

**NIGERIAN UPSTREAM PETROLEUM ADVANCE CARGO  
DECLARATION REGULATIONS, 2022**

**PETROLEUM INDUSTRY ACT, NO. 6, 2021**

**NIGERIAN UPSTREAM PETROLEUM ADVANCE CARGO DECLARATION REGULATIONS, 2022**

**ARRANGEMENT OF REGULATIONS**

***Regulation:***

**PART I - OBJECTIVE AND APPLICATION**

1. Objective
2. Scope of Application

**PART II - ADVANCE DECLARATION OF PETROLEUM CARGO**

3. Submission of Advance Declaration

**PART III - INSPECTION AND VERIFICATION OF PETROLEUM CARGO**

4. Inspection of Cargo
5. Power to enter premises and vessels
6. Issuance of Unique Identifying Number

**PART IV - MISCELLANEOUS PROVISIONS**

7. Sanctions
8. Interpretation
9. Citation

# PETROLEUM INDUSTRY ACT, NO. 6, 2021

## NIGERIAN UPSTREAM PETROLEUM ADVANCE CARGO DECLARATION REGULATIONS, 2022

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

### PART I - APPLICATION

#### 1. Objective

The objectives of these Regulations are to:

- (1) establish a regime for advance cargo declaration of petroleum exported from the shores of Nigeria;
- (2) identify, and establish a data base of petroleum exports from Nigeria; and
- (3) eradicate crude oil theft, illegal topping at crude oil export terminals and under-declaration of petroleum exported from Nigeria.

#### 2. Scope of Application

- (1) These Regulations shall apply to:
  - (a) licensees and lessees conducting upstream petroleum operations, including all activities in connection with the exportation of petroleum from Nigeria through channels such as terminals and ports, whether such channels are onshore or offshore; and
  - (b) any terminal and port operators or other third party who is engaged or involved in the export of petroleum from Nigeria on its own behalf.

### PART II – DECLARATION OF PETROLEUM CARGO

#### 3. Submission of Advance Declaration

- (1) A licensee, lessee or ship operator or other person intending to export petroleum, shall submit the advance declaration to the Commission through:
  - (a) the designated offices of the Commission; or
  - (b) the portal.
- (2) The advance declaration in Regulation 3(1) above shall be signed by at least, two (2) authorised officers of the licensee, lessee, ship operator or other person intending to export petroleum and shall contain the following:
  - (i) producer of the petroleum;
  - (ii) declaration of volume of petroleum to be exported;
  - (iii) details of the exporter of the petroleum, including a valid Export Permit.
  - (iv) destination of the petroleum;
  - (v) terminal for shipping;
  - (vi) proof of measurement of petroleum to be exported; and

(vii) proposed date of exportation of the petroleum.

**(3) Time Limit for Submission of Advance Declaration**

A licensee or lessee who intends to export petroleum shall submit the advance declaration<sup>1</sup> no later than seven days before the expected time of arrival of the ship.

**(4) False Declaration**

- (1) A licensee or lessee shall not make a false declaration with respect to any information required to be submitted to the Commission pursuant to these Regulations or to the Act.
- (2) A licensee or lessee which makes a false declaration in contravention with this Regulation 3 shall be liable for an administrative fine of the monetary equivalent of the cargo at the prevailing market price in United States Dollars with an additional fine of US\$5,000 (Five Thousand United States Dollars) for each day the false declaration is not remedied.

**PART III - INSPECTION AND VERIFICATION OF PETROLEUM CARGO**

**4. Inspection of Cargo**

- (1) Upon submission of the advance declaration, the Commission shall inspect or cause to be inspected the petroleum to be exported.
- (2) The inspection of the cargo shall be carried out at the shipping terminal, but before the cargo is loaded onto the ship.
- (3) The inspection of the cargo shall be carried out in line with the Procedure Guide for the Determination of the Quantity and Quality of Petroleum and Petroleum Products in Nigeria.
- (4) A licensee or lessee shall not make, demand or receive any additional petroleum after the inspection of the cargo by the Commission.

**5. Power to enter premises**

The Commission shall have the power to enter any premises or vessel to inspect petroleum cargo, provided that such inspection shall only be in connection with the advance declaration made by a licensee or lessee.

**6. Issuance of Unique Identifying Number**

- (1) Upon inspection of the cargo and verification of the content and quantity of the advance declaration, the Commission may issue a unique identifying number for the cargo.
- (2) The unique identifying number shall be issued immediately after the Commission's confirmation to the licensee or lessee that all requirements within these Regulations and the Act have been complied with.
- (3) Where a licensee or lessee has remitted inaccurate or insufficient information, the Commission has the power to:
  - (a) issue the unique identifying number to the extent of the accuracy or sufficiency of the information provided;or

- (b) issue to the licensee or lessee immediately after inspection, a notice specifying the inaccurate or insufficient information submitted and timeline for the licensee or lessee to provide rectification.
- (4) The unique identifying number shall be issued for each cargo to be exported.
- (5) The unique identifying number shall be generated electronically and may be used to access relevant information in connection with the cargo on the portal.
- (5) For the avoidance of doubt, a unique identifying number shall only be valid for one cargo.
- (6) No one shall export cargo without its unique identifying number from Nigeria.

## **PART V - MISCELLANEOUS PROVISIONS**

### **7. Sanctions**

- (1) A person who:
  - (a) obstructs the Commission in the performance of a function of the Commission under these Regulations;
  - (b) makes, demands or receives an illegal topping in contravention of Regulation 7(4) of these Regulations;
  - or
  - (c) contravenes any other provision of these Regulations other than as provided in Regulation 4(2), shall be liable for an administrative fine of \$500,000 (Five Hundred Thousand United States Dollars) and an additional fine of \$10,000 (Ten Thousand United States Dollars) for each day during which the breach continues.
- (2) The sanctions in sub-Regulation (1) shall be in addition to applicable sanctions provided in the Act.

### **8. Interpretation**

- (1) The definitions in section 318 of the Act shall apply to these Regulations.
- (2) Subject to sub-regulation (1) above, in these Regulations:
  - “*Act*” means the Petroleum Industry Act, 2021;
  - “*advance declaration*” means the written submission made by a Licensee or Lessee to the Commission stating its intention to export petroleum immediately an obligation for the sale or supply of petroleum arises.
  - “*cargo*” means petroleum intended to be exported or shipped from Nigeria;
  - “*Commission*” means the Nigerian Upstream Petroleum Regulatory Commission;
  - “*Export Permit*” means the permit issued by the Federal Ministry of Trade and Investment for the export of crude oil, liquefied natural gas, liquefied petroleum gas, condensates, refined products, lubricants and grease
  - “*lease*” means an oil mining lease or a petroleum mining lease;
  - “*lessee*” means the holder of a lease;
  - “*licence*” means an oil prospecting licence or petroleum prospecting licence;
  - “*licensee*” means the holder of a licence;
  - “*portal*” means an electronic database to be created and maintained by the Commission for the purpose of these Regulations;
  - “*Regulations*” means these Nigerian Upstream Advance Cargo Declaration Regulations issued by the Commission; and
  - “*ship*” means any form of vessel employed to export cargo from the terminal.

**9. Citation**

These Regulations shall be cited as the Nigerian Upstream Advance Cargo Declaration Regulations, 202(X).

**THE COMMON SEAL OF THE NIGERIAN UPSTREAM PETROLEUM REGULATORY COMMISSION** was affixed pursuant to the order of the Commission on the XX Day of XXXXXXXXXX, 202[X]

-----  
**ENGR. GBENGA KOMOLAFE, FNSE**  
**Commission Chief Executive**