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**REGULATION N° 05/R/RTP/GP-EWS/RURA/2018 OF 15/11/2019 GOVERNING
ROAD TRANSPORTATION OF PETROLEUM PRODUCTS IN RWANDA**

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PREAMBLE

The Regulatory Board of the Rwanda Utilities Regulatory Authority;

Pursuant to Law n°09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning especially in article 2, 4 and 20;

Pursuant to Law n° 85/2013 of 11/9/2013 regulating petroleum and petroleum products trade in Rwanda especially in article 2, 5, 20 and 22;

Pursuant to Prime Minister's Order n° 131/03 of 10/05/2016 determining another Regulatory Authority for trade of petroleum and petroleum products and its additional responsibilities especially in article 2 and 3;

Considering the validation workshop held at Gorillas Hotel on 09/05/2019

And whereas upon due consideration and deliberation in its Session of 15/11/2019;

HEREBY issues the following regulation:



CHAPTER ONE: GENERAL PROVISIONS

Article 1: Purpose of this Regulation

The purpose of this regulation is to establish a regulatory framework for transportation of petroleum products by road in Rwanda.

Article 2: Definition of terms

For the purpose of this regulation, the following terms have the following meanings:

1. **Authorization:** a legal document issued by the Regulatory Authority to a road tanker owner granting rights for transportation of petroleum products;
2. **Calibration:** Set of operations carried out to establish, under specific conditions, the relationship between the fuel level in the tank and the volume of that fuel.
3. **Dipstick:** A stick or rod used to measure the depth of a petroleum product and used to check the level at which a petroleum product in an opaque or inaccessible tank or reservoir stands;
4. **GVM:** Gross Vehicle Mass;
5. **Incident:** unplanned event during the transport of petroleum products, which involve leakage, or spillage of petroleum products, fire, death or personal injury;
6. **Nominal capacity:** The nominal capacity value usually corresponds to the volume of petroleum product which a tank or compartment contains at reference temperature when filled up to the maximum permissible level or volume mark.
7. **Passenger:** any person who travels in a road tanker who does not operate it and is not a member of the crew;
8. **Petroleum products placard:** a printed notice or sign for public display, either fixed to a road tanker with separate, delineated zones, petroleum identification, telephonic advice numbers and the appropriate hazard class diamond for class 3 dangerous goods;
9. **Petroleum products:** refer to Diesel, Gasoline, Kerosene, Fuel oil and Aviation fuel;
10. **Public building:** Any type of building accessible to the public including school, hospital, market, prison, memorial site and health center.
11. **Reference Height:** Distance, measured along the vertical measurement axis, between the reference point top and the reference point bottom (schematic details on Annex 5).



- 12. Reference point bottom:** Reference point in the lower part of the tank, under normal operating conditions below the petroleum product level.
- 13. Reference point top:** Reference point in the upper part of the tank, under normal operating conditions above the petroleum product level.
- 14. Regulatory Authority:** Rwanda Utilities Regulatory Authority (RURA) as established by the law n°09/2013 of 01/03/2013;
- 15. Road tanker:** A motor vehicle or a trailer with one or more tanks fixed to a chassis designed to transport petroleum products;
- 16. RS:** Rwandan Standards;
- 17. Spill:** the release of petroleum products into the environment.
- 18. Tank capacity table:** Table which shows the relation between the liquid level and the volume contained in the tank (compartment) at that level under reference conditions (including the position of the tank).
- 19. Tank:** A circular, elliptical or any other acceptable container fixed on chassis to hold petroleum products with one or more compartment(s);
- 20. Ullage height:** Distance between the free surface of the petroleum product and the reference point top, measured along the vertical measurement axis.

Article 3: Scope of application and Exclusion

This regulation applies to activities related to transportation of petroleum products except:

- a) Petroleum products transported for National security purposes;
- b) Petroleum products contained in a vehicle for use by that vehicle; and
- c) Petroleum products transported in containers whose combined volume does not exceed 0.5 m³.

CHAPTER II. LICENSING REGIME

Article 4: Requirements for road tanker authorization

Any person who intends to transport petroleum products using a road tanker shall apply for an authorization for the road tanker they intend to use, before the Regulatory Authority.

The application letter for the authorization must be submitted to the Regulatory Authority with the following documents:

- (a) Copy of identification card of the road tanker or notarized proof of ownership;
- (b) Copy of valid vehicle inspection certificate;
- (c) Copy of vehicle insurance certificate;
- (d) Copy of tank calibration certificate;
- (e) Copies of the measuring system document if applicable;
- (f) Copy of valid transit license for cross-border road tankers if applicable;
- (g) Proof of non –refundable application fee equivalent to twenty-five (25,000 Frw) Rwandan francs and;
- (h) Any other information that may be required by the Regulatory Authority.

The decision of the Regulatory Authority shall be notified to the applicant within twenty-one (21) working days from the date of submission of all required documents.

Article 5. Authorization fee

Authorization should be issued upon presentation of proof of payment of authorization fee equivalent to one hundred (100,000 Frw) Rwandan francs for each road tanker of capacity less than or equal to 10,000 liters and two hundred thousand (200,000 Frw) Rwandan francs for the one with capacity greater than 10,000 liters.

The authorization fee shall be equivalent to fifty thousand (50,000 Frw) Rwandan francs for each cross border road tanker.

Article 6: Validity of authorization

Authorization for the petroleum road tanker shall be valid for a period of two (2) years renewable.

Article 7: Obligations for authorization holder

Any Authorization holder shall have the following obligations:



- a) Comply with the requirements set out in this regulation;
- b) Not tamper with the quality of petroleum products in tank;
- c) Not allow any passengers to be in or on the road tanker at any stage during the journey;
- d) Ensure that petroleum road tankers are only parked in accordance with this regulation;
- e) Ensure that the driver get safety training on transportation of petroleum products;
- f) Ensure that the driver do not permit unloading of part of the load if he is detained en route because of axle overloading except in an authorized and properly equipped area under competent supervision and after the operator has been informed;
- g) Declare abandonment of the authorization activities.
- h) Transport only petroleum products which meet the Rwandan standards;
- i) Ensure compliance with the law regulating the trade of petroleum and petroleum products in Rwanda and other applicable laws;
- j) Implement regular pre-loading vehicle inspection;

Article 8: Renewal of authorization

The operator of a road tanker shall apply for an authorisation renewal at least thirty (30) working days prior to the expiration of the current authorization, by submitting a written application accompanied by the following documents:

- a) Copy of the expired authorization;
- b) Copy of identification card of the road tanker;
- c) Copy of valid vehicle inspection certificate;
- d) Copy of vehicle insurance certificate;
- e) Copy of tank calibration certificate;
- f) Copy of valid transit license for cross-border road tankers;
- g) Proof of non –refundable application fee equivalent to twenty-five thousand (25,000 Frw) Rwandan francs;
- h) Any other information that may be required by the Regulatory Authority.

Any renewal of the authorization must be issued upon payment of all due regulatory fees for the previous years.

Article 9: Suspension of authorization

- a) The Regulatory Authority may suspend the petroleum road tanker authorization in case of non-compliance with terms and conditions of the authorization and;
- b) Failure to cooperate with the Regulatory Authority' inspection and audits

Article 10: Revocation of an authorization

The Regulatory Authority may revoke the authorization before its expiration when it determines that revocation is needed in order to respond to:

- a) Abandonment of authorized activities;
- b) Liquidation of the authorization holder;
- c) Submittal of false or deliberately misleading data or information to the Regulatory Authority in response to the Authority request or in response to monitoring reporting inspection or audit requirements;
- d) Persisting in non-compliance to this regulation and authorization obligations.

Article 11: Return of the suspended or revoked authorization

If the authorization has been suspended or revoked, it shall have immediate effect from the date of suspension or revocation and the operator shall within two (2) working days from the date of suspension or revocation, return the authorization to the Regulatory Authority.

From that period the authorization holder shall not operate or provide any service he/she was authorized for.

Article 12: Appeal for authorization matters

Where the applicant is not satisfied with the decision of the Regulatory Authority refusing to grant the authorization, he/she may appeal to the supervisory organ of the Regulatory Authority.

The Regulatory Authority decisions shall remain effective until overruled by a final decision on the appeal.

Article 13: Transfer of authorization

The road tanker authorization is owned by the authorized operator. It shall not be transferred unless upon prior approval by the Regulatory Authority.

If the transfer is approved by the Regulatory Authority, duration and terms and conditions of the authorization shall remain the same.

Article 14: Loss of authorization

In case of loss of authorization, the authorization holder must notify the Regulatory Authority and request for a duplicate.

The application letter for duplicate shall be addressed to the Director General and accompanied by the following documents:

- a) Proof of loss issued by a competent authority;
- b) Proof of payment of application fee equivalent to twenty-five thousand (25,000 Frw) Rwandan francs

Duration, terms and obligations of the duplicate authorization remain the same as the original authorization

CHAPTER III: MONITORING AND ENFORCEMENT

Article 15: Monitoring requirements

The Regulatory Authority shall monitor the performance of each authorization holder for full compliance with all terms and conditions of the authorization;

The Regulatory Authority shall include terms and conditions in the authorization requiring authorization holder to report on financial, technical, accidents and fires issues, organization and other data needed to allow the Regulatory Authority to effectively monitor authorisation compliance.

The Regulatory Authority may also perform physical inspections of the authorized road tanker or the Authorization holder's premises. These inspections may be conducted on an announced or unannounced basis.

The inspections and audits shall be conducted during normal business hours, except when the Regulatory Authority has a reasonable basis to believe that non-compliant activities are occurring outside of normal business hours.

Article 16: Reporting of incidents and fires

Any incident involved in petroleum product transportation, which causes injury to employees, property damage, or injury to other persons, and any fire in which the road tanker is directly or indirectly involved in, must be reported by the authorization holder in writing to the Regulatory Authority not later than forty-eight (48) hours from the occurrence of the incident.

Article 17: Non- compliance with Authorization terms and conditions

If the Regulatory Authority determines that the authorization holder has failed to comply with any terms and conditions of the authorization, the Regulatory Authority must send a written warning to the authorization holder including a deadline for correction of the alleged authorization violation.

If the authorization holder, after receipt of the warning from the Regulatory Authority, does not cure the alleged non-compliance, the Regulatory Authority may open authorization enforcement procedure, which may consist of monetary sanctions, authorization suspension, and revocation.

Article 18: Confiscation of vehicle identification cards

RURA shall confiscate the identification documents of the vehicle which does not comply with terms and conditions of this regulation. In case such documents are missing or not provided, the vehicle shall be confiscated by Rwanda National Police.

The transportation of petroleum products by road tankers must also comply with other laws into force.

CHAPTER IV: REGULATORY SANCTIONS

Article 19: Transportation of Petroleum products without an authorization

Any person transporting petroleum products using non authorized road tanker shall be liable to an administrative fine of two hundred thousand (200,000 Frw) Rwandan francs and suspension of transportation activity until securing an authorization.

Article 20. Obstructing the Regulatory authority staff

Any person who obstructs the Regulatory Authority Staff during inspection or audit shall be liable to administrative fine of five hundred thousand (500,000 Frw) Rwandan francs.

Article 21. Parking of road tanker in contravention of this regulation

Any person who parks the road tanker without a 50m buffer zone in an area outside the designated area or the fuel depot shall be liable to an administrative fine of thirty thousand (30,000 Frw) Rwandan francs.

Article 22. Transportation of adulterated products

Any person transporting adulterated petroleum products shall be liable to an administrative fine of 2,000,000 Frw and suspension of an authorization.

Article 23. Failure to report the incident

Any person who fails to report the occurrence of incident as stated in the article 16 of this regulation shall be liable to an administrative fine of three hundred thousand (300,000 Frw) Rwandan francs.

Article 24. Persisting in non-compliance

Persistence in non-compliance by the authorization holder shall lead to the revocation of the authorization

CHAPTER V: TRANSITIONAL AND FINAL PROVISIONS

Article 25: Transitional period

Any existing activity related to petroleum products transportation conducted by any natural or legal person, must apply for an authorization for a road tanker they intend to use within six (6) months from the effective date of this regulation.

Temporary authorizations issued by the Regulatory Authority remain valid until six (6) months from the effective date of this regulation.

Article 26: Repealing provision

All other prior regulatory provisions contrary to this regulation are hereby repealed.

Article 27: Commencement

This regulation shall come into force and shall take effect on the date of signature by the Chairperson of the Regulatory Board.

Done at Kigali on, 15th / 11 / 2019



Dr. Ignace GATARE

Chairperson of the Regulatory Board



ANNEX. TECHNICAL REQUIREMENTS FOR TRANSPORTATION OF PETROLEUM PRODUCTS IN RWANDA

I. REQUIREMENTS FOR PETROLEUM ROAD TANKERS

I.1. Measurement method

Road tankers shall be designed to provide accurate measures of petroleum products transported in the tank (s) in accordance to relevant standards such as OIML R 80-1. Measurements shall include but not limited to level measurements, temperature measurements and volume measurements.

The authorized units of measurement are those of the International System of Units (SI). Lengths shall be given in millimeters (mm), temperature in degree Celsius ($^{\circ}\text{C}$) and volumes in liters (ltrs).

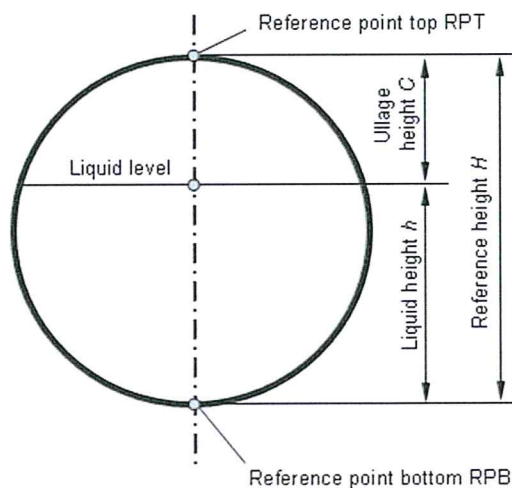
I.2. Capacity of a tank

The capacity of the tank shall not be less than 0.5 m^3 .

I.3. Method of mounting a tank on a road tanker

A tank on a road tanker shall be:

- mounted directly and permanently on the chassis of a vehicle, trailer, or semi-articulated trailer, or be self-propelled, detachable;
- mounted temporarily on the vehicle by means of devices that ensure that the position of the tank when mounted on the vehicle remains unchanged.



Schematic view of tank

I.4. Manufacture of a petroleum road tankers

Road Tankers shall be designed and manufactured in accordance with relevant national or international standards such as OIML R 80-1 and RS 146-1;

If a tank is divided into compartments, each shall be considered as a separate tank and shall be subject to the requirements of OIML R 80-1;

All road tankers designed and used for bottom loading of petroleum products in bulk, shall be fitted with an effective overfill prevention system which comply with the requirements of RS 146-1;

Where tank-top access is required, it shall be done by means of a sturdy and safe access ladder designed and installed in accordance with RS 146-1;

Tanks shall be provided with an effective spill containment area enclosing all equipment mounted on the tank top from which product can spill during either loading operations or transport. Adequate spillage drains shall be provided to drain any spillage occurring into the spill containment area to the ground as set out in RS 146-1;

The shape and the mounting of the tank as well as the installation of the discharging device shall be such that the tank drains completely.

Every tank or compartment shall be designed in such way no air is trapped during the filling operation.

The interior of the tank or compartment shall be accessible for inspection purposes via a manhole. It shall be sealed to prevent manipulations.

I.5. Metrological requirements

The maximum permissible error for measuring system shall not exceed 0.5% as stipulated in OIML R 80-1;

The base temperature and pressure to measure volume of petroleum products during receiving and discharge operations at fuel depots is 20 °C and normal atmospheric pressure (0.1 Mpa) respectively;

For the purpose of volume conversion, the maximum permissible error for the determination of the temperature is ± 0.5 °C;

I.6. Calibration and Pressure test of tanks

All road tankers should be calibrated in accordance to OIML R 80-1 such that maximum allowed volumes are identified.

All road tankers shall be labeled in the immediate proximity of the loading points to indicate the maximum quantity of the petroleum products allowed in liters, for each petroleum product that may be loaded into each compartment.

Calibration and pressure test shall be performed each five (5) years for all road tankers.

I.7. Pumping system

The type of pump used shall be compatible with the product passing through it and the body shall be made from non-porous and non-flammable materials.

A spark-ignition engine shall not be used.

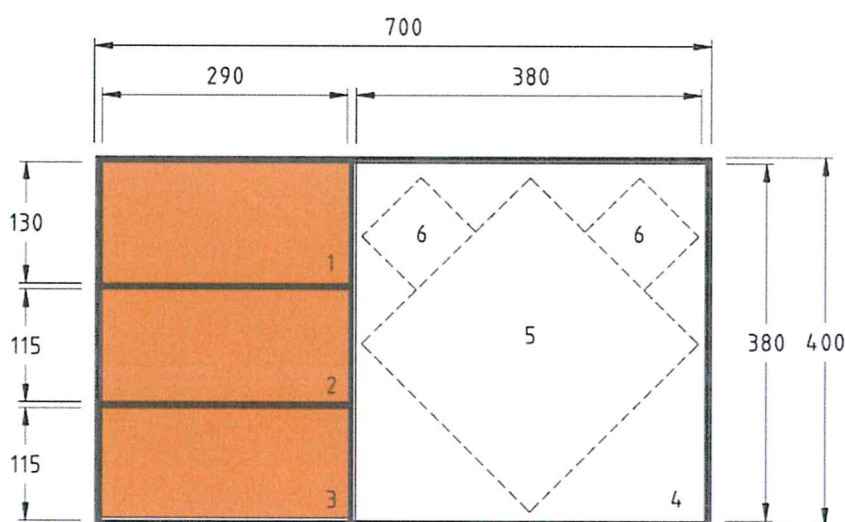
I.8. Maintenance of petroleum road tankers

All road tankers shall be inspected, tested and repaired in accordance with the requirements of the original manufacture standard of the vehicle in all respects.

II. SAFETY FOR PETROLEUM ROAD TANKERS

II.1. Signage

The vehicle placarding shall at all times be an accurate reflection of the Petroleum products being transported. The full placard shall be clearly visible from the roadside, whether directly fixed on the road tanker, or supported by means of a permanently fixed frame. The placard shall be clean, legible and not defaced at all times. The size of placard and its zones are specified in RS 147-1



Petroleum products placard design

1. Petroleum products identification zone
2. Emergency telephone number zone
3. Specialist telephone advice number zone
4. Hazard class for class 3 dangerous goods zone
5. Position of hazard class diamond for class 3 dangerous goods
6. Position(s) of subsidiary risk diamond(s)

UN Number	Class	Proper Shipping Name
UN 1202	3	Gas oil or diesel fuel or heating oil, light
UN 1203	3	Gasoline or petrol or motor spirit
UN 1223	3	Kerosene
UN 1863	3	Fuel, Aviation, Turbine Engine

List of UN number for petroleum products which shall be in identification zone for all placards

Three placards of regular size shall be fixed to each tank containing petroleum products, one at the rear, another one at the right and the last one at the left sides of the road tanker, so as to be clearly visible from the roadside.



Placards for some type of petroleum products

Handwritten signature

“No smoking” and “No naked flame” signs shall be placed adjacent to each placards.



No naked flame signs



No smoking signs

A regular-size danger warning diamond shall be affixed to the front of a road tanker and be clearly visible from the front. The size, zone of placard and danger warning diamonds shall comply with RS 147-1.



warning diamond for petroleum products

II.2. Fire extinguishers

Each road tankers shall be equipped with appropriate fire extinguishers suitable for inflammability of classes B in such way that:

- i. One portable of 1kg to 4.5kg capacity fire Extinguisher be carried in the cabin for all road tankers;
- ii. Two portable fire extinguishers with capacity of 9 kg be carried on each road tanker with a GVM (Gross Vehicle Mass) greater than 3500 kg and;
- iii. Two fire extinguishers with capacity 4.5 kg or one fire extinguisher with capacity of 9 kg be carried on each road tanker with a GVM less than 3500 kg.

All fire extinguishers shall be provided with a seal verifying that the extinguisher has not been used or a pressure gauge indicating whether it is ready for reuse as well as a label showing last test date, period of validity and next test date.

II.3. Parking reserved for petroleum road tanker

Petroleum road tankers waiting to load or offload at the fuel depot must be parked in a specific reserved area in the depot premises.

Outward of the fuel depot, the driver shall ensure that the road tanker is only parked in designated parking areas reserved for petroleum trucks where they exist.

For road tankers loaded with fuel parked for a period exceeding two hours in an area outside the fuel depot premises or designated parking areas shall provide a buffer zone of fifty meters (50m) from the residential or a public building

II.4. Spill management

There shall be a written management plan for spill to ensure effective response to container spill and ensure that staffs are familiar with the plan.

In the event of spilling petroleum product, either by accident or through negligence, the authorization holder shall notify the Regulatory Authority of such spill within twenty-four hours (24h), and shall immediately clean up the polluted or damaged environment to the satisfaction of the Regulatory Authority.

III. PLATES AND DOCUMENTS

III.1. Identification plate

Each tank shall be provided with an identification plate, which is clearly visible and easily legible. The plate shall not be of a material that deteriorates under the rated operating conditions of the tank and should allow the data to be easily inscribed.

The following information shall be inscribed on the plate but not limited to:

- name or trademark of the manufacturer;
- year of manufacture (year may be given as part of a serial number);
- serial or identification number of the tank;
- nominal capacity of the tank or each compartment;

For road tanker not having any measuring system each compartment must have its own dipsticks;

III.2. Measuring system Documents

Upon initial verification of a measuring system, a measuring system document shall be drawn up. This document shall contain at least:

- pipework diagram;
- pneumatics diagram;
- calibration parameter printout and calibration tables;
- extra sheets with descriptions of changes to the measuring system and repairs;

The measuring system document is part of the measuring system and shall be kept on the tanker.

III.3. Calibration certificate

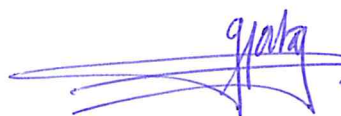
The calibration certificate shall include the following information:

- name holder;
- manufacturer's name or trademark, type, year of manufacture and serial number;
- vehicle registration number;
- number of compartments;
- identification of the reference point;
- method of calibration used and number of the calibration certificate;
- date of issue and limit of validity of the calibration certificate;
- title, name and signature of the person responsible for the verification;
- sketch indicating the meaning of the symbols used;

Additionally, for each compartment, the calibration certificate shall indicate:

- nominal capacity;
- total capacity;
- ullage height corresponding to the nominal capacity, in mm;
- reference height, in mm;

Done at Kigali on, ^{15th}...../...../2019



Dr. Ignace GATARE

Chairperson of the Regulatory Board



.....End.....