

**AUTHORISATION  
TO OPERATE A  
PRIMARY STORAGE FACILITY**

**SPECIMEN**

Malta Resources Authority  
Millennia 2<sup>nd</sup> Floor  
Aldo Moro Road  
Marsa  
MRS 9065  
Malta  
Tel: 22955 154  
Fax: 22955 200  
E-mail: [mra@mra.org.mt](mailto:mra@mra.org.mt)



MALTA RESOURCES AUTHORITY

**Authorisation to operate a Primary Storage Facility**

Malta Resources Authority  
Millennia Complex  
Triq Aldo Moro  
Marsa, MRS 9065  
MALTA

Tel.: +356 22955 154  
Fax.: +356 22955 200  
E-mail: [mra@mra.org.mt](mailto:mra@mra.org.mt)  
[www.mra.org.mt](http://www.mra.org.mt)

**Authorisation Number:**

Authorisation granted by the Malta Resources Authority, hereinafter referred to as the "Authority" under the Petroleum for the Inland (Wholesale) Fuel Market Regulations (LN 278 of 2007), hereinafter sometimes referred to as the Regulations to operate a Primary Storage Facility.

\_\_\_\_\_, holder of Identity Card Number \_\_\_\_\_, and residing at \_\_\_\_\_ (hereafter known as the authorised provider) is being granted a authorisation, on behalf of \_\_\_\_\_ to:

- 1. Store fuels in tanks having capacities of:

Fuel Type	Storage Capacity

which storage facility is located at:

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

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

**This Authorisation extends to any material alterations that are not approved by the Authority prior to their coming into effect or service.**

**Fee applicable for this Authorisation:**

The applicable authorisation fee for operating a primary storage facility is:

- (a) € 4,658.75 per annum in the case of a primary storage facility which does not exceed 25,000 tonnes capacity;
- (b) € 9,317.49 per annum in the case of a primary storage facility which exceeds 25,000 tonnes but does not exceed 100,000 tonnes capacity;
- (c) € 13,976.24 per annum in the case of a primary storage facility which exceeds 100,000 tonnes capacity.

**Authorisation Validity: XXXX to 31<sup>st</sup> December 2037**

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



## **STANDARD CONDITIONS OF AUTHORISATION**

- 1** DEFINITIONS
- 2** SCOPE OF AUTHORISATION
- 3** LIMITATIONS, VARIATIONS AND AMENDMENTS
- 4** GENERAL CONDITIONS
- 5** SPECIAL CONDITIONS

SPECIMEN

## Definitions

In this authorisation and for the purpose of these conditions (except in so far as the context otherwise requires) the following words shall have the meanings respectively assigned to them. The definitions of any other terms used in this authorisation are the same as in the 'Petroleum for the Inland (Wholesale) Fuel Market Regulations, 2007', (Legal Notice 278 of 2007).

- 1.1 **Category I** means motor spirit, aviation fuel (aviation spirit and jet-fuel of the gasoline type) and biofuels having a low flash point.
- 1.2 **Category IIA** means Jet-fuel of the kerosene type.
- 1.3 **Category IIB** means gas oil, diesel oil, kerosene and biofuels having a high flash point.
- 1.4 **Category III** means fuel oils.
- 1.5 **Category IV** means LPG.
- 1.6 **COMAH regulations** mean the Control of Major Accidents Hazards Regulations (LN 37 of 2003).
- 1.7 **Flash Point** means the lowest temperature at which a petroleum product or a biofuel can form an ignitable mix with air:
- (i) Low flash point is a temperature below 55°C; and
  - (ii) High flash point is a temperature above 55°C.
- 1.8 **Secondary Containment System** means a containment area such as a drip tray or a bund wall, impermeable to water and oil surrounding the tank or container:
- (a) having a capacity of not less than 110% of the container storage capacity or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greatest;

- (b) where any number of drums are used for the storage in conjunction with a drip tray as the secondary containment system, it is sufficient if the tray has a capacity of not less than 25% of the drums capacity.

**1.9 Technically Competent Manager** means a person responsible for the safe and proper operation of the primary storage facility to the highest safety and engineering standards.

**1.10 Type** defines capacities of storage facilities not falling within the scope of the COMAH regulations, for different petroleum categories.

For Category I, Category IIA, Category IIB and Category III fuels:

- (i) **Type 2** means a storage facility in excess of 4,501 litres but not exceeding 10,000 litres; and
- (ii) **Type 3** means a storage facility in excess of 10,001 litres but not covered by the COMAH Regulations.

For Category IV:

- (iii) **Type 4** means a storage facility storing Category IV petroleum in:
  - (a) a storage container whose net weight is of 150 kg or more and is designed to be filled or re-filled with gas at the place where it is connected for use; or
  - (b) six or more portable cylinders connected together in one header supplying simultaneously.

## **2 SCOPE OF AUTHROISATION**

The authorised provider is authorised to store all forms of petroleum and, or biofuel as may be authorised by the Authority in terms of this authorisation.

## **3 LIMITATIONS, VARIATIONS AND AMENDMENTS**

### **3.1 Limitations**

Nothing in the authorisation or the conditions attached thereto should be construed as, and/or should in any way be understood and/or be deemed to relieve the authorised provider and/or any other person or persons from being obliged to observe, comply with or carry out any requirement or comply with a provision of any law or bye-law or any other legal requirement for the time being in force.

### **3.2 Variations and Amendments**

Any special condition, exemption or variation applicable to any specific case shall be read together with, and construed as being 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 authorised provider.

The authorised provider shall however be notified of the intended amendments and consulted by the Authority prior to any such amendment or variation being put into effect.

#### **4 GENERAL CONDITIONS**

- 4.1** The authorised provider shall comply with the requirements of – the Petroleum for the Inland (Wholesale) Fuel Market Regulations (Legal Notice 278 of 2007) and any other applicable legislation/regulations.
- 4.2** Special authorisation conditions may be attached to this authorisation upon its granting and subsequent to that time thereof. The continuing validity of this authorisation shall be subject to adherence to such special authorisation conditions.
- 4.3** The authorised provider and all persons employed at the authorised facility shall act in accordance with and observe the conditions attached to this authorisation.
- 4.4** The authorisation including the granting form duly issued by the Authority and any authorisation conditions issued shall be produced to an inspector upon demand.
- 4.5** The quantity of petroleum and, or biofuel kept at any one time at the authorised facility, excluding petroleum in the tanks of motor vehicles used for their own propulsion and stationary plant (e.g. fire engines, generators etc.) shall not exceed the amount specified in the Authorisation.
- 4.6** The authorised provider shall take all reasonably practicable steps necessary to prevent persons under the age of 16 from having access to petroleum products at the authorised facility or any equipment associated with it.
- 4.7** The authorised provider shall take all reasonably practical steps to protect the environment in the course of operations associated with this authorisation.
- 4.8** The storage facility and its operation must comply with the guidelines and Codes of Practice that may be issued by the Authority from time to time.
- 4.9** The authorised provider is to maintain a minimum stock level as indicated in the special conditions of authorisation.
- 4.10** The authorised provider must be registered with the Department of Customs as prescribed by the Excise Duty Act.
- 4.11** The authorised provider shall accept at all reasonable times inspections carried out by

officers of the Authority or persons acting on its behalf, for the purposes of ascertaining the condition of the authorised facility, its equipment and operational standards.

- 4.12** The authorised provider must provide assistance and facilitate the work of the various Authorities instituted by law, in so far as, and in the carrying out of their duties in accordance with their legislative remit and relevance to the authorisation concerned.
- 4.13** Operations associated with this authorisation must comply with the guidelines issued by the Authority from time to time. The Authority reserves the right to amend, vary, add or remove conditions, whether general or special, attached to this authorisation in terms of regulation 22 of the 'Petroleum for the Inland (Wholesale) Fuel Market Regulations, 2007' (LN 278 of 2007) The authorised provider undertakes to accept directions in the form of letters from the Authority, intended to explain or amplify the conditions attached to this authorisation or otherwise improve the general conduct of activities regulated by this authorisation.

#### **Material Alterations**

- 4.15** No person shall perform material alterations on any equipment or tank in which, to his knowledge, any petroleum is or has been kept, until he has taken all reasonable precautions to ensure that the receptacle has been rendered free from such petroleum and, or any flammable vapour.
- 4.16** If the Authority calls upon the authorised provider, by means of a notice in writing, to execute any material alterations to the storage facility, which are, in the opinion of the Authority necessary for safety, or for other reasons, and that justify the making of material alterations to the authorised facility, the authorised provider shall execute the material alterations within such period as may be fixed by the said notice.

#### **Customer Complaint**

- 4.17** The authorised provider 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 on demand thereof being made.

#### **Records and Supply of Data**

- 4.18** The authorised provider shall maintain in a form acceptable to the Authority and produce to an inspector on request, a record documenting the daily records and

accounts of all receipts and issues of petroleum and, or biofuels in such form as the Authority may from time to time prescribe. These records are to be kept for a minimum period of five years.

- 4.19** The authorised provider must maintain proper books of accounts supported by adequate and comprehensive records, which should be in accordance with guidelines that may be issued from time to time by the Authority.
- 4.20** Within the 15<sup>th</sup> working day of each month, the authorised provider must supply in written form to the Authority:
- (i) a schedule of all stocks kept at the storage facility; and
  - (ii) a schedule of all receipts and transfers of petroleum and, or biofuels whether for the inland market, export or transshipment during the preceding month.

#### **Waste Collection**

- 4.21** All effluents from tank cleaning or any other waste has to be disposed in accordance with any scheme that may be in place at any time or in its absence, in any manner that is approved by the Authority

#### **Maintenance & Calibration of meters**

- 4.22** The authorised provider shall ensure that all dip tapes are properly maintained and covered by certificate issued by an authorised body recognised by the Malta Standards Authority.
- 4.23** The authorised provider shall also ensure that all quantity measuring meters installed at the authorised facility are properly maintained and checked for calibration at least every three months, except for quantity measuring meters of LPG which shall be calibrated annually. These calibration checks are to be supported by a certificate issued by an authorised body or person recognised by the Malta Standards Authority.

#### **Fiscal Marking of Petroleum**

- 4.24** Petroleum required to be marked with a common fiscal marker, must be so marked before loading onto a barge or road tanker. Dosing must be done through the use of dosing pumps and meters approved by the relevant Authority.

#### **National marker**

- 4.25** The authorised provider shall provide the necessary facilities and make provisions so

that the National marker is added to the fuel if so legally required. The authorised provider and all persons employed on the authorised facility shall facilitate and give all the necessary assistance required by Customs officials in the supervision of the application of the National marker.

### **Dyeing of Petroleum**

**4.26** All petroleum products sold in the inland fuel market shall be dyed as may be directed by the Authority and, or the Department of Customs. It shall be the responsibility of the authorised provider to ensure that fuels leaving the primary storage facility are properly dyed according to 4.27. Dyeing is to be performed upon specific written instructions given by the authorised wholesaler of fuels / bunkering operator. Fiscal markers imposed by Customs Laws are still applicable.

Gas Oil meant for use in combustion in gas turbines is exempted from being dyed.

**4.27** In the case of:

- i) gas oils falling within CN Codes 2710.19.41.00, 2710.19.45.00 shall be marked with the following dyes:
  - (a) CI Solvent Yellow 174 in case of gas oil falling within CN Code 2710.19.45.00. The dye shall be added in not less than such a quantity that gives a colour intensity when measured in a spectrophotometer at  $430 \pm 10\text{nm}$ , corresponding to 5 mg of CI Solvent Yellow 174 as defined in the Colour Index per litre of mineral oil; and
  - (b) CI Solvent Blue 79 in case of gas oil falling within CN Code 2710.19.41.00. The dye shall be added in not less than such a quantity that gives a colour intensity, when measured in the spectrophotometer at  $650 \pm 10\text{ nm}$ , corresponding to 5 mg of CI Solvent Blue 79, as defined in the Colour Index, per litre of mineral oil; and
- ii) Unleaded petrol falling within CN Codes 2710.11.41.00, 2710.11.45 and 2710.11.49.00 shall be marked with any green dye.

#### **Safekeeping of Dyes and Fiscal Markers**

- 4.28** The authorised provider shall ensure that all dyes and fiscal markers are kept in an appropriate place under his supervision.
- 4.29** The authorised provider must also ensure that only personnel approved by the Authority have access to these dyes and markers.

#### **Dosage Pumps - Dyes and Fiscal Markers**

- 4.30** The authorised provider is to ensure that any dosage pumps used for the injection of dyes and fiscal markers installed on the authorised facility are shielded from any possibility of tampering or other abuse.
- 4.31** Only dosage pumps which can be guaranteed to be supplying constantly the right concentration of dyes and fiscal markers, and which are approved by the Authority can be used to dose dyes and fiscal markers.
- 4.32** The authorised provider shall also ensure that all dosage pumps and related meters installed on the authorised facility are properly maintained and checked for calibration at least every three months. These calibration checks are to be supported by a certificate issued by an authorised body recognised by the Malta Standards Authority.

#### **Primary Storage facilities within the scope of the Control of Major Accident Hazard Regulations**

- 4.34** If the installation for which a granting or renewal application is forwarded lies within the scope of the COMAH Regulations, the authorised provider when applying with the Authority must obtain a document from the COMAH Competent Authority (OHSA, MEPA and CPD) stating whether the documentation required by the aforementioned regulations as may be amended has been submitted or not.

#### **Primary storage facilities not within the scope of the COMAH Regulations**

- 4.35** Primary storage facilities not within the scope of the COMAH Regulations fall within the following types: Type 2, Type 3 and Type 4 as defined in Section 1.

#### **Secondary Containment System**

- 4.36** All storage facilities for Category I, Category II and Category III must have a secondary containment system. Storage facilities falling within the scope of the COMAH

Regulations must have their secondary containment system in the form of a bund wall.

#### **Safety at Primary Storage Facilities**

- 4.37** It is the responsibility of the authorised provider of the authorised facility to secure that all practicable steps necessary to prevent fires, explosions, leaks and spills at the authorised facility are taken.
- 4.38** In this regard, the authorised provider shall take all practicable steps necessary to prevent:
- (a) accident by fire or explosion;
  - (b) the escape of petroleum and, or biofuels;
  - (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 conducive to the ignition of flammable vapour occurring or present within a hazardous area; and
  - (e) smoking taking place in any hazardous area where petroleum and, or biofuel is kept, handled or exposed.
- 4.39** No electric light, electrical apparatus or appliance likely to ignite surrounding flammable vapour shall be used in any hazardous area where petroleum and, or biofuel is kept, handled or exposed.
- 4.40** Adequate and efficient fire-fighting equipment together with means for summoning the Civil Protection Department, shall be provided at all times by the authorised provider. The equipment shall be maintained in good condition and be capable of efficient operation at all times and in all weather conditions.
- 4.41** The authorised provider shall make available to persons working at the authorised facility, written procedures for normal operating and emergency procedures as approved by the Authority.
- 4.42** All storage tanks containing petroleum and, or biofuels have to be clearly marked as containing flammable and hazardous goods as well as the UN number of the material contained. The capacity of the storage tank, the erection date, date of last inspection and date of last cleaning must also be exhibited on a label painted on the bottom course of the tanks in white lettering on a black background.

**4.43** All operational and emergency procedures shall be reviewed regularly by the authorised provider. They shall be amended to take into account any changes in local circumstances, any alterations or modifications to the plant or equipment at the authorised facility and as a result of any practical experience gained from suspected or actual leaks, spills or other incidents.

**4.44** The authorised provider shall immediately notify the Department of Civil Protection the details of any fire, explosion, any actual or suspected leak or loss of petroleum from the storage tanks and pipe work installation on the authorised facility, or other significant incident, which could be reasonably judged to be detrimental to the safe operation of the authorised facility.

**4.45** When applying for the granting of an authorisation to operate a primary storage facility the authorised provider must commission a competent person to check and certify that the primary storage facility complies with existing legislative requirements codes of practice approved by the Authority..

Thereafter, every:

- (i) 12 years from the granting of the authorisation, for a **Type 2**;
- (ii) 5 years from the granting of the authorisation, for a **Type 3**; and
- (iii) 5 years from the granting of the authorisation, for a **Type 4**

the authorised facility must be inspected, checked and certified by a competent person.

**4.46** In case of Type 2, 3, and 4 storage facilities, storage location conditions are subject to any applicable laws and Regulations and, or Codes of Practice and, or Guidelines approved by the Authority.

**4.47** In the case of offshore storage facilities, supervision of such facilities shall also be vested on the authority responsible for maritime matters.

#### **Insurance**

**4.48** The authorised provider shall insure and keep insured throughout the duration of the authorisation the authorised facility in its full value against loss or damage, including malicious damage resulting from fire and/or explosion, including fire and/or explosion that may be attributed to negligence and damage to third parties and, or third

party property surrounding the storage facility boundary.

#### **Transfer of Authorisation**

**4.49** Authorisations shall be transferable:

Provided that whenever an authorised provider desires to transfer his authorisation he shall follow the procedure prescribed in Regulation 24 of the Petroleum for the Inland (Wholesale) Fuel Market Regulations (Legal Notice 278 of 2007).

The Authority shall treat an application for the transfer of an authorisation as a new application in terms of First Schedule of the Petroleum for the Inland (Wholesale) Fuel Market Regulations (Legal Notice 278 of 2007).

#### **Technically Competent Manager**

**4.50** The primary storage is to employ within its management team a Technically Competent Manager or managers.

**4.51** Arrangements shall be in place for the Technically Competent Manager to be available at the site within one hour of when his presence is asked for. The Authority shall be informed of the names and availability of this or these persons, and his/there replacement if applicable, from time to time as may be necessary.

**5. Special conditions of authorisation**

**Declaration**

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

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

I.D. No.:

SPECIMEN