ;

"*FSO*" means Floating, Storage and Offloading ;

"*Gas Bulk Storage Facilities*" means bulk gas storage facilities, such as gas depot, and gas wholesale storage etc. ;

"*Gas Derivatives*" means products derived from the processing or blending of natural gas or gas products including urea fertilizer, methanol, hydrogen, etc. ;

"*Gas Distribution Licence*" has the meaning ascribed to it in the Act ;

"*Gas Distribution Network*" has the meaning ascribed to it in the Act ;

"*Gas Distributor*" has the meaning ascribed to it in the Act ;

"*Gas Export and Import Facilities*" means facilities for importing or exporting gas, gas products or gas derivatives such as gas terminal, jetties etc. ;

"*Gas Processing Facilities*" means facilities for processing natural gas such as GPP, GCP, GTF Plants, LNG Plants, GTL Plants, Methanol Plants, LPG Plants, Gas Derivatives Plants etc. ;

"*Gas Transportation and Distribution Facilities*" means interconnected gas transportation and distribution facilities for movement of natural gas or gas products such pipeline, barges, truck, rails, and other means etc. ;

"*Gas Transportation Network*" has the meaning ascribed to it in the Act ;

"*Gas Transportation Pipeline*" has the meaning ascribed to it in the Act ;

"*Gas Retailing Operations and Infrastructure*" means facilities or infrastructures for storage and sales of natural gas or gas such as gas retailing outlets, mobile skids, or other infrastructures ;

"*GCP*" means Gas Conditioning Plants ;

"*GPP*" means Gas Processing Plant ;

"*GTF*" means Gas to Fertilizer ;

"*GTL*" means Gas to Liquid ;

"*Hydrocarbon Processing Facilities*" means facilities used for processing hydrocarbon liquids and gas (excluding blending plants, emulsion processing facilities, waste recycling plants) such as crude oil refineries, petrochemical facilities, gas processing facilities, fertilizers, gas derivative plant, LNG, GTL and other gas processing facilities, FPSO, Floating Processing Facilities etc. ;

"*Industrial Gas Storage and Utilisation*" means industrial storage facilities for internal consumption or utilization ;

"*Industrial Petroleum Liquid Storage and Utilisation*" means industrial storage facilities for internal consumption or utilisation of petroleum liquids, petroleum liquid products etc. ;

"*Licensee*" has the meaning ascribed to it in the Act ;

"*Liquefied Natural Gas*" or "*LNG*" has the meaning ascribed to it in the Act ;

"*LPG*" or "Liquefied Petroleum Gas" has the meaning ascribed to it in the Act ;

"*Manager*" means a person appointed pursuant to regulation 4 of these Regulations ;

"*MDG*" means Micro Distribution Centre ;

"*Midstream and Downstream Gas Operations*" has the meaning ascribed to it in the Act ;

"*Midstream and Downstream Petroleum Liquids Operations*" has the meaning ascribed to it in the Act ;

"*Minister*" has the meaning ascribed to it in the Act ;

"*Mobile Plant*" includes both portable and transportable plants or units ;

"*Modification*" includes expansion, rehabilitation, refurbishment, revamping, upgrading ;

"*MT*" means metric tonnes and is equivalent of 1000Kg ;

"*Natural gas*" has the meaning ascribed to it in the Act ;

"*Natural Gas Liquids*" or "*NGL*" has the meaning ascribed to it in the Act ;

"*NGN*" means Nigerian Naira ;

"*Open Access*" has the meaning ascribed to it in the Act ;

"*Other Related Products*" means all other substances or materials produced in the processing of crude oil, natural gas, and intermediates ;

"*Own use*" means for the use of a licenced facility in the location of the facility ;

"*Peddling*" means direct distributions of LPG, DPK, and AGO to end users with not more than 10,000 litres capacity truck or its equivalent ;

"*Petroleum*" has the meaning ascribed to it in the Act ;

"*Petroleum Derivatives*" means products derived from the processing or blending of petroleum or petroleum products including lubricants ;

"*Petroleum Liquids*" has the meaning ascribed to it in the Act ;

"*Petroleum Liquids Export and Import*" means facilities for importing or exporting petroleum liquids or petroleum products or other derivatives such as petroleum liquid or petroleum product terminal, jetties etc. ;

"*Petroleum Liquids Retailing Operations and Infrastructure*" means facilities or infrastructures for storage and sales of petroleum products such as petroleum products retailing outlets, mobile skids, or infrastructures ;

"*Petroleum Liquids Transportation and Distribution Facilities*" includes interconnected hydrocarbon oil transportation and distribution facilities for movement of petroleum liquids or petroleum products such pipeline, barges, truck, rails, and other means ;

"*Petroleum Products*" includes materials derived from crude oil and natural gas processing such as ethane, propane, butanes, pentanes, liquefied petroleum gas, natural gas liquids, asphalts, gasoline, diesel, gas oil, jet fuels, transportation fuels, fuel oils for heating and electricity generation, base oil, lubricant and other derivatives ;

"*Petroleum Products and Natural Gas Sold in Nigeria*" includes materials derived from crude oil and natural gas processing such as ethane, propane, butanes, pentanes, liquefied petroleum gas, natural gas liquids, asphalts, gasoline, Kerosene, diesel, gas oil, jet fuel, transportation fuels, fuel oils for heating and electricity generation and other derivatives such as urea, fertilizers, methanol, hydrogen, ammonia, Nitrogen, petrochemicals and precursors, emanating from a processing facility for purchase in Nigeria and export Free on Board (FOB) ;

"*Petroleum Products Offtake*" means purchase of bulk petroleum products for the purpose of export, reselling, retailing or distribution ;

"*Pipeline*" has the meaning ascribed to it in the Act ;

"*Prescribed Port*" means any port which the officer of the Ministry responsible for matters relating to ports may by notice in the federal gazette designate as such for the purposes of these Regulations ;

"*Producer*" means a lessee holding an interest in an oil mining lease or petroleum mining lease or a licensee holding an interest in an oil prospecting licence or a petroleum prospecting licence, where such licensee carries out temporary test production ;

"*Restricted Area*" has the same meaning as the "operational area" ;

"*Shore Certificate*" means a quantity certification that ascertains the final discharged quantity ;

"*Sold in Nigeria*" means where a petroleum product or natural gas —

(*a*) is sold free on board in Nigeria or its territorial waters ;

(*b*) is loaded or offloaded for sale within a wholesale point in Nigeria ; or

(*c*) transaction emanates, occurs or is concluded in Nigeria or within its territorial waters ;

"*USD*" means United States Dollars ;

"*Vessel*" means ship, tanker or barge utilised in the transportation of petroleum and petroleum derivatives, petroleum liquids, liquefied natural gas and petroleum products ;

"*Virtual Transportation*" includes vessels, barges, trucks, rail wagons, etc ;

"*Waste*" means waste generated from hydrocarbon processing facility, which include residues, slop oil, sludges, rusts, etc. ;

"*Wholesale Customer*" means a class of customers with respect to —

(*a*) natural gas, the right to contract for and purchase a supply of wholesale gas, with capability to connect individually and economically to a transportation pipeline or transportation network and shall include gas distributors ; and

(*b*) crude oil or petroleum products, a purchaser with annual capacity of 500 litres or its equivalent and above ;

"*Wholesale Gas*" has the meaning ascribed to it in the Act ; and

"*Wholesale Points*" means the points, such as coastal depots, hinter land depots, jetties, refineries, petrochemicals and processing plants' including Liquefied Natural Gas processing plants, crude oil and natural gas export terminals, free-on-board products measurement points and other points of aggregation that may be determined by the Authority, where petroleum products or gas products exist or sold in bulk.

Citation.

49. These Regulations may be cited as the Midstream and Downstream Petroleum Operations Regulations, 2023.

FIRST SCHEDULE

[*Regulation* 4 (*m*)]

LICENCES, PERMITS, AUTHORISATIONS AND FEES

S/N	LICENCE /PERMIT/APPROVAL FEES		
	INSTRUMENTS	PROCESSING FEES	APPLICATION FEES
A	HYDROCARBON PROCESSING FACILITIES		
1.	Licence to Establish (LTE)	USD 20,000 for capacities < 1,000 BPSD or its MBTU equivalent.	USD 2,000
		USD 50,000 for capacities between 1,000 and 30,000BPSD or its MBTU equivalent.	
		USD 150,000 for capacities above 30,000 BPSD or its MBTU equivalent.	
2.	Licence to Construct (LTC)	USD 10,000 for capacities < 1,000 BPSD or its MBTU equivalent.	USD 2,000
		USD 20,000 for capacities between 1,000 and 30,000 BPSD or its MBTU equivalent.	
		USD 30,000 for capacities above 30,000 BPSD or its MBTU equivalent	
3.	Licence to Operate (LTO) New	USD 50,000 for capacities < 1,000 BPSD or its MBTU equivalent.	USD 2,000
		USD100,000 for capacities between 1,000 and 30,000 BPSD or its MBTU equivalent.	
		USD150,000 for capacities > 30,000 BPSD or its MBTU equivalent.	
4.	Licence to Operate (LTO) Renewal.	USD2,000 per 1000BPSD or its MBTU equivalent.	USD 2,000
5.	Plant Relocation Approval.	USD 5,000	N/A
6.	Critical Equipment Relocation Approval.	USD 1,000 per equipment	N/A
7.	Approval to Pre- Commission and Commission.	USD 2,000	N/A
8.	Approval to Evacuate Products from Hydrocarbon Processing Facility.	NGN 1 per liter	N/A
9.	Products Off Takers Permit (for Volume =/> 250,000Liters).	NGN 1 per liter	N/A

10.	Petroleum Products Evacuation via Vessel (Cargo Quantity Clearance Fee).	USD 600	N/A
11.	Approval to Evacuate Slop Oil from Hydrocarbon Processing Plants.	USD 250 or its NGN equivalent	N/A
12.	Approval to Evacuate Gas Plant Condensate.	NGN 1 per litre	N/A
13.	Tank Calibration Approval	USD 1,500 per tank	N/A
14.	Tank Integrity Test Approval	USD 1,500 per tank	N/A
15.	Certification of Chemicals/ Additives.	USD250 (or its NGN equivalent) per chemical	N/A
16.	Approval to Modify facility	USD 10,000	N/A
17.	Approval to Deploy New Technology	USD 1,000	N/A
18.	Conformity Assessment Approval	USD 5,000 for capacities < 1,000 BPSD or its MBTU equivalent	N/A
		USD10,000 for capacities between 1,000 and 30,000 BPSD or its MBTU equivalent	N/A
		USD 20,000 for capacities above 30,000 BPSD or its MBTU equivalent	N/A
B.	HYDROCARBON LIQUIDS BLENDING/LUBRICANT REFILLING/BITUMEN PROCESSING/WASTE TREATMENT/PETROLEUM-BASED ADDITIVES PRODUCTION OPERATIONS		
1.	Licence To Establish (LTE)	USD 1,500 or its NGN equivalent	N/A
2.	Approval To Construct (ATC)	USD 2,500 or its NGN equivalent	N/A
3.	Licence to Operate (LTO)		
		USD 5 per 5,000 liters or part thereof of plant processing capacity.	NGN 250,000
4.	3rd Party Blending Approvals Product Owner	NGN50,000	NGN 0.5 per litre for volume <= 20,000 (TPBA -PRO1)
		NGN 75,000	NGN 0.5 per litre for volume between 20,001- 100,000 (TPBA -PRO2)

		NGN 100,000	NGN 0.5 per litre for volume between 100,001- 250,000 (TPBA -PRO3)
		NGN 150,000	NGN 0.5 per litre for volume between 250,001-500,000 (TPBA -PRO4)
		NGN 250,000	NGN 1 per liter for volume at 500,001 and above (TPBA-PRO5)
5.	3rd Party Blending Approvals Plant Owner	NGN 75,000	NGN 0.5 per liter for volume less than 20,000 (TPBA-PLO1)
		NGN 100,000	NGN 0.5 per liter for volume between 20,001-100,000 (TPBA-PLO2)
		NGN 150,000	NGN 0.5 per liter for volume between 100,001- 250,000 (TPBA-PLO3)
		NGN 250,000	NGN 0.5 per liter for volume between 250,001-500,000 (TPBA-PLO4)
		NGN 300,000	NGN 1 per liter for volume at 500,001 and above (TPBA-PLO5)
6.	Revalidation of LTC	USD1,000	N/A
7.	Approval To Modify	USD 1,000 or its NGN equivalent	N/A
8.	Plant/Critical Equipment Relocation Approval	USD 2,500 or its NGN equivalent	N/A
9.	Tank Calibration Approval	NGN 300,000 per tank	N/A
10.	Tank Integrity Test Approval	NGN 300,000 per tank	N/A
11.	Lubricant Storage and Sales Licence (Lube Distributors (E-D1))	NGN 200,000	NGN 50,000
12.	Lubricant Storage and Sales Licence (Lube Distributors (E-D2))	NGN 150,000	NGN50,000

13.	Lubricant Storage andSales Licence (Lube Distributors (E-D3))	NGN 100,000	NGN50,000
14.	Lubricant Storage and Sales Licence (Lube Distributors (E-D4))	NGN 75,000	NGN50,000
15.	Lubricant Storage and Sales Licence (Lube Retailers (E-R1))	NGN 50,000	NGN 10,000
16.	Lubricant Storage and Sales Licence (Lube Retailers (E-R2))	NGN 25,000	NGN 10,000
17.	Lubricant Storage and Sales Licence (Lube Retailers (E-R3))	NGN 15,000	NGN 10,000
18.	Lubricant Storage and Sales Licence (Lube Retailers (E-R4))	NGN 10,000	NGN 10,000
C	TERMINAL		
1.	Terminal Establishment Order	USD 50,000	N/A
2.	Permit to collect crude oil sample for assay analysis	USD500 or its NGN equivalent	N/A
3.	Licence to establish crude oil or petroleum products export terminal (FPSO, FSO, land terminal etc.)	USD 50,000	USD 5,000
4.	Licence to construct crude oil or petroleum products export terminal (FPSO, FSO, land terminal etc.)	USD 50,000	USD 5,000
5.	Licence to Operate crude oil or petroleum products export terminal (FPSO, FSO, land terminal etc.)- New	USD 300,000	USD 3,000
6.	Licence to operate crude oil terminal (FPSO, FSO and land terminal) Renewal	USD 200,000 for capacities < 500,000 BBL	N/A
		USD 250,000 for capacities > 500,000 BBL and > 1,000,000 BBL	N/A
		USD 300,000 for capacities >1,000,000	N/A
D.	MEASUREMENT SYSTEM		
1.	Licence To Establish (LTE) a metering system	USD 10,000	USD 2,000

2.	Licence To Construct (LTC) a metering system	USD 10,000	USD 2,000
3.	Licence To Operate a LACT/ Meter	USD 10,000	N/A
4.	Calibration/Recertification of LACT	USD 2500	N/A
5.	Calibration of Crude Oil Vessel Storage Tank- for vessels with capacity > 600,000BBLs	USD 500 per tank	N/A
6.	Calibration of Crude Oil Vessel Storage Tank- for vessels with capacity between 20,001 to 600,000BBLs	USD 300 per tank	N/A
7.	Calibration of Crude Oil Vessel Storage Tank- for vessels with capacity <= 20,000 BBLs	USD 150 per tank	N/A
8.	Calibration of Truck	NGN 5,000 per truck	N/A
9.	Terminal Storage Tank Calibration / Recertification (crude oil and natural gas)	USD 1,500 per tank	N/A
10.	Coastal Vessel Tank Calibration for dead weight of Vessel between 1 – 5,000MT (Petroleum products)	NGN 200,000 per vessel	N/A
11.	Coastal Vessel Tank Calibration for dead weight of Vessel between 5,001 – 20,000MT (Petroleum products)	NGN 300,000 per vessel	N/A
12.	Coastal Vessel Tank Calibration for dead weight of Vessel between 20,001 and above (Petroleum Products)	NGN 400,000 per vessel	N/A
13.	Conformity Assessment	USD 10,000	N/A
E.	TRANSPORTATION AND DISTRIBUTION		
1.	Barging, Rail and Trucking of Crude Oil (New and Renewal)	USD 2,000 for Barge/Rail USD 1,000 for Truck	N/A
2.	Barging, Rail and Trucking of Crude Oil Supplementary.	USD 1,500 for Barge/ Rail USD 500 for truck	N/A

F.	PETROLEUM LIQUIDS NETWORK CODE		
1.	Crude oil and condensate Transportation Network Operator (T1) - System with Capacity < 166000 BBL/D	USD 2,500	USD 1,000
2.	Crude oil and condensate Transportation Network Operator (T2) - System with Capacity 166000 – 830000 BBL/D	USD 1,500	USD 850
3.	Crude oil and condensate Transportation Network Operator (T3) - System with Capacity > 830000BBL/D	USD 2,750	USD 2,000
4.	Petroleum products Transportation Network Operator (T1) - System with Capacity < 26 million litres per day	USD400	NGN100,000
5	Petroleum products Transportation Network Operator (T2) - System with Capacity between 26 million and 131millionlitres per day	USD 850	NGN 80,000
6.	Petroleum products Transportation Network Operator (T3) - System with Capacity > 131million litres per day	USD 1000	NGN 70,000
G	GAS NETWORK CODE		
1.	Gas Transportation Network Operator (T1) - System with Capacity < 1 BSCF/D	USD 2,500	USD 1,000
2.	Gas Transportation Network Operator (T2) - System with Capacity 1 - 5BSCF/D	USD 1,500	USD 850
3.	Gas Transportation Network Operator (T3) - System with Capacity >5BSCF/D	USD 2,750	USD 2,000
4.	Gas Shipper (S1) - Shipping Capacity 1 - 30 MMSCF/D	USD 1,000	USD 500
5.	Gas Shipper (S2) - Shipping Capacity 31 - 200 MMSCF/D	USD 2,000	USD 1,000
6.	Gas Shipper (S3) - Shipping Capacity > 200 MMSCF/D	USD 1,500	USD 850
7.	Network Agent	USD 1,000	USD 500

H	EXPORT AND IMPORT		
1.	Export Permit (for petroleum, petroleum products and natural gas and gas products)	USD 1,000 per application	N/A
2.	Import Approval for Additives and other Chemicals	USD 1,000	N/A
3.	Coastal Vessel Licence	USD 1200	NGN100,000
4.	Coastal Vessel Clearance	NGN 1/LTR	N/A
5.	Import Permit (For Petroleum, Petroleum Products and Natural Gas and Gas Products)	USD 500	NGN 75,000/30MT
6.	Import Permit of Synthetic and Bulk Finished Lubricants	NGN 1/LTR	N/A
7.	Approval for Inclusion of Countries of Origin	USD 500	NGN 75,000/30MT
I.	PETROLEUM PRODUCTS DEPOT		
1.	Licence to Establish (LTE)	USD 10,000 or its NGN equivalent	N/A
2.	Approval to Construct (ATC)	USD 20,000 or its NGN equivalent	N/A
3.	Licence to Operate (LTO)-New and Renewal	NGN3,000,000 for capacities between 0 to 10,000,000 liters and every 5,000litres above 10,000,000 liters attracts NGN 1.	NGN500,000
4.	Distribution or Marketing Licence New or Renewal	NGN 250,000	N/A
5.	Facility Modification Approval	USD 3500 or its NGN equivalent	N/A
6.	Tank Calibration Approval	USD 800 per tank or its NGN equivalent	N/A
7.	Tank Integrity Test Approval	USD 800 per tank or its NGN equivalent	N/A
8.	Backloading	USD 5,000 or its NGN equivalent	N/A
9.	Annual Registration of Petroleum Product Jetty	USD 2,500 or its NGN equivalent	N/A
10.	Tank Conversion	USD 2,500 or its NGN equivalent for the first tank and USD 750 per tank for subsequent tanks	N/A
11.	Periodic Conformity Assessment	USD 1,000	N/A

J.	BULK GAS STORAGE FACILITIES (GAS DEPOT)		
1.	Licence to Establish	USD 5,000	N/A
2.	Licence to Construct	USD 5,000	NGN 100,000
3.	Licence to Operate (New and Renewal)	USD2,500 for capacities <= 3000MT or part thereof	NGN 500,000
4.	Tank Calibration Approval	NGN 500,000 per tank	N/A
5.	Hydrotest and Integrity Approval	NGN 500,000 per tank	N/A
6.	Pre-Commissioning and Commissioning Approval	USD 1200 or its NGN equivalent	N/A
7.	LPG Offtake Permit	USD 1200 or its NGN equivalent	NGN 100,000/ 5000MT
8.	Category D and Micro Distribution Centres (MDC (New/Renewal)	Not exceeding 500 kilograms (kg) = NGN 15,000	Not exceeding 500 kilograms (kg) = NGN5,000
		Additional 500 kg or part thereof = NGN 20,000	Additional 500 kg or part thereof = NGN5,000
		Exceeding 2,000 kg = NGN100,000	Exceeding 2,000 kg = NGN 20,000
9.	Periodic Conformity Assessment	USD1,000	N/A
K.	BULK PETROLEUM LIQUID STORAGE (CRUDE OIL STORAGE)		
1.	Licence to Establish	USD 20,000 for capacities 0 - 50,000 BBL	USD 2,000
		USD 50,000 for capacities between 50,000 and 100,000 BPSD	
		USD 100,000 for capacities above 100,000 BBL	
2.	Licence to Construct	USD 20,000 for capacities 0 - 50,000 BBL	USD 2,000
		USD 50,000 for capacities between 50,000 and 100,000 BPSD	
		USD 100,000 for capacities above 100,000 BBL	N/A
3.	Licence to Operate (LTO) (New and Renewal)	USD 20,000 for capacities 0 - 50,000 BBL	USD 2,000
		USD 50,000 for capacities between 50,000 and 100,000 BPSD	
		USD 100,000 for capacities above 100,000 BBL	

4.	Approval to Modify	USD 10,000	N/A
5.	Tank Calibration Approval	USD 1,500 per tank	N/A
6.	Tank Integrity Test Approval	USD 1,500 per tank	N/A
7.	Periodic Conformity Assessment	USD 1,000	N/A
L.	WHOLESALE PETROLEUM LIQUIDS SUPPLY LICENCE		
1.	Wholesale Petroleum Liquids (Crude Oil) Supply for Volumes <50,000 BBLS	USD 1 per BBL	N/A
2.	Wholesale Petroleum Liquids (Crude Oil) Supply for Volumes >=50,000 to 200,000 BBLS	USD 0.85 per BBL	N/A
3.	Wholesale Petroleum Liquids (Crude Oil) Supply Volumes >200,000 BBLS	USD 0.5 per BBL	N/A
4.	Wholesale Petroleum Liquids (Products) Supply	50 Kobo per liter	N/A
M	WHOLESALE GAS SUPPLY LICENCE		
1.	Wholesale Gas Supply (GS1) Above 500Mscfd	USD 0.25/Mscfd	USD 25,000
2.	Wholesale Gas Supply (Gs2) 25- 500mscfd	USD 0.5/Mscfd	USD 12,500
3.	Wholesale Gas Supply (GS3) Below 25Mscfd	USD 5,000	USD 5,000
4.	Gas Distributor	USD 2,500	USD 500
5.	Gas Aggregator	USD 10,000	USD 2,500
N.	INDUSTRIAL PETROLEUM PRODUCTS STORAGE AND UTILIZATION		
1.	Licence to Operate Industrial Consumer Storage Facility	NGN 75,000.00 for the first 20,000 liters, subsequently each additional 20,000 liters attract NGN 10,000.00	NGN 50,000
2.	Licence to Operate Mobile Containerized Filling Station (For Industrial Consumer)	NGN 1,000,000	NGN 500,000
O.	INDUSTRIAL GAS STORAGE AND UTILIZATION		
1.	Licence to Establish (LTE)	NGN 100,000	N/A
2.	Licence to Construct Inspection	NGN 200, 000	N/A
3.	Licence To Operate (New/ Renewal)	NGN 500,000	NGN 50,000

P.	GAS TO TELECOM/SMALL SCALE INDUSTRIAL STORAGE AND UTILIZATION		
1.	Licence to Establish/ Licence to Construct	NGN 50,000	N/A
2.	Pressure Test	NGN 50,000	N/A
3.	Authorisation for Tank Burial	NGN 50,000	N/A
4.	Licence To Operate (New/ Renewal)	NGN 100,000	N/A
Q.	PETROLEUM LIQUID RETAILING OPERATIONS AND INFRASTRUCTURE		
1.	Licence to Establish (LTE)	NGN 100,000.00	N/A
2.	Licence to Construct (LTC)	NGN 200,000.00	N/A
3.	Licence to Operate/every 2 years	NGN 50,000.00 for the first 20,000 liters, subsequently each additional 20,000 liters attract NGN 5,000.00	NGN 50,000
4.	Authorisation for Modification	NGN/ 500,000	N/A
5.	Storage Tank Pressure Test Authorization	NGN/ 150,000 per tank	N/A
6.	Storage Tank leak test Authorization	NGN/ 50,000 per tank	N/A
7.	Storage Tank Calibration Authorisation	NGN/ 150,000 per tank	N/A
8.	Tank Conversion Authorisation	NGN/ 100,000 per tank	N/A
9.	Authorisation for Tank Burial	NGN 100,000 per tank	N/A
10.	Authorisation To Pre-Commission and Commission	NGN 50,000.00	N/A
11.	Revalidation of Authorisation/ Licences	NGN 25,000.00	N/A
12.	Bunkering vessel/fixed and motorized barge Licence	NGN 10,000,000.00	NGN 1,000,000.00
13.	Licence to Operate Mobile Containerized Filling Station	NGN 1,000,000	NGN 500,000

R	GAS PRODUCTS RETICULATION		
1.	Licence to Establish (LTE)	NGN 100,000	N/A
2	Licence to Construct	NGN 200,000	N/A
3	Licence to Operate/every 2 years	NGN 300,000	NGN 25,000
S.	LPG PROPANE HANDLING UNIT (PHU)		
1.	Licence To Establish (LTE)	NGN 100,000	N/A
2.	Licence to Construct	NGN 200,000	N/A
3.	Licence to Operate	NGN 300,000	NGN 25,000
T.	GAS RETAILING OPERATIONS AND INFRASTRUCTURE (LPG REFILLING PLANT, AUTOGAS PLANT, LPG ADD-ON)		
1.	Licence To Establish (LTE)	0.1MT - 5MT =NGN 100,000	N/A
		5.1MT - 10MT =NGN 200,000	N/A
		10.1MT - 60MT =NGN 300,000	N/A
2.	Licence to Construct/Install	60.1 - 300MT =NGN 500,000	N/A
		0.1MT - 5MT =NGN 100,000	N/A
		5.1MT - 10MT =NGN 200,000	N/A
		10.1MT - 60MT =NGN 300,000	N/A
		60.1 - 300MT =NGN 500,000	N/A
3.	Pressure Test Authorisation	NGN 150,000	N/A
4.	Licence to Operate (New/ Renewal)/every 2 years	0.1MT - 5MT =NGN 100,000 p.a	5-100MT = NGN50,000 p.a and Additional 10MT or part thereof (Above 100MT) = NGN5,000 (p.a)
		5.1MT - 10MT =NGN 200,000 p.a	
		10.1MT - 60MT =NGN 300,000 p.a	
		60.1 - 300MT =NGN 500,000 p.a	
5.	Authorisation for Modification.	NGN 150,000	N/A
6.	Tank Burial Authorisation	NGN 150,000	N/A
7.	Tank Calibration Authorisation	NGN 100,000	N/A
8.	Licence to Operate (LPG ADD-ON)	NGN 100,000	N/A
U.	CNG COMPRESSION FACILITIES		
1.	Licence to Establish (LTE)	NGN 200,000	N/A

2.	Licence to Construct	NGN 200,000 for less than 100,000 SCM and	NGN 20,000
		NGN300,000 for above 100,000 SCM.	
		NGN 300,000 for less than 100,000 SCM and	
3.	Licence to Operate	NGN500,000 for above 100,000 SCM	NGN 20,000
V.	SMALL SCALE PLUG AND PLAY LNG		
1.	Licence to Establish (LTE)	NGN 500,000	N/A
2.	Licence to Construct	USD 1000 or its NGN equivalent per MMSCFD or MMBTU	NGN 50,000
3.	Licence to Operate	USD 1000 or its NGN equivalent per MMSCFD or MMBTU	NGN 50,000
W.	GENERAL FEE		
1.	Due Diligence Request.	NGN 100,000	N/A
2.	Certificate of Quantity (COQ)	USD500	N/A
3.	Product Import Certification (PIC)	USD 500 per PIC or NGN equivalent	N/A
4.	Product Reconciliation Clearance	USD 500 or NGN equivalent	N/A
5.	Terminal Storage Tank Integrity (crude oil and natural gas)	USD 1,500 per tank	N/A
X.	MIDSTREAM AND DOWNSTREAM OIL AND GAS INDUSTRY SERVICE PERMITS		
1.	General Purpose Category	NGN500	NGN5,000
2.	Major Purpose Category	NGN2500	NGN25,000
3.	Specialised Purpose Category	NGN7,500	NGN250,000

Note : All payments made are non-refundable and non-transferable.

SECOND SCHEDULE

[*Regulation* 46 (1), (2)(*d*) *and* (3)]

OFFENCES AND PENALTIES

S/N	*OFFENCE*	*PENALTIES*
1.	Non-renewal of hydrocarbon processing facilities LTO.	NGN 2,000,000.00/year
2.	Late renewal of hydrocarbon processing facilities LTO beyond 31st of March.	NGN 500,000
3.	Product evacuation from hydrocarbon processing facility by truck or rail without Authorisation	NGN 5,000,000.00 per truck or rail wagon
4.	Product evacuation from hydrocarbon processing facilities through a vessel without authorisation.	USD 10,000.00
5.	Vessel arrival at the loading berth without Authority clearance	USD 10,000.00
6.	Product diversion by truck or rail	NGN 5,000,000.00 per truck or rail wagon
7.	Product diversion from hydrocarbon processing facility through a vessel.	USD 20,000.00
8.	Using Authority authorised chemical/additive above or below approved quantity.	USD 100,000.00
9.	Use of chemical unauthorised by the Authority in the hydrocarbon processing facilities.	USD 100,000.00
10.	Operating a blending plant or waste recycling plant or waste treatment plant or bitumen processing plant or petroleum-based additives facility without licence.	NGN 2,000,000
11.	Late renewal of blending plant LTO.	NGN 300,000
12.	Procurement of critical equipment without Test.	NGN 5,000,000
13.	Diversion of base oil.	NGN 3,000,000 per truck
14.	Sale of base oil from a blending plant.	NGN 3,000,000 per truck
15.	Construction of a blending plant/waste recycling plant/ waste treatment plant/bitumen processing plant/petroleum-based additives facility without LTE.	NGN 1,000,000
16.	Construction of a blending plant/waste recycling plant/ waste treatment plant/bitumen processing plant/petroleum-based additives facility without LTC.	NGN 5,000,000
17.	Third party blending by a plant owner without authorization.	NGN 3,000,000
18.	Third party blending by a product owner without authorization.	NGN 2,000,000

19.	Operating a lubricant filling plant without LTO.	NGN 2,000,000 per year of operation without a licence
20.	Late renewal of lubricant filling plant LTO beyond 31st March of every year. .	NGN 100,000
21.	Procurement of critical equipment without Factory Acceptance Test for lubricant filling plant.	NGN 5,000,000
22.	Construction of a lubricant filling plant without valid LTE.	NGN 3,000,000
23.	Construction of lubricant filling plant without valid LTC.	NGN 3,000,000
24.	Modification of a lubricant filling plant without authorization.	NGN 3,000,000
25.	Operation of lubricant filling Plant without valid LTO.	NGN 3,000,000
26.	Distributors operating without lubricant storage and sales licence.	NGN 200,000 per year
27.	Retailers operating without lubricant storage and sales licence.	NGN 100,000 per year
28.	Engagement of non- Authority accredited contractors for fabrication, construction, calibration, testing, or any other midstream and downstream activities.	Not more than USD 250,000 and suspension of not more than 1 year
29.	Carrying out midstream and downstream activities without Authority oil and gas industry service permit.	Not more than USD 250.000 and suspension of not more than 1 year
30.	Using storage or changing tank product or pipeline product service without authorisation.	USD 5,000
31.	Measuring petroleum at custody transfer or sales points with faulty or uncalibrated measuring equipment, Ullage Transmitting Instrument (UTI) or metering System.	USD 10,000 and seizure of faulty measuring instrument
32.	Measuring petroleum products with faulty or uncalibrated measuring equipment or Ullage Transmitting Instrument (UTI).	NGN 100,000 and seizure of faulty measuring instrument
33.	Conducting a factory acceptance test or site acceptance test of any critical equipment without authorisation and witnessing by officers of the Authority.	USD 250,000
34.	Modification, repair, or alteration of surface or underground crude oil storage tanks without authorisation.	USD 25,000
35.	Introduction of deadwoods, capillary tube or false bottom, etc in crude oil storage tanks.	USD 25,000
36.	Construction of a depot without LTC.	USD 100,000
37.	Operation of a depot without LTO.	NGN 10,000,000
38.	Modification of a depot without authorisation.	USD 100,000
39.	Failure to calibrate storage Tank.	NGN 250,000 per tank
40.	Backloading in a depot without authorisation.	USD5,000

41.	Blending in a depot without authorization.	USD 100,000
42.	Engaging in third party petroleum products distribution without permit.	NGN 3,000,000
43.	Denial of Access to Authority Personnel	NGN5,000,000.00
44.	Assault or Harassment of Authority personnel.	NGN 20,000,000 and suspension or revocation of licence
45.	Operating Industrial storage and utilisation without valid licence.	NGN 1,000,000
46.	Burial of underground storage tank without Authority authorization.	NGN 500,000 per tank
47.	Construction of retail outlet and CNG compression facilities without LTC.	NGN 10,000,000 or seizure of the facility
48.	Declaration of false loading manifest.	NGN 1,000,000
49.	Discharging product while selling in a retail outlet and refilling facilities.	NGN 500,000
50.	Absence of a well-stocked first aid box or functional truck earthing cable or adequate caution signs at a Retail Outlet.	NGN 50,000.00
51.	Backloading of Petroleum Products in Retail Outlet.	NGN 750.00/liter
52.	Concealing accident information for Investigation in Retail Outlet Operations.	NGN 2,000,000.00
53.	Discharging of Petroleum products without Earthing cable.	NGN 100,000.00
54.	Discharging Petroleum products during Lightening, Thunderstorm or Under Direct.	NGN 200,000.00
55.	Failure to submit monthly sales returns.	NGN 50,000.00
56.	Improper or lack of color codes of underground storage tanks/ per tank.	NGN 10,000.00
57.	Lack of Filling Station Register.	NGN 20,000.00
58.	Product Diversion.	NGN 500.00/liter
59.	Selling Regulated Petroleum Products above approved pump price.	NGN 200,000.00
60.	Non-Compliance with DRMS Directive.	NGN 250,000.00
61.	Operating Without Adequate Company identification.	NGN 100,000.00
62.	Product adulteration. ₦200/Litre.	NGN 200.00/liter
63.	Take-over/Lease Without Approval.	NGN 1,000,000.00
64.	Failure to comply with minimum industry safety training for staff in facility operations.	NGN 2,000,000
65.	Decanting and unauthorised peddling of petroleum products.	NGN 750 per litre or its equivalent in metric tonnes

66.	Product adulteration or trans-loading in depots, transit or retail outlets.	NGN 10,000,000
67.	Importation of off-spec petroleum products.	USD 2,000,000
68.	Failure to display price billboard at retail outlets.	NGN 50,000
69.	Poor housekeeping of retail outlet facilities.	NGN 50,000
70.	Indiscriminate Parking of Vehicles and Trucks Within a Facility.	NGN 50,000
71.	Pump under dispensing from retail outlets.	NGN 100,000.00 per dispensing pump
72.	Repair of vehicles within retail outlets and refilling plants	NGN 500,000
73.	Failure to produce, upon demand, storage and sales inventories and reports of midstream and downstream facilities.	NGN 1,000,000
74.	Establishment of retail outlets and CNG compression facility without LTE.	NGN 1,000,000
75.	Construction of retail outlets and CNG compression facility without LTC.	NGN 5,000,000
76.	Operation of retail outlets and CNG compression facility without LTO.	NGN 2,000,000
77.	Failure to conduct Pressure Test before tank burial.	NGN 100,000.00
78.	Falsification of Authority licence/permit/authorisations.	NGN 5,000,000.00
79.	Hoarding of Petroleum Product.	NGN 1,000,000.00
80.	Late renewal of Authority retail outlets and CNG compression facility licence.	NGN 100,000.00
81.	Late renewal of Authority depots, terminals, and jetties.	NGN 500,000
82.	Non-display of Authority Licence at a facility.	NGN 50,000.00
83.	Revalidation/Correction of licence/Inputs.	NGN 250,000.00
84.	Tank conversion without authorization.	NGN 500,000.00
85.	Contravention of Authority's sealing Order.	NGN 5,000,000.00
86.	Under-utilisation of import permit.	NGN 550,000
87.	Non-utilisation of import permit.	NGN 1,000,000
88.	Change of discharge port without approval.	NGN 1,000,000
89.	Late submission of vessel arrival notification.	NGN 500,000
90.	Failure to comply with any provisions of these Regulations or any directives given or condition of any permit or licence issued under these Regulations.	Not exceeding USD250,000
91.	Selling to an unlicenced offtaker.	NGN5,000,000
92.	Selling to unlicenced LPG refilling Plant.	NGN2,500,000

93.	Operating LPG refilling plant without LTO	NGN5,000,000
94.	Construction of LPG refilling Plant without Approval.	NGN 2,500,000
95.	Under dispensing of LPG refilling plant	NGN 200,000
96.	Selling to unlicenced Category D and industrial storage and utilization facility.	NGN2,000,000
97.	Modification of LPG refilling plant without approval	NGN1,000,000
98.	Operating Autogas Plant without LTO.	NGN500,000
99.	Construction of Autogas Plant without authorisation	NGN2,500,000
100.	Under dispensing of Autogas plant.	NGN200,000
101.	Modification and Upgrade without approval.	NGN200,000
102.	Operating CNG Compression facilities without LTO.	NGN1,750,000
103.	Construction of CNG facilities without LTC.	NGN5,000,000
104.	Failure to conduct recertification exercise when due.	USD 5,000 per equipment

MADE at Abuja this 9th day of February, 2023

ENGR. FAROUK AHMED
Authority Chief Executive
Nigerian Midstream and Downstream Petroleum
Regulatory Authority

EXPLANATORY NOTE

(*This Note does not form part of these Regulations but is intended to explain its purport*)

These Regulations seeks to regulate the operations of companies in the Nigerian midstream and downstream petroleum sector ; provide procedure for the grant of licences, permits, authorisations and payment of fees and provide sanctions and penalties for failure to comply with these Regulations.