

**DIRECTIVE No. 9**  
**Hydrocarbon Oils**  
**Issued by the Agent of the Impôts on the 25<sup>th</sup> May 2022**

## **1. Introduction**

This Directive relates to the importation of hydrocarbon oils and the supply of both duty paid and duty-free fuel and stipulates the obligations of the following entities;

- La Collette Terminal Ltd
- Approved Traders in Hydrocarbon Oils
- Approved Duty-Free Hydrocarbon Oil suppliers
- Approved Hydrocarbon Oil End Users

## **2. Definitions**

"Approved" means approved by the Agent of the Impôts.

"Agent of the Impôts" means Head of the Jersey Customs and Immigration Service.

"Approved Hydrocarbon Fuel Importer" means a trader who has been approved to import, store and supply both duty paid and Duty-Free hydrocarbon oils.

"Approved Duty-Free Hydrocarbon Oil supplier" means a distributor who supplies Duty Free fuel.

"Approved Hydrocarbon Oil End User" means a person, registered with JCIS, who has purchased Duty Free fuel from an Approved Trader and then stored it on their premises.

"Law" means the Customs and Excise (Jersey) Law 1999, as amended.

"Customs duty" means duty due on goods imported into the Customs Union, from third countries.

"Customs Order" means the Customs and Excise (Customs Tariff and Import Duty) (Jersey) Order 2019.

"Customs Officer" means an "officer" as defined by the Customs & Excise (Jersey) Law, 1999, that is "the Agent of the Impôts or any other officer of the Impôts".

"Order" means the Excise Duty (Relief and Drawback) (Jersey) Order 2000.

"JCIS" means the Jersey Customs & Immigration Service.

"Caesar" means the Customs and Excise system for the administration of revenue.

“Colouring” means the use of colouring or marking substances as defined in the Schedule to the Excise Duty (Relief and Drawback) (Jersey) Order 2000.

“La Collette Terminal (LCT)” means the company that leases and administers the hydrocarbon oil importing and storage facilities at the Fuel Farm.

“Fuel Farm” means the tanker berth, hydrocarbon fuel storage tanks and ancillary premises at La Collette, St Helier.

“Garages and Forecourts” means private businesses that sell Duty Free fuel.

“Third Country” means any country outside the United Kingdom - Crown Dependencies Customs Union.

“UK – CD’s Customs Union” - means Jersey, UK, Guernsey and the Isle of Man.

### **3. Legal Basis**

Article 41 of the Customs & Excise (Jersey) Law 1999

Article 2 of the Customs Order defines “import duty” and provides that such duty is to be collected and paid in accordance with the Customs Law.

Article 3 of the Customs Order creates an obligation to declare goods on importation for one of 2 customs procedures, either for release for free circulation in Jersey or for a “special customs procedure”.

Article 3 (5)(a) of the Customs Order provides for relief from import duty for a special custom procedure.

Article 5 of the Customs Order specifies the persons liable to pay import duty on imported dutiable goods.

Article 7 of the Customs Order gives effect in Jersey to the United Kingdom tariff regulations.

Article 8 and 9 of the Customs Order define, respectively, the value of goods and place of origin of goods for the purposes of import duty.

Article 5 of the Excise Duty (Relief and Drawback) (Jersey) Order 2000

Article 6 of the Excise Duty (Relief and Drawback) (Jersey) Order 2000

Article 9 of the Excise Duty (Relief and Drawback) (Jersey) Order 2000

### **4. Approved Hydrocarbon Fuel Importer**

No person or company shall engage in the commercial importation or supply of hydrocarbon oils without having been appointed in writing by the Agent of the Impôts as an ‘Approved Hydrocarbon Fuel Importer’.

## **5. Obligations upon La Collette Terminal**

The Agent of the Impôts requires that;

- Hydrocarbon oils stored at the Fuel Farm must only be drawn by Approved Importers.
- A record or log is kept detailing the product type and amount drawn and kept for 6 years.
- Each Approved Importer is provided with a weekly report totalling the product type and amount drawn.
- JCIS is provided with a weekly report totalling the product type and amount drawn by each of the Approved Importers.
- Any Duty-Free fuel drawn meets marking and colouring requirements.
- A monthly report is submitted to JCIS totalling the volume of coloured dye used

The Agent accepts that small quantities of hydrocarbon oils may be drawn off for maintenance or quality testing purposes.

## **6. Obligations upon Approved Hydrocarbon Fuel Importers**

An Approved Importer that draws fuel from the Fuel Farm must either;

- Declare it to duty on Caesar based on the totals provided by LCT, or
- In the case of aviation spirit, undertake that the goods have been delivered directly for export.
- Abide by the Approved Importer Terms & Conditions
- An Approved Importer that imports fuel by road tanker must either:
  - Declare it to duty on Caesar based on supplier invoices, or
  - Make the fuel subject to a claim for relief of duty on Caesar, having ensured that the marking and colouring requirements are met, or
- In the case of aviation spirit, undertake that the goods have been delivered directly for export
- Abide by the Approved Importer Terms & Conditions

## **7. Obligations upon Approved Duty-Free Hydrocarbon Oil suppliers**

- Records must be kept for 6 years concerning all supplies of Duty-Free fuel and made available to JCIS upon request.
- Only registered End Users can receive Duty Free fuel.
- When directed by the Agent of the Impôts, to communicate to their customers any updates which may affect them directly.
- Abide by the Approved Supplier Terms & Conditions

## **8. Obligations upon Approved Hydrocarbon Oil End Users**

End users must adhere to the following requirements;

- Ensure they are registered and approved by JCIS
- Ensure all Duty-Free tanks / pumps are clearly marked;
  - a) Marine use only (blue dyed petrol)

- b) Tractor / plant use only (red dyed diesel)
- Ensure all Duty-Free tanks / pumps are secured and access is restricted to authorised persons.
- Records must be kept for 6 years concerning the purchase of Duty-Free fuel and made available to JCIS upon request.
- Provide JCIS officers access to premises to inspect storage tanks / pumps and any vehicles on the premises
- Abide by the Approved End User Terms & Conditions

#### **9. Obligations upon Garages and forecourts**

- Ensure all Duty-Free pumps are clearly marked;
  - a) Marine use only (blue dyed petrol)
  - b) Tractor / plant use only (red dyed diesel)
- Ensure all Duty-Free pumps are secured so that members of the public cannot freely serve themselves.
- Records must be kept for 6 years concerning all supplies of Duty-Free fuel as per JCE 179 (blue) or JCE 321 (red) and made available to JCIS upon request.
- Comply with the Undertakings for Approved Traders in Hydrocarbon Oils.

#### **10. Right to impose further conditions**

Notwithstanding this Directive, the Agent of the Impôts may impose any further conditions he sees fit upon either La Collette Terminal Ltd, or the Approved Hydrocarbon Fuel Importer, Approved Hydrocarbon Oil Supplier or the Approved Hydrocarbon Oil End User.

#### **11. Revocation / Right to make future amendments**

This Directive shall have effect from 25<sup>th</sup> May 2022 and will at that time revoke the previous Agent's Directive No. 9, dated 1<sup>st</sup> January 2021.

The Agent of the Impôts reserves the right, unequivocally, to amend or withdraw, without prior notice, any rules and concessions contained in this Directive.

Mark Cockerham  
Agent of the Impôts  
25<sup>th</sup> May 2022