MIDSTREAM AND DOWNSTREAM PETROLEUM DATA DEPOSITORY REGULATIONS, 2023

PETROLEUM INDUSTRY ACT, NO. 6, 2021

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PETROLEUM INDUSTRY ACT, NO. 6, 2021

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[ ]	Commencement
In the exercise of the powers conferred on it by sections 32 (gg), (mm), (pp) and 33 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 –	
1. The objectives of these Regulations are to – (a) establish the midstream and downstream petroleum data repository in the Authority; (b) provide the procedure for the submission, collection and management of technical data in the Repository; and (c) provide sanctions and penalties for failure to comply with these regulations.	Objectives
2. These Regulations shall apply to the submission, collection and management of technical and commercial data in the midstream and downstream oil and gas industry in Nigeria.	Application
3. (1) There is established in the Authority the Midstream and Downstream Petroleum Data Repository (Repository). (2) The Repository shall be located in Abuja, Nigeria or any other location as the Authority Chief Executive may direct.	Establishment of the Midstream and Downstream Petroleum Data Repository
4. The Repository shall- (a) serve as the technical data centre for the midstream and downstream petroleum industry in Nigeria; (b) provide a platform for the timely and holistic submission of data by holders of midstream and downstream petroleum licenses or permits; (c) carry out storage, management, transfer, quality control and validation of all data and materials submitted to it; (d) ensure data preservation, value maximization and compliance with these Regulations, standards and procedures as may be prescribed from time to time,	Functions of the Repository

(e) serve as a digital platform to improve interaction between the Government and the Industry and provide digital data and technical support for midstream and downstream activities; (f) provide a digital platform for the reporting and monitoring of all data transactions including but not limited to data acquisition, marketing evaluation and re-processing by companies licensed by the Authority; (g) provide adequate monitoring and regulatory tools for the Authority; (h) provide geographic information management system and satellite information processing capabilities for the development and monitoring of midstream and downstream petroleum facilities and operations; (i) support the use of predictive analytics and artificial intelligence and promote experimental research and development projects in the industry to optimize midstream and downstream petroleum activities; and (j) perform such other functions and responsibilities which may promote the development of midstream and downstream petroleum operations in Nigeria.	
5. The organisational structure of the Repository shall be as set out in the First Schedule to these Regulations.	Organisational structure of the Repository
6. (1) The sources of revenue of the Repository shall include— (a) transaction and service fees; (b) fees or levies imposed by the Authority on the midstream and downstream petroleum industry in the support of the Repository; (c) gifts in kind or cash received by the Repository from the petroleum industry in the support of the Repository; (d) funds and grants accruing from multilateral agencies, bilateral institutions and related sources dedicated partly or wholly for the development of data repositories; and (e) any other sum freely donated or accruing to the Repository for the development of the Repository. (2) Fees, charges and revenues accruable to the Repository under this regulation shall be used for the operation, maintenance and development of the Repository.	Revenue of the Repository

(3) the Repository may grant discounts or waivers on transaction or service fees to subscribers based on published and clear criteria. (4) The Authority shall have power to undertake civil action for the recovery of unpaid fees and levies.	
7. (1) All records, including but not limited to reports, data, samples, fluid samples, plans, maps, charts, crude oil assay, accounts, materials and information which are required to be provided to the Authority under the Act, Regulations or any other law shall be submitted by the holder of a midstream and downstream licence or permit to the Repository in a standard and format specified by the Authority. (2) The submission of records by a licensee or permit holders to the Authority in the specified format shall be a discharge of its obligations to submit data to the Authority under the Act and regulations made thereto. (3) Records which are required to be provided to the Repository under these Regulations or the Act shall be provided by the licensee or permit holder at no cost to the Authority. (4) The Repository shall charge fees for the storage and handling of fluid samples at designated storage facilities. (5) All data derived from project performance monitoring and cost benchmarking in the midstream and downstream petroleum industry shall be archived in the Repository. (6) information required under these Regulations to be submitted to the Repository in relation to work done or progress of petroleum operations in the relevant area shall not be withheld on the grounds that the information is confidential or interpretational.	Data Submission
8. Information submitted to the Repository by a licensee or permit holder shall, except as otherwise provided by these Regulations, be treated by all public officers and other authorities entitled to the information as confidential, provided that, no information shall be regarded as confidential, immediately after the expiration of the period specified in guidelines issued by the Authority.	Data Confidentiality Period
9. Data held by the Repository may be released to the public, after the expiration of the confidentiality period, upon payment of the relevant fees as specified in the Second Schedule to these Regulations.	Data Release Schedule

10. A person who fails to comply with the provisions of these Regulations shall, in addition to the sanctions, fines and penalties contained in the Act and any Regulations made by the Authority, be subject to the following administrative penalties — (a) The denial of regulatory and statutory approvals issued by the Authority; (b) exclusion from the services of the Repository; and (c) civil action for recovery of unpaid fees and accrued interest.	Offences
11. The fees in the Second Schedule to these Regulations shall be applicable to the services rendered by the Repository.	Fees Second Schedule
12. The Authority may issue guidelines, directives, and notices for the effective implementation of these Regulations.	Authority to issue guidelines, directives
13. In these Regulations — "Act" means the Petroleum Industry Act, No. 6, 2021; "Authority" means the Nigerian Midstream and Downstream Petroleum Regulatory Authority; "Data" includes but not limited to reports, data, samples, fluid samples, plans, maps, charts, crude oil assay, accounts, materials and information which are required to be provided to the Authority under the Act, Regulations or any other law; "NGN" means Nigerian Naira; and "USD" means United States Dollars.	Interpretation
14. These Regulations may be cited as the Midstream and Downstream Data Repository Regulations, 2023.	Citation

FIRST SCHEDULE

ORGANISATIONAL STRUCTURE

Advisory Council of the Repository

(1) The Repository shall have an Advisory Council comprised of a Chairman and other members, who are highly qualified and experienced in midstream and downstream petroleum operations.

(2) The Advisory Council shall advise on matters relating to the management and operations of the Repository

(3) The members of the Advisory Council shall be appointed by the Authority Chief Executive

Composition of the Advisory Council of the Repository

(1) The Advisory Council shall consist of not more than nine members who shall include the following-

(a) the Authority Chief Executive who shall be the Chairman;
(b) the Executive Director, Economic Regulation and Strategic Planning,
(c) the Secretary and Legal Adviser of the Authority who shall be the Secretary to the Advisory Council;
(d) the Head of Information Technology in the Authority and;
(e) three members from companies undertaking midstream petroleum operations; and
(f) two members from companies undertaking downstream petroleum operations

(2) Where the post of a member of the Advisory Council falls vacant for any reason, the Advisory Council will continue to perform its duties, provided that the number of the remaining members, including the Chairman, is not less than two-thirds of the original number of members.

(3) The Advisory Council members from the Authority shall serve for the duration of their appointments in the Authority.

(4) The independent members from the midstream and downstream petroleum industry shall serve for a non-renewable term of two years from the date of their appointment.

(5) Where a new member is appointed in place of another member of the Advisory Council the new member will serve for the remainder of the term of his predecessor.

(6) Where the Advisory Council is not reconstituted upon the expiry of its term of office, the Advisory Council whose term has expired shall continue to perform its duties for not more than six (6) months from the date of expiration of its term of office.

(7) The Advisory Council shall convene a meeting at the invitation of the Chairman, at least twice every year.

Functions of the Advisory Council

The Advisory Council shall—

(a) approve the definition of data-type and operational scope of the Repository;

(b) approve standards and procedures set for data submission, release, transfer, exchange (trade), quality control, and security;

(d) periodically review and approve annual fees and charges as specified in the Schedule of these Regulations;

(e) approve operational, business and financial models for the purposes of managing and generating revenue; and

(f) approve the Repository budget and expenditure,

Repository Coordinator

(1) The Authority Chief Executive and Chairman of the Advisory Council shall, on the recommendation of the Authority's Head of Information Communication and Technology, appoint a Repository Coordinator for the day to day management of the Repository.

(2) The Repository Coordinator shall be an officer of the Authority with the following qualifications-

(a) a minimum of three years' experience as a certified data centre information manager; and

(b) a minimum of 10 years' service in the Authority.

(3) The Repository Coordinator shall serve for a term of two years which may be renewable on satisfactory performance for a further term of two years provided that the Authority Chief Executive may relieve the Repository Coordinator of the appointment prior to the expiration of the term.

(4) The Repository Coordinator shall-

(a) propose business and technical strategies and policies for approval by the Advisory Council.

(b) prepare and ensure the implementation of an annual work program and budget of the Repository, as approved by the Advisory Council.

(c) co-ordinate the day-to-day operations of the Repository.

(d) ensure efficient management and security of all Repository data.

(e) ensure proper administration of the Repository accounts.

(f) promote Repository data sales and trade; and.

(g) undertake any other duties as may be assigned by the Authority Chief Executive or Advisory Council.

Second Schedule **Regulation 11**

FEES

S/N	FEES		
1	Transaction Fees		
2	Service Fees		

Made at Abuja this ..... day of 2023

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Engr. Farouk Ahmed

Authority Chief Executive

Nigerian Midstream and Downstream Petroleum Regulatory Authority