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S.I. No. 72 of 2023

NOTICE OF PRESIDENTIAL DIRECTIVES ON THE DELINEATION
OF REGULATORY OVERSIGHT BETWEEN THE NIGERIAN
UPSTREAM PETROLEUM REGULATORY COMMISSION AND THE
NIGERIAN MIDSTREAM AND DOWNSTREAM PETROLEUM
REGULATORY AUTHORITY

[7th Day of August, 2023]

Commence-
ment.

WHEREAS, the Petroleum Industry Act, 2021 was enacted with the objective of creating efficient and effective governing institutions with clear and separate roles for the petroleum industry in order to, amongst other things, foster a business environment conducive for petroleum operations ;

WHEREAS, there are emerging operational challenges in the industry militating against the achievement of these objectives ; and

WHEREAS, it has become imperative to provide policy directives to tackle these challenges and facilitate conducive operating and investment environment.

NOW THEREFORE, IN THE EXERCISE OF THE POWERS CONFERRED ON ME BY SECTIONS 5(1), 130(2) AND 148(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS ALTERED), SECTION 3(4) OF THE PETROLEUM INDUSTRY ACT, 2021 AND ALL OTHER POWERS ENABLING ME IN THAT BEHALF, I, BOLA AHMED TINUBU, GCFR, PRESIDENT AND COMMANDER-IN-CHIEF OF THE ARMED FORCES, FEDERAL REPUBLIC OF NIGERIA, HEREBY ISSUE THE FOLLOWING POLICY DIRECTIVES —

1. The Nigerian Upstream Petroleum Regulatory Commission (“the NUPRC”) shall be the sole regulator of the technical and commercial upstream petroleum operations and facilities.

2. The regulatory functions of the NUPRC referred to under paragraph (1) of this Notice shall extend to the licensing, administration and monitoring of petroleum facilities that are operationally linked from extraction, to and including—

- (a) crude export terminals ; and
- (b) the gate of the natural gas processing plant.

3. Pursuant to sections 8(d) and 318 of the Petroleum Industry Act, 2021, the NUPRC shall —

- (a) be the sole regulator of the technical and commercial integrated petroleum facilities for upstream petroleum operations ;
- (b) have responsibility for the determination of whether a petroleum facility qualifies as an integrated facility ;
- (c) establish coherent guidelines and criteria to ascertain the integration status of any petroleum facility ; and
- (d) ensure consistent application of the established guidelines and criteria.

4. The Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA) shall be the sole regulator of the technical and commercial petroleum operations and facilities from the —

- (a) exit of the crude export terminals ; and
- (b) entry gate of the natural gas processing plant.

5. The NUPRC and the NMDPRA shall —

- (a) ensure that no duplication of regulatory responsibilities occurs across any activity ; and
- (b) refrain from overlapping regulatory functions in relation to activities leading up to and including export terminal operations.

6. In furtherance of these policy directives, the Authority Chief Executive of NMDPRA, the Commission Chief Executive of NUPRC and the Special Adviser to the President on Energy shall work out the modalities for staff deployment and financial sustainability implications for the NMDPRA, under the auspices of the Chief of Staff to the President.

7. This Notice may be cited as the Policy Directives on the Delineation of Regulatory Oversight between the Nigerian Upstream Petroleum Regulatory Commission and the Nigerian Midstream and Downstream Petroleum Regulatory Authority Notice, 2023. Citation

MADE at Abuja this 7th day of August, 2023.

BOLA AHMED TINUBU, GCFR
President of the Federal Republic of Nigeria