

[DOE DEPARTMENT CIRCULAR NO. DC 2011-03-0004, March 15, 2011]

ENJOINING THE STRICT COMPLIANCE OF THE DOWNSTREAM OIL INDUSTRY PARTICIPANTS TO THE REPORTORIAL REQUIREMENTS OF REPUBLIC ACT NO. 8479 AND OTHER RELATED ISSUANCES

WHEREAS, the Department of Energy (DOE) issued Department Circular No. 98-03-004 which provided that all persons or entities engaged in any activity or business of the downstream oil industry shall be subject to certain reportorial requirements;

WHEREAS, Section 6, Rule II of Department Circular No. 98-03-004 requires the filing of notice with the Oil Industry Management Bureau (OIMB) prior to every importation;

WHEREAS, Section 7, Rule II of Department Circular No. 98-03-004 requires the submission of certain reportorial requirements by industry participants with the OIMB at specified periods;

WHEREAS, the DOE issued Department Circular Nos. DC-2011-03-0002 and DC-2011-03-003 to ensure the maintenance of minimum inventory requirements and to enjoin industry participants to engage in mutual product sharing accommodations and similar industry practices to stabilize oil supply in the country;

WHEREAS, a more updated report on costing of importations is required for close monitoring of supply and price developments, and to ensure strict compliance with Department Circulars No. DC-2011-03-0002 and DC-2011-03-003;

NOW THEREFORE, the foregoing premises considered, and pursuant to its statutory mandate, the DOE hereby declares as follows:

SECTION 1. Scope and Application. This Circular shall apply to all participants in the downstream oil industry.

SECTION 2. Required Documentary & Information Submissions. For the effective monitoring and to ensure compliance, the following information are required for submission by industry participant within the periods herein specified:

- a. Notice Prior to Every Importation;
- b. Reportorial Requirements; and

- i. Importations
 - ii. Exportations
 - iii. Monitoring Reports
- c. Weekly Inventory Reports.

SECTION 3. Notice Prior to Every Importation. Section 6, Rule II of Department Circular No. 98-03-004 is hereby amended to read as follows:

"Any person who shall import crude oil and/or petroleum products from foreign countries, freeports and economic zones, whether for trade or his own use or requirement, shall file a notice with the Oil Industry Management Bureau (OIMB) for every importation, indicating details and/or accompanying documents related to the importation, as follows:

- a. Type and quantity of cargo;
- b. The estimated date of loading and arrival;
- c. Supplier of cargo;
- d. FOB price, freight and insurance cost;
- e. Vessel Particulars;
- f. Port of loading and discharge;
- g. Guaranteed specification of the product; and
- h. Pro-forma invoice.

In the case of importations of slop/used/waste oils, sludges and similar petroleum products/by-products, such notice shall be accompanied by a clearance from the EMB/DENR pursuant to RA 6969, otherwise known as "Toxic Substances, Hazardous and Nuclear Wastes Control Act of 1990," in accordance with the Basel Convention."

SECTION 4. Reportorial Requirements. Sections 7 (b), (c), and (f), Rule II of Department Circular No. 98-03-004 are hereby amended to read as follows:

"Any person who is engaged or intends to engage in any activity or business in the downstream oil industry shall submit the following reportorial requirements to the OIMB:

xxx

- b. Importations

To ensure proper representation of the importation and to ascertain the quality of imported crude oil, petroleum products