

**PETROLEUM PRODUCTS (IMPORTATION) REGULATIONS,  
2018**

**ARRANGEMENT OF REGULATIONS**

**Regulation**

**PART I – PRELIMINARY**

1. Citation
2. Interpretation
3. Application

**PART II – IMPORT LICENSE**

4. Application for a license
5. Publication of the notice of application
6. List of storage and distribution facilities
7. Environmental and sustainable management plan
8. Evaluation of application dossier
9. Persons disqualified from being issued with a license
10. Issuing of license
11. Particulars to be included in license
12. License term and conditions
13. Application for a duplicate license
14. Application for the amendment of a license
15. Application for the transfer or assignment of a license
16. Application for the renewal of a license
17. Registration of applications in central petroleum register
18. Power of the Minister to suspend or revoke a license
19. Surrender of a license by way of notice

**PART III – TRADE IN PETROLEUM PRODUCTS**

20. General conditions for trade
21. Discharge of petroleum products
22. Power to test petroleum products
23. Obligation to submit certain information annually
24. Publication of data by the commissioner

**PART IV – ENFORCEMENT**

25. Identity cards for Inspectors
26. Inspection
27. Panel of Inspectors

- 28. Inspection process at the port of loading
- 29. Inspection process at the port of discharge
- 30. Accredited laboratories

## **PART V – RECORD KEEPING AND REPORTING OBLIGATIONS**

- 31. Maintenance of records by licensees
- 32. Maintenance of records by suppliers
- 33. Statement of accounts
- 34. Reports of changes in representations, etc.

ISSN 0796 - 0271

Supplement "A" to The Gambia Gazette No. 14 of 20th June, 2018

Legal Notice No. 30 of 2018

REPUBLIC OF THE GAMBIA

**PETROLEUM PRODUCTS ACT, 2016**  
**Act No.12 of 2016**

**PETROLEUM PRODUCTS (IMPORTATION)**  
**REGULATIONS, 2018**

**IN EXERCISE** of the powers conferred on the Minister under Section 33 of the Petroleum Products Act 2016, these Regulations are made.

**PART I – PRELIMINARY**

**1. Citation**

These Regulations may be cited as the Petroleum Products (Importation) Regulations, 2018.

**2. Interpretation**

(1) In these Regulations, unless the context otherwise requires –

"Act" means the Petroleum Products Act, 2016;

"Authority" means The Gambia Public Utilities Regulatory Authority;

"barrel" means a volumetric unit, which is used in non-metric countries;

"bill of lading" means a document which serves as evidence of a contract of carriage between a ship and a shipper and includes –

- (a) the shipper's name,
- (b) the ship's name,
- (c) a full description of the cargo,
- (d) the port of loading, and
- (e) the port of discharge;

"blending" means combining petrol with another kind of petroleum product or any other chemical substance;

"bonded facility" includes any warehouse or other facility licensed by the Commissioner General of the Gambia Revenue Authority for the deposit of dutiable goods on which import duty has not been paid and which have been entered to be warehoused;

"bulk" means a quantity of not less than one thousand five hundred of petroleum products in one transaction;

"bulk facility" includes a storage depot, a distribution terminal and a refinery;

"certified copy" means a photocopy of an original document which has been notarised and marked with the words "true copy of the original";

"certificate of origin" means a document issued by a competent authority, which certifies that the goods in a particular export shipment have been produced, manufactured or processed in a particular country;

"certificate of quality" means a document issued by a competent authority, which certifies that the quality of a petroleum product is in accordance with established standards or requirements;

"certificate of quantity" or "certificate of weight" means a document issued by a competent authority, which certifies the correct gross weight of a petroleum product shipped;

"Commissioner" means the Commissioner of Petroleum;

"contact details" includes, in respect of a person, the person's business or residential address, postal address, telephone number or cell phone number, fax number, and e-mail address;

"cubic meter" means a volumetric unit, which is used in metric countries;

"declaration" means an affidavit, affirmation or solemn or attested declaration made before a Commissioner of Oaths or Justice of the Peace;

"distributor" means a person who supplies petroleum products between any two of the following –

- (a) an import terminal,

- (b) a refinery,
- (c) a blending facility, or
- (d) a retail outlet for petroleum products;

"licensee" means the holder of an import license;

"Minister" means the Minister of Petroleum and Energy, and  
"Ministry" shall be construed accordingly;

"petroleum additive" means a substance that is generally sold or represented as suitable for adding to petroleum, to improve either the performance or the storage stability, or both, including the effect of the additive on engine performance, engine emissions or fuel economy;

"person" includes a natural person and a body corporate or unincorporated;

"service station" or "petroleum products service station" means an establishment that supplies or sells fuel, oil for motor vehicles, and liquefied petroleum gas; and

"vehicle" includes a trailer, a vessel and a thing, other than a pipeline, which is used to transport petroleum products for supply.

(2) Unless the general context otherwise requires, the words and expressions used in these Regulations shall have the same meanings as in the Act.

(3) A word or phrase not specifically defined in these Regulations but defined in the Act shall have the meaning assigned to it in the Act.

### **3. Application**

(1) These Regulations shall apply to all civilian installations.

(2) These Regulations shall not apply to the Armed and Security Forces or such other entity as the Authority may determine.

**PART II – IMPORT LICENSE**

**4. Application for a license**

A person who intends to import petroleum products into The Gambia shall complete the relevant form issued by the Authority and shall –

(a) in the case of a body corporate or unincorporated, submit the form to the Authority, together with the following documents –

- (i) proof of payment of the relevant license fees,
- (ii) a certified copy of its registration certificate, certificate of incorporation, memorandum and articles of association, deed or such other documents that provide evidence of its legal status,
- (iii) a copy of its Tax Identification Number (TIN) certificate, and
- (iv) a favourable bank reference supplied by its bank; or

(b) in the case of a natural person, submit the form to the Authority together with the following documents –

- (i) proof of payment of the relevant license fee,
- (ii) an import plan of at least twelve months, and
- (iii) a certified copy of the person's national identity card or passport.

**5. Publication of the notice of application**

(1) The Authority shall issue an official receipt to an applicant for a license indicating the date on, and time at, which the Authority received the application.

(2) The Authority shall publish a notice of every application in at least two newspapers of nationwide circulation.

(3) The publication of the application shall state –

- (a) the name of the applicant;
- (b) the serial application number issued by the Authority upon receipt of the application;

- (c) the purpose of the application;
- (d) where the application will be available for inspection by any member of the general public;
- (e) the period within which an objection to the issuing of the license may be submitted to the Authority; and
- (f) the address of the Authority where objections may be submitted.

(4) An application shall be available for inspection at the Authority's office.

(5) A person who objects to the issuing of a license shall submit a written objection at least twenty working days from the date of publication of the notice of application.

#### **6. List of storage and distribution facilities**

A person who intends to store a petroleum product in The Gambia shall provide the Authority with a list of all storage and distribution facilities intended to be used in respect of the petroleum product, including shared storage and distribution facilities, with details of –

- (a) their location;
- (b) their capacity;
- (c) their ownership, including the ownership of the land on which the storage facilities are situated, and, in the case of shared ownership, the basis of sharing; and
- (d) the names of any other persons sharing the same facilities.

#### **7. Environmental and sustainable management plan**

(1) A person who intends to import petroleum products into The Gambia shall prepare an environmental and sustainable management plan and submit the plan to the competent authority for approval.

(2) The plan shall include –

- (a) details and expertise of the author of the plan;

- (b) a description of the environment likely to be affected by the proposed importation activity;
  - (c) an assessment of the potential impact of the proposed importation activity on the environment, socio-economic conditions and cultural heritage;
  - (d) a summary of the environmental impact assessment, the significance of the potential impact and the proposed measures for mitigating, managing or minimising adverse impacts;
  - (e) the mechanism for monitoring and assessing the performance of the plan;
  - (f) an undertaking by the applicant to implement the plan; and
  - (g) a financial plan, which shall include the method of providing security for mitigating, managing or minimising adverse environmental impacts and the total cost of mitigating, managing or minimising such impacts.
- (3) The intending importer shall provide security to cover the total cost of mitigating, managing or minimising adverse environmental impacts by one or more of the following methods –
- (a) an approved contribution to a trust fund which shall be in the format approved by the Authority from time to time;
  - (b) a financial guarantee from a Gambian registered bank or any other bank or financial institution approved by the Commissioner guaranteeing the financial provision relating to the environmental and sustainable management plan in the format approved by the Commissioner from time to time; and
  - (c) an insurance cover against oil spillage and environmental damage.
- (4) The total cost of mitigating, managing or minimising adverse environmental impacts shall be determined in consultation with the competent authority and shall include detailed provision for costs that could be incurred in the event of –
- (a) rehabilitating the land;

- (b) preventing and managing pollution of the atmosphere;
- (c) preventing and managing pollution of water and the soil; and
- (d) preventing spillage and leakage, into the ground, of chemical substances associated with importation activities.

(5) The intending importer shall submit to the Authority, –

- (a) proof of contribution to a trust fund;
- (b) a financial guarantee from a bank or financial institution, or
- (c) payment of the required insurance cover,

prior to the approval of the environmental and sustainable management plan.

#### **8. Evaluation of application dossier**

(1) In evaluating an application for a license, the Authority shall verify that the applicant –

- (a) is the owner of the business;
- (b) has completed the application form in full;
- (c) has submitted the completed application form together with all the documents specified in regulations 4, 6 and 7; and
- (d) has paid any fee, tax, charge, levy or duty payable by law.

(2) The Authority shall verify the accuracy of the information provided by the applicant and may request for such additional information from a person as may be necessary to enable the Minister to make a decision regarding the issuing of a license.

#### **9. Persons disqualified from being issued with a license**

The Minister shall not issue a license to –

- (a) a body corporate or unincorporated which –
  - (i) is in liquidation proceedings, other than a liquidation which forms part of a scheme for its amalgamation with another body;

- (ii) is subject to an order made by a court of competent jurisdiction for its winding up or dissolution; or
  - (iii) has entered into a composition agreement with its creditors; and
- (b) a natural person who –
- (i) is under the age of eighteen years,
  - (ii) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any written law,
  - (iii) has entered into a composition agreement with his or her creditors,
  - (iv) has taken advantage of any law for the benefit of his or her creditors, or
  - (v) is convicted of a tax offence.

#### **10. Issuing of license**

The Minister shall, if he or she is satisfied that an application for an import license meets the requirements of the Act and these Regulations –

- (a) cause the Authority to inform the applicant in writing that his or her application has been successful;
- (b) require the applicant to, within a reasonable period, pay the relevant license fee; and
- (c) on the advice of the Authority, issue the license upon proof of payment of the license fee.

#### **11. Particulars to be included in license**

An import license shall include the –

- (a) name of the licensee;
- (b) unique serial number of the license;
- (c) identity number or company registration number of the

licensee;

- (d) business address of the licensee;
- (e) types of petroleum product the licensee is licensed to import;
- (f) date of issue of the license;
- (g) conditions of the license; and
- (h) Minister's signature.

## **12. License term and conditions**

(1) An import license shall be valid for five years and shall –

- (a) remain the property of the Ministry;
- (b) not be tampered with, defaced or altered in any manner;
- (c) not be assigned or transferred to a third party except with the approval of the Minister following an application in writing by the licensee for such transfer;

(2) The Minister may impose additional or special conditions to the license.

(3) A license ceases to be valid if –

- (a) the licensee voluntarily surrenders it to the Authority;
- (b) the Minister suspends or revokes it;
- (c) it expires by the effluxion of time;
- (d) the licensee dies, unless his or her personal representative applies to the Authority in writing within thirty days for approval of the transfer of the license; or
- (e) the licensed activity is no longer a going concern;

(4) A licensee shall –

- (a) prominently display the license, or a certified copy of it, at the place of business of the licensee;

- (b) comply with the conditions attached to the license, these Regulations and other applicable laws of The Gambia;
  - (c) produce the license upon demand by an Inspector or other agent of the Authority;
  - (d) ensure that operations associated with the license comply with any guidelines issued from time to time by the Authority;
  - (e) comply with directions from the Authority in the form of letters intended to explain the conditions attached to the license or otherwise improve the general conduct of activities regulated by the license;
  - (f) at all times maintain a true record of financial accounts in accordance with these Regulations and any guidelines that may be issued from time to time by the Authority;
  - (g) review and update, in every year, the total cost of mitigating, managing or minimising adverse environmental impacts as required by the approved environmental and sustainable management plan or as requested by the Authority;
  - (h) cover shortfalls (if any), in every year, in the total cost of mitigating, managing or minimising adverse environmental impacts by amending the environmental and sustainable management plan or as determined by the Authority; and
  - (i) assist and cooperate with staff of the Authority in the performance of their functions in relation to the license concerned.
- (5) If during the term of a license –
- (a) a new Act relating to petroleum products has been enacted;
  - (b) new Regulations relating to petroleum products have been made;
  - (c) new technical standards or specifications have been issued;  
or
  - (d) new equipment of the supply chain or in the performance of petroleum supply operations are required by law or regulation to be introduced,

the licensee shall comply with that new law, regulation, or standard

within a reasonable transition period prescribed under the law, regulation, or standard, after consultation with the Authority.

(6) The Authority may, at any time, amend, vary, add or remove the general conditions or any special conditions attached to a license.

### **13. Application for a duplicate license**

(1) A person whose license is lost, damaged or destroyed shall apply in writing to the Authority for a duplicate of the license.

(2) An application for a duplicate license shall be accompanied by –

- (a) an affidavit stating the reason or reasons for the application;
- (b) if the applicant is a body corporate or unincorporated, a certified copy of its business registration documents,
- (c) if the applicant is a natural person, a certified copy of his or her identity document;
- (d) the unique serial number of the license that is lost, damaged or destroyed; and
- (e) proof of payment of the fee for the duplicate license.

(3) The Authority shall determine the fee payable by an applicant for a duplicate license.

### **14. Application for the amendment of a license**

(1) A person may apply in writing to the Authority for the amendment of a license by specifying the amendment sought and the reasons for seeking the amendment.

(2) The Authority may amend a license if –

- (a) the amendment does not affect any rights, debts, liabilities or obligations of the licensee;
- (b) the amendment does not render defective –
  - (i) any legal proceedings by or against the licensee; or
  - (ii) any legal proceedings that could have been continued or commenced by or against the licensee prior to the

amendment; and

(c) upon proof of payment of the fee for the amended license.

(3) The Authority shall determine the fee payable by an applicant for the amendment of a license.

#### **15. Application for the transfer or assignment of a license**

(1) A person who intends to transfer or assign a license shall apply in writing to the Authority.

(2) The same procedure for the processing of the application for the original license shall apply to the processing of the application for a transfer or an assignment of the license.

(3) The approval of a transfer or an assignment of a license shall not change the remaining period of validity of the original license.

(4) The transferee or assignee of a license shall be liable for all pending obligations or liabilities of the transferor or assignor under the Act and these Regulations.

(5) Where a liability is discovered within three years after the effective date of a transfer or an assignment of a license, both the transferor or the assignor and the transferee or the assignee, as the case may be, shall be jointly and severally liable for that liability.

(6) The Authority shall not approve a transfer or an assignment of a license by a company to an affiliate of that company, where the obligations of the affiliate are guaranteed by the transferor or the assignor, as the case may be.

(7) A license shall not be transferred or assigned to a person disqualified from being issued with a license under these Regulations and the Act.

#### **16. Application for the renewal of a license**

(1) A person whose license has expired may apply in writing to the Authority for renewal of the license three months before the date of its expiry.

(2) The Minister may renew a license for a further period of five years.

(3) For the purpose of renewal of a license –

- (a) a person who was issued a license on the basis of compliance with regulation 20 (2) (a) shall show proof of sales volumes of white oil products equivalent to fifteen million litres during the license period;
- (b) a person who was issued a license on the basis of compliance with regulation 20 (2) (b) shall show proof of ownership or lease of at least three licensed, certified and operational service stations;
- (c) a person who was issued a license on the basis of compliance with regulation 20 (2) (c) shall show proof of the ownership or the lease of a licensed petroleum depot facility;
- (d) a person shall show proof of petroleum storage capacity equivalent to the volume of minimum operation stocks owned or leased;
- (e) late application shall attract a penalty equivalent to fifty percent of the license fee; and
- (f) a person who sells a petroleum product to an unlicensed company or a company whose license has expired shall in addition to penalties stipulated in the Act, pay a fine specified by the Authority and approved by the Minister.

**17. Registration of applications in central petroleum register**

The Commissioner shall record all applications in respect of import licenses in the central petroleum register.

[section 17 (2) of Act No.12 of 2016]

**18. Power of the Minister to suspend or revoke a license**

(1) The Minister may suspend or revoke a license for –

- (a) contravention of a provision of the Act or these Regulations;
- (b) failure to comply with any condition of the license; or
- (c) a false declaration, including any material non-disclosure which had influenced the Minister's decision to issue the license.

(2) The Minister may only suspend or revoke a license after –

- (a) notifying the licensee in writing of the intention to revoke or suspend the license;
  - (b) setting out the particulars of the alleged contravention, failure or false declaration; and
  - (c) requesting the licensee to make such representations to the Minister as may be necessary.
- (3) The licensee may make representations to the Minister within thirty days of being notified in writing of the Minister's intention to suspend or revoke the license.
- (4) The Minister may consider any steps taken by the licensee to remedy the contravention or failure, or prevent the contravention or failure from being repeated, and any other relevant matter submitted by the person by way of representations.

#### **19. Surrender of a license by way of notice**

A licensee may at any time, surrender a license to the Authority by way of notice in writing.

### **PART III – TRADE IN PETROLEUM PRODUCTS**

#### **20. General conditions for trade**

- (1) A person who intends to trade in petroleum products shall –
- (a) submit to the Authority, an import plan of at least twelve months;
  - (b) except for liquefied petroleum gas, import at least twenty million litres of petroleum products each year;
  - (c) in the case of liquefied petroleum gas, import at least four hundred metric tons of it each year;
  - (d) submit data every month on sales of petroleum products;
  - (e) maintain at least two months operational stock as part of the national efforts to maintain security of supply;
  - (f) at all times hold in stock at a storage depot facility, security stocks, as follows –

- (i) in the first year of the person's operation, as determined by the Authority, and
    - (ii) after the first year of the person's operation, based on that person's sales in the previous year;
  - (g) participate in any national emergency plan to mitigate the effects of crisis, and follow such lawful directions that the Authority may give from time to time;
  - (h) have a storage service agreement with a bonded facility in The Gambia.
- (2) In addition, the Authority may require a person to provide proof of one of the following –
- (a) a sales volume of at least fifteen million litres per year of white oil products in The Gambia;
  - (b) the ownership of at least three licensed, certified and operational service stations;
  - (c) the ownership or the lease of one licensed petroleum depot facility; or
  - (d) a storage service agreement with a bonded facility.

#### **21. Discharge of petroleum products**

- (1) A person shall import petroleum products only through approved means of transport.
- (2) The competent authority shall immediately escort petroleum products imported by means other than the sea port of Banjul, upon arrival at the point of entry, to a testing and recertification centre.
- (3) The testing and recertification process shall be –
- (a) completed before approval may be granted to proceed to a petroleum products storage facility for discharge; and
  - (b) strictly monitored for compliance, even in the event of an emergency situation.
- (4) A vessel laden with imported petroleum products shall only be allowed to discharge where –

- (a) an import license has been used in importing the product and proof of its use is furnished;
  - (b) the imported quantity has been physically determined and a certificate of quantity and a certificate of origin have been issued;
  - (c) the vessel is authorised to enter Gambian territorial waters;
  - (d) the vessel and its cargo have full insurance cover;
  - (e) the licensee has submitted a certificate of quality, a bill of lading, an invoice from the supplier and other relevant documents, one week prior to the arrival of the cargo;
  - (f) the documents received from the vessel are not inconsistent with those submitted by the licensee; and
  - (g) a recertification analysis of the product sample has been conducted in an onshore testing facility or an offshore testing facility.
- (5) Discharge of imported diesel, petrol, gasoline, aviation fuel, liquefied petroleum gas and heavy fuel oil shall be centralised at the designated depot facility for stock monitoring, quality assessment and for Gambia Revenue Authority control.
- (6) Imported diesel, petrol, gasoline aviation fuel, liquefied petroleum gas and heavy fuel oil may also be discharged at a facility, other than the designated depot facility.
- (7) A facility other than the designated depot facility shall be a bonded facility that meets all the requirements that will ensure stock monitoring, quality assessment and control by the Gambia Revenue Authority.
- (8) A person shall not unload or discharge fuel from barges and tankers directly into road tankers.

## **22. Power to inspect and test petroleum products**

- (1) The Authority may at any time take a sample of a petroleum product, including fuels derived from a refined heavy fuel oil sludge consignment, a waste oil consignment or a biofuel consignment, irrespective of where it is stored, for inspection and test purposes.
- (2) All petroleum products imported into The Gambia shall undergo quality tests prior to their release to the Gambian market to establish that their quality corresponds to standards issued by The

Gambia Standards Bureau and in force at any time, including Gambia Standards 005:2016, 006:2016, 007:2016 and 008:2016.

**23. Obligation to submit certain information annually**

A licensee shall submit to the Authority in the relevant form, not later than the end of February of each year, the following information in respect of the immediately preceding year –

- (a) a declaration that the ownership of the licensed activity has not changed;
- (b) the volume of each type of petroleum product purchased and sold within The Gambia;
- (c) the volume of each type of petroleum product purchased and sold outside The Gambia; and
- (d) the number of employees in the service of the licensee and their respective qualifications.

**24. Publication of data by the Commissioner**

The Commissioner shall, at least once in every year, publish data on the following –

- (a) all applications in respect of import licenses;
- (b) the number of valid import licenses;
- (c) the license numbers of all valid licenses;
- (d) the number of import licenses which have been issued in the calendar year concerned;
- (e) the number of import licenses which have expired in the calendar year concerned; and
- (f) such other information which the Commissioner may deem necessary under sections 16 and 17 of the Act.

**PART IV – ENFORCEMENT**

**25. Identity cards for Inspectors**

- (1) The staff of the Authority carrying out inspections shall at all

times wear identity cards.

(2) The identity card shall include –

- (a) the name and title of the person to whom it is issued;
- (b) the title of the Inspector under the Act;
- (c) the name, title and signature of the person who issued it;
- (d) a serial number;
- (e) the date when it was issued; and
- (f) its expiry date, being not later than three years after it was issued.

## **26. Inspections**

(1) The Authority shall, in consultation with The Gambia Standards Bureau –

- (a) engage a panel of contracted Inspectors with own testing facilities at the port of loading and the port of discharge to carry out inspection of petroleum products destined for The Gambia;
- (b) ensure that only petroleum products that meet the requirements of the relevant Gambian Standard or approved specifications are allowed into the country; and
- (c) continuously monitor the performance of the contracted Inspectors through testing of reference samples, audits and feedback from stakeholders.

(2) The Inspectors shall –

- (a) inspect vessel tanks prior to loading to determine if tanks meet the requirements for cargo to be loaded;
- (b) sample and analyse products to be loaded or discharged with a view to determining compliance to the relevant Gambian Standard or approved specifications;
- (c) supervise the loading and the discharge of petroleum products to ensure that all practical steps are taken to avoid contamination of the products;

(d) provide reports that detail the quality and quantity of each consignment loaded or discharged in the form of certificates of quality, Outturn reports and inspection reports to importers and the Authority; and

(e) report in a timely manner to all concerned parties, any matter that may be relevant to the handling of any consignment.

(3) A licensee shall –

(a) ensure that his or her import licenses is valid prior to importing petroleum products;

(b) ensure that petroleum products being imported into The Gambia meet the requirements of the relevant Gambian Standard or approved specifications;

(c) nominate port of loading and port of discharge Inspectors from a panel of inspectors contracted by the Authority;

(d) meet the costs of inspection; and

(e) notify the Authority of attendance for pre-discharge sampling at ports of discharge.

(4) The Gambia Revenue Authority shall –

(a) release petroleum products only on the advice of the Authority; and

(b) use Outturn reports issued by the Inspectors to determine duty payable by licensees.

## **27. Panel of Inspectors**

(1) The Authority shall, in consultation with The Gambia Standards Bureau, approve as Inspectors –

(a) at least two locally registered, accredited or authorised laboratories or persons; and

(b) at least one internationally-based, accredited or authorised laboratory or person.

(2) The Inspectors shall –

- (a) carry out inspection of petroleum products at ports of loading and ports of discharge based on Gambian law and best international practices; and
- (b) assess product compliance based on the relevant Gambian Standard or approved specifications.

**28. Inspection process at the port of loading**

- (1) A licensee shall nominate an Inspector for the port of loading from the list of contracted Inspectors and communicate the name of his or her nominee to the supplier.
- (2) A supplier shall, before loading petroleum products onto vessel cargo tanks at the port of loading, submit to the Inspector nominated by the Importer, an order to carry out tests based on the relevant Gambian Standard or approved specification.
- (3) The Inspector shall –
  - (a) inspect the vessel tanks and ensure that they are clean;
  - (b) supervise the loading of the vessel tanks;
  - (c) draw samples from vessel tanks;
  - (d) carry out tests on the critical parameters of the samples drawn to determine compliance with the requirements of the relevant Gambian Standard or other approved specification before allowing the vessel to sail;
  - (e) prepare and make available the results for the full tests within forty eight hours after carrying out the inspection;
  - (f) prepare and make available to the licensee, the shipper and the Authority within forty eight hours after carrying out the inspection –
    - (i) a certificate of quality for cargo loaded, and
    - (ii) a quantity report based on the bill of lading as determined at the port of loading;
  - (g) prepare and make available to the licensee and the Authority, a full inspection report within seventy two hours after carrying out the inspection;

- (h) using industry standard methods, calculate the units in the quantity report exclusively in –
    - (i) cubic meters at fifteen degrees centigrade,
    - (ii) metric tons in air, or
    - (iii) United States of America barrels at sixty degrees Fahrenheit.
  - (i) after loading, draw reference samples from the vessel tanks, in compliance with the relevant Gambian Standard or approved specifications;
  - (j) pour the reference samples into a weighted composite of at least five litres per product and seal them;
  - (k) keep reference samples of each product and make each sample available to the competent authority at the loading depot and the shipper; and
  - (l) dispatch a duplicate five litres aliquot together with the consignment, to the port of discharge to facilitate a validation test in case of a dispute.
- (4) The licensee shall meet the full cost of inspection based on the commercial contract with the Inspector.

**29. Inspection process at the port of discharge**

- (1) A licensee shall -
- (a) nominate an Inspector for the port of discharge from a list of locally based Inspectors contracted by the Authority; and
  - (b) notify all parties, including the Gambia Port Authority (receiving terminal), the designated depot facility and the Authority, of the date and time of arrival of the vessel, to enable them to prepare for inspection before discharge;
- (2) The Inspector, the Gambia Port Authority and any other party notified by the licensee shall jointly draw product samples for full pre-discharge analysis.
- (3) The Inspector shall in addition draw reference samples, seal the samples and retain them for a period of ninety days.

(4) Cargo purchased by the licensee in the high seas shall similarly be subject to full pre-discharge analysis as per the applicable standard, at the Gambia Port.

(5) Where the quality of a product sample complies with applicable standards or specifications and is consistent with the certificate of quality issued at the port of loading, the Authority shall issue the licensee with a certificate of release of the product in the prescribed form.

(6) Where the pre-discharge test results show a disparity between the quality of a product sample and the certificate of quality issued at the port of loading, the sampling and testing shall be repeated in an independent accredited laboratory.

(7) The Authority shall decide whether the product meets the relevant Gambia Standard or approved specifications.

(8) The Inspector shall, after completion of discharge -

(a) release the outturn report to the Gambia Revenue Authority, the licensee, the receiving designated depot facility and the Authority; and

(b) prepare and submit a full inspection report to the licensee and the Authority within seventy two hours after completion of the inspection.

(9) Any product which does not meet the relevant Gambia Standard or approved specifications shall be reshipped, or disposed of, at the expense of the licensee.

### **30. Accredited laboratories**

(1) A petroleum product shall be tested by an accredited laboratory.

(2) An accredited laboratory includes -

(a) a laboratory located in The Gambia, which is accredited by The Gambia Standards Bureau; and

(b) a laboratory located in a foreign country, which is accredited by the national laboratory accreditation body operating in the country where the laboratory is located.

(3) The Authority shall recognise the national laboratory

accreditation body of a foreign country before it accepts test results from any laboratory operating in that country.

(4) To be recognised by the Authority, a national accreditation body in a foreign country shall –

- (a) be a member of the International Laboratory Accreditation Corporation;
- (b) accept the accreditation standards of that Corporation; and
- (c) comply with ISO/IEC Guide 58:1993 (Calibration and testing laboratory accreditation systems – general requirements for operation and recognition, first edition, published by the International Organization for Standardization, Geneva).

#### **PART V – RECORD KEEPING AND REPORTING OBLIGATIONS**

##### **31. Maintenance of records by licensees**

(1) For the purpose of section 13 of the Act, a licensee shall –

- (a) maintain a record of all petroleum products supplied in The Gambia in each calendar year;
- (b) keep the record at the premises where the petroleum product is supplied; and
- (c) retain the record for at least two years from the date of supply.

(2) The licensee shall maintain a customer complaint register, in a form approved by the Authority, and shall make it available for examination by an Inspector on demand.

(3) The licensee shall record, in a manner and to a level of accuracy acceptable to the Authority, all petroleum stocks, biofuel stocks and any other fuel stocks imported, acquired, possessed, blended or sold to retailers.

(4) The licensee shall retain the record of petroleum and other stocks for at least two calendar years and shall make them available for examination by an Inspector on demand.

(5) The licensee shall, within the tenth working day in each quarter, submit in written form to the Authority a list showing all individual

petroleum transactions of the preceding month.

(6) The list shall cover all transactions of –

- (a) petroleum and biofuel imported by type and origin;
- (b) petroleum and biofuel sold to individual petroleum service stations;
- (c) petroleum and biofuel sold or given to fuel distributors; and
- (d) blending or addition of petroleum additives to petroleum, or biofuel.

**32. Maintenance of records by suppliers**

A person who imports petroleum products into The Gambia for sale shall keep records of –

- (a) the kind and grade of petroleum product, or its product code;
- (b) the quantity of petroleum product;
- (c) the date when the petroleum product was imported;
- (d) the port where the petroleum product arrived in The Gambia;
- (e) the tariff code for the petroleum product;
- (f) the importer number for the shipment;
- (g) the contact details of the manufacturer of the petroleum product, if known; and
- (h) any testing done on the petroleum product, including –
  - (i) the date of each test,
  - (ii) records by which the petroleum product tested can be traced to delivery docket numbers for the petroleum product,
  - (iii) test methods used, and
  - (iv) the results of the tests; and
- (i) stock reconciliation records, except in relation to petroleum

products for which it is not possible for the supplier to keep separate reconciliation records.

**33. Statement of accounts**

A licensee shall –

- (a) prepare a statement of account in respect of each financial year; and
- (b) submit the statement to the Authority within three months of the end of the immediately preceding financial year.

**34. Reports of changes in representations, etc.**

(1) A licensee shall –

- (a) without undue delay, inform the Minister of any significant change in the representations in his or her application or the stated conditions under which his or her license was granted;
- (b) within twenty-four hours of its occurrence, inform the Minister and the National Disaster Management Authority of any accident, natural disaster or other event which has caused or poses the risk of causing a sustained interruption or significant reduction of the petroleum supply operations, or has caused or poses the risk of causing major damage to health, public safety or the environment; and
- (c) provide proof of comprehensive insurance coverage of the supply chain operations, including but not limited to transportation, storage facilities of product stocks, personnel, equipment and third parties.

(2) A licensee shall submit a written report to the Authority in respect of –

- (a) any major case of a temporary interruption or a reduction of petroleum supply operations, or
- (b) any event which has caused or poses the risk of causing damage to third parties.

(3) A report submitted under sub-regulation (2) (b) shall state the cause of the event, the consequences of the event and the preventive measures taken or to be taken to remedy the event.

Petroleum Products (Importation) Regulations, 2018

---

MADE THIS 8 DAY OF JUNE 2018.



HON. FAFA SANYANG  
MINISTER OF PETROLEUM AND ENERGY