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THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Purpose.
- 4—Application.

PART II—CONSTRUCTION PERMIT

- 5—Requirements for a construction permit.
- 6—Application for a construction permit for biofuels production facility.
- 7—Form and validity of construction permit.

PART III—LICENSING OF BIOFUELS BUSINESSES

- 8—Licensing.
- 9—Application a licence.
- 10—Validity of a licence.
- 11—Renewal of a licence.
- 12—Variation of a licence.
- 13—Transfer of a licence.
- 14—Suspension or revocation of a licence.

PART IV—COMPLIANCE WITH KENYA STANDARD

- 15—Compliance with the Kenya Standard.
- 16—Blending of bioethanol.
- 17—Blending of biodiesel.

18—Blending facilities.

19—Import of bioethanol.

PART V—REGISTER OF LICENSES AND PROVISION OF DATA

20—Register of licences.

21—Submission of data.

PART VI—MISCELLANEOUS PROVISIONS

22—Inspections.

23—Compliance orders.

24—Local content requirements.

25—Offences.

26—Dispute resolution.

27—Appeals.

28—Transition.

THE ENERGY ACT

(Cap. 314)

IN EXERCISE of the powers conferred by section 208 of the Energy Act, the Cabinet Secretary for Energy and Petroleum, on the recommendation of the Energy and Petroleum Regulatory Authority, makes the following Regulations—

THE ENERGY (BIOFUELS) REGULATIONS, 2025

PART I—PRELIMINARY PROVISIONS

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Energy (Biofuels) Regulations, 2025. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “biofuel” means bioethanol, biodiesel or biogas produced through biological or chemical conversion of organic matter;
 - “blending” means the mixing of biofuels with a petroleum product;
 - “Kenya Standard” means a specification or code of practice declared by the National Standards Council under section 9 of the Standards Act; and Cap. 496.
 - “transportation” means the supply of biofuels through a piped network, tanker, barrel or such other authorized means from the producer to a third party or an end consumer.
3. The purpose of these Regulations is to promote the adoption and use of biofuels by prescribing standards in the biofuels value chain. Purpose.
4. These Regulations shall apply to the production, importation, exportation, transportation, storage, packaging, blending, distribution and sale of biofuels. Application.

PART II—CONSTRUCTION PERMIT

5. (1) A person shall not construct a biofuel production facility unless that person has been issued with a construction permit by the Authority. Requirement for a construction permit.
- (2) Subregulation (1) shall not apply to a person constructing a biogas plant that produces less than thirty cubic metres of biogas or a biodiesel plant that produces less than one hundred litres per month of biodiesel.
- (3) A person who constructs a biofuel facility without a construction permit that exceeds the limits specified in subregulation (2) commits an offence and shall, on conviction, be liable to the penalty provided under section 221 of the Act.
6. (1) A person who intends to construct a biofuels production facility shall apply for a construction permit from the Authority. Application for a construction permit for a

(2) The application in subregulation (1) shall be in the Form set out in the First Schedule and accompanied by proof of payment of the applicable fee as set out in the Second Schedule.

biofuels
production
facility.

(3) The Authority shall determine the application within forty-five days of receipt of the application and shall notify the applicant in writing of its decision.

(4) Where the Authority—

- (a) approves an application, it shall issue the applicant with a construction permit; or
- (b) rejects the application, it shall set out the reasons for the rejection in the notification under subregulation (3).

7. (1) A permit for construction of a biofuels production facility shall be in the Form set out in the Third Schedule and shall be valid for a period of two years.

Form and validity
of construction
permit.

(2) On the expiry of the permit, where the construction is still on-going, the permit holder may apply for an extension in the Form set out in the First Schedule.

(3) The Authority shall determine the application for extension within forty-five days of receipt of the application and shall notify the applicant in writing of its decision.

(4) Where the Authority—

- (a) approves the application, it shall issue the applicant with an extension of the construction permit; or
- (b) rejects the application, it shall set out the reasons for the rejection in the notification under subregulation (3).

(5) An extension of the construction permit shall be valid for a period of two years.

(6) A construction permit may be suspended or revoked by the Authority for non-compliance with any term or condition specified in the permit.

PART III—LICENSING OF BIOFUELS BUSINESSES

8. (1) A person shall not undertake the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biofuels unless the person is issued with a licence by the Authority.

Licensing.

(2) Subregulation (1) shall not apply to a person operating a biogas plant that produces biogas from a digester of a capacity of less than thirty cubic metres or a biodiesel plant that produces less than one hundred litres of biodiesel per month.

(3) A person who intends to undertake the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biofuels shall apply to the Authority for a licence in respect of any of the following categories—

- (a) category D licence, which shall entitle the holder to undertake the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biodiesel;
- (b) category E licence, which shall entitle the holder to undertake the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of bioethanol; or
- (c) category G licence, which shall entitle the holder to undertake the production, transportation, storage, packaging, distribution or sale of biogas.

9. (1) The application under regulation 8(3) shall be in the Form set out in the Fourth Schedule and accompanied by proof of payment of the applicable fee set out in the Second Schedule.

Application for a licence.

(2) The Authority shall determine the application within thirty days of receipt of the application and shall notify the applicant in writing of its decision.

(3) Where the Authority—

(a) approves the application, it shall issue the applicant with a licence in the Form set out in the Fifth Schedule; or

(b) rejects an application, it shall set out the reasons for the rejection in the notification under subregulation (2).

10. A licence issued under regulation 9 shall be valid for a period of one year.

Validity of a licence.

11. (1) The holder of a licence issued under regulation 9 may apply for the renewal of the licence within thirty days before the expiry of the licence.

Renewal of a licence.

(2) An application for the renewal of a licence shall be in the form set out in the Fifth Schedule and accompanied by the applicable fee.

(3) A licensee who applies for renewal of a licence after the expiry date shall pay the applicable annual fee set out in the Second Schedule for the period for which the licence was not renewed.

(4) Subregulation (3) shall not apply where the licensee has, before the expiry of the licence, notified the Authority in writing of deferment of the licence.

12. (1) The holder of a licence who intends to vary the category of the licence shall apply to the Authority in the Form set out in the Fourth Schedule.

Variation of a licence.

(2) The procedure for application and issuance of a licence set out in regulation 8 and 9 shall apply for an application under subregulation (1).

13. (1) A holder of a licence shall not transfer or otherwise divest any rights, powers or obligations conferred or imposed upon him by the licence without the prior consent of the Authority.

Transfer of licence.

(2) The procedure for application and issuance of a licence set out in regulation 8 and 9 shall apply for an application under subregulation (1).

14. (1) The Authority may suspend or revoke any licence issued under these Regulations where the holder has breached the provisions of these Regulations or any conditions attached to the licence.

Suspension or revocation of a licence.

(2) The Authority shall give a notice of fourteen days requiring the holder of a licence to show cause as to why the licence should not be suspended or revoked.

(3) The notice to show cause issued under subregulation (2) shall set out the specific areas of breach of the provisions of these Regulations or the conditions attached to the licence.

(4) The Authority shall determine the matter within sixty days from the expiry of the notice.

(5) Notwithstanding a suspension or revocation of a licence, the holder of a licence shall be liable to any other penalty for which such person may have become liable under these Regulations.

PART IV— COMPLIANCE WITH KENYA STANDARD

15. (1) The design, construction, operation, maintenance and waste management at biogas production facilities and the distribution of biogas shall comply with the Sixth Schedule and the relevant Kenya Standard.

Compliance with the Kenya Standard.

(2) The design, construction, distribution, maintenance, packaging, blending, branding and labelling of biodiesel shall comply with the Seventh Schedule and the relevant Kenya Standard.

(3) The design, construction, distribution, maintenance, packaging, safety requirements, labelling of bioethanol shall comply with the Eighth Schedule and the relevant Kenya Standard.

16. (1) The holder of a licence issued under Part III of these Regulations may blend bioethanol with premium motor spirit to produce gasohol.

Blending of bioethanol.

(2) The Authority shall, five years after the commencement of these Regulations, require every holder of a licence engaged in blending of biofuels for sale in Kenya to blend premium motor spirit loaded from petroleum storage and loading depots with locally sourced bioethanol to produce E5 gasohol.

(3) The Authority shall, ten years after the commencement of these Regulations, require every holder of a licence engaged in blending of biofuels for sale in Kenya to blend premium motor spirit loaded from petroleum storage and loading depots with locally sourced bioethanol to produce E10 gasohol.

(4) The gasohol produced under this regulation shall meet the requirements specified in the applicable Kenya Standard.

17. (1) The holder of a licence issued under Part III of these Regulations may blend biodiesel with automotive gas oil.

Blending of biodiesel.

(2) The Authority shall, five years after the commencement of these Regulations, require every holder of a licence engaged in blending of biofuels for sale in Kenya to blend automotive gas oil loaded from petroleum storage and loading depots with locally sourced biodiesel to produce B5 biodiesel.

(3) The Authority shall, ten years after the commencement of these Regulations, require every holder of a licence engaged in blending of biofuels for sale in Kenya to blend automotive gas oil loaded from petroleum storage and loading depots with locally sourced biodiesel to produce B10 biodiesel.

(4) The biodiesel to be blended with automotive gas oil shall meet the specifications provided in the applicable Kenya Standard.

(5) Any derivatives of the blended biodiesel shall have the properties specified in the relevant Kenya Standard.

18. The blending of biodiesel or bioethanol shall be carried out at a facility licensed by the Authority in accordance with these Regulations.

Blending facilities.

19. (1) A holder of a licence issued under Part III of these Regulations shall not import bioethanol or biodiesel unless the holder of the licence has been issued with a pre-import permit by the Authority.

Import of bioethanol.

(2) A holder of a licence who intends to import bioethanol or biodiesel shall apply to the Authority for a pre-import permit in the Form set out in the Ninth Schedule.

(3) The Authority shall determine the application within fourteen days of receipt of the application and shall notify the applicant in writing of its decision.

(4) Where the Authority—

- (a) approves an application, it shall issue the applicant with a pre-import permit; or
- (b) rejects the application, it shall set out the reasons for the rejection in the notification under subregulation (3).

(5) The Authority shall ensure that bioethanol and biodiesel are imported when there is a deficit in Kenya and for a specific volume.

PART V—REGISTER OF LICENCES AND PROVISION OF DATA

20. (1) The Authority shall maintain a register of all licences issued under these Regulations.

Register of licences.

(2) The register shall contain the name of the licensee, contact information and the licence number.

21. (1) Each holder of a licence shall submit on the last day of every month data on biofuels to the Authority including—

Submission of data.

- (a) quantities of biofuels produced, imported, exported or sold;

- (b) list of biofuels dispensing outlets where applicable;
- (c) details of biofuel product origin, destination or use; and
- (d) details of feedstock utilised in biofuels production.

(2) The holder of a licence shall maintain the data required under this Part for a period of at least five years.

(3) The Authority shall publish on its website, on a quarterly basis, data on production, demand and supply of biofuels.

PART VI— MISCELLANEOUS PROVISIONS

22. The Authority or its agent may carry out inspections, in relation to the compliance with these Regulations and the Act. Inspections.

23. (1) Where the Authority finds that any provisions of these Regulations have been contravened by a licensee or that a condition has arisen which may lead to the contravention of these Regulations, the Authority may issue a compliance order. Compliance orders.

(2) A compliance order under subregulation (1) shall state—

- (a) the specific provision which has been or is likely to be contravened;
- (b) the measures which should be taken to rectify the contravention;
- (c) the period within which the order shall be complied with; and
- (d) the potential consequences for non-compliance.

24. A licensee under these Regulations shall comply with local content requirements in accordance with the provisions of section 206 of the Act. Local content requirements.

25. (1) A person who, without a permit or licence issued by the Authority, undertakes the construction of a biofuel facility, production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biofuels commits an offence and shall, on conviction, be liable to the penalties specified under section 221 of the Act. Offences.

(2) A licensee who provides, authorises or permits to provide misleading or false information to the Authority commits an offence and shall, on conviction, be liable to the penalty provided under section 210 of the Act.

26. Any complaints or disputes between parties under these Regulations shall be referred to the Authority for resolution in accordance with the Energy (Complaints and Disputes Resolution) Regulations. Dispute resolution.
Sub.
Leg.

27. Any person aggrieved by a decision or order of the Authority may appeal to the Energy and Petroleum Tribunal. Appeals.

28. A person who immediately before the commencement of these Regulations is engaged in biofuel business shall, within one year of the commencement, comply with these Regulations. Transition.

FIRST SCHEDULE (r. 6(2) & 7(2))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

APPLICATION FORM FOR CONSTRUCTION PERMIT

The Director General
Energy and Petroleum Regulatory Authority
P.O. Box 42681, 00100 GPO
NAIROBI

I/We

.....
hereby apply for a construction permit in accordance with the Energy (Biofuels) Regulations 2025 for the production of;

☐ Biogas☐ Biodiesel☐ Bioethanol

(Please tick (✓) as appropriate)

I/ We commit to carry out the business in accordance with the Energy (Biofuels) Regulation 2025 applicable standards, guidelines and any rules and by-laws for the time being in force thereunder.

Purpose of application

New Application ☐ Extension ☐ (Please tick (✓) as appropriate)

1. Name of Applicant

2. Details of applicant:

(a) Income Tax Personal Identification Number:

(b) Postal Address:

(c) Email Address:

(d) Telephone number(s):

(e) LR/ Plot No.....Building Name.....

(f) Street/:

(g) Town/County:

3. Location of business premise(s)

(a)

(b)

(c)

(Insert additional lines as appropriate)

4. Give full details of proprietors or partners owning business or directors/shareholders of the company, as applicable.

Name Nationality

(Insert additional lines as appropriate)

5. State if you are or any of your partners/directors is adjudged bankrupt. (If so, indicate the names).

a)

b)

c)

(Insert additional lines as appropriate)

6. All applications shall be accompanied by copies of the following documents:

- (a) Copy of Business Name Registration Certificate or Certificate of Incorporation and Memorandum and Articles of Association in case of a company (whichever is applicable);
- (b) Form CR12 from the registrar of companies not older than 12 calendar months from the date of issue;
- (c) PIN certificate;
- (d) Valid tax compliance certificate from the Kenya Revenue Authority;
- (e) Copy of national identification document or passport for all directors;
- (f) Certified copy of a valid Work Permit for foreign directors working in Kenya or notarized declaration of non-residence for foreign directors not residing in Kenya;
- (g) Proof of occupancy of company's office;
- (h) For the project site, provide proof of land ownership (copy of title deed in the name of company/director(s)) or In the case of long-term land lease, copy of duly executed lease agreement in the name of the Company;
- (i) Physical planning approval from the county physical planning office;
- (j) Environmental & Social Impact Assessment licence from NEMA specifically authorizing development of a Biofuels production facility;
- (k) A Feasibility Study to demonstrate the technical viability of the project;
- (l) Detailed Specifications and Layout Plans prepared by a professional engineer. These include:
 - (i) Materials & design specifications and associated drawings / facility's operation philosophy (product piping, above-ground tank(s), filling facility, water draw off fittings, high level alarm location, requirements for pump venting; etc.)
 - (ii) Engineering drawings of all civil works including drainage, Oil Water Separator, bund walls, tank pad/foundation, hard standing surfaces, internal service roads, structures etc.

- (iii) Fire suppression systems (firefighting water storage tanks and associated fittings, firewalls etc.) which should be accompanied by calculations showing adequacy of the same.
- (iv) Electrical, Instrumentation & Controls drawings (Single line diagrams, Hazardous area classification, distribution control systems (DCS), data logging systems, Piping and Instrument Diagrams (P & ID))
- (m) Certified copies of Professional Registration Certificates for the engineers or professional firm(s) that have undertaken the designs in (l) and Feasibility Study in (k) above.

DECLARATION

I/We hereby, declare that the information I/we have provided in the application is true and accurate. I/We understand that it is an offence to give false information in an application for an approval.

Signature of Applicant Date

Signature of Applicant Date

Signature of Applicant Date

SECOND SCHEDULE

(r. 6(2), 9(1) & 11(3))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

PERMIT AND LICENCE FEES

To obtain a construction permit for a biofuels production facility, the following fees shall apply—

FACILITY	APPLICATION FEES (KSH)	PERMIT GRANT FEES	ANNUAL PERMIT EXTENSION FEES (KSH)
Biogas	2,000	5,000	2,000
Biodiesel	2,000	5,000	2,000
Bioethanol	2,000	5,000	2,000

To be licensed as a biofuels business, the following fees shall apply—

LICENCE	APPLICATION FEES (KSH)	ANNUAL LICENCE FEES (KSH)
G	2,000	2,000
D	2,000	10,000
E	2,000	10,000
Importation Bioethanol		100,000

THIRD SCHEDULE (r. 7(1))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

BIOFUELS FACILITY CONSTRUCTION PERMIT

PERMIT NO.

Construction Permit is hereby granted to _____ of

P.O. Box _____ to construct the following biofuels Facility (s):

On premises situated at : _____

Plot No. : _____

Street/Market : _____

Town/County : _____

This Permit expires on : _____

Dated this: _____

Signature: _____

*Director General,
Energy & Petroleum Regulatory Authority*

Conditions:

1. The site shall be required to display the construction permit number conspicuously on the site.
2. Engage only contractors who are licensed by the National Construction Authority for their class of work.
3. Comply with the Environmental Impacts Mitigation Plan approved by the National Environment Management Authority.
4. Comply with the Government policy on local content.

FOURTH SCHEDULE (r. 9(1)&12(1))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

APPLICATION FORM FOR BIOFUELS BUSINESS LICENCE

The Director General

Energy and Petroleum Regulatory Authority

P.O. Box 42681, 00100 GPO

NAIROBI.

I/We
hereby apply for approval in accordance with the Energy (Biofuels) Regulations, 2025
for a Biofuels licence of the following category;

- ☐ Category D Licence which shall entitle the holder to engage in the production, importation, exportation, transportation, storage, packaging, blending, or sale of biodiesel.
- ☐ Category E Licence which shall entitle the holder to engage in the production, importation, exportation, transportation, storage, packaging, blending, or sale of bioethanol.
- ☐ Category G Licence, which shall entitle the holder to engage in the production, transportation, storage, packaging, or sale of biogas.

I/We intend to carry out the following line (s) of business

- ☐ Production
- ☐ Importation
- ☐ Exportation
- ☐ Transportation
- ☐ Storage
- ☐ Packaging
- ☐ Blending
- ☐ Wholesale
- ☐ Retail

(Please tick (✓) as appropriate)

I/ We commit to carry out the business in accordance with the Energy (Biofuels) Regulation 2025 applicable standards, guidelines and any rules and by-laws for the time being in force thereunder.

Purpose of application

New Application ☐ Renewal ☐ Modification ☐ Transfer ☐ (Please tick (✓) as appropriate)

1. Name of Applicant

2. Details of applicant:

(a) Income Tax Personal Identification Number:

(b) Postal Address:

(c) Email Address:

(d) Telephone number(s):

(e) LR/ Plot No..... Building Name.....

(f) Street/:

(g) Town/County:

3. Location of business premise(s)

(a)

(b).....

(c)

(Insert additional lines as appropriate)

4. Give full details of proprietors or partners owning business or directors/shareholders of the company, as applicable.

Name

Nationality

.....

.....

.....

.....

(Insert additional lines as appropriate)

5. State if you are or any of your partners/directors is an un-discharged bankrupt. (If so, indicate the names).

a)

b)

c).....

(Insert additional lines as appropriate)

6. All applications shall be accompanied by copies of the following documents:
- (a) Copy of Business Name Registration Certificate or Certificate of Incorporation and Memorandum and Articles of Association in case of a company (whichever is applicable).
 - (b) Form CR12 from the registrar of companies not older than 12 calendar months from the date of issue.
 - (c) PIN certificate.
 - (d) Valid tax compliance certificate from the Kenya Revenue Authority.
 - (e) Copy of national identification document or passport for all directors.
 - (f) Certified copy of a valid Work Permit for foreign directors working in Kenya or notarized declaration of non-residence for foreign directors not residing in Kenya.
 - (g) Proof of occupancy of company's office.

7. The following documents shall be provided for the specific line(s) of business:

Production

- (i) Feasibility study report which shall include a feedstock assessment.
- (ii) Physical Planning Approval issued by the respective county government.
- (iii) Proof of land ownership/lease agreement for the proposed production site.
- (iv) A valid Environmental and Social Impact Assessment licence issued by the National Environment Management Authority for the facility.
- (v) Layout Drawings of the facility.
- (vi) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity assessment of the product against the applicable Kenya Standard.

Importation and Exportation

- (i) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity of the product against the applicable Kenya Standard.
- (ii) Proof of availability of storage infrastructure for imported products.
- (iii) Proof of membership to Oil Spill Mutual Aid Group (OSMAG) for category D licences.

Transportation

- (i) A valid Motor Vehicle Inspection Certificate for each prime mover and trailer where applicable.
- (ii) A copy of the Logbook for each prime mover and trailer (Attach a valid lease agreement if vehicle not in the name of the applicant).
- (iii) A list of vehicles; paired prime movers and trailers where applicable.

- (iv) A valid calibration certificate issued by the Department of Weights and Measures for the tank mounted on each trailer where applicable.
- (v) A Highway Emergency Response Plan.
- (vi) Fire Clearance Certificate for the vehicle(s) issued by the respective County Fire Department.

Storage

- (i) Fire Clearance Certificate for the facility issued by the respective County Fire Department.
- (ii) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity assessment of the facility against KS EAS 976 for category D licences.
- (iii) A valid copy of certificate of registration of work place issued by Department of Occupational Safety and Health Services.
- (iv) A report by a Professional Engineer on the designs and suitability of the material of the storage equipment, pipeline, metering system and dispensing equipment used.
- (v) Valid certificate(s) of calibration of the tank(s) and metering system issued by the Department of Weights and Measures.
- (vi) An Emergency Response Plan.
- (vii) Proof of training of at least one (1) employee in the safe handling of flammable fuels from a National Industrial Training Authority approved institution.
- (viii) A valid Environmental Impact Assessment licence issued by the National Environment Management Authority for the facility.

Sale (Wholesale or Retail)

- (i) Fire Clearance Certificate for the facility from the respective County Fire Department.
- (ii) A valid copy of certificate of registration of work place issued by the Department of Occupational Safety and Health Services.
- (iii) A valid certificate of calibration for the storage tank(s) and metering equipment issued by the Department of Weights and Measures.
- (iv) A valid certificate of calibration of the biofuel dispensing units' meters from the Department of Weights and Measures.
- (v) A pressure test report approved by the Department of Occupational Safety and Health Services for the biodiesel tanks and pipelines at the facility; (not older than 60 months).
- (vi) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity assessment of the product against the applicable Kenya Standard.
- (vii) Copy of Applicant's customer complaint handling procedures.
- (viii) Details of biofuel retail or dispensing points.

Blending

- (i) Feedstock feasibility assessment study report.
- (ii) Fire Clearance Certificate for the facility from the respective County Fire Department.
- (iii) A valid copy of certificate of registration of work place issued by the Department of Occupational Safety and Health Services.
- (iv) A valid certificate of calibration for the storage tank(s) and metering equipment issued by the Department of Weights and Measures.
- (v) A valid certificate of calibration of the biofuel dispensing units' meters from the Department of Weights and Measures.
- (vi) A pressure test report approved by the Department of Occupational Safety and Health Services for the biodiesel tanks and pipelines at the facility; (not older than 60 months).
- (vii) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity assessment of the product against the applicable Kenya Standard.
- (viii) Copy of Applicant's customer complaint handling procedures.
- (ix) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity assessment of the product against the applicable Kenya Standards.

DECLARATION

I/We hereby, declare that the information I/we have provided in the application is true and accurate. I/We understand that it is an offence to give false information in an application for an approval.

Signature of Applicant Date

Signature of Applicant Date

Signature of Applicant Date

FIFTH SCHEDULE (r. 9(3)&11(2))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

BIOFUELS BUSINESS LICENCE

LICENCE

LICENCE CATEGORY (.....)

Licence Number:

This is to Certify that

(Name of Licensee)

of Tel/Mobile:

P.O. Box Town

Code

Having duly complied with all the requirements of the above Regulations is hereby licensed to

(Scope of licence)

Issue and Expiry Date.....

Date

Signature

.....

Director General

Energy and Petroleum Regulatory Authority

Terms and Conditions:

General Conditions

The licence is valid for calendar years as provided on the licence issued.

1. Application for licence renewal shall be made at least thirty (30) days before the licence expiry date.
2. The licensee shall not transfer or otherwise divest any rights, powers or obligations conferred or imposed on him by the licence without permission from the Energy and Petroleum Regulatory Authority.
3. The licensee, manufacturer or importer of consumer devices shall provide the Authority with information on its activities.
4. The licensee shall not carry out any work unless the licence is valid.

SIXTH SCHEDULE

(r. 15(1))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

GENERAL PROVISIONS REGARDING BIOGAS BUSINESSES

1. Design and Construction.
 - (a) In determining the size of a bio-digester the design shall take into account the available feedstock, the existing and any projected future biogas demand.
 - (b) The amount of biogas consumption for basic applications shall be as specified in KS 2566-1.
 - (c) Site selection for domestic and commercial biogas plants shall be determined by the criteria specified in KS 2566-1 and KS 2951 respectively.
 - (d) The materials used in the construction of biogas plants should withstand the chemical conditions of the feedstock and effluent, weather conditions, corrosion and the weight of the structures.
 - (e) The design of biogas plants shall take into account cost optimization and safety consideration. The design considerations for domestic and commercial systems are specified in KS 2566-1 and KS 2951 respectively.
 - (f) The project proponent shall undertake a risk assessment and an evaluation based on occupational health and technical aspects of the biogas project, as required by KS 2566-1 and KS 2951, prior to the construction of a biogas plant.
 - (g) A biogas plant supplier shall avail to the system owner documentation regarding:
 - (i) overall description of the plant;
 - (ii) applicable construction and technical drawings;
 - (iii) operation manual for each component of the biogas plant;

- (iv) manual for whole plant operation including action for unplanned situations;
 - (v) safety documents;
 - (vi) operation guidelines; and
 - (vii) start-up/normal operation/shut-down
- (h) The sizing and layout of biogas plant components such as; inlet tank, piping, digester, gas chamber, outlet tank, fitting and accessories shall be as specified in KS 2566-1, KS 2566-2, KS 2566-3 and KS 2951.
- (i) The design, construction and installation of biogas plants shall be undertaken by suitably qualified personnel as per the requirements provided in KS 2566-1, KS 2566-2, KS 2566-3 and KS 2951.
- (j) At the end of the construction of domestic and commercial biogas plants, testing, commissioning, operation and maintenance shall be undertaken as per by KS 2566-1 and KS 2951 respectively.
- (k) The biogas installer shall provide a workmanship guarantee of at least one (1) year and after sales services. The guarantee for the biogas components shall be as per the manufacturers' specifications.

2. Transportation

- (a) A biogas reticulation system shall conform to the provisions of the relevant Kenya Standard and be operated in accordance with these guidelines.
- (b) The operator of a biogas reticulation system shall obtain, maintain and safeguard wayleaves or rights of way where the pipeline and incidental installation will be located.
- (c) A design for a biogas reticulation system shall incorporate environmental, health and safety standards, and shall be certified by a Professional Engineer.
- (d) Each consumer outlet shall have a separate and functional metering system approved by the Department of Weights and Measures.
- (e) The unit of sale of biogas to consumers in a biogas reticulation system shall be in cubic metres.
- (f) The biogas shall consist of at least 60% methane and at most 1% hydrogen sulphide by volume.
- (g) The operator of a biogas reticulation system shall maintain an accidents and complaints register.
- (h) A notification of an accident or incident shall be submitted to the Authority within 48 hours of its occurrence. The respective investigation reports shall be submitted to the Authority within 14 days.
- (i) The operator of a biogas reticulation system shall enter into a service contract with each biogas consumer. The service contract shall include the following details:

- (a) name, address and telephone number of the operator and the biogas consumer;
- (b) rights and obligations of the parties;
- (c) emergency response plan;
- (d) billing period and the mode of payment;
- (e) charge per cubic metre and the cost breakdown thereof; and
- (f) dispute and complaints handling procedures.
- (j) The operator of a biogas reticulation system shall maintain records of volume, in cubic metres, of all the biogas supplied.

3. Waste Management

The management of waste and emissions from domestic and commercial biogas plants shall be carried out as specified in KS 2566-1 and KS 2951, respectively and as per environmental laws and regulations.

SEVENTH SCHEDULE

(r. 15(2))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

GENERAL PROVISIONS REGARDING BIODIESEL BUSINESSES

1. Packaging

Except when transported in bulk, the biodiesel shall be packed in sound, clean, dry drums not affected by the biodiesel. The drums shall be so closed that leakage and contamination of the biodiesel is prevented during normal handling and transport.

2. Blending requirements for biodiesel:

Pure biodiesel to be blended into automotive gasoil fuel shall meet specifications provided in Kenya Standard KS 2227.

The derivatives of the blended diesel shall have properties specified in the relevant Kenya Standard.

3. Branding and Labeling

Pumps and dispensing equipment used for sale of biodiesel shall be clearly marked and labeled to distinguish them from pumps dispensing pure diesel.

For labeling purposes, the following information shall appear in prominent, legible and indelible marking:

- (a) the manufacturers'/suppliers' name;
- (b) brand name of the product;
- (c) a description of the product;
- (d) batch identification; and
- (e) quantity of the contents.

The aforementioned information shall be indicated on each drum. In the case of biodiesel filled in bulk storage tanks or bulk carriers, the information shall be indicated on the storage and consignment documents of each bulk carrier.

EIGHTH SCHEDULE

(*r. 15(3)*)

THE ENERGY ACT

(*Cap. 314*)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

GENERAL PROVISIONS REGARDING BIOETHANOL BUSINESSES

1. Safety Requirements

The supplier of bioethanol fuel and appliance shall provide end-user training, written instructions and warnings on; safe use, assembly, maintenance and operation, as applicable.

These instructions and warnings shall be in English or Kiswahili with sufficient pictograms for comprehension.

2. Blending

The derivatives of the blended gasohol shall have properties specified in the relevant Kenya Standard.

3. Appliances for cooking and heating

Ethanol fuelled cooking appliances shall meet the requirements specified in KS 2759.

4. Labeling

Bioethanol fuel

Labelling of bioethanol fuel shall be in accordance with the requirements given in KS 2838. The label shall include the following:

- (a) name of product;
- (b) name and address of manufacturer;
- (c) net contents;
- (d) name(s) of denaturant;

- (e) batch/lot number;
- (f) minimum ethyl alcohol content;
- (g) year of manufacture;
- (h) country of origin; and
- (i) the words “highly poisonous” and “highly flammable”

Bioethanol Appliances

Each bioethanol appliance shall contain the following information, legibly and indelibly marked, in an easily identifiable position:

- (a) the name or trademark of the manufacturer and the country of origin;
- (b) the manufacturer’s model name and type number;
- (c) the manufacturer’s batch number;
- (d) the words “USE ETHANOL GEL ONLY” or USE LIQUID ETHANOL ONLY” and;
- (e) on and off marking.

The information shall either be imprinted directly on the appliance surface, on an acceptable nameplate or on a heat-resistant sticker attached to the surface.

NINTH SCHEDULE (r. 19(2))

THE ENERGY ACT

(Cap. 314)

THE ENERGY (BIOFUELS) REGULATIONS, 2025

APPLICATION FORM FOR PRE-IMPORT PERMIT

The Director General

Energy and Petroleum Regulatory Authority

P.O. Box 42681-00100

NAIROBI

I/We.....
hereby apply for a pre-import permit in accordance with the Energy (Biofuels)
Regulations, 2025 for the importation of;

☐ Biodiesel☐ Bioethanol

(Please tick (✓) as appropriate)

1. Name of Applicant:
2. Import Licence Number:
3. All applications shall be accompanied by copies of the following documents:
 - (a) An import licence.
 - (b) Proforma Invoice showing all chargers.
 - (c) Test certificate or letter showing conformity from an accredited laboratory as proof of conformity of the product against the applicable Kenya Standard
 - (d) Country of origin.
 - (e) Quantity of biofuels to be imported.
 - (f) Intended time of importation.

DECLARATION

I/We hereby, declare that the information I/we have provided in the application is true and accurate. I/We understand that it is an offence to give false information in an application for an approval.

Signature of Applicant Date

Signature of Applicant Date

Signature of Applicant Date

Made on the 9th December, 2025.

J. OPIYO WANDAYI,
Cabinet Secretary,
Ministry of Energy and Petroleum