

AUTHORISATION

TO

**CARRY OUT THE ACTIVITY OF AN
IMPORTER (AND/OR WHOLESALER) OF
PETROLEUM**

SPECIMEN

Malta Resources Authority
Millennia 2nd Floor
Aldo Moro Road
Marsa
MRS 9065
Malta
Tel: 22955 154
Fax: 22955 200
E-mail: mra@mra.org.mt



Authorisation to carry out the activity of an Importer (and/or Wholesaler) of Petroleum

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

Tel.: +356 222955 154
Fax.: +356 2295 5 200
E-mail: mra@mra.org.mt
www.mra.org.mt

Authorisation Number:

Authorisation granted by the Malta Resources Authority under the Petroleum for the Inland (Wholesale) Fuel Market Regulations (L.N. 278 of 2007) to import (and/or wholesale) Petroleum.

_____, holder of Identity Card Number _____, and residing at _____ (hereafter known as the Authorisation Provider) is being granted a authorisation, on behalf of _____ to:

- 1. Import and/or wholesale the fuel types listed:

Fuel Type

This 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 does not cover any changes in operation or infrastructure that are not approved by the Authority prior to their coming into effect or service.

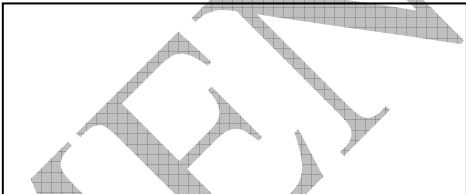
Fee applicable for this Authorisation:

The applicable authorisation fee for carrying out the activity of an importer and, or wholesaler of petroleum in the inland market is of € 2,329.37 per annum and of 0.175 €cents per litre of imported fuel.

Authorisation Validity:

XXXX 2007 to 31st December 2013

for Malta Resources Authority



STANDARD CONDITIONS OF AUTHORISATION

- 1 DEFINITIONS
- 2 SCOPE
- 3 LIMITATIONS, VARIATIONS AND AMENDMENTS
- 4 GENERAL CONDITIONS
- 5 SPECIAL CONDITIONS
- 6 FUEL QUALITY STANDARDS AND TESTS
- 7 DYEING AND MARKING OF PETROLEUM

SPECIMEN

1. Definitions

In this authorisation and for the purpose of these authorisation conditions (except in so far as the context otherwise requires) the definitions of the terms used in this authorisation are the same as those in the Petroleum for the Inland (Wholesale) Fuel Market Regulations, (LN 278 of 2007).

2. Scope

This authorised provider is authorised to import, acquire, possess, blend and handle petroleum products and, or biofuels and their sale in bulk to authorised retailers and excluding final customers.

3. LIMITATIONS, VARIATIONS AND AMENDMENTS

Limitations

3.1 Nothing in this authorisation or in the authorisation 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 (LN 278 of 2007) and other applicable legislation/regulations in force at the time.
- 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 by the authorised provider 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 special authorisation conditions issued shall be produced to an official of the Authority upon demand.
- 4.5 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 (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.
- 4.6 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.
- 4.7 The authorised provider must be registered with the Department of Customs as prescribed by the Excise Duty Act.
- 4.8 The authorised provider must provide assistance and facilitate the working of any competent authorities in so far as the carrying out of their duties in accordance with legislation and relevant to the authorisation or permit however so described.

Fuel Quality

- 4.9 No authorised provider can give or lend or transfer for the purpose of sale in the inland fuel market, petroleum products and, or biofuels others than those permitted at law, regulations or other legal requirement for the time being in force, or as may, from time to time, be added, amended or replaced.
- 4.10 On arrival of every consignment at the port of unloading, the authorised provider is required to present a certificate showing the specification and quality of the fuel/s in the consignment. Unloading shall not commence prior to approval by the Department of Customs.
- 4.11 At some appropriate, suitable and representative point prior to their release to the inland market, all fuel consignments must be subjected to quality tests, carried out to and according to approved standards, in order to establish that the quality specification of the fuel released to the inland fuel market complies with the laws or regulations in force at that time.
- 4.12 In case of imports of gaseous fuels, only the certification for quantity and quality together with a copy of the bill of lading is required. Such certificates have to be submitted to the Authority within three working days from the consignment.

Testing of fuels by the Authority

- 4.13 The Authority may at its discretion take a sample of any petroleum and, or biofuel consignment, irrespective of where it is stored and, at any point in time, for inspection and testing purposes. The authorised provider shall assist the Authority at all times in the carrying out of this undertaking.

Customer Complaint

- 4.14 The authorised provider shall maintain a customer complaint register and records of proceedings, in a form approved by the Authority, which should be made available for examination to an inspector on demand.

Records and supply of data

- 4.15 The authorised provider shall undertake and record, in a manner and to a level of accuracy acceptable to the Authority, the monitoring and reconciliation of all handled petroleum and, or biofuel stocks and any other fuel imported, acquired, possessed, blended and sold to retailers. These records shall be retained for at least 24 months

and shall be made available for examination to an inspector on demand.

4.16 Within the 15th working day of each quarterly period, or more frequently if the Authority directs so, the authorised provider must submit in written form to the Authority a schedule showing all individual petroleum transactions of the preceding quarter. The list shall cover all transactions of:

- (i) all petroleum and, or biofuel imported by type and origin, including information required by the intrastat supplementary declaration if imported from the EU;
- (ii) all petroleum and, or biofuel sold to individual petroleum filling stations operators;
- (iii) all petroleum and, or biofuel sold or given to fuel distributors; and
- (iv) all processing of fuels (blending or addition of additives) correlated to fuel consignments imported or purchased.

for each petroleum and, or biofuel product.

Contribution to security of supply

4.17 At all times the authorised provider must hold in stock in Malta and, or in another EU Member State in accordance with any applicable legislation or EU Directive, security stocks as instructed by the Authority, based on the authorised provider's sales in the previous year and for the first year the market share shall be estimated by the authorised provider in agreement with the Authority.

4.18 The authorised provider is obliged to participate in a national emergency plan to mitigate the effects of a supply crisis, and follow directions according to law that might be given from time to time.

Unloading of Fuel

4.19 The unloading of fuel from barges, tankers and offshore storage facilities directly into road tankers is not permitted unless a special authorisation for doing so is given by the Authority. In any case, this authorisation should be in conformity with the procedures specified in the provisions of the Excise Duty Act, particularly the Mineral Oils Regulations Part D of the Sixth Schedule.

Importation and, or wholesale of Portable Refillable Cylinders filled with LPG

4.20 Authorised providers may import and, wholesale portable refillable cylinders filled with LPG, provided that these cylinders comply with the Transportable Pressure Equipment Regulations, 2002.

Directions referring to some matters in the Special Conditions

SPECIMEN

5. FUEL QUALITY - GENERAL

- 5.1 The quality of the fuel to end-users is subject to the provisions of any applicable legislation, regulating the quality of fuel in Malta.
- 5.2 In the case of lead replacement petrol or gasoline designated for use in engines requiring anti-knock and valve seating protection additives, the fuel quality is subject to the provisions of the relevant legislation, regulating the quality of fuel in Malta, with the exception of the RON and MON values which shall have minimum values of 97 and 86 respectively and an added additive approved by the Authority giving the gasoline valve seating protection properties.

SPECIMEN

6 FUEL QUALITY STANDARDS AND TESTS

6.1 In the case of:

- (i) gasoline, the test analysis shall be according to the latest issue of MSA EN 228 standard;
- (ii) diesel, the test analysis shall be according to the latest issue of MSA EN 590 standard;
- (iii) Jet A1, the test will be as prescribed by the standard approved by the Department of Civil Aviation;
- (iv) fuel oil, the petroleum products will have to comply with the regulation or by-laws or other legal requirement for the time being in force;
- (v) biodiesel or any fatty acid methyl ester for diesel engines, the test analysis shall be according to the latest issue of MSA EN 14214 standard, and
- (vi) or any other standard issued from the Malta Standards Authority.

Fuel Quality Tests

6.2 *Fuel quality tests prior to release applicable to consignments intended to be released to the inland market **without blending or addition of any additives.***

In the case of fuel intended to be released to the inland market without blending or addition of any additives, the authorised provider must appoint at his expense an independent laboratory approved by the Authority and the Department of Customs to take three samples from each storage tanks containing the petroleum and, or biofuel product to be released. The three samples, suitably identified, must be sealed and each must be signed by a representative of the authorised provider and of the laboratory in the form prescribed by the Authority. A full complete test according to the standards listed in 6.1 must then be done by the laboratory on one of the three samples. The authorised provider is to supply a copy of the test results duly certified by the independent laboratory prior to the release of the tested consignment to the market.

One of the remaining other two sealed and marked samples is to be kept by the authorised provider whilst the other is to be kept by the laboratory for a period of 3 months. The samples are to be made available to the Authority on request.

The samples may be taken and the test performed at any point prior to the release of the fuel, but the fuel must be sealed and untampered with, from the point in time at

which the sample is taken until the fuel is released to the market.

6.3 *Fuel quality tests after unloading if the consignment is not to be sold in the as-imported condition but processed in shore tanks before release*

Whenever a fuel consignment is destined to the inland market **not** in the as-imported condition, but after further processing, the Authority is to be informed in writing or by fax or by e-mail in due time prior to release of fuel such that there is sufficient time to enable any tests that may be required to be carried out, running from the time of the unloading of the consignment in the onshore tanks.

The final product, after having been processed to the final state in which it is intended to be supplied to the inland market, is to be supported by a laboratory certificate on a test performed on samples taken from all storage tanks containing the product to be released. The samples are to be taken by a representative of a laboratory approved by the Authority and the Department of Customs. The full test is to be performed on the basis of the standards listed in 6.1.

Expenses for the commissioning of the analysis must be borne by the authorised provider. The authorised provider is to supply a copy of the test results duly signed by the independent laboratory prior to the release of the processed fuel to the market. Sealed samples as described in 6.2 above are also to be kept.

The fuel must be sealed and untampered with from the point in time at which the sample is taken until the fuel is released to the market.

6.4 *Fuel quality tests after unloading if the consignment is not to be sold in the as-imported condition but blended in barges or road tankers after release*

In case the product to be supplied to the inland market is to be **transferred to a barge or road tanker** it is acceptable to analyse the fuel on a full complete test, according to the standards listed in 6.1, on a hand-blend on condition that the components of the hand-blend tested are taken by a representative of the independent laboratory, the components are clearly indicated on the certificate of quality and the relative quantities are also supplied. In this case the density is to be measured on the actual product delivered and compared to the density stated on the certificate of quality delivered to customs. The maximum allowed difference between

the hand-blend density and the actual density is the repeatability limit (0.0006 kg/l).
Sealed samples as described in 6.2 above are also to be kept.

SPECIMEN

7 DYEING AND MARKING OF PETROLEUM

Marking of Petroleum with Fiscal Markers

- 7.1 Petroleum required to be marked with a common fiscal marker, or any other fiscal marker as may be directed by the Department of Customs must be marked before loading on a barge or road tanker. Dosing must be done through the use of dosing pumps and meters approved by the relevant authority.

Marking of Petroleum with the National Marker

- 7.2 All petroleum designated for use in the inland market must be marked with a National Marker as directed by the Department of Customs. It shall be the responsibility of the authorised provider to ensure that fuels supplied to the inland market are properly added with the National Marker.

Dyeing of Petroleum

- 7.3 All petroleum products sold in the inland fuel market shall be dyed as may be directed by the Department of Customs and, or other competent Authorities. It shall be the responsibility of the authorised provider to ensure that fuels wholesaled are properly dyed according to 7.4. Fiscal Markers imposed by Customs Laws are still applicable.

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

- 7.4 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 ± 10 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.

SPECIMEN

Declaration

I _____ of _____
accept this authorisation with its conditions.

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

SPECIMEN