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PETROLEUM INDUSTRY ACT, No.6, 2021
NIGERIAN UPSTREAM PETROLEUM ADVANCE CARGO
DECLARATION REGULATIONS, 2024



ARRANGEMENT OF REGULATIONS

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S. I. No. 70 of 2024

PETROLEUM INDUSTRY ACT, No.6, 2021**NIGERIAN UPSTREAM PETROLEUM ADVANCE CARGO
DECLARATION REGULATIONS, 2024**

[13th Day of March, 2024]

Commence-
ment

In exercise of the powers conferred on it by sections 7(1) and 7(ee) of the Petroleum Industry Act, No. 6, 2021 and of all other powers enabling it in that behalf, the Nigerian Upstream Petroleum Regulatory Commission (“the Commission”) makes the following Regulations —

PART I — OBJECTIVE AND APPLICATION

1.—(1) The objectives of these Regulations are to —

Objective

- (a) establish a regime for declaration of petroleum exports from Nigeria ;
- (b) identify and establish a data base of petroleum exports from Nigeria ;
- (c) ensure that only certified production that relates to upstream petroleum operations is exported from Nigeria ; and
- (d) prevent crude oil theft, illegal topping at crude oil export terminals and under-declaration of petroleum exported from Nigeria.

2.—(1) These Regulations shall apply to —

Application

- (a) export of petroleum from Nigeria through onshore or offshore terminals ; and
- (b) any terminal operator or third party who is engaged or involved in the export of petroleum from Nigeria.

(2) These Regulations shall apply in addition to extant regulations and procedures applicable to the export of petroleum in Nigeria, provided that where the provision of other Regulations conflict with these Regulations or procedures, the provisions of these Regulations shall prevail.

**PART II — SUBMISSION OF ADVANCE CARGO DECLARATION FORM AND
ISSUANCE OF UNIQUE IDENTIFICATION NUMBER**

3.—(1) Every export of petroleum shall be preceded by an advance cargo declaration form submitted to the Commission.

Advance
Cargo
Declaration
Form

(2) The form referred to in subregulation (1) of this regulation shall contain —

- (a) identity of the producer of the petroleum ;
- (b) details of the exporter of the petroleum, where the exporter is not the producer of the petroleum ;
- (c) name or details of the consignee ;
- (d) terminal for the export of the petroleum ;

- (e) flag, tonnage and International Maritime Organisation (IMO) Number of the vessel on which the petroleum is to be exported ;
- (f) expected time of arrival (ETA) of the vessel at the terminal ;
- (g) nominated quantity to be exported ;
- (h) destination of the petroleum ;
- (i) names of at least two officers of the company making the declaration, whose rank are not below the rank of a manager ; and
- (j) any other information as may be required by the Commission.

(3) The advance cargo declaration form shall be accompanied with a copy of the Export Permit to which the export relates.

Submission of Advance Cargo Declaration Form

4.—(1) The Commission shall appoint an expert as agent to establish and administer an online electronic portal on its behalf for the administration of the advance cargo declaration regime pursuant to these Regulations.

(2) An exporter of petroleum pursuant to these Regulations shall submit an advance cargo declaration form electronically through the advance cargo declaration portal established by the Commission in not less than five days before the ETA, provided that such exporter may review the advance cargo declaration form submitted.

(3) An exporter that submit advance cargo declaration in less than five days to the ETA is liable to an administrative charge of USD5,000 or the naira equivalent, payable to the Commission.

(4) For the purpose of these Regulations, a person is deemed to be an exporter of petroleum, where the person is —

- (a) a licensee or lessee who exports petroleum ; or
- (b) entitled or authorised by law to export petroleum from Nigeria and who exports petroleum.

Issuance of Unique Identification Number

5.—(1) Petroleum shall not be exported from Nigeria without a unique identification number.

(2) The Commission shall, prior to issuing a unique identification number —

- (a) verify the information provided in the advance cargo declaration form ;
- (b) grant vessel clearance for the export to be conducted ; and
- (c) participate in the export process and compute the volume delivered to the vessel.

(3) The unique identification number shall be generated electronically by the Commission and imprinted on the following documents —

- (a) the Certificate of Quantity and Quality for the export ;

- (b) the Bill of Lading for the petroleum export ; and
- (c) any other relevant document related to the exports.

(4) Each unique identification number shall be valid for the cargo to which it relates and may be used to access relevant information connected to a cargo declaration to which the unique identification number relates on the advance cargo declaration portal.

(5) Where an exporter of petroleum intends to export additional petroleum in the vessel bearing cargo for which a unique identification number has been issued, the exporter shall submit a new advance cargo declaration form and secure a new unique identification number for the additional petroleum in accordance with these Regulations.

(6) The Commission shall not issue a unique identification number to any exporter who has not satisfied the provisions of subregulation (2) of this regulation until all defects in the declaration are rectified.

6. Where an exporter provides inaccurate or insufficient information in the advance cargo declaration form, the Commission shall within two days of receipt of the form, issue to the exporter, a notice specifying the inaccurate or insufficient information and timeline for the exporter to rectify the defects.

Submission of inaccurate or insufficient information

PART III — MISCELLANEOUS PROVISIONS

7.—(1) An exporter who provides false information in the advance cargo declaration form shall be liable to an administrative fine not exceeding USD20,000 or the Naira equivalent.

Offences and penalties

(2) A person who —

(a) exports petroleum without obtaining the unique identification number ; or

(b) co-loads, makes, demands or receives additional cargo in contravention of these Regulations,

is liable to an administrative fine not exceeding USD1,000,000 or the Naira equivalent.

8. The Commission shall issue guidelines for the implementation and administration of these Regulations.

Issuance of Guidelines

9. In these Regulations —

“Act” means the Petroleum Industry Act, No. 6, 2021 ;

“Advance cargo declaration form” means an electronic form designed and made available by the Commission to an exporter of petroleum on the advance cargo declaration portal ;

Interpretation

“*Advance cargo declaration portal*” means an electronic database created and maintained by the Commission for the purpose of these Regulations ;

“*Cargo*” means petroleum intended to be exported or shipped from Nigeria ;

“*Certificate of Quantity and Quality*” means a certificate issued by the Commission for petroleum produced in accordance with relevant extant Procedure Guides ;

“*Commission*” means the Nigerian Upstream Petroleum Regulatory Commission ;

“*Export Permit*” means a permit issued by the Federal Ministry of Industries, Trade and Investment for the export of crude oil, liquefied natural gas, liquefied petroleum gas, condensates, refined products, lubricants and grease ;

“*Lessee*” shall have the same meaning as defined under the Act ;

“*Licensee*” shall have the same meaning as defined under the Act ;

“*Petroleum*” shall have the same meaning as defined under the Act ;
and

“*Vessel*” means any form of vessel employed to export cargo from Nigeria.

Citation

10. These Regulations may be cited as the Nigerian Upstream Petroleum Advance Cargo Declaration Regulations, 2024.

MADE at Abuja this 13th day of March, 2024.

ENGR. GBENGA KOMOLAFE, FNSE
Commission Chief Executive
Nigeria Upstream Petroleum Regulatory Commission