

**LICENCE**

**TO**

**CARRY OUT THE ACTIVITY OF A  
FUEL DISTRIBUTOR**

Malta Resources Authority  
Millennia 2<sup>nd</sup> Floor  
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LQA 06  
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MALTA RESOURCES AUTHORITY

**Licence to carry out the activity of a Fuel Distributor**

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**Licence Number:**

Licence granted by the Malta Resources Authority under the 'Petroleum for the Inland Fuel Market Regulations', LN XXX of 2006 to distribute fuel.

\_\_\_\_\_, holder of Identity Card Number \_\_\_\_\_, and residing at \_\_\_\_\_ (hereunder known as the licensee) is being granted a licence, on behalf of \_\_\_\_\_ to distribute fuel.

The licence holder is authorised to distribute:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Using the vehicles listed in special conditions of this licence.

Licence is being granted under the attached conditions for the time span declared hereunder. However, the licence fee shall be payable annually as prescribed in article 11 of the aforesaid Regulations. The Authority reserves the right to amend, modify, replace add or delete the conditions of the licence as prescribed in article 22 of the aforesaid Regulations.

**Any changes in the information submitted to the Authority in relation to the granting of the licence must be submitted to the Authority on payment of the annual fee or earlier.**

**Fees paid for this Licence: Lm**

**Licence Validity:**

**XXXX 2006 to 31<sup>st</sup> December 2012**

\_\_\_\_\_  
**for Malta Resources Authority**

\_\_\_\_\_

## **STANDARD CONDITIONS OF LICENCE**

- 1 DEFINITIONS
- 2 LIMITATIONS, VARIATIONS AND AMENDMENTS
- 3 GENERAL CONDITIONS
- 4 SPECIAL CONDITIONS
- 5 APPLICATION FORM
- 6 PERFORMANCE BOND FORM

## 1. Definitions

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them. The definitions of any other terms used in this licence are the same as those in 'Petroleum for the Inland Fuel Market Regulations', (Legal Notice XXX of 2006).

- 1.1 **ADT** means "L-Awtorita dwar it-Transport" established under the Malta Transport Authority Act (Cap. 332).
- 1.2 **ADR** means the "UNECE Agreement Concerning the International Carriage of Dangerous Goods by Road". Subsidiary legislation 'Motor Vehicle (Carriage of Dangerous Goods by Road) Regulations', (LN 211 of 2003) requires compliance with the ADR for both the National and International carriage of dangerous goods.
- 1.3 **Emergency Service** means a service provided by the gas supplier as regulated in - 'Bulk Liquefied Petroleum Gas (installation and use) Regulations', (Legal Notice xxx of 2006) to attend leakages of LPG.
- 1.4 **Flash Point** means the lowest temperature at which a petroleum product or a biofuel can form an ignitable mix with air.

## **2. LIMITATIONS, VARIATIONS AND AMENDMENTS**

### **2.1 Limitations**

Nothing in the licence or conditions attached thereto is in any way intended or deemed to absolve the licensee or any other person or persons from liability to observe, comply with or carry out any requirement or provision of any law or bye-law or other legal requirement for the time being in force.

### **2.2 Variations and Amendments**

Any special condition, exemption or variation applicable to any specific case shall be read together with, and taken as, part of these conditions, unless otherwise specified. Any general or special condition may be amended or varied at the discretion of the Authority, giving where practicable due notice to the licensee.

## **3. GENERAL CONDITIONS**

3.1 The licensee shall comply with the requirements of the 'Petroleum for the Inland Fuel Market Regulations' (Legal Notice XXX of 2006) and other applicable legislation/regulation in force at the time.

3.2 The licence authorises the licensee to transport and distribute to licenced storage facilities and petroleum filling stations, petroleum products and, or biofuels which are included in the licence.

3.3 The licensee is not authorised to transport and distribute portable LPG gas cylinders by means of this licence.

3.4 The granting of the licence may be subject to additional special conditions attached the licence.

3.5 The licensee and all persons employed by him shall act in accordance with, and observe the conditions attached to the licence.

3.6 The licence, including the granting form duly issued by the Authority and any special licence conditions issued shall be produced to an inspector upon demand.

3.7 The licensee shall take all reasonably practicable steps necessary to prevent any

unauthorised persons having access to petroleum products and, or biofuels on the fuel distributor vehicle/s.

- 3.8 It is not permitted to carry any passengers on the vehicle.
- 3.9 The licensee shall take all reasonably practical steps to protect the environment in the course of operations associated with this licence.
- 3.10 Operations associated with this licence must comply with the guidelines issued by the Authority. The Authority reserves the right to amend, vary, add or remove conditions (including general and special) attached to this licence in terms of article 22 of the 'Petroleum for the Inland fuel Market Regulations' (Legal Notice XXX of 2006). The licensee undertakes to accept directions in the form of letters intended to explain or amplify the conditions attached to this licence or otherwise improve the general conduct of activities regulated by this licence.
- 3.11 The Authority can require the licensee to provide mandatory services to the public including the supply of designated geographical areas on the Islands as detailed in the special conditions of licence, against payment.
- 3.12 The licensee shall accept at all reasonable times inspections carried out by officers of the Authority or persons on its behalf for the purposes of ascertaining operational standards and the condition of the overnight parking station.
- 3.13 The licensee must provide assistance and facilitate the working of the Authorities in so far as the carrying out of their duties in accordance with legislation and relevant to the licence concerned.

#### **Transport and Distribution of Petroleum**

- 3.14 The licensee shall at all times transport and distribute only those petroleum products and, or biofuels for which he has applied to the Authority and for which he has been so authorised.
- 3.15 Without prejudice to 3.14, the licensee is authorised to transport and distribute using a particular fuel distributor vehicle only those petroleum products and, or biofuels which he is able to transport in a tank vehicle which is intended for carriage of those

particular petroleum products and, or biofuels for which the fuel distributor vehicle is accordingly licenced.

- 3.16 The licensee shall only distribute and dispense petroleum products and, or biofuel to customers into containers and tanks designed for the holding of petroleum and never directly into the tank of a motor vehicle.

### **Fuel Distributor Vehicles**

- 3.17 The fuel distributor vehicle/s is/are to display an orange plate and hazard placard as indicated in the 'Motor Vehicle (Carriage of Dangerous Goods by Road) Regulations', 2003.

- 3.18 The fuel distributor vehicle/s is/are to be equipped with:
- (i) written procedures for normal and emergency procedures as approved by the Authority;
  - (ii) fire-fighting equipment as per requirements of the ADR;
  - (iii) one wheel chock;
  - (iv) suitable warning vest/clothing for each member of the crew;
  - (v) pocket lamp;
  - (vi) special protection and special actions equipment as listed in the in the ADR instructions in writing for the driver (Tremcard); and
  - (vii) two self-standing warning signs (e.g. reflective cones or flashing amber lights which are independent of the electrical equipment of the fuel distributor vehicle).

### **Driver of fuel distributor vehicle**

- 3.19 The driver and helper boarding the fuel distributor vehicle/s is/are to be in possession of an ADR Vocational Driver Certificate for drivers of vehicles carrying dangerous goods or as may be authorised by that authority.

- 3.20 The driver and helper on board the fuel distributor vehicle/s shall take all practicable steps necessary to prevent:
- a) accident by fire or explosion;
  - b) the escape of petroleum and, or biofuel;
  - c) any petroleum and, or biofuel entering any drain, sewer or waterway or public road;

- d) any naked light, fire, flame or any other source liable to ignite flammable vapour occurring or present within a hazardous area; and
- e) smoking taking place in any hazardous area close to the fuel distributor vehicle where petroleum and, or biofuel is kept, handled or exposed.

### **Emergency Services**

3.21 Fuel distributors of bulk LPG shall provide a daily 24 hour emergency service to customers to whom the service is provided.

### **Housing of fuel distributor vehicle/s**

3.22 Fuel distributor vehicle/s filled with LPG, gasoline and, or biofuel having a flash point temperature below 55°C must be kept in an open space. In case of fuel distributor vehicle/s carrying other petroleum products and, or other biofuels, the station or the place housing the fuel distributor vehicle/s is to be clean and free of any combustible material or any other hazardous material, according to the guidelines established by the Authority. The station or the place housing the fuel distributor vehicle/s shall be a single-storey construction with a light weight roof or is to have alternative means of explosion relief. Where this is not practical, an acceptable alternative should be used such as a mechanical ventilation equivalent to at least 5 air changes per hour.

### **Maintenance**

3.23 The fuel distributor vehicle/s shall be maintained in such a condition that safety-related features remain in place and function effectively.

3.24 The licensee shall ensure that all dipsticks are properly maintained and in possession of a valid certificate issued by an authorised body recognised by the Authority.

3.25 The licensee shall also ensure that all quantity measuring meters installed on the vehicles and used for the measuring of fuel dispensed to clients are properly maintained and checked for calibration at least every three months. These calibration checks are to be supported by a valid certificate issued by an authorized body recognized by the Authority.

### **Waste Disposal**

3.26 All effluents from tank cleaning have to be disposed in a manner approved by the Authority in accordance with any scheme that may be in place at any time.

### **Electronic Surveillance Devices**

3.27 All fuel distributor vehicles must be equipped with an onboard electronic surveillance device. The Authority may at all times partake of data derived from such an exercise.

### **Records & Supply of Data**

3.28 The licensee shall maintain a customer complaint register and proceedings, in a form approved by the Authority, which shall be made available for examination by an inspector upon demand.

3.29 The licensee shall maintain in a form acceptable to the Authority and produce to an inspector upon request, a record documenting the daily records and accounts of all receipts and issues of petroleum in such form as the Authority may from time to time prescribe.

3.30 Within the 10<sup>th</sup> working day of each month the licensee must submit in written form to the Authority a list covering the total amount of petroleum products and, or biofuels handled during the preceding month. The list shall cover:

- (i) all petroleum and, or biofuel bought or supplied from each licenced importer and, or wholesaler; and
- (ii) all petroleum and, or biofuel sold or supplied, divided into:
  - residential premises;
  - petrol stations;
  - commercial premises; and
  - industrial premises by type:- food sector, manufacturing, textiles, and construction industries.

### **Insurance**

3.31 The licensee shall insure and keep insured throughout the duration of the licence the fuel distributor vehicle/s in their full value against loss or damage. It should also cover malicious damage resulting from fire and, or explosion, including any such damage that may be attributed to negligence. The policy shall also cover damage to any third party.

### **Performance Bond & Guarantee**

3.32 When applying for the granting of a licence, the applicant must submit a bond in the form of a bank guarantee to cover his application form. This guarantee has to be

payable on demand in favour of the Malta Resources Authority (the Authority), and in a form defined by it, for an amount of \_\_\_\_\_ Malta Liri (Lm\_\_\_\_\_). The bond is intended to ensure an applicant's commitment towards the application process. In the case of unsuccessful applicants, the bond will be released at the end of the application process whilst in the case of a successful applicant, the bond will be maintained as a performance guarantee.

- 3.33 No application for the granting of a licence to carry out the activity of a fuel distributor shall be processed unless accompanied by a valid bond.
- 3.34 The bond must be in conformance with the conditions as laid out in Section 6 of the document.
- 3.35 If, at any stage of the application process, the applicant withdraws the application, for a reason considered by the Authority as being in the circumstances insufficiently justified or unreasonable, a penalty of Lm\_\_\_\_\_ will be retained from the bond.
- 3.36 The performance guarantee will, from the day of the granting of the licence and thereafter, be intended to guarantee that the licensee should honour the licence conditions listed in the grant of rights of use document.
- 3.37 The performance guarantee will have to be issued in a manner as to be valid for the duration of the licence and any renewals thereof.
- 3.38 The bond and subsequently the guarantee shall be issued by a bank, investment bank, financial institution, insurance company or similar, which neither controls, nor is effectively controlled by, the applicant, nor is controlled by a person who controls the applicant, and which is registered in the European Economic Area and has a minimum long-term debt "A" rating from Standard & Poors or "A" from Moody's Investors Service Limited.

### **Transfer of Licence**

- 3.39 Licences shall be transferable:

Provided that whenever a licensee desires to transfer his licence he shall follow the procedure prescribed in Article 24 of Legal Notice XXX of 2006 - "Petroleum for the Inland Fuel Market Regulations, 2006".

3.40 The Authority shall treat an application for the transfer of a licence as a new application in terms of Schedule 1 of Legal Notice XXX of 2006 - "Petroleum for the Inland Fuel Market Regulations, 2006".

#### 4. Special Conditions of Licence

##### Declaration

I \_\_\_\_\_ of \_\_\_\_\_  
accept this licence with its conditions.

\_\_\_\_\_  
\*\*\*\*\*

I.D. No.: \*\*\*\*\*

**5. Application for the granting, renewal or transfer of a licence to carry out the activity of a fuel distributor**

Granting <input type="checkbox"/>	Renewal <input type="checkbox"/>	Transfer <input type="checkbox"/>
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**A. Applicant's Details**

<b><i>To be filled in case application is on behalf of company</i></b>			
Name of Company:		VAT No:	Company Registration No:
Type of Company:			
<input type="checkbox"/> LTD	<input type="checkbox"/> PLC	<input type="checkbox"/> Corporation	<input type="checkbox"/> Organization <input type="checkbox"/> Governmental
<input type="checkbox"/> Other (Specify)			
<b>Details of Company Representative related to this application</b>			
Title:		Full Name:	
I.D. No.:		Position Held:	
Contact Address:			
Tel. No.:	Mobile No.:	Fax No.:	E-mail Address:

<b><i>To be filled if application is made by an individual</i></b>			
Title:		Full Name:	
I.D. No./Passport No.:		VAT No: (if applicable)	Previous Licence No.: (if applicable)
Contact Address:			
Tel. No.:	Mobile No.:	Fax No.:	E-mail Address:

## B. Licensing History of applicant

Has the applicant or any of its shareholders/ promoters or affiliates been licenced by the MRA? YES <input type="checkbox"/> NO <input type="checkbox"/>		
Licencee's Name	Activity	Licence No

## C. Business Details of Applicant

<i>Give the name(s) and private address(es) of each of the legal representatives (current directors or any other officers, company secretary, partners or members of the committee of management). Identify, as applicable, the chairman, chief executive, managing director, finance director, and any other director with specific duties.</i>			
Full Name	ID No/Passport No	Address	Position

## D. Regulatory Approval/Actions

Has the applicant or any of its shareholders / promoters or directors been found guilty or convicted or been subject to any form of enforcement action by any regulatory authority or convicted of a criminal offence in the past 5 years or are any charges now pending? <b>If yes please provide full particulars in a separate, signed and dated statement)</b> YES <input type="checkbox"/> NO <input type="checkbox"/>
Has the applicant or any of its shareholders / promoters or directors ever had a licence or permit or other form of registration of any kind refused, suspended, revoked or cancelled by any regulatory authority? <b>If yes please provide full particulars in a separate, signed and dated statement)</b> YES <input type="checkbox"/> NO <input type="checkbox"/>
List any trading and company names (state which and when used) used by the applicant or any of its shareholders / promoters or directors within the last five years. <i>(Attach separate sheet if necessary)</i>
List any trading name which the applicant uses or proposed to use if different from the name given under Section A.

## E. Operational Details

<b>Data on fuel distributors vehicle/s used</b> <i>(If more space is required please fill in a separate sheet of paper)</i>					
<b>Address(es) where Fuel distributor vehicle/s is/are going to be housed:</b>					
Address 1:					
Address 2:					
Address 3:					
Vehicle Licence Number	Fuel Transported				Loading Quantity (litres)

<b>Data on driver/s employed</b> <i>(If more space is required please fill in a separate sheet of paper)</i>		
Driver's Name	I.D. Number	ADR Vocational Driver Certificate

## F. Details of previous licence holder (to be filled only in case application for transfer of licence)

Title:	Full Name:	Previous Licence No.:	
I.D. No./Passport No.:	VAT No.:(if applicable)	Company Registration No.:	
Contact Address:			
Tel. No.:	Mobile No.:	Fax No.:	E-mail Address:

## G. Data to be supplied together with application

(\* Not applicable to new operators)

### Technical Details

1. General details of fuel distributor vehicle/s used for transporting, distributing and retailing petroleum and, or biofuel including log book.
2. Copy of ADR vocational driver certificate of each individual driver listed in E.
3. Copy of insurance policy of all fuel distributor vehicle/s. The Authority reserves the right to request the applicant to alter the cover in a manner that is acceptable to it.
4. Business plan for 3 years with financial projections and sufficient description of the proposed operations.

### Details of Applicant

In case of a company:

- (i) a notarized copy of the identity cards of the Directors and Secretary of the company;
- (ii) a Certified copy of the Memorandum and Articles of Association of Company;
- (iii) a copy of the last Annual Return submitted to the MFSA;
- (iv) the last audited and regulatory accounts of the company\*; and
- (v) police Conduct Certificates for the Directors of the company.

In case of an individual:

- (i) a notarized copy of the ID Card; and
- (ii) police conduct certificate.

Detach Section 5 and Section 6 and send completed application and all attachments to:

**Director of Energy  
Malta Resources Authority  
Millennia  
Aldo Moro Road  
Marsa LQA 06  
Malta**

## H. Declaration by Applicant

I, the undersigned applicant, hereby confirm that to the best of my knowledge, the information contained in this application is true and correct, and that it represents accurately the data being requested.

I undertake to inform the Malta Resources Authority of any changes in the information contained in this application, and I authorise the Malta Resources Authority to carry out the necessary investigations in order to verify this information. I understand that with granting of the licence I am automatically being subject to the conditions listed in the licence. I also understand that the conditions listed in the licence may be changed as prescribed in the Petroleum for the Inland Fuel Market Regulations, 2006. I also undertake to give any other information that may be requested from time to time by the Authority.

I understand that the Authority shall not be precluded from taking action in the event that the fuel distributor vehicle/s and the overnight parking station is/are not kept in accordance with the standards listed in the licence conditions or any material alteration is carried out without prior consent of the Authority.

Name in Full: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## I. For Office Use

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Amount Due: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

Reference File Number: \_\_\_\_\_

Official Stamp:

### Note – Data Protection Notice

All personal data submitted to the Authority shall be used only in relation to the processing of this application. The information shall not be in whole or in part, transmitted to third parties except in those cases where it is required to do so by law.

## 6. Performance Bond Form

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### MRA Form of Bond / Performance Guarantee

The Chairman, Malta Resources Authority,

Our Letter of Guarantee No: \_\_\_\_\_ for \_\_\_\_\_ **Maltese Liri (Lm\_\_\_\_\_)** by order of:

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### Name of Applicant

Reference is made to the application (hereinafter referred to as the 'Application') for the granting of a licence to transport, distribute and retail petroleum products and, or biofuels which are included in the licence (hereinafter referred to as the 'Licence') made by

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### Name and Address of Applicant

hereinafter referred to as 'the Applicant', whereby the Applicant inter alia undertakes:

- not to withdraw its application for the licence at any point in time prior to the award of the Licence by the Malta Resources Authority (hereinafter referred to as the MRA);
- in the event that it will be awarded the Licence, to unreservedly accept the Licence and all conditions therein; and
- in the event that it will be awarded the Licence by the MRA, to fulfill and to abide to all conditions and requirements as will specified in the Licence.

At the request of the Applicant, we \_\_\_\_\_ (insert name of bank / financial institution) hereby guarantee to pay you on the demand a maximum sum of \_\_\_\_\_ **Maltese liri (Lm\_\_\_\_\_)**, in the event that the obligations in the application and, or the Licence are not duly performed by the Applicant.

It is understood that this guarantee will become payable on your first written demand which must be sent to, \_\_\_\_\_ (insert

address of bank / financial institution) accompanied by this document. It shall not be incumbent upon us to verify whether such a demand is justified.

For avoidance of doubt and for all intents and purposes of law, it is hereby specifically declared that although this instrument gives rise to legal relations between the Guarantor and the Beneficiary, this guarantee does not exempt the Applicant from any obligations, acts of performance or undertakings assumed under the application, Licence and, or Law

This guarantee is personal to yourself/yourselfs and is not transferable or assignable.

Name in Full: \_\_\_\_\_ Signature: \_\_\_\_\_

Name in Full: \_\_\_\_\_ Signature: \_\_\_\_\_

**I accept in their entirety the conditions set out above.**

Name of Applicant: \_\_\_\_\_ Signature: \_\_\_\_\_