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REPUBLIC OF THE GAMBIA

PETROLEUM PRODUCTS ACT, 2016  
Act No.12 of 2016

PETROLEUM PRODUCTS (EMERGENCY SUPPLY PLAN)  
REGULATIONS, 2018

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

**PETROLEUM PRODUCTS (EMERGENCY SUPPLY PLAN)  
REGULATIONS, 2018**

**ARRANGEMENT OF REGULATIONS**

Regulation

**PART I – PRELIMINARY**

1. Citation
2. Interpretation
3. Application

**PART II – ORGANISATION AND PREPAREDNESS**

4. Declaration of a petroleum products supply emergency
5. Preparedness activities

**PART III – EMERGENCY RESPONSE PROCEDURE**

6. Response trigger procedure
7. Coordination

**PART IV – TERMINATION OF THE PROGRAMME AND SUBMISSION OF REPORTS**

8. Termination of the programme
9. Taskforce report
10. Evaluation and impact assessment report

**PART I - PRELIMINARY**

**1. Citation**

These Regulations may be cited as the Petroleum Products (Emergency Supply Plan) Regulations, 2018.

**2. Interpretation**

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

"Act" means the Petroleum Products Act 2016;

"Authority" means the Public Utilities Regulatory Authority;

"Commissioner" means the Commissioner of Petroleum;

"emergency situation" means an interruption in, or a serious distortion of, the petroleum products supply, which is caused by an accident, a political disturbance, a natural disaster or a similar event, or by the negligence of any person;

"essential service providers" includes the Fire and Rescue Services, the Armed and Security Services and the Medical and Health Services;

"license" means a petroleum product supply operations license;

"licensee" means a person who holds a license;

"list" means the list of essential service providers in an emergency situation;

"Minister" means the Minister responsible for petroleum and petroleum products matters; and "Ministry" shall be construed accordingly;

"natural disaster" includes but is not limited to natural hazards such as a volcanic eruption, a typhoon, a tropical cyclone, a tornado, an earthquake, a landslide and a tsunami;

"programme" means the essential service providers fuel supply programme; and

"Taskforce" means the Management of Petroleum Emergency Taskforce.

(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**

These Regulations shall apply to the downstream petroleum products supply chain.

## **PART II – ORGANISATION AND PREPAREDNESS**

### **4. Declaration of a petroleum products supply emergency**

(1) The Minister shall declare a petroleum products supply emergency to set the Emergency Petroleum Products Supply Plan activities into action.

(2) The Ministry or its designated agency shall be primarily responsible for the management of a petroleum products supply emergency.

(3) The Ministry shall set up a Taskforce for the execution of its response to a petroleum products supply emergency.

(4) The Taskforce shall comprise –

(a) the Minister, who shall be the Chairperson;

- (b) the Commissioner, who shall be the Deputy Chairperson;
- (c) a representative of the Ministry of Finance and Economic Affairs;
- (d) a representative of the Ministry of Trade, Regional Integration and Employment;
- (e) a representative of the Ministry of Transport, Works and Infrastructure;
- (f) a representative of the Ministry of Environment, Climate Change and Natural Resources;
- (g) a representative of the Gambia Immigration Department;
- (h) a representative of the Gambia Ports Authority;
- (i) a representative of the Public Utilities Regulatory Authority;
- (j) a representative of the Gambia Revenue Authority;
- (k) a representative of oil marketing companies in The Gambia; and
- (l) a representative of petroleum importers in The Gambia.

(5) The Taskforce shall handle administration, information communication, inquiries and complaints, and resolve any disputes that may arise between the customers and the petroleum companies that supply them.

(6) The Ministry shall work closely with the National Disaster Management Agency at all times during an emergency situation.

#### **5. Preparedness activities**

- (1) The Authority and petroleum suppliers shall –
  - (a) manage and operate their respective parts of the petroleum supply chain in accordance with the laws, regulations, established requirements and best practices in the petroleum sector; and

- (b) collaborate to design, locate and install systems and facilities that will deal efficiently and effectively with emergency situations.
- (2) The Ministry and operators of storage facilities shall maintain up-to-date information, during normal and emergency situations, regarding petroleum supply, petroleum demand, and damage to petroleum supply and petroleum distribution systems.
- (3) The Ministry shall use the following colour-coded alert system to identify different levels of preparedness –
  - (a) Green alert – indicates a normal situation in particular that forty-five days stock is available within the country plus stock in transit;
  - (b) Yellow alert – indicates that thirty days stock is available within the country and there is no stock in transit; and
  - (c) Red alert – indicates an emergency situation in particular that there is less than fifteen days stock available within the country and there is no stock in transit.
- (4) The Ministry shall, when there is less than twenty-one days stock, with or without stock in transit, establish the Taskforce to start consultations and monitor the situation.
- (5) The operators of petroleum storage facilities shall maintain strategic stocks of petroleum products covering a minimum of thirty days at all times.
- (6) The Authority shall –
  - (a) approve and document procedures for importers to respond to petroleum supply emergency situations;
  - (b) maintain inventories of suppliers and emergency response organisations including names, addresses and telephone numbers of their contact personnel;
  - (c) develop and maintain operating procedures for actions to take during an emergency; and
  - (d) ensure that personnel are aware of their responsibilities and

are trained in emergency operations.

### **PART III – EMERGENCY RESPONSE PROCEDURE**

#### **6. Response trigger procedure**

(1) The Minister shall by Order published in the gazette declare an emergency situation.

(2) After declaring an emergency situation, the Minister shall –

(a) issue a public notice, which shall –

(i) establish an essential service providers programme,

(ii) specify the commencement date and the duration of the programme,

(iii) specify the composition of the list, and

(iv) specify the roles of the various stakeholders in the implementation of the programme;

(b) notify the representatives of all petroleum companies operating in the country, of the programme and the list; and

(c) establish the Taskforce.

(3) The Ministry may issue a press release notifying the public that the programme shall become operational on an appointed day.

(4) The Minister may require each petroleum company participating in the programme to designate a representative to assist in developing procedures for processing certification of applications.

(5) The Ministry shall send to petroleum companies and local government authorities, an information package containing the Order, the press release, a certification application, and all regulations pertaining to the programme.

#### **7. Coordination**

The Taskforce shall –

(a) put in place an efficient coordination mechanism for timely

and direct information dissemination to all stakeholders including local government authorities;

(b) guide the oil marketing companies on issues of handling additional fuel requests from the list; and

(c) inform stakeholders of the mechanism in place for dispute resolution.

#### **PART IV – TERMINATION OF THE PROGRAMME AND SUBMISSION OF REPORTS**

##### **8. Termination of the programme**

At the end of an emergency situation, the Minister shall issue a press release announcing the termination of the programme.

##### **9. Taskforce report**

(1) The Taskforce shall submit a report to the Minister not later than twenty-one days after the issuance of the press release announcing the termination of the programme.

(2) The report shall include details relating to –

(a) whether the programme ensured the availability of adequate supplies of petroleum products to maintain essential emergency services;

(b) whether oil marketing companies and storage facilities were capable of implementing the plan expeditiously;

(c) whether there were any disputes between stakeholders;

(d) whether any such disputes were resolved in a timely manner;

(e) whether there were any major issues of abuse of the programme by the essential service providers;

(f) how the programme was received by the stakeholders;

(g) whether there were any major recommendations from the stakeholders;

(h) how the programme was received nationally; and



- (i) how the programme may be improved generally.

**10. Evaluation and impact assessment report**

(1) The Minister shall commission a programme evaluation and impact assessment report after receipt of the Taskforce's report.

(2) The report shall evaluate issues including –

- (a) whether the change in supply of one type of energy affected the supply of other forms of energy;
- (b) the degree to which supply to priority customers reduced supply to non-priority customers;
- (c) the actual impact observed on the ability of propriety users to sustain operations;
- (d) the estimated impacts on the country's economy including employment, productivity, and revenues;
- (e) the effectiveness of the information supplied to critical end-users and their customers;
- (f) programmatic problems observed including non-compliance, cheating, theft, or other acts deemed illegal or inappropriate; and
- (g) medium-to-long term impacts identified to reduce unintended consequences.

(3) The evaluation and impact assessment report shall be submitted to the Minister forty-five days after its commissioning.

(4) After receiving the evaluation and impact assessment report, the Minister shall submit it, together with the report of the Taskforce, to the Cabinet for consideration and approval.

MADE THIS 8 DAY OF June 2018.



HON. FAFA SANYANG  
MINISTER OF PETROLEUM AND ENERGY