

Minimum stockholding obligation exemption request form

UNDER SECTION 59 OF THE FUEL INDUSTRY ACT 2020

This form is to be used by an obliged person to request an exemption under section 59 of the Fuel Industry Act 2020 (the Act), the provision allowing for exemptions from compliance with stockholding obligations.

- › The Ministry of Business, Innovation & Employment (MBIE) recommends that requestors familiarise themselves with the relevant requirements specified in the Fuel Industry Act 2020 (the Act) and the Fuel Industry Regulations 2021 (the Regulations).
- › Please note that information provided with your request is treated confidentially but may be subject to release under the provisions of the Official Information Act 1982. If this is the case, we may consult with you before the material is considered for public release.
- › The personal information you must include in this form is needed to process your request under the Act. You have the right under the Privacy Act 2020 and/or the Official Information Act 1982 to access information held about you by MBIE and request that this information be corrected if necessary.
- › The information you provide in this form may be used for regulatory compliance or enforcement purposes in accordance with MBIE's **Transparency Statement**.
- › MBIE recognises that some of the information provided in an exemption request will often be highly commercially sensitive. MBIE will treat information contained in a request as confidential and will not disclose information unless it is required to do so.
- › If your exemption request is granted, the grant and reasons for granting the exemption (including why the exemption is appropriate) will be made public.

If you need more space to complete any section of this form, you can attach further information in clearly labelled appendices. Please include the relevant section number(s) on each appendix so we can easily match it to the form.

The use of this form is voluntary and is encouraged to enable decision ready applications that can be progressed quickly and efficiently. If you choose to complete the form, please submit it to oilsecurity@mbie.govt.nz.

For more information go to:

www.mbie.govt.nz/mso-ministerial-exemptions



SECTION 1: CONTACT DETAILS

Please provide the details of the obliged person making the request and a contact person (who must be an individual) and will be the point of contact for any matters relating to the request.

Obliged person:	
Name of contact person (director or senior manager):	
Role (director or senior manager):	
Postal address:	
Email:	
Phone (mobile):	
Phone (DDI):	

SECTION 2: EXCEPTIONAL CIRCUMSTANCES

Exemptions from minimum stockholding obligations can only be for exceptional circumstances beyond your reasonable control to prevent.

Detail below the exceptional circumstances that prevent, or are likely to prevent, you from meeting your minimum stockholding obligation.

Be specific about how these exceptional circumstances have affected you, including impacts on fuel imports and storage (e.g. volumes, source, shipping, etc) and duration of these exceptional circumstances.

SECTION 3: MINIMUM STOCKHOLDING OBLIGATION DETAILS & STEPS TAKEN

3.1 Details of minimum stockholding obligation obliged person is unable to comply with

Please provide the following details of the minimum stockholding obligation that you are unable to comply with:

- ☐ Diesel
- ☐ Petrol
- ☐ Jet fuel
- ☐ Jet fuel at or near Auckland airport

Select the relevant fuel types, if more than one

Date/s and details of non-compliance

Clearly specify dates when non-compliance has/is expected to occur and how much you have/will breach your obligation by.

3.2 Impact of non-compliance on fuel resilience across New Zealand

Provide details regarding how your non-compliance has/is expected to affect distribution of fuel across New Zealand’s regions, including any impacts on fuel resilience for specific regions in New Zealand.

For example, if you are the majority fuel supplier for a particular region in New Zealand then detail this below.

3.3 Details of control over the circumstances

It could include:

- › whether and why you have limited control over the circumstances
- › whether you have implemented mitigation measures and why they are not enough to help you avoid non-compliance.

This section should detail the control you have in achieving compliance with your MSO, in contrast to the exceptional circumstances that are beyond your reasonable control (set out in section 2).

3.4 Details of a timeline to return to compliance

Describe the plan you have in place to achieve compliance again, including any future steps and dates.

SECTION 4: DETAILS OF EXEMPTION REQUEST

Provide details of the exemption you are requesting (e.g. requested duration of exemption, details regarding specific obliged fuels, any partial compliance) and attach any evidence.

Your exemption request will be weighed against the interests of the public in you continuing to meet your MSO.

NOTE: Exemptions cannot be broader than is reasonably necessary to address the matters that gave rise to the exemption. For example, if you believe you will be compliant with your MSO within three months, then a request for a one-year exemption is unlikely to be granted.

SECTION 5: COMMENTARY AND ATTACHED EVIDENCE

5.1 Comment on Ministerial considerations, if you wish

The matters to be taken into account by the Minister in reaching a decision are set out in **section 59(2) of the Act**.

5.2 Propose any conditions as part of your requested exemption, if you wish

The Minister may either grant an exemption unconditionally or subject to any conditions. You may propose any conditions that align with your requested exemption for consideration.

5.3 List the supporting evidence and information you are attaching to your request

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SECTION 6: DECLARATION

I declare that all information provided in this request is true and correct to the best of my knowledge and that I am authorised to sign this request *(To be completed by the person named in section 2 of this form)*

Signature:

Name:

Role (director or senior manager):

Date:

DD

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MM

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YYYY