



**Environmental  
Protection  
Agency**

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## **Environmental Permit**

Issued under the Environmental Protection Act, Cap.20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.

Reference No.:	20230221-BTSTS
Fees:	Large - US\$3,100 per year
Fees Paid:	US\$3,100 one (1) year: (June 2023 – May 2024)
Addressee:	Ricardo Trujillo/Kirk Slater Port Captain Tidewater Marine International Inc. 62 Hadfield Street Werk-en-Rust Georgetown  MV Breaux Tide (IMO Number: 9697064)
Activity	Bunkering of Fuel

Tidewater Marine International Inc., owner and operator of MV Breaux Tide, hereinafter referred to as the “Permit Holder”, is hereby authorised by the Environmental Protection Agency, herein referred to as the “Agency”, in accordance with the Environmental Protection Act, Cap.20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, the Environmental Protection (Authorisations) Regulations, 2000, and the Maritime Zones Act, Cap 63:01, Laws of Guyana (hereinafter referred to as “the Maritime Zones Act”) to conduct Bunkering of Fuel within Guyana’s Waters inclusive of the Exclusive Economic Zone (EEZ), hereinafter referred to as the “Project”, in a manner indicated in the Application submitted on February 21, 2023, and subject to the terms and conditions set forth herein, existing and/or forthcoming regulations made under the said Act, the Maritime Zones Act and any applicable regulations made thereunder, international treaties and conventions to which Guyana is a party, international rules, standards and best practices to which Guyana subscribes, and any existing or forthcoming approvals, directives or guidelines issued by the Environmental Protection Agency.

The Permit Holder, His Servants, Agents and/or Sub-Contractor shall comply with the following Terms and Conditions for Operation:

## **1.0 OPERATION**

1.1 The Permit Holder shall notify the Agency in writing and obtain its approval for **ANY** proposed changes to the operation at least **twenty-one (21) calendar days** prior to making the change. The notification shall contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning of the facility, or an extension, or any additional installation, which may have consequences for the environment. Changes to operation may include but not be limited to the following:

- i. change the operation, structure, or layout of the bunkering operation and all associated facilities;
- ii. change equipment, machine, apparatus, mechanism, system or technology serving the operation;
- iii. change the position and design of any outlet at the point or points of discharge of effluents; or
- iv. effect any other change outlined in 20(3) of the Environmental Protection (Authorisations) Regulations.

1.2 The Permit Holder shall comply with the provisions of the:

- i. Environmental Protection Act Cap. 20:05;
- ii. Pesticides and Toxic Chemicals Act, No. 13 of 2000;
- iii. Pesticides and Toxic Chemicals Regulations, No. 8 of 2004;
- iv. Pesticides and Toxic Chemicals (Amendment) Regulations, No.8 of 2007; and
- v. All other applicable Laws of Guyana.

1.3 The Permit Holder shall comply with the International Maritime Organization's regulations/standards for lighting on the vessels.

1.3.1 The Permit Holder shall ensure that lighting of the bunkering vessel is directed to required operational areas, rather than to the sea surface or skyward, where practicable.

1.4 The Permit Holder shall comply with all directives from the Agency given from time to time including but not limited to those directives given in furtherance of the implementation of any international or other obligation under any treaty or International Law related to the environmental protection of Guyana and surrounding regions likely to be affected (including neighbouring South American Coast and Caribbean Sea).



- 1.5 The Permit Holder shall ensure that there is an Environmental Health and Safety Officer on board and/or ashore that is trained in emergency management.
- 1.6 The Permit Holder shall implement a venture-wide Environmental Management Plan including the Bunker Plan and the Emergency Response Plan outlining:
  - i. Accident Prevention Procedures;
  - ii. First Person Response;
  - iii. Notification Procedures;
  - iv. Location of clean-up equipment;
  - v. An analysis of potential accidents and response;
  - vi. Safety data sheet for all materials which could be spilled; and
  - vii. An Incident Clean-up Plan.
- 1.7 The Permit Holder shall install “**No Smoking/No Naked Flame**” signs around the bunkering vessel especially in the area where bunkering is taking place or fuel is being stored.

## **2.0 BUNKERING ACTIVITIES**

- 2.1 Bunkering activities shall be conducted in accordance with the most recent edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- 2.2 The Permit Holder shall verify that conditions for bunkering are acceptable prior to the commencement of activities.
- 2.3 Bunkering activities shall be supervised by the designated Officer in Charge (OIC) according to the conditions of the sea.
- 2.4 During bunkering operations, the OIC and Bunker Supervisor shall ensure that all necessary measures are taken to prevent the spillage of fuel into the waters.
- 2.5 The bunker supplier shall have sufficient and appropriate drip containment and spill response equipment on board the bunkering vessel and/or at the location of the bunkering operations which shall be readily available for deployment.
- 2.6 Clear signs outlining spill clean-up procedures and emergency contact numbers shall be prominently displayed on the bunkering vessel at all times.
- 2.7 The Permit Holder must operate all equipment using the equipment manufacturer's operating instructions.
- 2.8 The Permit Holder shall execute the bunkering activities in accordance with an approved Bunkering Plan (ship to ship transfer plan) and procedures.



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- 2.9 In the event that adverse weather occurs during bunkering operations, the bunkering vessel shall cease bunkering operations, disconnect and safely maneuver away from the receiving vessel.
- 2.10 The Permit Holder shall utilize leak detection devices during bunkering (e.g., overfill alarms, instrumentation/procedures to perform volumetric checks, etc.).
- 2.11 An overflow tank shall be installed and connected to the bunker tank and bunker line. The overflow tank must be kept empty to transfer excess fuel from the bunker tanks.
- 2.12 The Permit Holder shall test 'high level' and 'overflow' alarms remotely on a monthly basis. Log of this testing for the reporting year shall be submitted to the Agency as a component of the Annual Report.
- 2.13 Pressure gauges, tank levels and associated valves shall operate with low flow rates while tanks are being changed.
- 2.14 The Permit Holder shall inspect all hoses, valves and pipeline (where accessible) prior to all bunkering activities to reduce the possibility of spillage.
- 2.15 Bunker hoses shall not be connected over the water ways.
- 2.16 Bunker hoses shall be of sufficient length, in good condition and properly rigged to allow for ship movement.
- 2.17 The Permit Holder shall install an emergency shut-off switch on the bunkering vessel. The switch must be inspected and tested before every operation or as required by the manufacturer.
- 2.18 Filling of tanks must be properly supervised to reduce the risk of spillage.
- 2.19 Oil spill equipment shall be readily available on both vessels during the transfer of fuel. Employees shall be trained to use spill equipment in the event of an emergency.
- 2.20 First-response equipment shall be available adjacent to the manifold. This shall include a suitable portable pump and emergency containment.
- 2.21 Hydraulic pressure, as well as any back-up hand operated equipment, shall be available for hydraulic operated valves.
- 2.22 The Permit Holder shall ensure that 'No Hot Work' is conducted in the fuel storage area of the bunkering vessel while fuel is being stored. A dry dock facility shall be used in the event of remedial works conducted on the vessel.
- 2.23 The Permit Holder shall ensure that both the bunkering vessel and the receiving vessel maintain at least **two (2)** of the following means of communication:
  - a. Handheld radios;
  - b. Telephones;
  - c. Talk-back systems;



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- d. Signaling lamps;
  - e. Search lights;
  - f. Loud hailers;
  - g. Closed circuit television; or
  - h. Electrical controls for tanker whistles.
- 2.24 Bunkering operations involving bunkering vessels shall be suspended if there are any other vessels maneuvering within the vicinity of the receiving vessel and the bunkering vessel.
- 2.25 All vulnerable scuppers/drains shall be sealed and/or plugged in the event of a spill.
- 2.26 Upon completion of bunkering operations, hoses shall be disconnected above a drip pan of appropriate size within a bunded area.
- 2.27 Upon completion of all bunkering operations, hoses shall be fully drained before disconnection takes place.
- 2.28 Vessel filling ports shall be properly secured immediately if they are no longer required.

### **3.0 EMPLOYEES**

- 3.1 The Permit Holder shall operate in accordance with Guyana's **Occupational Safety and Health Act, No. 32 of 1997**.
- 3.1.1 The Permit Holder shall provide employees with the necessary personal protective equipment (PPE) to fit their job specification.
  - 3.1.2 PPE shall be worn in accordance with the manufacturer's recommendations or as stated in the Safety Data Sheet for the product being handled.
- 3.2 The Permit Holder shall provide certified Occupational Health and Safety (OHS) training for all employees who partake in Bunkering activities.
- 3.3 All personnel (crew members) involved in any bunkering operation shall be trained, skilled and competent in their role and have certificates as evidence of same. The competent person must ensure that all members of the Bunkering Team have the relevant qualifications and certification.
- 3.4 The Bunkering Safety Checklist shall be completed and signed by the officer responsible before the bunkering operation commences. Checklists shall be available to the Agency upon request.
- 3.5 The Permit Holder shall provide adequate fire protection measures in accordance with the requirements outlined by the vessel's Flag State.





- 3.6 All employees must be trained in good environmental management practices and informed of their obligations under the Permit.

#### **4.0 WATER QUALITY**

- 4.1 The Permit Holder shall strictly comply with the provisions of the **Environmental Protection (Water Quality) Regulations, 2000**.
- 4.2 The Permit Holder shall adhere to the Bunkering Vessel's Shipboard Marine Oil Pollution Emergency Plan (SMOPEP), as required under Annex I of MARPOL 73/78 Regulations for the Prevention of Pollution by Oil.
- 4.3 The Permit Holder shall adhere to cooperative measures with Government Agencies as it relates to oil spill response as applicable and relevant notification process and procedure.
- 4.4 The condition above is not to be interpreted as meaning that the Permit Holder will not be liable to fulfil its obligations under any other oil spill response plans, whether existing or forthcoming.
- 4.5 The Permit Holder shall discharge ballast water in accordance with established International Maritime Organisation's Guidelines and Legal Requirements, including but not limited to, the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention for the Control and Management of Ship's Ballast Water Sediments (2004).
- 4.5.1 The Permit Holder shall treat bilge water in accordance with MARPOL 73/78 requirements and ensure that an oil in water content of **<15 ppm** is not exceeded.
- 4.5.2 Bilge water tests shall be recorded weekly and submitted as a component of the Annual Report.
- 4.5.3 Wastewater that is released from onboard the Sewage and Wastewater Treatment Facility must meet the aquatic discharge standards in accordance with MARPOL 73/78 regulations.

#### **5.0 NOISE AND AIR QUALITY MANAGEMENT**

- 5.1 The Permit Holder shall strictly comply with the provisions of **the Environmental Protection (Noise Management) Regulations, 2000** and the **Environmental Protection (Air Quality) Regulations, 2000**.

5.2 In accordance with MARPOL 73/78 regulations, Annex VI, ozone-depleting substances (ODS) shall not be discharged.

## **6.0 WASTE MANAGEMENT**

6.1 The Permit Holder shall strictly comply with the provisions of the **Environmental Protection (Hazardous Waste Management) Regulations, 2000.**

6.2 The Permit Holder shall manage and dispose of all wastes in accordance with the most recent bunkering vessel's Garbage Management Plan.

6.3 The Permit Holder shall handle, store, and dispose sewage and spillage in accordance with Annex IV of MARPOL 73/78 Regulations, for the Prevention of Pollution by Sewage from Ships.

6.4 Do not discharge diesel oil, or halogenated phenol compounds, into the marine environment.

6.5 The Permit Holder shall implement bunkering and transfer procedures to cater for retrieval of any waste accidentally released overboard.

6.6 The Permit Holder shall manage and dispose of putrescible waste in accordance with MARPOL Annex V- 73/78 Regulations for the Prevention of Pollution by Garbage from Ships.

6.7 Any spilt fuel or fuel contained in bunds or drip pans shall be soaked up using appropriate spill cleanup materials and all contaminated material shall be disposed of through the appropriate segregated waste management system.

6.8 The Permit Holder shall prepare and submit to the Agency, as a component of the Annual Report as required in Condition 7.5, the following information in relation to the activities for the previous year:

- i. the name, location and type of facility;
- ii. types and quantities (in metric units) of hazardous waste generated. For the purpose of this Permit, hazardous waste shall be defined in accordance with the Environmental Protection Act and its Regulations;
- iii. manner of storage, use, any applied treatment standards/methods and disposal of these substances;
- iv. data concerning off-site shipments of waste, i.e., local disposal facility utilised, country to which hazardous waste is shipped, purpose of shipment and amount of waste shipped;
- v. a summary of any accidents that may have occurred and any actions taken;



- vi. any waste minimisation efforts undertaken by your facility for hazardous material/waste; and
  - vii. any other matter the Agency may require.
- 6.9 The Permit Holder shall establish and maintain a register of hazardous materials or chemicals used or generated by your operation, to be provided to the Agency upon request.
- 6.10 Oil/fuel contaminated absorbent materials must be appropriately stored and disposed of by double wrapping in heavy duty garbage bags in keeping with the vessel's Garbage Management Plan. All contaminated absorbent materials must be treated at an authorized Hazardous Waste Treatment Facility prior to disposal at an Agency authorized facility.

## **7.0 COMPLIANCE MONITORING AND REPORTING**

- 7.1 Notify the Environmental Protection Agency **within one (1) hour** of the occurrence of any environmental emergencies (c.g., oil spills, hazardous materials/wastes spills, sudden onset disaster, natural, technological or human- induced factors that cause or threaten to cause severe environmental damage as well as harm to human health or livelihood).
- 7.2 All near misses, spills and unwanted/accidental discharges, **amounting to less than imperial five (5) gallons**, must be recorded and reported to the Agency as a component of the Annual Report as required in Condition 7.5.
- 7.3 Discharges of contaminants **amounting to five (5) imperial gallons or more** must be reported to the Agency by submitting an "*Incident Notification Form for Spills in Offshore Operations*" using the most recent template provided by the Agency, **within twelve (12) hours of the incident**. A follow-up incident notification form shall be submitted **within seventy-two (72) hours** of the submission of the initial notification form.
- 7.4 The Permit Holder shall monitor the implementation of the conditions of this Permit, insofar as they involve adherence by your employees and all third parties under your direction.
- 7.5 The Permit Holder shall submit an Annual Report to the Agency on its compliance with this Environmental Permit **on or before March 31**, each year.
- 7.6 Report to the Agency any non-compliance(s) with the Environmental Permit:
- i. Within **twenty-four (24) hours** of the time the Holder of the Environmental Permit becomes aware of the non-compliance outlining the anticipated manner in which human health or the environment may be impacted.



- ii. Within **seventy-two (72)** hours of the time the Holder of the Environmental Permit becomes aware of the non-compliance, submit to the Agency a written report containing a description of the non-compliance, its cause, the period of non-compliance including exact dates and time and the anticipated time it is expected to continue if the non-compliance(s) has not been corrected.
- 7.7 Notify the Agency, in writing, of any changes of name or ownership of the Permit Holder's facility **within thirty (30) days** after the change has occurred.
- 7.8 Notify the Agency, in writing, **within twenty-one (21) days** in event of death, bankruptcy, liquidation or receivership of the Permit Holder or if the Company becomes a party to an amalgamation.

## **8.0 INSTITUTIONAL AUTHORITY / LIABILITIES**

- 8.1 The Permit Holder shall be liable for any material environmental harm caused by polluting the environment, pursuant to s. 39 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.2 The Permit Holder shall be liable for any serious environmental harm caused by polluting the environment, pursuant to s. 39 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.3 The Permit Holder shall be liable for any activity that causes or is likely to cause pollution of the environment unless all reasonable and practicable measures are taken to prevent or minimize any resulting adverse effect, pursuant to s. 19 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.4 The Permit Holder shall be liable to compensate any person who suffers any loss or damage as a result of contravening conditions 8.3 and 8.4 of this Environmental Permit, pursuant to s. 19 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.5 The Permit Holder shall restore and rehabilitate the environment.
- 8.6 The Permit Holder shall bear the cost of all investigations into pollution incidents, conducted at the instance of Agency.
- 8.7 The Permit Holder shall not be indemnified by the Agency for any activity that causes or is likely to cause pollution to the environment, resulting from adverse effects through the discharge, any contaminant in any amount, concentration, ultra-hazardous substances, chemicals or otherwise, and shall be rendered liable to prosecution and to penalties prescribed under the Environmental Protection Act and Regulations.
- 8.8 The Permit Holder shall be liable of any gross negligence or willful misconduct caused by the Permit Holder, his Servants and/or Agents, to the environment, biodiversity,



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protected species and natural habitat with respect to any release, discharge, or spill, of contaminant fluids, oil or lubricants.

- 8.9 Should the Permit Holder contravene or be likely to contravene any condition of this Permit, the Agency may serve on him an Enforcement Notice in accordance with Section 26 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.10 Where it appears to the Agency that the Permit Holder is engaged in any activity that may pose a serious threat to natural resources or the environment, or a risk of serious pollution of the environment or any damage to public health, the Agency may issue to the Permit Holder a Prohibition Notice, which may order him to immediately cease the offending activity, in accordance with Section 27 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.11 This Agency reserves the right to conduct regular inspections of the Permit Holder's activities as part of its monitoring and enforcement requirements under the Environmental Protection Act, Cap 20:05, and the Environmental Protection (Amendment) Act, 2005, and Environmental Protection (Authorisations) Regulations, 2000.
- 8.12 This Permit Holder, His Servants and/or Agents shall at all times, allow entry to the permitted facility to any Officer designated by the Agency for the purposes of conducting inspections or any other legitimate business of the Agency. Pursuant to Section 38 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana, it is an offence to assault, obstruct or hinder an authorised person in the execution of his/her duty under the said Act or its Regulations and the Permit Holder shall be liable to penalties prescribed under paragraph (c) of the Fifth Schedule for doing so.
- 8.13 The Permit Holder shall provide the finances, equipment and technical capacity to adequately and, in accordance with International Petroleum Industry Environmental Conservation Association (IPIECA), American Petroleum Institute (API) Standards and Recommended Practices, or Good International Industry Practices (GIIP), appropriately respond to any emergency that may occur as a result of the execution of the Project.
- 8.14 The Permit Holder shall bear all costs of the restoration, rehabilitation and compensation required as a result of damage incurred due to an oil spill or other emergency resulting from the execution of the Project. The costs herein referred to shall be independently assessed and evaluated by a third party determined by the Agency. Nothing contained herein shall prejudice the right of public and private actors to pursue criminal and/or civil action against the Permit Holder.
- 8.15 The Agency has the right to modify, cancel or suspend this Permit for breach of any of the terms and conditions contained herein.
- 8.16 The Permit Holder shall have insurance of such type and in such amount as is customary in the international petroleum industry in accordance with best practices for storing and transporting of fuel in progress offshore Guyana in respect of:

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- i. Loss or damage to all assets used in Project;
  - ii. Pollution caused in the course of the Project for which the Permit Holder will be, jointly and severally, held responsible;
  - iii. Loss or damage to property or bodily injury suffered by any third party in the course of the Project for which the Permit Holder is liable to, according to the terms of the policy;
  - iv. Permit Holder's liability to its employees engaged in the Project; and
  - v. Any other requirement made by the Agency under this Environmental Authorization.
- 8.17 Condition 8.16 shall not be interpreted to mean that the Permit Holder, its Parent Company, Servants and/or Agents will not be liable to any other existing or forthcoming applicable laws, rules and regulations related to insurance for Bunkering Activities located within Guyana's exposed waters (not more than 20 nautical miles from the baseline within the maritime zones of Guyana).
- 8.18 The Permit Holder, his Servants and/or Agents shall be liable jointly and/or severally for any gross negligence or willful misconduct to the marine environment, biodiversity, protected species and natural habitat with respect to any release or discharge, spill, contaminant fluids, oil or lubricants from any facilities permitted under this project.
- 8.19 The Permit Holder, his Servants and/or Agents shall be liable jointly and/or severally for environmental damage due to pollution from its activities within Guyana, its territorial waters, contiguous zones, continental margins continental shelf, and Exclusive Economic Zone, inclusive of damage to the marine environment, biodiversity, protected species and natural habitat with respect to any release or discharge, spill, or contamination which is attributable to the Permit Holder and his agents or contractors. This is in accordance with Section 49 (1) of the Maritime Zones Act 2010 and is subject to any other existing or forthcoming laws, regulations and standards governing the protection of the marine environment.
- 8.20 The Agency shall reserve the right to request and review the environmental liability insurance policy. Such review is subject to the following:
- i. Provision of documentary evidence that the insurer is authorised to provide the insurance in the jurisdiction and to provide evidence of the insurer's financial strength;
  - ii. Provision of details of the amount of cover and the cost profile, evidence of authorisation of the institution or parent (insurer's) to provide insurance, as well as, evidence of any supplementary cover required to cover gaps in the primary cover, inclusive of details relevant to the excess level which is the responsibility of the policyholder to cover;



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- iii. Agreement to provide notification to the Agency of modification, cancellation, expiration, intent to renew, renewal or non-renewal and expiry dates of the policy;
- iv. Provide reports on whether the insurance policy is maintained or renewed so that the Agency can determine if it is acceptable or if it requires a replacement policy; and
- v. Provide the final insurance policy or certificate of insurance, evidence of financial strength and payment of premium.

**8.21 This Environmental Permit is not the final consent. All relevant Permissions shall be obtained from other regulatory bodies for continued operation.**

**8.22 This Environmental Permit is effective for the period stipulated herein (June 2023 – May 2024).**

**8.23 This Environmental Permit shall remain valid until May 31, 2024, unless otherwise cancelled, suspended, modified or varied in accordance with the provisions of this Permit, or the Environmental Protection Act, Cap. 20:05, Laws of Guyana, Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.**

**8.24 This Permit shall be renewed by submitting a completed Application Form for Renewal of Environmental Authorisation to the Agency no later than November 30, 2024.**

**8.25 Any late submission of renewal application(s) after the specified date as stated above, may require the Permit Holder to pay, in addition to the renewal fee, a late penalty fee (accruing at the time such obligation was first owed for renewal) at a rate of two thousand dollars (\$2,000.00) per day for every business day late, until such renewal application is submitted to the Agency, without prejudice to any other rights of the Permit Holder in connection therewith.**

**8.26 Failure to comply with the requirements of this Permit or with applicable laws and regulations, whether existing or forthcoming, shall render the Permit Holder liable to prosecution and to penalties, inclusive of civil penalties, injunctive relief and imprisonment, as prescribed under the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection Regulations and other applicable Laws of Guyana.**



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Signed by  on behalf of the Environmental Protection Agency.

**Kemraj Parsram**  
Executive Director

Date

2023.06.26

I hereby accept the above Terms and Conditions upon which this Environmental Permit is granted and agree to abide by the Environmental Protection Act, Cap, 20;05, Laws of Guyana, Environmental Protection (Amendment) Act, 2005, the Environmental Protection (Authorisations) Regulations, 2000, and any existing or forthcoming regulations, standards and best practices made under this Act.

NAME	KIRK CHEONG
DESIGNATION	OPERATIONS MANAGER
DATE	27 <sup>th</sup> June 2023
SIGNATURE	





