MIDSTREAM AND DOWNSTREAM PETROLEUM SAFETY AND ENVIRONMENTAL REGULATIONS, 2025

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PETROLEUM INDUSTRY ACT, NO. 6, 2021

MIDSTREAM AND DOWNSTREAM PETROLEUM SAFETY AND ENVIRONMENTAL REGULATIONS, 2025

[ ]	Commencement
In exercise of the powers conferred on it by sections 32(a), (bb), (cc), (hh) and 33 of the Petroleum Industry Act, No. 6, 2021 ("Act") and all other powers enabling it in that behalf, the Nigerian Midstream and Downstream Petroleum Regulatory Authority ("Authority") makes these Regulations —	
PART I — GENERAL PROVISIONS	
1. The objectives of these Regulations are to — (a) provide the safety and environmental standards to be observed during midstream and downstream petroleum operations; (b) regulate safety and occupational health practices in the Nigerian midstream and downstream petroleum operations; (c) regulate, monitor and enforce health and environmental measures relating to midstream and downstream petroleum operations; (d) ensure rehabilitation or management of negative environmental impacts arising from midstream and downstream petroleum operations; (e) determine the amount of financial contribution based on the size of the petroleum operations and the level of the environmental risks that may exist; (f) set out the general rules for the establishment of a Decommissioning and Abandonment Fund for midstream and downstream petroleum operations, and provide requirements for administration of the Fund; (g) regulate the decommissioning and abandonment activities of facilities in the Nigerian Midstream and Downstream petroleum industry; (h) outline the duties of licensees and permit holders to whom these Regulations apply; and (i) provide information on sanctions, penalties and administrative fines for failure to comply with these Regulations.	Objectives
2. These Regulations shall apply to all activities connected to the safety and environmental operations in the midstream and downstream petroleum industry in Nigeria.	Application

3. (a) A licensee or permit holder shall obtain the relevant license, permit, authorisation or approvals prior to the commencement of any midstream or downstream petroleum activity or operation. (b) Where a licensee or permit holder intends to renew a licence, permit or approval, compliance with the established HSE Clearance shall form the basis for the renewal. (c) Application for the HSE Clearance shall be in the manner prescribed in guidelines issued by the Authority.	Application for licence, permits, authorisations
PART II — DUTIES OF LICENSEES AND PERMIT HOLDERS	
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) and any subsequent change not later than 72 hours of such appointment or change; (c) provide its personnel with appropriate safety equipment and Personal Protective Equipment (PPE) of approved standard and ensure that such equipment is always 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 firefighting 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;	Duties of licensees and permit holders

(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 accidents that are likely to occur and ensure drills are carried out periodically; (l) ensure that all laboratories used for petroleum operations are accredited by and operated in a manner prescribed by the Authority; (m) ensure that operations are undertaken with a valid and appropriate licence, permit or authorisation; and (n) discharge such other duties as the Authority may prescribe.	
5. (1) In the implementation of facility or equipment design, engineering, procurement, construction, modification, upgrade, commissioning or decommissioning, a licensee or permit holder shall — (a) carry out comprehensive safety and environmental studies including hazard and risk assessment of the project at every stage of the facility lifecycle in accordance with directives issued by the Authority and other internationally accepted standards where applicable; (b)ensure that all technical safety studies conducted are revalidated upon any of the following - (i) every 5 years, (ii) in case of any modification that changes the configuration of the facility, or (iii) in case of major incidents, as determined by the outcome of the incident investigation conducted by the Authority; (c) ensure that all Major Accident Hazards associated with the project or facility have been identified, recorded, analysed and reduced to As Low As Reasonably Practicable (ALARP); (d) ensure that safety, emergency and communication systems conform to acceptable standards and specifications in the oil and gas industry;	Facility development, project, abandonment and decommissioning etc.

(e) ensure that the Authority participates in all technical safety studies, facility audits, inspections and tests of critical equipment and any other activities as may be determined by the Authority;

(f) ensure that Pre-Startup Safety Review and Audit is conducted and approval is obtained from the Authority prior to introduction of hydrocarbon into a facility, commissioning and or start-up of petroleum operations.

(g) ensure that every installation or facility has a valid Safety Case and HSE Clearance duly approved by the Authority which is subject to revalidation upon any of the following -

(i) every 5 years,

(ii)in case of any modification that changes the configuration of the facility, or

(iii)in case of major incidents, as determined by the outcome of the incident investigation conducted by the Authority; and

(h)comply with any other directive issued by the Authority.

(2) A licensee or permit holder shall ensure that —

(a) it has a well-defined decommissioning and abandonment plan for all its oil and gas handling facilities;

(b) its decommissioning and abandonment plan complies with all current regulations, guidelines and procedures for decommissioning and abandonment of facilities in the midstream and downstream oil and gas industry and be approved by the Authority; and

(c) the implementation of the decommissioning and abandonment plan shall be undertaken in a manner that ensures that the removal and disposal of equipment and facility used with or in connection with the operation is done safely and in a manner that ensures that the environment continues to remain safe.

(3) A licensee or permit holder shall —

(a) ensure that all operational rules, procedures, and guidelines made under these Regulations are fully understood and complied with by the licensee or permit holder's personnel and contractors; and

(b) ensure the overall safety of people, processes, operations and equipment associated with the facility or project under its management.

(4) A licensee or permit holder shall ensure that for a planned shutdown of a facility — (a) procedure for shutdown and startup is developed; (b) the Authority is notified prior to the commencement of the shutdown; (c) hazard and risk assessments are conducted prior to the shutdown, to ensure the safety of personnel and facility; and (d) no deviation from the shutdown and start-up procedure shall be undertaken without a Management of Change.	
PART III — DUTIES OF A MANAGER	
6. 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) comply with the duties of a manager as set out in the Midstream and Downstream Petroleum Operations Regulations made by the Authority; (c) appoint in writing a competent person to oversee and be responsible for health safety, environment and community matters and report the appointment or subsequent change to the Authority not later than 72 hours of such appointment or change; and (d) ensure that all personnel are given appropriate training for the efficient and safe performance of their duties.	Compliance with Regulations
7. The Manager shall ensure compliance with the technology adaptation requirements as set out in the Midstream and Downstream Petroleum Operations Regulations made by the Authority.	Technology adaptation
8. A Manager shall ensure that — (a) adequate safety equipment, that meet international standards, are provided for personnel; (b) Personal protective equipment is used appropriately and maintained in serviceable condition at all times; and	Personnel Protection

(c) appropriate barriers and risk reduction measures are in place to ensure that personnel exposure to hazards are reduced to ALARP, and the risk reduction measures for hazards shall comply with hierarchy of hazard control philosophy.	
9. A Manager shall — (a) produce and conspicuously display at every facility, up-to-date information on the names, addresses and telephone numbers of emergency service providers which shall include medical, fire and security services. (b) ensure that first aid kits are appropriately equipped and served by qualified first aid personnel; (c) ensure that contingency plans are in place to deal with injuries that are more serious than first aid cases; (d) ensure that there are functional medical facilities adequately equipped with medication, competent personnel and med-evac system to deal with situations arising from paragraph (c), and the qualified medical personnel shall at the minimum, possess nursing certification and be registered with and authorised by the Nursing and Midwifery Council of Nigeria; (e) ensure pre-employment medical assessment is carried out to establish the health status and fitness to work of each employee prior to engagement, (f)conduct periodic medical assessment at intervals not exceeding two years and ensure that all contractors take similar actions; and (g) comply with the provisions of all occupational health directives from the Authority for medical assessment of fitness to work.	Occupational health
10. A Manager shall ensure that — (a)personnel are provided with the appropriate hearing protection if noise levels are equal to or greater than 85 dBA for an 8-hour Time Weighted Average (TWA); (b) no person shall, unless necessary, be exposed to noise level equal to 115 dBA or greater for any length of time without appropriate hearing protection; (c) the sound pressure level at the edge of the nearest residential area shall not exceed 50 dBA at night; and (d) annual audiometric tests are conducted for all personnel working in high noise areas and results made available on demand to the Authority.	Noise abatement

11. A manager shall ensure that personnel — (a) employed in offshore or swamp operations receive basic safety, emergency and survival training at a facility approved by the Authority and undertake the following refreshers as appropriate — (i) basic first aid and Cardiopulmonary Resuscitation (CPR), (ii) confined space escape, (iii) basic firefighting and self-rescue, (iv) helicopter under water and survival-at-sea training, (v) lifeboat operation and usage; and (b) employed in midstream and downstream petroleum operations receive and undertake the following trainings at a facility approved by the Authority as appropriate — (i) minimum industry safety training for the facility or operation which includes HSE training for retail outlet, bulk storage, lube blending, product haulage, natural gas safety and operations integrity, (ii) advanced safety training as appropriate for their specific job function which includes training and certifications for work at height, scaffolding and crane operations, and (iii) such other training as the Authority or the manager may deem necessary for the operation; and	Safety training
12. (1)A manager shall ensure that inspection and maintenance operations are conducted in accordance with - (a) these Regulations; (b) the Original Equipment Manufacturer's specifications; or (c) its Risk Based Inspection (RBI) methodology. (2)The manager shall also ensure that — (a) equipment is operated and kept within its Integrity Operating Window (IOW); (b) process equipment has required controls and safety systems that monitors and actively control its IOW;	Operations, inspections, and maintenance

(c) equipment that falls short of its IOW shall be removed from service except such equipment is derated and applied to a service proportionate to its new capacity such that it assumes a new IOW;

(d) derating an equipment and defining IOW shall be —

(i) carried out by competent persons,

(ii) certified by an appropriate third party, and approved by the Authority;

(e) work at height, scaffolding, rope access, and other similar operations shall conform to internationally recognised standards and comply with the current guidelines and requirements for work at height in the midstream and downstream oil and gas industry as approved by the Authority;

(f) rotating or reciprocating equipment and every dangerous part of any machinery shall be securely fenced or guarded, where it is practical to do so;

(g) Heating, Ventilation and Air Conditioning (HVAC) are provided as appropriate for all enclosed areas of the installation such as living quarters, electrical switch rooms, equipment rooms and others with potential of build-up or ingress of harmful gases;

(h) boiler or oil treater shall be thoroughly inspected by competent personnel at intervals of 12 calendar months and fire tubes replaced when at the minimum thickness;

(i) non-destructive test, including Ultrasonic Thickness Measurement (UTM) survey or radiographic or any other acceptable inspection techniques shall be carried out on the boiler tube during an inspection under paragraph (h) and to comply with applicable industry codes and any other internationally accepted standards;

(j) pressure tests shall be carried out at intervals of not more than 24 months in accordance with the manufacturer's recommended designed test pressure limits;

(k)the results of every inspection or survey, test and maintenance carried out pursuant to these Regulations shall be systematically documented, maintained and made available to the Authority on demand;

(l) installation of electrical equipment at all midstream and downstream petroleum operations shall comply with the applicable code of international practice;

(m) electrical apparatus in use in all midstream and downstream petroleum operations shall comply with the national and internationally recognised specifications and

codes of practices for intrinsically safe equipment that is, safe flame or explosion proof apparatus;

(o) cable gland and bolted cable coupler shall be constructed and installed in conformity with relevant recognised international standards for flame or explosion proof fitting of the type;

(p) wiring activities in the midstream and downstream petroleum industry shall be —

(i) in a manner which protects from abrasion, being trampled on or burnt by hot piping,

(ii) insulated to resist weather, chemical and handling to avoid short circuits, and

(iii) inspected frequently, as required in compliance with the national, international codes or similar Institute of Electrical Engineers Codes and good oil field practices;

(q) apparatus, cable, fitting and any other electrical material shall be installed and maintained to ensure that the flame proof or explosion proof characteristics are not invalidated;

(r) apparatus used for communication purpose within a dangerous area, shall be certified intrinsically safe in conformity with acceptable and recognised standards;

(s) control device shall conform to industry best practice, with respect to design, installation and maintenance, and safety guards shall be incorporated as applicable, to avoid accidents;

(t) pressure gauge used within hydrocarbon handling installations shall be —

(i) inspected and calibrated for accuracy at intervals not exceeding 12 months,

(ii) tagged with relevant maintenance details;

(u) pressure vessel and its fittings in operation shall be regularly examined in accordance with the manufacturer's recommendations and where no recommendations exist, then inspection shall be carried out in accordance with best practice;

(v) records of every inspection carried out under these Regulations shall be maintained and made available to the Authority on demand;

(w) oil heater and its' internal and external parts or fittings shall be inspected at intervals of not more than 12 months and the fire tubes replaced when they are at the minimum thickness;

(x) compressed air system or receiver shall be —

(i) drained of liquid every day and the liquid appropriately disposed of, and

(ii) tested to the recommended pressure hydraulically or other methods approved by the Authority when the internal surface of the receiver cannot be inspected, and in any other case, at least once in every 36 months;

(y) gas separator and scrubber shall be tested to the recommended test pressure in accordance with applicable industry codes but at intervals not more than five years;

(z) vessel that has been in service for more than 20 years, shall be —

(i) assessed to establish remaining life,

(ii) inspected at intervals of not more than 18 months, and

(iii) tested hydraulically to the recommended test pressure during the inspection;

(aa) relief valve and process safety valve shall be inspected at least once every 18 months or at such shorter intervals as shall be necessary to maintain them in satisfactory condition to ensure that it —

(i) operates effectively whenever the maximum allowable working pressure is applied, and

(ii) passes the full design quantity at those settings;

(bb) safety valves shall be stamped or tagged at its popping-pressures, and where appropriate, bursting discs of equivalent rating may be used in lieu of safety valve;

(cc) pressure vessel shall be tested with a calibrated pressure gauge which shall be —

(i) graduated in pounds per square inch or the metric equivalent, and

(ii) checked for accuracy at intervals not more than 12 months;

(ee) calibration of pressure relief valves, process safety valves, pressure gauges and other process safety equipment shall be certified by accredited persons;

(ff) new, repaired, or modified pipework shall be tested in accordance with the American Society of Mechanical Engineers (ASME) working standards or recognised equivalent standards to 1.25 times the maximum allowable working pressure before being put into service;

(gg) pressure vessel, equipment and associated piping used in midstream and downstream petroleum operations shall meet internationally recognised standards for monitoring and controlling corrosion, with respect to the design, construction, routine inspection, testing and maintenance;

(hh) the following measures shall, in addition to the respective manufacturer's recommended procedures, be taken in relation to every pressure vessel, equipment and associated piping used in midstream and downstream petroleum operations, that is —

(i) non-destructive testing, including UTM, shall be carried out at intervals not less than once in three years to check the rate of both internal and external corrosion and erosion,

(ii) when corrosion coupons are used for monitoring the corrosion rate in a pressure vessel, equipment or piping, the results obtained at any given time shall be recorded and made available to the Authority on demand,

(iii) when cathodic protection system is chosen for the control of vessel internal corrosion, an appropriate design of the system shall be made to meet internationally recognised standards;

(ii) result of the inspection, test and survey carried out under these Regulations shall be made available to the Authority on demand;

(jj)permanently placed bulk storage tank containing petroleum liquids shall —

(i) be installed within a bund wall capable of containing the contents of the largest tank plus ten percent of the volume of the remaining tanks within the enclosure,

(ii) be fitted with access ways sufficiently large to allow easy access, and vents capable of relieving any excess pressure or vacuum, (iii) have access to its roof by means of a ladder or staircase of approved standards, (iv) make provisions for containing any leakage to prevent contamination of the environment by the product or content of the tank, (v) be provided with efficient electrical earth connections, having an electrical resistance value not exceeding five ohms when measured by an earth resistance tester of the Megger or similar type and shall be inspected at intervals of not more than 12 months, (vi) be provided with adequate and dedicated fire detection and suppression system, (vii) be provided with adequate lightning protective device of the "Envelope Protection Type" that prevents any direct strike and the development of primary and secondary charges, or (viii) be provided with device equipped with multi-point ionisers, or with any other device of similar protection effectiveness as recommended by any other relevant international bodies and approved by the Authority, and (ix) floating roof tank shall be equipped with adequate wind girders. (kk) pre-mobilisation and pre-shipment safety inspection of operational facilities shall be conducted by the Authority prior to deployment or operation in the midstream and downstream petroleum industry.	
13. A manager shall ensure that — (a) personnel or contractors do not enter into a confined or semi-confined space or storage tank for hydrocarbon, industry chemicals or products for inspection or maintenance, unless the — (i) confined or semi-confined space or the storage tank is certified safe, continuously ventilated and tested to safe levels of hydrocarbon and harmful gases or chemicals,	Confined space and tank integrity management

(ii) person has undergone appropriate training and risk assessment for that purpose,

(iii) person enters with adequate and proper PPE including breathing apparatus, and

(iv) lifeline is attached to the personnel or contractor and held by another person standing outside at a safe distance and in a position to observe if the person is asphyxiated;

(b) during storage tank cleaning operations —

(i) manned entry is completely prohibited,

(ii)appropriate and acceptable automated or mechanical technologies approved by the Authority are employed, and

(ii) if the gas concentration in a storage tank exceeds 5% of LEL, the tools used shall not be capable of causing sparks, and all equipment used shall be certified Flameproof Group II, in conformity with recognised international standards;

(c) hydrocarbon storage tanks shall be opened for internal inspection at intervals of not more than 60 calendar months;

(d) during an inspection —

(i) the tank is subjected to thorough visual and non-destructive tests,

(ii) any defect affecting the integrity and operability of the tanks observed are rectified, and

(iii) UTM of tank shells are carried out and records made available to the Authority on demand;

(e) a person does not enter a sump which has contained hydrocarbon or industry chemicals and products unless there is attached to the person, a lifeline held by another person standing —

(i) at the top of the sump at a safe distance, and

(ii) in a position to observe if the person is asphyxiated

(f) a person holding a lifeline referred to in sub-regulation (a) and (e) of this regulation are adequately trained for that purpose and —

(i) if an accident occurs, call for help, and (ii) be equipped to render such assistance as is practicable without entering the tank or sump until help arrives; (g) tank bottom plate shall be inspected by competent personnel using methods or technologies that are safe and effective as may be determined by the manager and approved by the Authority; (h) the bottom plate of every tank shall be effectively equipped with cathodic protection device which shall be designed to meet internationally recognised standards.	
14. A manager shall ensure that — (a) processes for the effective monitoring of cathodic protection systems are regularly reviewed and updated in accordance with the standards designed for the system; (b) the internals of tanks shall be coated appropriately to meet NACE standards and other recognised requirements approved by the Authority; (c) floor plate coating shall be 100% inspected using appropriate equipment. (d) all hydrocarbon storage tanks shall be sited at a safe distance from any dangerous area in a direction downwind from the prevailing wind; (e) all crane and hoist shall be operated by a trained person who shall always ensure that the crane or hoist is never used to lift loads exceeding the maximum crane capacity or safe working limit; (f) all chains, ropes, lifting tackle, hook and brake system of the crane or hoist shall be inspected and maintained as recommended by its manufacturer; (g) general preventive maintenance shall be carried out on every crane and hoist as recommended by the manufacturer or at intervals of not more than 12 months; (h) periodic maintenance records shall be kept and made available on demand by the Authority; (i) pipeline used in an operation shall be designed, constructed and maintained in accordance with the relevant provisions of the ANSI, ASME, DNV, NACE , other applicable national and international standards and best practice in the manner prescribed by the Authority;	Maintenance of storage facilities, pipelines and lifting operations

(j) a pipeline shall not be put into operation unless an approval for its commissioning has been obtained from the Authority;

(k) the right of way of every pipeline shall be free of overgrowth of vegetation to allow for free access to carry out operational tests, any other maintenance work and for prompt detection of leakages;

(l) pipelines conveying hydrocarbons shall be designed with pigging facility to allow pigging operation. Intelligent pigging shall be conducted at intervals not more than five years.

(m) an initial data gathering shall be obtained from any newly commissioned pipeline, and this shall form the basis for the integrity of the facility;

(n) pipeline pressure testing shall be carried out at intervals of not more than five years at pressure of at least 125% of the maximum operating pressure;

(o) a pipeline running on the surface shall be externally coated to meet the relevant provision of the NACE or equivalent standards to prevent atmospheric corrosion attack;

(p) pipeline shall be suitably coated before burial and cathodic protection provided —

(i) within 12 months, in the case of dry land, and

(ii) within six months, in the case of swamp land, and

the cathodic protection system shall be designed and constructed to meet the NACE standards or other internationally recognised equipment standards;

(q) cathodic protection potential survey shall be carried out on all buried pipelines at intervals of not more than 24 months to ensure that every section of the protected line attains a negative potential of at least 850mV with reference to copper or copper sulphate reference electrode;

(r) the result obtained during a survey carried out under sub-regulation (q) of this regulation shall be recorded and made readily available on demand, and the Authority may appoint officials to witness any periodic survey carried out under paragraph (q);

(s) all other applicable safety provisions for the design, construction, commissioning, operation and maintenance of pipelines shall be as stipulated in the current editions of the guidelines issued by the Authority.

15. A manager shall ensure that — (a) there are adequate spares for critical safety equipment, and that such spares are made available and ready for use when required; (b) develop and continually update a comprehensive Management of Change (MOC) Procedure for facilities and operations under its management; (c) Standard Operating Procedures (SOP) shall be developed for each major or safety critical equipment. (d) deviations shall not be made from Standard Operating Procedures, equipment or process configuration and no change shall be made to the facility that may introduce risk, unless such deviation or change is risk assessed, subjected to MOC Procedures and approved in writing by the manager; (e) all deviations and changes shall be documented, systematically recorded and made available to the Authority on demand.	Spares, standard operating procedure and management of change
16. A manager shall ensure that — (a) proper hazardous area classification is carried out; (b) there are restricted areas in which open light, fire and smoking are prohibited; (c) adequate number of approved firefighting equipment are provided; (d) adequate means designed to extinguish fires which may occur in midstream and downstream petroleum operations shall be provided and kept in readiness for immediate use; (e) the firefighting equipment shall be inspected – (i) visually at least once a month. (ii) twice a year by a competent person, (iii) and always maintained in serviceable condition in accordance with the manufacturer's recommendations.	Fire precaution and firefighting equipment etc.

(f) the date of the last inspection of a firefighting equipment shall be tagged or painted on the appliance and the result of the inspection entered in a logbook kept on site for that purpose; (g) personnel shall be — (i) trained on the use of firefighting equipment with clear and concise instructions prominently displayed on the location, and (ii) given refresher courses in a maximum period of four years to reinforce and update their abilities to use the firefighting appliances; (h) a "No Smoking" sign is prominently posted at strategic points in a restricted area; (i) when a pipeline runs in an open trench, a fire stop shall be provided at such intervals as may be specified in the relevant guidelines, except that the distance between any two fire stops shall not exceed 90 metres; (j) a fire clearance zone of a minimum of three metres shall be maintained around the perimeter fence of any petroleum operations; (k) a company which maintains a firefighting unit or service shall while responding to or engaged in or returning from a firefighting operation, have the right of access, right of way and security of its fire equipment as granted to the Federal Fire Service under the Fire Service Act.	
17. Notwithstanding the provisions of these Regulations, a manager may apply for the implementation of a RBI program for a petroleum operation, and such application shall be in manner prescribed by the Authority.	Risk based inspection
18. A manager shall be responsible for the safety of personnel and contractors and shall ensure that adequate safety and risk awareness trainings and certifications are given to personnel and contractors prior to their deployment at onshore or offshore locations.	Minimum training
19. A Manager shall establish a system to ensure that personnel report all incidents without any repercussion to the person making the report, unless there is wilful misconduct, negligence, or criminal intent on the part of the person making the report.	Incident reporting
20. A Manager shall — (a) within 24 hours of occurrence, notify the Authority of an accident that occurs in connection with midstream and downstream petroleum operations involving — (i) death of a person,	Reporting of accident and reporting format

(ii) fire or explosion, and (iii) accident resulting in serious injury; (b) ensure that the report of such incident conforms with the current incident reporting format and guidelines as approved by the Authority.	
21. For the safe conduct of offshore operations, a manager shall ensure that — (a) all operational facilities such as but not limited to platforms and vessels are well equipped and adequate for the environment of operation; (b) there is a good oil spill response plan and equipment approved by the Authority; (c) competent and well-equipped diving standby set-up is available when diving operations are in progress or are likely to be required; (d) there are personnel floatation devices for each person at the location; (e) a platform or vessel evacuation plan is in place and understood by all personnel at the location; (f) all personnel working in swamp and offshore locations are fully accounted for with an accountability system prescribed by the Authority; (g) personnel comply with the current guidelines and procedure for travel to offshore or swamp location; (h) on arrival at the location, personnel shall receive instruction on proper use of life-saving equipment and safety procedures including evacuation mode; and (i) other things and materials necessary for safe operation are made available. (j) a management system manual is made available for every offshore operation which specifies the – (i) share of responsibilities between marine crew and processing crew; (ii) lines of command in an emergency; (iii) share of responsibilities between offshore organisations and onshore base organisations; (iv) inter-field responsibilities and communications	Offshore operations

(v) scheme for risk analysis, system for implementation and follow up of results; (vi) helicopter abandonment procedures in the event of a ditch or capsize, including ditch preparation, stable flotation abandonment and capsize abandonment procedures; (vii) personnel documentation procedures at the shore base; and (viii) arrangements for protecting persons on the installations from hazards of explosion, fire, heat, smoke, toxic gas and fumes during a period of emergency.	
22. A manager shall ensure that — (a) all journey and travel shall be undertaken using an approved journey management plan that caters for contingencies; (b) all journey management plan (JMP) shall be reviewed and approved by the Authority; (b) embarkation to offshore or swamp facilities shall be through embarkation points recognised and approved by the Authority; (c) passengers travelling to midstream and downstream oil and gas locations shall, before the commencement of any air, land or marine travel, be briefed by ground crew and appropriate personnel on safety and emergency measures; (d) passengers shall await the aircraft, vehicle or boat at designated locations; (e) pilots comply with Nigerian air safety requirements to — (i) undertake biennial reviews to certify flight performance ability, (ii) successfully complete water survival courses, (iii) undertake refresher courses, and (iv) undertake such other requirements as may be imposed for pilots.	Journey management
23. A manager shall ensure the handling and disposal of all waste generated from midstream and downstream petroleum operations are managed in the manner prescribed by the Authority.	Waste management

24. A manager shall provide appropriate equipment and systems for immediate detection and effective control of greenhouse gases, or other harmful and combustible gases.	Gas detection
25. A manager shall, subject to the approval of the Authority, ensure to conform with industry best practices where no specific provision is made in these Regulations.	Industry best practices
26. A manager shall ensure that — (a) marine vessels, rail wagons and bulk road vehicles used for the storage and transportation of petroleum and its derivatives are certified fit for purpose and approved by the Authority; (b) the vessels, wagons and vehicles are adequately inspected and maintained in accordance with the requirements of the Authority and other relevant local and international codes and standards; (c) records and results from the inspections are kept and made available to the Authority on demand; (d) the last and next inspection dates are clearly marked and made visible on all vessels that store and handle petroleum liquids; and (e) standard operating procedures are developed and maintained for storage, loading, transportation and offloading operations for all classes of petroleum and its derivatives including proper earthing in the manner prescribed by the Authority.	Petroleum haulage operations
27. A manager shall ensure that — (a) radioactive sources planned to be used in a midstream and downstream petroleum operation shall be registered with the Authority; (b) necessary information as may be required by the Authority in respect of the radioactive source is provided; (c) a competent person appointed under these Regulations, takes all practicable measures to prevent exposure of personnel to radioactive materials; (d) appropriate training shall be given to personnel on the nature of radiological hazards and the precautions to be observed for all radioactive materials in use in the operations they are engaged in; (e) disposal or accumulation of radioactive wastes is not made except in accordance with national and international guidelines and best practices;	Handling of radioactive materials

(f) compliance with national and international guidelines prescribed by the Authority for handling, shipping, transportation, storage and use of radioactive sources; (g) radioactive sources of minimum strength for the required task are used; (h) special shielded containers are used to store and transport radioactive sources; (i) the transport index of each radioactive source is conspicuously displayed or tagged on the container; (j) personal dosimeters are issued to and worn by radiation personnel and be evaluated on monthly basis; (k) recommended dose levels by national and international agencies on radiation protection are complied with but in general, the annual dose level in the case of — (i) average exposure of radiological personnel over a five-year period shall not exceed 20mSv per annum, and annual exposure shall not exceed 50mSv. (25uSv per hour for 2000-hour exposure per year), and (ii) non-radiological personnel (the public) shall not exceed 100mr (1mSv) per year; (l) where a tool containing a radioactive source is missing it shall be promptly reported to the Authority with details.	
28. A manager shall ensure — (a) safety signs are prominently displayed to provide awareness, caution and direction, such as areas of “No Smoking”, "high noise", "exit", and "muster point"; (b) relevant information of emergency contact and numbers are displayed; and (c) appropriate hazard communication channels are developed, such as use of posters, bulletins, slogans and jingles.	signages
29. A manager shall ensure that the use of internal combustion engines in an area classified as highly flammable is prohibited unless adequate precautionary measures have been taken to prevent fire or explosion.	Restriction of use of internal combustion engine
30. A manager shall ensure that a management system manual is made available for every offshore operation which specifies the —	Offshore operations

(a) share of responsibilities between marine crew and processing crew ; (b) lines of command in an emergency ; (c) share of responsibilities between offshore organisation and onshore base organisation ; (d) inter-field responsibilities and communications (e) scheme for risk analysis, system for implementation and follow up of results ; (f) helicopter abandonment procedures in the event of a ditch or capsize, including ditch preparation, stable flotation abandonment and capsize abandonment procedures ; (g) personnel documentation procedures at the shore base ; and (h) arrangements for protecting persons on the installations from hazards of explosion, fire, heat, smoke, toxic gas and fumes during a period of emergency.	
31. A manager shall ensure that safe access is — (a) provided on all midstream and downstream petroleum operations, with non-slip walkways and handrails leading over complex pipe systems, drains in the area of general access which shall be covered and other obstructions; and (b) kept free of obstructions.	Safe access
32. A manager shall ensure that — (a) midstream and downstream petroleum operations have restricted areas and their boundaries clearly defined and secured; (b) a person would not be admitted into a restricted area unless authorised to do so by a competent person; (c) a notice be prominently displayed at the entrance of a restricted area giving details of the nature of the restrictions; and (d) effective measures are put in place to prevent and detect unauthorised access to the restricted areas.	Restricted area
33. A copy of the safety provisions in these Regulations shall be prominently displayed at all times at every location, facility or installation undertaking midstream and downstream petroleum operations.	Display of regulations
PART IV — DUTIES OF PERSONNEL	

34. A competent person appointed under these Regulations shall ensure that the provisions of this Part of these Regulations are fully complied with.	Competent person to ensure compliance with Regulations
35. A person under the age of 18 years shall not be engaged to work in a dangerous area.	Exclusion of children
36. A person shall not accumulate or permit the accumulation of flammable or combustible materials at any bulk storage facility, processing plant, waste recycling plant, transportation or distribution infrastructure or any other installation handling petroleum and its derivatives without the approval of the Authority.	Prohibition of accumulation of flammable materials
37. (1) A person working in a facility where midstream and downstream petroleum operations are conducted, shall wear PPE that provides adequate protection against credible hazards and is in line with industry best practice. (2) A person working at a fixed workstation or other high-rise installation or at a height above six feet shall wear appropriate fall protection devices. (3) Tools, machine parts or other loose material of any kind shall not be kept on the elevated platform of an installation, unless it is required for immediate use, in which case adequate precaution shall be taken to prevent injury to any person below.	Use of PPE, housekeeping
38. (1) A person shall not remove or render ineffective any safeguard while the machinery relating to it, is in operation. (2) Where it is necessary to make an adjustment or a repair to a machinery, the machinery shall be shut down and not operated until the safeguard is replaced. (3) Log Out Tag Out (LOTO) system or an alternative effective protection system consistent with industry best practice shall be applied to prevent unsafe inspection or maintenance of machinery.	Machinery safeguards
39. (1) A person, other than a duly qualified person, shall not open or restore a flame proof or an explosion proof equipment. (2) An adjustment to or a repair of any apparatus within the flame proof or explosion proof equipment shall not be carried out until all the live parts within it have been made dead and efficiently earthed. (3) On completion of any necessary adjustment or repairs of the equipment, the person shall ensure it is restored such that the flame proof or explosion-proof characteristics have not been impaired by the opening and closing of the equipment.	Electrical apparatus

40. (1) A person shall not repair, adjust or maintain a signalling equipment unless duly qualified. (2) A qualified person upon completion of any repair, adjustment or maintenance, shall ensure the intrinsic safety qualities of the electrical circuit have not in any way been impaired.	Signalling equipment
41. A person at a midstream and downstream petroleum facility or location shall not — (a) during the period on duty — (i) sleep, or (ii) consume alcoholic substances or hard drugs; (b) be on duty while under the influence of alcoholic substances, narcotics or hard drugs; or (c) be on duty without declaration of prescription medication being used, if any.	Sleeping, drinking on duty
42. A person who is at any restricted area shall not — (a) smoke; (b) be in possession of prohibited items such as firearms, explosives, knives, or any other item the manager proscribes; (c) use any naked light; (d) make any fire, except in such places as may be set aside and notified by the manager for that purpose as being safe, for the prevention of fire outbreaks; or (e) use any communication or digital device that is not certified as intrinsically safe.	Prohibition of smoking in restricted areas
43. (1) A competent person shall be responsible for the observance of all safety measures at any facility or location where work is in progress and in particular, shall ensure that work does not — (a) start before essential safety measures are in place, or (b) continue if safety can no longer be assured. (2) A person who notices an unusual escape of — (a) petroleum liquids or gas from a pipeline or an installation, or (b) anything unsafe or likely to cause damage,	Other safety measures

shall immediately inform the manager or competent person of the escape.	
PART V— DIVING OPERATIONS: RESPONSIBILITIES AND REQUIREMENTS	
44. A manager shall — (a) safely handle all diving operations and related activities, to ensure that the activities are carried out in accordance with all relevant local legislation, codes, standards and other international safe diving practices; (b) ensure that — (i) there is in writing, clear and concise responsibilities, guidelines and directives for all personnel supervising or engaged in diving operation, (ii) diving procedure manuals, emergency and contingency guidelines are kept on site and readily available to an inspector of the Authority on demand, (iii) a diving contractor who is retained on a long-term basis, is evaluated every six months, to ensure that performance is in line with approved standards, (iv) the equipment deployed to the operations remain in perfect conditions, (v) where a diving operation is to be carried out in the dark, equipment for adequate illumination shall be provided, except where the nature of the diving operation renders the illumination undesirable, (vi) each gas cylinder used in a diving operation shall be clearly marked with the name and the chemical formula of its content, and its expiration date, (vii) prior to a diving operation, a diver obtains a valid certificate of medical fitness to dive issued by an approved or a certified doctor who has been trained in hyperbaric and diving medicine, (viii) the facility and equipment for diving operations shall be regularly examined, tested and maintained to ensure it can safely be used, and (ix) examination of facility and equipment for diving operations shall be carried out by a competent person within six hours of a diving operation.	Diving operations

(c) require a diving contractor to supply breathing mixture of suitable content and temperature, and of adequate pressure and rate to sustain prolonged vigorous physical exertion at ambient pressure for the duration of any diving operation. (d) comply with the Authority's guidelines and requirements for diving operations.	
45. (1) A person who is responsible for, has control over, or is engaged in any aspect of a diving operation shall- **(a)** ensure that appropriate international diving regulations are complied with, (b) appoint a competent diving supervisor to be in immediate control of the diving operation on site, and notify the Authority within 24 hours; (c) issue guiding rules for regulating the conduct of all persons engaged in the diving operation; (d) provide diving operations logbook which is to be maintained and retained for at least two years after the date of the last entry; (e) ensure that all essential tools and facilities for safe operation are available and functional before the commencement of a diving operation; and (f) not permit the use of compressed natural air as the breathing mixture in any diving operation at a depth exceeding 50 metres. (2) A diving contractor shall ensure that — (a) emergency services are available especially in the case of a diving operation using saturation techniques or at a depth exceeding 50 metres, facilities for transferring the divers safely under suitable pressure and conditions to a place where treatment can be given safely under pressure; and (b) there are effective means of communication between the place at which the operation is being carried out or is to be carried out and the emergency services.	Diving contractors
46. A diving supervisor shall – **(a)** have the discretion of deciding whether conditions are safe enough to commence or continue a diving operation; and (b) designate a qualified person to take charge of the diving operation, where he decides to take part as a diver,	Diving supervisor
47. A person shall not take part in a diving operation as a diver unless he has —	Divers

(a) undertaken formal training to ensure that he is competent to use the plant equipment provided for the operation, and (b) a valid certificate of medical fitness to dive issued by a doctor in Nigeria who has trained in hyperbaric and diving medicine, and who is accredited by the Authority.	
48. (1) Where a diving bell is being used, there shall be for every diving operation a standby diver who shall — (a) descend in the bell to the depth from which work is to be carried out and remain in the bell to monitor the diver or divers who leave it, and (b) be in immediate readiness to render assistance to them in an emergency, (c) in all other cases, be in immediate readiness to dive: Provided that where there are two divers in the water at the same time who are near enough to be able to communicate with and to render assistance to each other in an emergency, each one of them may be regarded as the stand-by diver for the other. (2) An extra diver shall be on the surface to render assistance where there is — (a) a special hazard and, in particular, where a diver is likely to be endangered by strong current; or (b) risk of a diver being trapped, or his equipment entangled.	Stand-by divers
PART VI — ENVIRONMENTAL MANAGEMENT SYSTEM	
49. A licensee or permit holder shall establish an Environmental Management System (EMS) for its petroleum operations, which shall conform to guidelines issued by the Authority.	Establishment Of Environmental Management System
50. A licensee or permit holder shall conduct regular Environmental Management Reviews (EMR) and verifications to evaluate the status and adequacy of its EMS in relation to environmental issues, regulations and changing circumstances.	Environmental Management Reviews
51. A licensee or permit holder shall conduct periodic environmental audits to facilitate management control of environmental practices and to assess compliance with the EMS and regulatory requirements.	Periodic environmental audits
52. A licensee or permit holder shall evaluate and report performance of the management of its environmental aspects in the format set out in guidelines issued by the Authority.	Evaluation and Reporting of Environmental

	Management performance
PART VII — ENVIRONMENTAL STUDIES AND ASSESSMENT	
54. A licensee or permit holder shall conduct an environmental study to evaluate the impact of activities or operations — (a) prior to the implementation of a new project; (b) while operating an existing facility; (c) after the occurrence of an incident such as a spill; and (d) for special activities in midstream and downstream petroleum operations as directed by the Authority.	Environmental study
55. (1) A person, licensee or permit holder shall in the manner prescribed by the Authority, conduct — (a) Project Concept Screening (PCS) (b) Preliminary Environmental Risk Assessment (PERA) (c)Mandatory Environmental Site Assessment (MESA) (d) Environmental Evaluation Study (EES) (e) A Post Impact Assessment (PIA) study (2) The Authority may, in response to new and emerging environmental challenges in the midstream and downstream petroleum industry, direct that a licensee or permit holder conduct a special study.	Studies to be conducted by the licensee or permit holder
56. An environmental study or assessment other than a Mandatory Environmental Site Assessment shall be conducted by an accredited person in the manner prescribed by the Authority.	Studies or assessments to be prepared by accredited persons.
57. **(1)** A licensee or permit holder shall obtain an approval from the Authority for these environmental studies or assessments where required for midstream and downstream petroleum projects or operations – (a) Mandatory Environmental Site Assessment (MESA) (b) Project Concept Screening (PCS) (c)Preliminary Environmental Risk Assessment (PERA); (d)EMP for projects which require Environmental Impact Assessment (EIA);	Mandatory approvals for environmental studies or assessment

(e) Environmental Evaluation Studies. (EES); (f) Post Impact Assessment (PIA) studies; or (g)Special Studies. (2) A person shall not establish a retail outlet with a combined storage capacity below 270,000 litres for refined liquid products and less than or equal to 25MT for gas without a MESA approval issued by the Authority. (3) Where the outcome of the MESA shows the need for further assessment, then the following assessments shall apply - (i)Preliminary Environmental Risk Assessment (PERA) prior to issuance of LTC; and/or (ii) EMP for projects which require Environmental Impact Assessment (EIA) studies or projects referred to environmental impact assessment as a result of mediation or a review panel under the applicable laws. (4) A person undertaking a midstream or downstream project including retail outlets with a combined storage capacity equal to greater than 270,000 litres for refined liquid products, and greater than 25MT for gas shall conduct - (a) Project Concept Screening (PCS); (b) Preliminary Environmental Risk Assessment (PERA); and/or (c) EMP for projects which require Environmental Impact Assessment (EIA) studies or projects referred to environmental impact assessment as a result of mediation or a review panel under the applicable laws.	
PART VIII — ENVIRONMENTAL MANAGEMENT PLAN	
58. (1) A licensee or permit holder shall submit to the Authority for approval an EMP for these activities — (a) onshore and offshore petroleum liquids and gas transportation pipelines and systems in cumulative excess of 20 KM length or as determined by the Authority; (b) petroleum liquids and gas separation, processing, liquefaction, compression, handling and storage facilities, such as Gas to Liquid (GTL), Floating Storage and Offloading (FSO) vessels; (c) refineries, petrochemicals plants, lube blending plants, gas-based fertiliser plants, gas and petroleum liquids bulk storage facilities; (d) product depots for the storage and sale of petroleum liquids, gas, and base oils.	Environmental Management Plan (EMP)

(e) retail outlets of combined storage capacity equal to or greater than 270,000 litres for refined liquid products and greater than 25 metric tons for gas products; (f) petroleum waste management facilities for the collection, treatment or disposal of wastes generated from the midstream and downstream petroleum sector; and (g) any other midstream or downstream petroleum operation which, in the opinion of the Authority, requires an EMP. (2) A licensee or permit holder shall submit an EMP under sub-regulation (1) of this regulation, within six months from the date of the grant of the applicable licence or permit.	
59. An EMP submitted by a licensee or permit holder shall be prepared by a person or company accredited by the Authority in accordance with guidelines issued by the Authority.	EMP to be prepared by accredited persons.
60. The EMP shall be accompanied with— (a) a summary of the EIA report from which the plan was derived; and (b) a report on public consultations between the licensee or permit holder and stakeholders, on the EIA of the project from which the EMP relates, and the report shall provide and state the — (i) evidence of public consultation such as list of attendees and newspaper publications, (ii) venue of the consultation where applicable, (iii) level of stakeholder engagement, (iv) mode of consultation, (v) period and method of notice given, (vi) information on environmental impacts and risks disclosed at the consultation, (vii) comments received from stakeholders during consultation and consideration given to the comments, and (viii) any other information or document required by the Authority for the review of the EMP. (c) any other information or document required by the Authority for the review of the EMP	Submission of an EMP
61. (1) The Authority shall approve an EMP or a re-submitted EMP in the case of — (a) an initial submission, within 90 days from date of such submission, and	Approval of EMP

(b) a resubmission, within 30 days from the date of such resubmission, or 90 days from the initial submission, whichever is later. (2) An EMP or re-submitted EMP shall be deemed approved where the Authority fails to communicate its approval or rejection within the time prescribed in sub-regulation (1). (3) The Authority may, prior to the approval or rejection of an EMP, in writing, require a licensee or permit holder to modify or re-submit the EMP in order to meet any or all the criteria in these Regulations within a reasonable time. Provided that the time given pursuant to this sub-regulation shall not extend the maximum time provided in these Regulations within which an EMP may be approved or rejected. (4) A licensee or permit holder whose EMP has been rejected may resubmit a modified EMP for consideration and approval. (5) The Authority may approve the EMP subject to the licensee or permit holder's financial contribution to the Environmental Remediation Fund. (6) An approved EMP shall form the environmental basis for project implementation.	
62. (1) A licensee or permit holder with an approved EMP shall apply to the Authority for approval to revise the EMP stating the grounds for the change, or proposed change of circumstances in its petroleum operations. (2) An application for revision under sub-regulation (1) shall be made — (a) prior to the commencement of — (i) any new petroleum operations or activities, or (ii) any significant modification, change, or new stage of existing petroleum operations, that is not provided for in the EMP; or (b) following the occurrence of — (i) any significant new environmental impact, or (ii) any significant increase in an existing environmental impact, that is not provided for in the EMP for the petroleum operations or activities; or (c) upon the occurrence of a series of new environmental impacts, or a series of increases in existing environmental impacts, which, taken together, amount to the occurrence of a significant — (i) new environmental impact, or	Revision of an approved EMP

(ii) increase in an existing environmental impact, that is not provided for in the EMP for the petroleum operations.	
PART IX — MIDSTREAM AND DOWNSTREAM PETROLEUM WASTE MANAGEMENT	
63. (1) A licensee or permit holder shall, in addition to the EMP, submit a Waste Management Plan for the management of waste emanating from its petroleum operations to the Authority for approval. (2) A licensee or permit holder shall be responsible for the management of waste emanating from its petroleum operations from "cradle to grave" in accordance with the Waste Management Plan of the project, activity or operation, as approved by the Authority. (3) A licensee or permit holder shall notify the Authority in writing within one month of the generation of any new hazardous waste not captured in the approved Waste Management Plan for its operation and the Authority shall give directions on the management of the hazardous waste. (4) Wastes generated from midstream and downstream petroleum projects or operations shall be transported in fit-for-purpose containers or vessels, approved by the Authority. (5) Hazardous wastes generated from midstream and downstream petroleum projects or operations shall not be discharged or disposed after treatment into the environment without the approval of the Authority.	Waste Management Plan
64. A licensee or permit holder shall utilise the services of only NMDPRA accredited waste managers for the management of wastes generated from their activities/operations.	Utilisation of the services of NMDPRA Accredited Waste Managers
65. All licensees and permit holders shall on an annual basis (at the end of the calendar year) submit an inventory of - i. all the categories of waste generated from its operations. ii. all impacted sites	Inventory of Waste and Impacted Sites
66. (1) The discharge of Produced Formation Water (PFW) from midstream petroleum facilities shall be in an Offshore Discharge Zone (ODZ) or into approved re-injection wells subject to the consent of the Authority. (2) The discharge of PFW from midstream petroleum facilities into a Zero Discharge Zone (ZDZ) is prohibited: Provided that the Authority may authorise the discharge of PFW in cases of emergency, safety, or threat to life and where the Authority authorises the discharge of PFW, it shall be in accordance with the options approved by the Authority.	Produced Formation Water (PFW) management.
67. (1) A licensee or permit holder shall ensure all new and existing industrial effluent and emission point sources at its facility shall be registered with the Authority.	Point Source Registration

(2) The discharge of effluent and gaseous emission from midstream and downstream facilities into the environment shall not be undertaken without a valid permit from the Authority. (3) A licensee or permit holder shall conduct periodic Environmental Compliance Monitoring (ECM) exercises in line with guidelines issued by the Authority, for monitoring the performance of these registered point sources.	
PART X —GREENHOUSE GAS(GHG) MANAGEMENT	
68. (1)A licensee or permit holder shall ensure during the design, modification, installation or decommissioning of its facilities, the submission of a GHG Management Plan for approval towards the issuance of the applicable license or permit (2) For existing facilities, a licensee or permit holder shall develop and submit to the Authority, a strategy for the ~~s~~ management and control of GHG and other fugitive emissions, in order to achieve net-zero targets from its operations for approval on a date determined by the Authority. (3) A licensee or permit holder shall monitor Green House Gases (GHG) generated from its activities or operations, estimate the volumes, and report the information periodically, in accordance with the guidelines issued by the Authority.	Green House Gas (GHG) management
69. (1) A licensee or permit holder shall conduct monitoring and control of methane and other GHG emissions from new and existing facilities or projects in which the following activities are performed — (a) processing, transportation, distribution of hydrocarbons; and (b) storage of petroleum liquids and gas. (2) A licensee or permit holder shall take inventory of equipment and components identified as sources and possible sources of methane and other GHG emissions in new and existing facilities and implement Leak Detection and Repair (LDAR) and Monitoring Reporting and Verification (MRV) programmes.	Methane and other GHG emissions monitoring
PART XI — LABORATORY OPERATIONS	
70. The Authority shall accredit third-party and in-house laboratories rendering operational and consultancy services to the midstream and downstream petroleum industry.	Accreditation of laboratories
71. The Authority shall conduct regular analytical performance evaluations by means of reference samples, proficiency testing programmes and inter-laboratory tests on all laboratories in the midstream and downstream petroleum industry.	Performance evaluation of laboratories
PART XII — INDUSTRY CHEMICAL AND PRODUCT CERTIFICATION	
	Petroleum liquids or natural gas or its derivatives Quality Monitoring

72. (1) Importers of petroleum products shall submit to the Authority certificate of Quality (CoQ) issued by the source refinery of consignment to be imported prior to the importation for review and approval (2) Quality recertification should be conducted prior to discharge of any imported petroleum products. (3) For in-country refined petroleum products, the wholesale supply lisencee shall submit to the Authority the Certificate of Quality (CoQ) issued by the source refinery of consignment to be purchased for review and approval (4) Quality recertification of petroleum products deliver via coastal vessels shall be conducted prior to discharge	
73. The Authority shall evaluate industry chemicals and products intended for use in the midstream and downstream petroleum industry to ascertain the hazard and risk potentials as prescribed in guidelines issued by the Authority.	Certification of industry chemicals and products
74. (1) Prior to its use, industry chemicals or products shall be subjected to toxicity tests on standard aquatic organisms under Nigerian environmental conditions as prescribed in guidelines issued by the Authority. (2) Tests and investigations on midstream and downstream industry chemicals or products shall be conducted only by laboratory facilities approved by the Authority. (3) A licensee or permit holder shall obtain an approval for any industry chemical or product intended for deployment in midstream and downstream petroleum operations. (4) A licensee or permit holder shall seek the consent of the Authority prior to deployment of the industry chemical or product. (5) A licensee or permit holder shall submit to the Authority for approval of its industry chemicals or products management programme for all new and existing facilities in accordance with guidelines issued by the Authority. (6) A licensee, permit holder or chemical vendor shall periodically submit inventories of industry chemicals or products deployed in their operations in accordance with guidelines issued by the Authority. (7) Results of the tests and other production chemistry investigations on use of industry chemicals and products shall be submitted to the Authority for review and approval.	Toxicity tests of industry chemicals or products
PART XIII — EMERGENCY RESPONSE AND POLLUTION ABATEMENT	
75. (1) A licensee or permit holder shall submit its current Spill or Release Contingency Plan (SRCP) document to the Authority within the last quarter of each calendar year for review. (2) There shall be an annual drill exercise scheduled by the Authority for the activation of the SRCP of a licensee or permit holder.	Spill or Release Contingency Planning (SRCP)
76. A licensee or permit holder shall contain and recover any spill from an unknown source discovered within its operational area even while the joint investigation process is yet to be concluded.	Mystery spills

77. (1) A spill or release of refined and unrefined petroleum, natural gas, industry chemicals and products shall be reported to the Authority within 24 hours of the spill or release, in accordance with the Spill or Release Notification Reporting format and procedures as prescribed in the guidelines issued by the Authority. (2) A Joint Spill Investigation (JSI) team, comprising of the licensee or permit holder, the spiller where different from the licensee or permit holder, the community where applicable, the Authority and other relevant stakeholders, shall be convened by the licensee or permit holder of the affected facility, within 24 hours of the spill or release notification to conduct a Joint Investigation Visit (JIV). (3) A licensee or permit holder responsible for a spill or release shall be required to conduct a PIA study of any adversely impacted environment within a specific timeframe as prescribed in the guidelines issued by the Authority. (4) An approval by the Authority shall be required for any remediation and rehabilitation method to be used for clean-up and restoration of an impacted site.	Spill or release reporting, investigation, and clean-up.
78. (1) A licensee or permit holder shall notify the Authority of any occurrence or observation of a leak of refined and unrefined petroleum from UST and AST within 24 hours in line with guidelines issued by the Authority. (2) A Joint Spill Investigation (JSI) team, comprising of the licensee or permit holder, the spiller where different from the licensee or permit holder, the community where applicable, the Authority and other relevant stakeholders, shall be convened by the licensee or permit holder of the affected facility, within 24 hours of the spill or release notification to conduct a Joint Investigation Visit (JIV). (3) A licensee or permit holder responsible for the pollution of groundwater from its operations, shall be required to assess along with the Authority and community on site specific basis, the pollution, within one (1) month of the occurrence, in line with guidelines issued by the Authority. (4) An approval by the Authority shall be required for any remediation and rehabilitation method for the polluted area.	Groundwater Pollution from Leakages of Underground Storage Tanks(USTs) or Aboveground Storage Tanks (ASTs)
79. (1) A spiller shall be liable for the damage and cost incurred from a spill/leak clean-up or remediation by a licensee or permit holder who is not the spiller. (2) Where more than one spiller is responsible and liable, the liability shall be joint and several. (3) A licensee or permit holder shall keep a register of potentially polluted spill sites or past impacted spill/leakage sites and the site shall be cleaned-up or remediated in accordance with guidelines issued by the Authority. (4) A licensee or permit holder shall provide a geochemical characterisation or fingerprint of petroleum liquids, such as crude oil and condensate, being transported, processed, or stored at its facilities.	Liability and documentation of spills/leakages

80. (1) A licensee or permit holder shall obtain the approval of the Authority prior to commencement of any remediation project. (2) A licensee, permit holder or spiller liable for any spill, release, or leakages, shall be responsible for the clean-up and restoration of any impacted area to its original state. (3) Where the licensee or permit holder in sub-regulation (2) fails to rehabilitate, manage or is unable to undertake the rehabilitation or management of any impact on the environment arising from its operations, the procedure or criteria for incidence qualification as prescribed in the Midstream and Downstream Environmental Remediation Fund Regulations, shall be applied.	Remediation and restoration of impacted area
81. (1) Spill management and remediation chemicals or products intended for use within Nigeria and its territorial waters shall be subjected to tests and approval by the Authority prior to use or deployment. (2) Use of exogenous microbes in remediation of any spill impacted sites in the midstream and downstream industry is prohibited. (3) Use of spill chemicals on land, coastal and inland waters is prohibited. (4) The on-scene-commander shall obtain the approval of the Authority for the deployment of any spill chemical in offshore water spills.	Use of spill management and remediation chemicals or products
PART XIV —DECOMMISSIONING AND ABANDONMENT	
82. Midstream and downstream petroleum decommissioning and abandonment operations shall be conducted in accordance with a decommissioning and abandonment plan ("Plan") approved by the Authority in compliance with these Regulations and the Act.	Decommissioning and Abandonment Plan
83. The requirement for a Plan shall apply to midstream and downstream petroleum operations whether or not a plan was previously approved by any approving authority before the commencement of the Act.	Pre-existing Plan
84. A licensee of an existing midstream or downstream petroleum facility shall, within 120 days of the commencement of these Regulations, submit to the Authority a Plan made in accordance with these Regulations.	Duty to Submit a Plan by existing licensee
85. A person intending to construct a midstream or downstream petroleum facility shall, as part of its application, submit to the Authority a Plan in accordance with these Regulations.	Duty to submit a Plan by new licensee
86. A Plan shall state the annual amount to be contributed to the respective Fund set up by the licensee in respect of any midstream and downstream petroleum operations that these Regulations apply.	Annual contribution to the decommissioning and abandonment Fund

87. The annual contribution provided for in a Plan shall, subject to the approval or directives of the Authority, be reviewed every five years as required during the period of the licence or until the cessation of petroleum operations to which the Plan relates.	Timeline for review of annual contribution
88. A Plan shall contain a decommissioning and abandonment philosophy that reflects economic, social and environmental sustainability.	Decommissioning and abandonment philosophy
89. (1) The Authority shall approve a Plan in these Regulations which meets the requirements prescribed in these Regulations. (2) A Plan submitted which meets the requirements shall be deemed approved by the Authority upon the grant of a licence to construct the facility to which the Plan relates. (3) A Plan approved by the Authority shall, from the effective date of the grant of approval, govern any decommissioning and abandonment programme or activity relating to the petroleum operations to which the Plan relates.	Approval of a Plan
90. (1) A licensee may, prior to the commencement of the execution of the decommissioning and abandonment programme, propose and submit to the Authority an update to the approved Plan. (2) The Authority shall review and approve the proposed update where it meets the requirements provides in these Regulations.	Provision to update a Plan.
91. (1) A licensee shall prior to the implementation of the decommissioning and abandonment programme, obtain the approval of the Authority to decommission and abandon any midstream and downstream facility. (2) A licensee shall make an application to the Authority for the approval to decommission and abandon any midstream or downstream facility or infrastructure on land at least 24 months before the date of the programme. (3) An application made in this regulation shall be accompanied by a decommissioning and abandonment programme in a Form prescribed by the Authority which shall comprise of — (a) the location of the facility intended to be decommissioned and abandoned; or (b) the part of the facility intended to be decommissioned and abandoned, including a single installation or pipeline; (c) an executive summary, outlining the background to the decommissioning and abandonment proposals and highlighting the essential features of the proposed method of decommissioning and abandonment, the chosen decommissioning and abandonment options, key execution decisions, key risk management considerations and details on schedule; (d) background information, supported by diagrams, schematics and relevant photographs including —	Application for decommissioning and abandonment programme

(i) location and main infrastructure map of all land areas relevant to the programme,

(ii) the relative location, geographical information system, type, and status of any other adjacent facilities (such as high-tension power lines, pipelines, midstream installations and facilities) which would have to be taken into consideration,

(iii) information about any commercial activity in the area, and

(iv) any other background information relevant to consideration of the decommissioning and abandonment programme;

(e) description of items to be decommissioned and abandoned, inclusive of diagrams, covering —

(i) support structure for fixed installations at the time of removal (type, size, arrangement and weights),

(ii) land-based loading facilities relevant to the decommissioning and abandonment programme, and

(iii) any other installed items;

(f) removal and disposal methods stating —

(i) the removal and disposal option, describing the removal method and the disposal route, recognising any potential trans-frontier shipment of wastes, considering that installations and structure on land, except for buried transportation pipelines and gathering lines, shall be completely removed and the environment restored to its original condition,

(ii) an indication of how the principles of the waste hierarchy will be met as well as complying with waste regulations, the extent to which the installation or any part of it, including the topsides and the materials contained within it, will be re-used, recycled, or scrapped,

(iii) details of any cleaning or removal of waste materials, including cleaning methods, cleaning agents and disposal of residues,

(iv) a clear outline of how the disposal of any radioactive material, including Low Specific Activity (LSA), Naturally Occurring Radioactive Material (NORM), will be addressed,

(v) water level (clearance) above any remaining waste of concern, and

(vi) predicted degradation, movement, and stability of any remains;

(vii) any other information relevant to consideration of the decommissioning and abandonment programme;

(g) an environmental evaluation study report, supporting the chosen decommissioning and abandonment option;

(h) a comparative assessment of alternative decommissioning and abandonment options, or otherwise disposal options, which shall analyse the impacts of considered listed options against the following criteria —

(i) safety,

(ii) environmental,

(iii) technical, including risks of major project failure,

(iv) societal,

(v) economic, and

(vi) security,

based on qualitative and quantitative assessment and clearly indicating the rationale for the chosen decommissioning and abandonment option or otherwise disposal options;

(i) report of any required interested party consultations in compliance with this or any other regulation;

(j) letters of support from named partners where applicable, demonstrating their agreement with the proposed decommissioning and abandonment approach;

(k) estimate of the cost of the proposed measures, which shall include details of the category of expenditures (based on best estimate, global benchmark with similar project and the indication of any potential deviations in the estimate that may account for any difference in the final outcome at implementation);

(l) schedule, indicating details of the decommissioning and abandonment time scale for the proposed option, including a schedule showing the dates at which the various stages of the decommissioning and abandonment are expected to start and finish;

(m) details of the arrangements by which the licensee will keep the Authority informed of the progress of decommissioning and abandonment; and

(n) a description of the post-decommissioning and abandonment monitoring and maintenance phase, including steps to be taken to ensure maintenance and safety, where any installation, structure or pipeline remained disused and in position or are to be partly removed.

(4) In respect of the decommissioning and abandonment of any installations, structures, utilities, processing plants, pipelines, or other facilities or infrastructure relating to a licence for midstream petroleum operations offshore, the licensee shall make an application to the Authority for approval to decommission and abandon at 24 months prior to the proposed start date of the decommissioning and abandonment programme.

(5) An application under sub-regulation 4, shall be accompanied by a decommissioning and abandonment programme in a Form prescribed by the Authority in addition to the requirement for a decommissioning and abandonment philosophy which shall comprise of —

(a) description of items to be decommissioned and abandoned, inclusive of diagrams, covering —

(i) support structure for offshore fixed and floating installations at the time of removal (type, size, arrangement, and weights),

(ii) topsides for offshore fixed and floating installations (type, size, configuration, equipment, and weights),

(iii) for pipelines, flow lines and umbilicals – lengths, diameters, type of construction, the extent of burial, trenching and details of any concrete mattresses, frond mattresses, grout bags, rock-dump or other materials used to cover the lines,

(iv) details of any subsea facilities that form part of the pipelines, such as production line end manifold, umbilical termination assembly, riser anchor bases as it relates to midstream and downstream operations,

(v) information about the stability of the pipelines including details of any spanning or exposure (met-ocean data, survey data and history to support information given in this section should be included as an annex to the decommissioning and abandonment programme, live pipeline survey information may be relevant),

(vi) details of interaction between any part of the pipelines and other uses of the sea (in particular fishing activity, marine traffic, marker buoy positioning both historical and where relevant to estimate future activity), and

(b) where there is a related equipment that is not covered by the decommissioning and abandonment programme, details shall be provided for such equipment and explanation provided of why it is not part of the programme;

(c) proposals for identification and removal of seabed debris following decommissioning and abandonment works;

(d) for the removal and disposal methods, details of any materials and remains on the seabed after decommissioning and abandonment;

(e) proposals covering the post-decommissioning and abandonment phase — (i) seabed sampling surveys to monitor levels of hydrocarbons, heavy metals and other contaminants in sediments and biota, and (ii) inspection and maintenance where any installation, structure or pipeline remained disused and in position or are to be partly removed, and where any installation, structure or pipeline is partly removed, the licensee shall remain liable for any residual liability arising from the installation, structure or pipeline not removed and appropriately marked; (f) analysis indicating that the proposal complies with the standards prescribed by the international maritime organisation on offshore petroleum installations and structure.	
92. (1) The Authority shall approve an application for a decommissioning and abandonment programme within 120 days of submission provided that — (a) the programme is in accordance with the approved Plan; (b) the programme addresses considerations and recommendations raised by the Authority and the public consultations in the light of individual circumstances; (c) where applicable, the potential for reuse of a transportation pipeline together with other existing facility in connection with further hydrocarbon developments is considered before decommissioning and abandonment; (d) all feasible decommissioning and abandonment options have been considered and a satisfactory comparative assessment made; (e) any removal or partial removal of an installation, structure or transportation pipeline is performed in a manner that guarantees sustainable environmental development; (f) any recommendation to leave an installation, structure or gathering line in place is made with regard to its likely deterioration and to the present, possible and future effects on the environment and in the case of offshore installations and structure, consistent with the applicable international petroleum industry best practices; and (g) relevant environmental, technical, and commercial regulations or standards are complied with. (2) The Authority shall notify the licensee of its decision in writing where it declines an approval for the decommissioning and abandonment programme and state the reasons for the refusal. (3) Where the Authority fails to notify the licensee of its decision on the application within 120 days from the date of submission of the application as prescribed in these Regulation, the application shall be deemed approved.	Approval of an application for programme

93. (1) The Authority shall reject an application for a decommissioning and abandonment programme where it does not meet the necessary requirements and may give the licensee an opportunity to amend the application within 60 days of the rejection. (2) Where the licensee fails to submit an amended or modified application within the time specified or submits an amended or modified application which is not in compliance with approved Plan, the Authority shall refuse to approve the application and notify the licensee of its decision in writing. (3) Where the Authority refuses to approve an application, the Authority shall have such a decommissioning and abandonment programme carried out by a third party to be financed from the Fund under section 233 (3) of the Act.	Rejection of an application for a Programme
94. (1) A licensee shall, prior to the submission of an application for a decommissioning and abandonment programme, conduct public consultations with stakeholders, including communities affected by the activities, public authorities and bodies and other interested parties with respect to the planned decommissioning and abandonment programme. (2) A licensee shall, in carrying out the consultations under these Regulations — (a) announce its decommissioning and abandonment programme by placing a public notice in one national newspaper and one local newspaper with wide coverage and on its publicly accessible website for 21 days prior to conducting public consultations with stakeholders; (b) indicate by notice where copies of the decommissioning and abandonment programme can be viewed, to whom presentations should be submitted, and the dates and place of public consultations; (c) provide the Authority with necessary information to enable the Authority to indicate on its website that the programme has been issued for consultation alongside a link to the consultation programme; (d) choose the mode of consultation appropriate for effective and inclusive engagement with stakeholders, taking into account the nature and location of the project and the key issues to be consulted on; (e) ensure that appropriate information and risks are disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format, well in advance of the proposed consultations; (f) hold meetings with relevant stakeholders, communities likely to be affected and the public to explain the impact and proposed mitigation measures, and to receive their oral or written views; (g) ensure that the venues of and time for the meetings are convenient to the relevant stakeholders and communities likely to be affected by the project and the public; and	Requirement for public consultation

(h) ensure that the comments received during consultations are recorded, made publicly available and considered.	
95. A licensee shall submit to the Authority the report of public consultation with the stakeholders including the necessary measures to be taken by the licensee as a result of the consultation.	Report of the public consultations
96. (1) A licensee shall commence execution of the programme upon the Authority's approval of an application for a decommissioning and abandonment programme. (2) A licensee shall keep the Authority informed of the progress of the execution of the programme, including providing regular reports and updates envisaged under the approved programme in the form prescribed by the Authority. (3) The Authority may request meetings with a licensee at which progress could be reviewed.	Execution of a programme
97. (1) A licensee shall, where a change to the approved decommissioning and abandonment programme is contemplated and prior to implementation, submit such change for review and approval by the Authority. (2) The Authority shall approve reviews which include the change in scope, methodology or technology, contractor and timeframe to the programme.	Changes to the approved programme
98. (1) A licensee shall, on execution of the approved decommissioning and abandonment programme, notify the Authority in writing of the completion. (2) A licensee shall upon the completion of the decommissioning and abandonment programme submit to the Authority a written report stating out measures established by the licensee for the monitoring, maintenance, and management of any remains of a facility that may still exist under the scope and duration of the monitoring requirements of the Programme approved by the Authority. (3) A licensee shall submit the results of all post completion monitoring surveys to the Authority not later than 90 days after the completion of the survey. (4) On completion of the last intended survey as provided by the licensee in its statement of measures under sub regulations (2) and (3), any further work shall depend on the results of the monitoring surveys and shall be agreed with the Authority.	Post-completion of Programme
99. The Authority may, irrespective of the timing proposed under the approved Plan, at any time and by written notice, require a licensee to commence decommissioning and abandonment of any midstream and downstream facility where such decommissioning and abandonment may be required under international petroleum industry best practices.	Mandatory decommissioning and abandonment

100. The Authority shall enforce compliance to the decommissioning and abandonment provisions of these Regulations in the following manner — (a) where a licence has expired, surrendered, or terminated and no decommissioning and abandonment has been executed by the licensee, or where there is an unfulfilled decommissioning and abandonment obligation, the Authority shall require the former licensee to execute the decommissioning and abandonment in accordance with the previously approved Plan; and (b) where a licence has been assigned or transferred by the licensee prior to the execution of any decommissioning and abandonment obligation provided for in a Plan, the obligation to execute the Plan relating to the licence shall be enforced against the transferee of the licence.	Enforcement by the Authority
101. (1) The Authority, where it revokes a licence, may – (a) impose restrictions on the disposal of the facility; or (b) direct in writing that the licensee refrain from conducting a specific Programme regarding the facility. (2) The former licensee under sub-regulation (1) shall, deliver the facility, in the present condition, to the third party designated by the Authority, and the licensee shall be relieved of any future obligation relating to decommissioning and abandonment of such facility and any remaining amount in the Fund shall be transferred to the Authority for the purpose of future decommissioning and abandonment of the facility. (3) The Authority shall, notwithstanding the provision of sub-regulation (2), take necessary action to recover from the former licensee any shortfall in contribution to the Fund where there is no designated third party and the licensee's contribution is not sufficient to cover the cost of the Programme.	Restrictions on the disposal of revoked asset
102. (1) The Authority shall keep and maintain a database of midstream and downstream petroleum facilities or infrastructure onshore, swamp and offshore Nigeria. (2) The database shall — (a) include a list of all installations, structures and pipelines used in the operations and their status; (b) be a public document and be published on the website of the Authority; and (c) be subject to annual review and update by the Authority. (3) A licensee shall submit to the Authority in the prescribed format and within the specified time information relating to its midstream and downstream petroleum operations installations, structures, utilities, plants, pipelines, processing or other facilities for maintenance, review, and update of the database. (4) The Authority may issue annual publications of the database to the public.	Database of installations, structure, and assets

103. (1) There shall be established for each licence (where a facility requires decommissioning and abandonment) a Decommissioning and Abandonment Fund ("Fund"), not later than 120 days from the date of commencement of operations in the case of a new licence, or one year from the effective date of these Regulations for existing licences in midstream and downstream petroleum operations. (2) The Fund shall be established by the licensee in respect of petroleum operations under the licence, for the purpose of fulfilling its obligations and liabilities with respect to decommissioning and abandonment under a Plan. (3) A licensee shall notify the Authority in writing of the establishment of the Fund under sub-regulation (1) not later than 14 days from the date of establishment of the Fund. (4) The Fund shall be in the form of an escrow account held by a financial institution that is not an affiliate of the licensee. (5) The Authority shall be a party to the escrow agreement in respect of the escrow account in sub-regulation (4) and shall have access to the funds in the escrow account under the provisions of this regulation. (6) The escrow account shall be kept free from any encumbrance from creditors, including a charge, pledge, guarantee or a letter of credit. (7) The financial institution under sub-regulation (4) shall be a Tier 1 commercial bank licensed by the Central Bank of Nigeria and shall pass stress tests conducted by the Central Bank of Nigeria on a semi-annual basis for the entire life of the decommissioning and abandonment escrow, and where the financial institution fails to meet the stress test, the funds in the escrow account shall be transferred within three months to an escrow account in another financial institution that meets the stress test. (8) The financial institution referred in sub-regulation (7) shall be domiciled in Nigeria and the escrow account shall be interest-bearing with any accrued interest being part of the Fund. (9) The revocation or cancellation of a licence shall terminate the licensee's interests, rights and access to the escrow account and the Authority shall have sole and exclusive access and control over the escrow account to the exclusion of any other person.	Establishing a decommissioning and abandonment fund
104. (1) A holder of a petroleum prospecting licence or petroleum mining lease who has established a decommissioning and abandonment fund that applies to midstream designated facilities that ordinarily may have been the subject of these Regulations shall — (a) Apply to the Authority to be exempted from establishing a fund for the midstream designated facilities; and (b) submit an annual report of its decommissioning and abandonment activities in respect of the midstream designated facilities accompanied by the audited accounts of the fund to the Authority, not later than 31st May of the particular year.	Exemption to establishing a decommissioning and abandonment fund

(2) Where the holder of a petroleum prospecting licence or petroleum mining lease divests its licence or lease in accordance with the Act and retains its midstream facilities, it shall — (a) notify the Authority of the divestment; and (b) not later than three months from the conclusion of the divestment establish submit a Decommissioning and Abandonment Plan and establish a Decommissioning and Abandonment Fund for the midstream designated facilities in accordance with these Regulations.	
105. (1) The Fund shall be funded by the licensee based on the annual contributions to be calculated in the manner provided in these Regulations and contained in the Plan. (2) The annual contribution provided for in the Plan shall be —11 (a) in USD for a midstream facility and Naira equivalent for a downstream facility; and (b) based on an estimate by the licensee of the applicable decommissioning and abandonment costs, projected forward on a nominal basis, and divided by the estimated life of the facilities and the reasonable cost estimate shall be approved by the Authority. (3) The estimated life of the facilities referred to in sub-regulation (2) shall be based on the – (a) estimated design life of facilities used for midstream and downstream petroleum operations; and (b) period for which the safe operations of the facilities were designed, in case of facilities used for midstream and downstream petroleum operations. (4) The estimates for costs required in these Regulations shall be made based on international petroleum industry best practice. (5) The annual contribution shall be deposited to the Fund on or before 31st December of each calendar year. (6) The estimated annual contribution under sub-regulation (2) shall be reviewed every five years following the first submission or as required during the period of the licence or until the cessation of petroleum operations to which the Plan relates. (7) Contributions to the Fund shall be eligible for cost recovery and shall be tax deductible, provided that the cost of executing the Programme disbursed from the Fund shall not be eligible for cost recovery or deductible for tax purposes.	Contributions to the Fund
106. (1) The Fund shall be exclusively used to pay for decommissioning and abandonment costs. (2) A licensee shall have access to the Fund only on receipt of the written approval from the Authority under these Regulations to undertake the Programme and shall use such funds only for conducting approved Plan.	Utilisation of the Fund

(3) Where there is an excess in the Fund after the decommissioning and abandonment has been carried out and approved by the Authority, the excess shall be considered for income tax purposes and the amount after the withholding of any tax shall be returned to the licensee. (4) Where the Fund is not sufficient to cover the decommissioning and abandonment expenditure, the licensee shall cover such difference to fulfil the obligations in full.	
107. (1) The Authority shall access the Fund where a licensee fails to comply with the Plan or Programme to pay for the performance by a third party of such licensee's obligations under section 232 of the Act. (2) The Authority shall access the Fund only after it has provided a written notice to the respective licensee of the noncompliance and has been given a reasonable period to rectify the non-compliance. (3) Where the Authority decides to apply the Fund under sub-regulation (1), the Authority shall be responsible to manage the Fund in accordance with the applicable laws, and the procurement of any goods, works or services required to undertake the decommissioning and abandonment shall be subject to the laws and regulations applicable to public procurement.	Power of the Authority to utilise the Fund
108. A licensee shall furnish the Authority, not later than 90 days after the end of each calendar year, a statement of accounts with respect to its decommissioning and abandonment contributions into the Fund in the form prescribed by the Authority.	Statements of accounts
109. (1) An assignment or transfer of interest in a licence under the Act or Regulations, or a licence saved under section 311 (9) of the Act, shall include the assignment of obligations to make contributions to the Fund under this regulation: Provided that in any case of such assignment or transfer, the assignor or transferor shall, where the funds accrued in the Fund is insufficient to cover any decommissioning and abandonment liabilities as at the date of the assignment, provide a security in the nature of a bank guarantee to the Authority or cash deposit to the Fund to cover the amount required for that part of the liabilities not provided for in the Fund. (2) All parties to an assignment or transfer of the licence, whether assignors or assignees, transferors or transferees, shall be jointly and severally liable for the decommissioning and abandonment obligations with respect to a relevant licence.	Decommissioning and abandonment liabilities in case of assignment
PART XVI — MISCELLANEOUS PROVISIONS	
110. The HSE Clearance shall form the health, safety and environmental basis for the issuance or renewal of a Licence to Operate. It shall be issued to the licensee upon compliance with HSE requirements for the project or operations for which the license is being issued for.	HSE Clearance as a basis for issuance or renewal of an LTO
111. The Authority – (a) shall determine licensees who may be excluded from the application of the decommissioning and abandonment provisions of these Regulations; and	Exclusions

(b) may make guidelines for the decommissioning and abandonment of such facilities which have been non-operational for a period of five consecutive years.	
112. (1) Where the Authority receives notification that a negative environmental impact incident has occurred or is occurring within an area of petroleum operations as a result of failure of the licensee or permit holder to comply with environmental obligations as required by law or the provisions of the licence or permit, the Authority shall — (a) issue a Potential Incidence of Non-Conformity notice to the licensee or permit holder and commence an investigation to determine whether the licensee or permit holder followed the measures — (i) in an EMP or the environmental management measures to avoid or prevent the incident, (ii) to reduce or minimise the negative environmental impact, or (iii) to restore, remediate or otherwise offset the negative environmental impact; (b) where it determines that the licensee or permit holder failed to follow the measures in sub-regulation (1) (a) of this regulation, issue an Incidence of Non-Conformity notice to the licensee or permit holder and impose an administrative penalty equivalent to 100% of the licensee or permit holder's annual contribution to the Environmental Remediation Fund; (c) in addition to the imposition of the administrative penalty, require the licensee or permit holder to carry out the measures for reduction or mitigation of the impact within a specified period in accordance with the EMP or as deemed fit by the Authority; and (d) where it discovers that the licensee or permit holder failed to comply with sub-regulation (1) (c) of this regulation, issue a Non-Compliance Notice to the licensee or permit holder and impose an administrative penalty equivalent to 150% of the licensee or permit holder's annual contribution to the Environmental Remediation Fund, where applicable. Provided that where the licensee or permit holder is not a contributor to the Environmental Remediation Fund the sanctions, fines and administrative penalties set out in the Act and Regulations made by the Authority shall apply to such licensee or permit holder. (2) In addition to the imposition of an administrative penalty in sub-regulation (1) of this regulation, the licensee or permit holder shall be required to implement the measures to restore, remediate, or otherwise offset the effects of the negative environmental impact within a specified period in line with the EMP where applicable, failing to do so, the Authority may also revoke the licence or permit.	Notice of Non-Compliance with environmental obligations

113. The Authority shall at any time enter and inspect any midstream and downstream facility or premises where it has reasonable grounds to suspect that a breach of these Regulations has been or is being committed.	Power to access facilities
114. (1) Where an accident under these Regulations occurs, the Authority — (a) shall conduct an investigation into the circumstances surrounding the accident; and (b) may order an inquiry on the conclusion of the investigation. (2) A person holding an inquiry under these Regulations shall, for the purpose of the inquiry, have the powers to — (a) summon witnesses; (b) call for the provision of relevant books and documents; (c) examine witnesses and parties; and (d) call for an autopsy to be conducted to ascertain the cause of death in cases of suspicious circumstances. (3) A summons shall be in the form prescribed by the Authority and shall be served by such other person as the Authority may direct.	Accident, investigation and inquiries into accidents
115. The Authority may mediate in disputes arising from midstream and downstream petroleum environmental related issues.	Conflict Resolution
116. (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, or submit information required within the stipulated time frame; (c) makes a false declaration to the Authority or furnishes information so required which is false or insufficient; (d) commits any contravention listed in the Schedule to these Regulations; or (e) fails to comply with any provisions of these Regulations, any directives given or condition of any permit or licence issued under these Regulations,	General contraventions

may in addition to the sanctions, fines and penalties contained in the Act, be liable to the relevant administrative penalties contained in the Schedule to these Regulations. (2) Without prejudice to any specific sanction provided in these Regulations, where there is a breach or where a person contravenes any provision of these Regulations, the Authority may- (a) seal or order the closure of the premises where the breach occurred; (b) dismantle and seize the facilities used for the activities; (c) cause an inquiry to be conducted into the affairs of a person connected with the breach of any of these Regulations; (d) cause to be arrested, such person involved in the breach; (e) enter or direct the entry into any premises where the breach occurred and take possession of any document, instrument or material used in connection with the breach; (f) confiscate and dispose of materials or equipment, including any petroleum liquids or natural gas and its derivatives, used by the person in the activity; (g) revoke the licence, permit or authorisation granted by the Authority to such person; and (h) take any other action as the Authority may consider necessary to prevent any further breach of these Regulations. (3) Where no specific penalty for a contravention under these Regulations is provided in the Schedule to these Regulations, the Authority may impose an administrative penalty not exceeding USD 1,000,000.	SCHEDULE
117. Where under these Regulations a duty is imposed on a person, the onus of proving that all reasonable steps have been taken to fulfil that duty shall lie on the person charged with the breach of duty.	Burden of proof
118. (1) The following Regulations are hereby revoked - (a) Midstream and Downstream Petroleum Safety Regulations, 2023; (b) Midstream and Downstream Petroleum Environmental Regulations, 2023; (c) Midstream and Downstream Petroleum Decommissioning and Abandonment Regulations, 2023 (2) The revocation of the Regulations specified in sub-regulation (1) of this regulation shall not affect anything done or purported to be done under or pursuant to the revoked Regulations.	Revocation. savings and transitional provisions
119. The Authority may issue guidelines, directives and notices for the effective implementation of these Regulations.	122. Guidelines, directives and notices
120. In these Regulations — "abandonment", means the non-operation of a licenced midstream facility for a period not less than five years;	Interpretations

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

"activation" means the action or process of making the SRCP operative during the planned annual SRCP drill exercise;

"ANSI" means American National Standard Institute,

"API" means American Petroleum Institute,

"ASME" means the American Society of Mechanical Engineers,

"Assignor" means a licence or permit holder who assigns or transfers its licence or permit to another person known as the assignee.

"Audit" means an inspection of a facility, operations, processes, procedures and documentation or records to ensure a licensee or permit holder is in compliance with the relevant conditions and requirements of its licence or permit;

"Authority" means the Nigerian Midstream and Downstream Petroleum Regulatory Authority,

"bbl./day" means barrels per day

"Chemical vendors" means entities, companies, organisation licenced by the Authority to sell chemical utilised for any process in the midstream and downstream petroleum industry;

"CNG" means Compressed Natural Gas;

"CER"means the rate applicable to the capital expenditure, as determined in accordance with the Schedule to these Regulations;

"CL"means the average daily capacity of facilities under a licence during a year for which the financial contribution is payable, in barrels per day;

"CLR"means the rate in USD per bbl./day for average daily capacity for liquid hydrocarbons (CL), as determined in accordance with the Schedule to these Regulations;

"CG" means the average daily capacity of facilities under a licence during a year for which the financial contribution is payable, in MSCFD;

"CGR" means the rate in USD per MSCFD for average daily capacity for gaseous hydrocarbons (CG), as determined in accordance the Schedule to these Regulations;

"company" means a registered entity as defined in section 218 of the Act 2021 concerned with petroleum operations with a permit issued by the Authority,

"competent person" means a person appointed by a licensee or permit holder under these Regulations. A Competent Person shall have sufficient training, knowledge and other qualities to manage specialised petroleum operations and have the power to take decisions with respect to his area of operations on behalf of the Company;

"Cradle to Grave" means the management of waste from its generation to disposal;

"Crude oil" means the natural product of wells or seepages of petroleum oil before the oil has been refined or otherwise treated;

"Dangerous area" means any —

(a) enclosed premises containing a dangerous location together with a space extending not less than fifteen metres measured along the shortest part in air of flammable gases or vapour from any point of escape of those gases from the premises, or

(b) open premises containing one or more dangerous locations together with a space extending no less than fifteen metres in all directions from every such dangerous location;

"Dangerous atmosphere" means an atmosphere containing any flammable gas or vapour in a concentration capable of ignition by an open flame or electric spark;

"Dangerous location" means a location where a leakage or emission, of a product which can produce a dangerous atmosphere, is likely to occur;

"dBA" means average weighted decibels

"Decommissioning and abandonment" means the approved process of cessation of operations of crude oil, installations, plants and structures, including shutting down an installation operations and production, total or partial removal of installations and structures where applicable, chemicals and other such material handling, removal and disposal of debris and removed items, environmental restoration of the area after removal of installations, plants and structures;

"DNV" means Det Norske Veritas,

"Downstream petroleum operations" shall have the meaning ascribed to it in the Act;

"Environment" means -

(a) land, water, air, including all layers of the atmosphere,

(b) natural and physical resources,

(c) ecosystems and their constituent parts, including people and communities,

(d) the qualities and characteristics of locations, places and areas, and

(e) the heritage value of places,

and includes the social, economic and cultural features of the matters mentioned in (a) — (e);

"Environmental issues" means any environmental problem such as pollution, damage to lives and property, grievances caused to the community, caused by operations of a licensee or permit holder in the midstream and downstream petroleum industry;

"Environmental effect" means any change to the environment, whether adverse or beneficial, that wholly or partly results from a petroleum activity;

"Environmental remediation" means the act of removing or reduction of contaminants from environmental components to prevent damage or loss;

"Environmental risk" means the chance of something happening that will have an adverse environmental effect, measured in terms of the environmental consequences and the likelihood of those particular consequences occurring;

"Emergency Response Plan" means an organised and predetermined course of action to be pursued in the event of an emergency, such as spill or leakage of oil, gas, chemicals or hazardous substances, fire, man overboard, loss of containment, natural disaster, injury, piracy, security breach, and this orderly arrangement of events to effectively manage the incident shall be compiled in a document by a licensee or permit holder;

"Exogenous microbes" means micro-organisms that are not indigenous to the Nigerian environment and may be contained in chemicals or products intended for use in in the midstream and downstream petroleum industry for remediation of impacted sites;

"Facility" means a factory, plant, installations, structure, utilities, pipelines, processing plants, petroleum products tank farms or other facilities, for production, manufacturing, transportation, distribution and storage of petroleum, petroleum liquids, natural gas, petrochemicals, industrial chemicals, precursors, and other derivatives from crude oil or natural gas;

"Fixed contribution" means the fixed contribution in USD per day, as determined in accordance with the Schedule to these Regulations; "Gas" or "natural gas" means gas consisting of hydrocarbons; "GCR" means gross cash recovery; "Hazardous waste" means waste material with characteristics that make it dangerous or capable of causing a harmful effect to the environment and human health; "High risk" means areas prone to high level of hazard; "HSE" means Health Safety and Environment; "HSE Clearance" means a clean bill certification issued to a licensee who has met all health, safety and environmental standards as determined by the Authority, prior to issuance of licences and authorisations or renewal of same; "Hydrocarbon" means crude oil, natural gas, petroleum products; "Integrity Operating Windows" means the limits under which a machine can operate safely; "LCR" means Liquidity Coverage Ratio; "LEL" means Lower Explosive Limit; "LNG" means Liquified Natural Gas; "LTC" means Licence to Construct; "LTE" means Licence to Establish; "LTO" means Licence to Operate "mSv" means millisievert; "manager" means a person appointed by a licensee pursuant to these Regulations; ''Med-evac System'' means medical evacuation system and refers to a system of evacuating person(s) to a medical facility using air transport such as helicopter or an aeroplane. "Midstream or Downstream Capital Expenditure" means the expenditure, characterised as expenditure of capital nature under the Companies Income Tax Act, Cap. C21, Laws of the	

Federation of Nigeria, 2004 incurred within a year for which the financial contribution is payable;

"MSCFD" means thousand standard cubic feet per day;

"Midstream petroleum operations" shall have the meaning ascribed to it in the Act;

''Mystery spills'' means any spill for which the source or origin is unknown

"NACE" means the National Association of Corrosion Engineers;

"Negative impact" means the negative effect arising from midstream or downstream operations or activities on lives, property and environmental components;

"Net-Zero" means the amount of GHG emissions generated is equal to the amount of GHG removed from the atmosphere, leading to a zero increase in net emissions.

"NGN" means Nigerian Naira;

"NNRA" means the Nigeria Nuclear Regulatory Authority;

"Offshore Discharge Zone" means the offshore area 12nm away from the shoreline and of water depth greater or equal to 200 feet where regulated discharges are allowed;

"On-scene-commander" means the person responsible for coordinating, organising and directing all actions and parties during an emergency response situation;

"Petroleum operations" means any facility that handles or processes hydrocarbons (including retail outlets);

"Petroleum *liquids"* means crude oil, condensates, liquid petroleum

products and natural gas liquids;

"Point source" means any discernible, confined, and discrete conveyance from which treated and permitted gaseous emissions or liquid effluents are or may be discharged;

"Pressure vessel" means a closed vessel of any capacity subjected or which may be subjected to an internal pressure above atmospheric;

"Processing plant" means a facility for the chemical conversion, upgrade, or treatment of crude oil, natural gas and intermediate hydrocarbons to other higher value products through the use of catalysts, additives, or other physical means of separation at defined compositions, temperatures and pressures;

"Project" means all specific petroleum operations to be undertaken under a licence granted pursuant to the Act;

"Recommended test pressure" means pressure which is not less than one and half times the maximum allowable working pressure;

"Restricted area" in a Petroleum operation means an area in which access control and other precautions are necessary to ensure safety by reason of the possible presence of dangerous atmosphere or because of the operations being carried out therein;

"Review" means an assessment or examination of something with a possibility or goal of making a change for improvement where necessary;

"Serious injury" means —

(a) a fractured skull, pelvis, thigh, spine, arm, forearm or leg;

(b) a dislocated shoulder, hip, knee or spine;

(c) the amputation of an arm or hand, or of one finger or more on the same hand, or of a leg or a foot.;

(d) the loss of the sight of an eye or chemical or hot metal burn to the eye or any penetrating injury to the eye,

(e) any other serious bodily injury including internal haemorrhage, burns and asphyxia, where the injury is likely to endanger life, cause permanent incapacity or substantially impair efficiency.

(f) any other injury of similar magnitude or as may be specified by the Authority from time to time;

"Safety Case" means the justification provided by a licensee or permit holder that a facility or installation will be operated safely, and all residual risks will be brought to ALARP);

"Special environmental permit" means environmental permits that are not routinely or statutorily issued, and the permit is issued based on the need;

"Special Studies" refer to studies that are initiated based on the need to solve peculiar environmental challenge such as fate and effect studies, dispersion modelling and environmental risk assessment;

"Spill" means the accidental or intentional release of petroleum liquids, gas release, industry chemicals or products into the environment;

"Spiller" means any person participating in midstream and downstream petroleum operations whose activities directly or indirectly cause a spill;

"Technical Safety Studies" means studies such as HAZOP, SAFOP, HAZID, Human Factor Engineering, SIL studies, Bowtie, , RAMS, Design Review, etc. used to establish the safety of a facility; "Transferor" means any licence or permit holder who relinquishes his ownership of a licence or permit to another person called a transferee; "TWA" means Time Weighted Average; "Unrestricted area" in a petroleum operation means an area which is free from hydrocarbon vapours in dangerous or hazardous quantities and in which it is safe to accommodate boilers, open fires or flames, workshop, service buildings or any other similar structures; "USD" means United States Dollars; "Waste" means hazardous and non-hazardous materials generated from midstream and downstream petroleum operations, that has no use to the waste generator; "Waste generator" means a licence or permit holder whose operations or activities generates waste; "Year" means a period of a year from any day during the year; and "Zero Discharge Zone" means a location onshore (land) or waters nearshore and offshore within less than 12 nautical miles from the shoreline and 200 feet water depth.	
121. These Regulations may be cited as the Midstream and Downstream Petroleum Safety and Environmental Regulations, 2025.	Citation

SCHEDULE

[regulation 116 (1)]

GENERAL CONTRAVENTIONS AND PENALTIES

A. The penalties for safety, environmental, and decommissioning and abandonment contraventions in the midstream and downstream petroleum industry are outlined in the following table-

	CONTRAVENTION	PENALTY	
		Midstream Petroleum Operations	Downstream Petroleum Operations
		USD	NGN
	ENVIRONMENTAL		
1.	Failure to register a point source	250.00 /point source/day	65,000/point/source/day
2.	Failure to conduct requisite or statutory environmental study.	100,000.00	5,000,000.00
3.	Altering Environmental Status prior to requisite Environmental Studies	50,000.00	5,000,000.00
4.	Commencing field data gathering without approved Scope of Work	25,000.00	2,500,000.00
5.	Commencing construction without requisite environmental study approval	100,000.00	5,000,000.00
6.	Failure to submit Biological Monitoring report within six months of the final field data gathering	25,000.00	2,500,000.00
7.	Noncompliance with submission of Waste Release Inventory Consignment Notes and Manifest	10,000/ month	1,000,000/ month
8.	Unauthorised discharge or disposal of wastes	200,000.00	5,000,000.00
9.	Use of containers not fit for purpose in waste collection, storage, and transportation	20,000.00	2,500,000.00

	CONTRAVENTION	PENALTY	
		Midstream Petroleum Operations	Downstream Petroleum Operations
		USD	NGN
10.	Unauthorised storage of waste within and outside operational areas	50,000.00	5,000,000.00
11.	Failure to conduct Environmental Compliance Monitoring	10,000.00	1,000,000.00
12.	Failure to submit Environmental Compliance Monitoring report	10,000.00	1,000,000.00
13.	Conduct of Environmental Compliance Monitoring without the participation of the Authority.	10,000.00	1,000,000.00
14.	Failure to conduct pre-shipment inspection for a new technology	100,000.00	5,000,000
15.	Failure to emplace adequate or reasonable measures to avoid spillages	100,000.00	1,000,000.00
16.	Failure to report a spill incident	80,000.00	8,000,000.00
17.	Late reporting of spill incidents	25,000+ 1,000 for each day of late reporting	2,500,000 + 100,000 for each day of late reporting
18.	Making false or incomplete representations regarding the cause or volume of spills	100,000.00	5,000,000.00
19.	Failure to convene a Joint Investigation Visit (JIV) with the Authority in participation	50,000.00	5,000,000.00
20.	Failure to clean-up spill impacted site	25,000.00 per site	2,500,000 per site
21.	Failure to conduct post impact assessment	25,000.00	2,500,000.00
22.	Use of approved spill or remediation products without the consent of the Authority	25,000.00	2,500,000.00
23.	Use of unapproved spill or remediation products	50,000.00	5,000,000.00

	CONTRAVENTION	PENALTY	
		Midstream Petroleum Operations	Downstream Petroleum Operations
		USD	NGN
24.	Failure to carry out geochemical characterisation or fingerprinting of petroleum liquid as statutorily required.	25,000.00	2,500,000.00
25.	Use and sales of unapproved industry chemical or product	25,000.00	2,500,000.00
26.	Failure to submit quarterly sales reports by Chemical Vendors, Licensee or permit holder (procurement, consumption & stock/balance) for Chemical regulations and tracking.	20,000.00	1,000,000.00
27.	Operating a Laboratory without accreditation by the Authority	5,000.00	1,000,000.00
28.	Falsification or alteration of results by Laboratory	5,000.00	1,000,000.00
29.	Postponement of annual HSE Audit and SRCP Activation Exercise without authorisation by the Authority.	50,000.00	5,000,000.00
30	Failure to conduct the annual HSE audit and SRCP Activation exercise as scheduled without authorisation by the Authority.	100,000.00	10,000,000.00
31.	Failure to submit an updated SRCP document within the stipulated period	25,000.00	1,000,000.00
32.	Failure to close out identified audit issues within the stipulated time provided by the Authority.	25,000.00	2,500,000.00
33.	Failure to remediate spill impacted sites in accordance with the guidelines issued by the Authority.	100,000.00	20,000,000.00
34.	Failure to update the Authority on the numbers and status of spill impacted sites	50,000.00	10,000,000.00

	CONTRAVENTION	PENALTY	
		Midstream Petroleum Operations	Downstream Petroleum Operations
		USD	NGN
35.	Deployment of unapproved products or technologies for remediation	5,000.00 per site	1,000,000.00 per site
36.	Failure to obtain statutory certification for cleaned-up or remediated sites	5,000.00	1,000,000.00
	SAFETY		
1.	Failure to provide an approved Safety Case for a facility	20,000	6,000,000
2.	Failure to notify the Authority to witness/participate in milestone activities as statutorily required	10,000 per event	3,000,000 per event
3.	Failure to report incidents in the approved format	5,000.00 per event	1,500,000 per event
4.	Falsification of information provided to the Authority	10,000 per event	3,000,000 per event
5.	Tampering with evidence at the site of an incident	50,000 per event	15,000,00 per event
6.	Training Centre operating outside Authority's approval conditions	Not applicable	1,500,000
7.	Commencing operations post incident without Approval/clearance from the Authority	20,000 per event	6,000,000 per event
8.	Failure to provide job specific and safety training for staff	2,000 per staff	600,000 per staff
9.	Exposing staff to high-risk environment/situations	20,000 per infraction	6,000,000 per infraction
10.	Non-adherence to critical equipment inspection and maintenance requirements as statutorily required	5,000 per equipment	1,500,000 per equipment

	CONTRAVENTION	PENALTY	
		Midstream Petroleum Operations	Downstream Petroleum Operations
		USD	NGN
11.	Inability to provide necessary records and information on demand as statutorily prescribed	5,000 per infraction	1,500,000 per infraction
12.	Failure to establish processes and systems around facility operations	5,000 per procedure	1,500,000.00 per procedure
13.	Failure of a manager to comply with these Regulations	5,000 per procedure	1,500,000 per infraction
	DECOMMISSIONING AND ABANDONMENT		
1.	Failure to submit Plan within prescribed time frame	100,000 per facility	2,500,000 per facility
2.	Failure to establish Fund within prescribed time frame	100,000 per facility	2,500,000 per facility
3.	Failure to contribute to the Fund in the manner prescribed in the approved Plan under these Regulations, three months after payment is due	one year contribution to the Authority in addition to the sum due and payable to the Fund for the period.	one year contribution to the Authority in addition to the sum due and payable to the Fund for the period.
4.	Commencement of or carrying out any Programme without the approval of the Authority	200,000 per facility	5,000,000 per facility

Made at Abuja this ..... day of 2025

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Engr. Farouk Ahmed
Authority Chief Executive
Nigerian Midstream and Downstream Petroleum Regulatory Authority