

No. 50947

**Ireland
and
Spain**

**Agreement between Ireland and the Kingdom of Spain on the Reciprocal Holding of
Emergency Stocks of Crude Oil and/or Petroleum Products. Madrid, 12 December 2012**

Entry into force: *12 December 2012 by signature, in accordance with article 16*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Ireland, 6 June 2013*

**Irlande
et
Espagne**

**Accord entre l'Irlande et le Royaume d'Espagne relatif à la détention réciproque de stocks
de sécurité de pétrole brut et/ou de produits pétroliers. Madrid, 12 décembre 2012**

Entrée en vigueur : *12 décembre 2012 par signature, conformément à l'article 16*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande, 6 juin
2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN IRELAND AND THE KINGDOM OF SPAIN ON THE
RECIPROCAL HOLDING OF EMERGENCY STOCKS OF CRUDE OIL AND/OR
PETROLEUM PRODUCT**

Ireland and the Kingdom of Spain,

Having regard to Directive 2006/67/EC of the Council of the European Communities of 24 July 2006, which obliges Member States of the European Communities to maintain minimum stocks of crude oil and/or petroleum products and to Directive 2009/119/EC of the Council of the European Communities of 14 September 2009, which repeals and replaces Directive 2006/67/EC with effect from 31 December 2012,

Having regard to national legislation concerning emergency stocks of crude oil and / or petroleum products,

HAVE AGREED as follows:

Article 1

For the purpose of implementing this Agreement,

- a) The term “emergency stocks” means strategic stocks of crude oil, intermediate petroleum products and finished products, in accordance with the relevant legislation in force in the respective States;
- b) The term “enterprise” means an Irish enterprise required to maintain emergency stocks or a Spanish enterprise governed by the legislation concerning the maintenance of emergency stocks and
- c) The term “competent authority” means;
 - In respect of Ireland, the Minister for Communications, Energy and Natural Resources.
 - In respect of Spain, the Ministry of Industry, Energy and Tourism
- d) The term “supply crisis” has the same meaning as the term “major supply disruption” in Directive 2009/119/EC.
- e) The term “Directive”:
 - i) up to 31st December 2012 means Directive 2006/67/EC of the Council of the European Communities of 24 July 2006, which obliges Member States of the European Communities to maintain minimum stocks of crude oil and/or petroleum products, and
 - ii) from 1st January 2013 means Directive 2009/119/EC of the Council of the European Communities of 14 September 2009 which obliges Member States of the European Communities to

maintain minimum stocks of crude oil and/or petroleum products.

Article 2

This Agreement applies to stocks of crude oil and / or any petroleum products covered by the Directive which have been accepted by the competent authorities in both States as being stocks to which this Agreement applies.

Article 3

1. An enterprise required to maintain emergency stocks in Ireland may hold a portion of such stocks in Spain.
2. An enterprise required to maintain emergency stocks in Spain may hold a portion of such stocks in Ireland.

Article 4

1. In order to implement the provisions of Article 3, an enterprise must obtain prior acceptance from the competent authorities in accordance with the procedure outlined in this Article.
2. Requests for acceptance shall contain the following information:
 - a) The name and address of the enterprise required to maintain emergency stocks, which is submitting the request;
 - b) The nature and quantity of the stocks in question;
 - c) If the owner of the emergency stocks is not the enterprise, the name and address of the person owning the stocks and guaranteeing to cover them in accordance with Article 9;
 - d) The name and address of the company operating the warehouse or facility where the said emergency stocks are held, and the precise location of the facilities and the name of the tanks used;
 - e) The period for which acceptance is requested, which shall be not less than three calendar months;
 - f) The customs and fiscal arrangements under which the stocks are held;
 - g) The consent of the parties identified under subparagraphs (a), (c) and (d) to the disclosure of any information obtained for the purposes of implementing this Agreement to the competent authority of the State on behalf of which the stocks are to be held;
 - h) If requested, the provisions of any agreement whereby the stocks are to be held on behalf of the enterprise required to maintain emergency stocks.

3. After examination of the request submitted by the enterprise to the competent authority of the State under whose jurisdiction it is required to maintain stocks, the latter shall transmit to the competent authority in the jurisdiction in which the stocks may be established, not later than 40 calendar days prior to the beginning of the period for which the acceptance is requested, the information indicated in paragraph 2 above concerning the requests for acceptance which it has accepted.

4. The competent authority of the jurisdiction in which the emergency stocks are to be established shall communicate its decision to the competent authority of the State on behalf of which the stocks are to be held, not later than 15 calendar days prior to the beginning of the period for which the acceptance is requested.

5. Where the competent authority does not communicate its decision within the time period specified in paragraph 4 then it shall be deemed as having granted its acceptance.

6. If there is any change in the information referred to in paragraph 2 above, a new request for acceptance shall be submitted.

Article 5

The Government of the jurisdiction in which the stocks are maintained pursuant to this Agreement shall not, under any circumstances, hinder the free movement of, to the jurisdiction of the other State, the stocks referred to in the above articles or their treatment in accordance with directions issued by the competent authority of the other State.

Article 6

The emergency stocks referred to in Article 2 cannot be taken into account for the purpose of meeting stock obligations falling on enterprises pursuant to the legislation of the State in which the stocks are held. These stocks shall be used solely to meet the obligations of the State on behalf of which they are maintained and may be included only in the stock returns of the State for which they are held.

Article 7

1. Each entity holding emergency stocks in its jurisdiction on behalf of an enterprise required in the other State to maintain stocks, pursuant to the provisions of this Agreement, shall supply the competent authority of the jurisdiction in which the emergency stocks are located, within 4 calendar weeks of the expiry of the month concerned, a monthly summary return of such emergency stocks.

2. The summary return shall contain the following information:

- The name and address of the enterprise required to maintain stocks;
- The nature and quantity of such stocks;

- If the owner of the emergency stocks is not the enterprise required to maintain stocks, the name and address of the person owning the stocks and guaranteeing to cover them in accordance with Article 9;
 - The name and address of the enterprise operating the warehouse or facility where the emergency stocks are held, the precise location of the facilities and the name of the tanks used.
3. Each competent authority shall transmit to the other competent authority copies of summary returns supplied under this Article.
4. The competent authority in the jurisdiction in which the emergency stocks are held shall monitor such stocks and, in the event that there is a discrepancy, shall inform the competent authority of the other State within 20 calendar days from the end of the month.

Article 8

With respect to the monthly statistical summary provided for in the Directive each Contracting State shall transmit to the European Commission a report concerning the emergency stocks maintained in its jurisdiction on behalf of the other State, in accordance with the Directive requirements.

Article 9

1. When stocks established pursuant to the provisions of this agreement are not owned by the enterprise which has an obligation to hold stocks (“the first enterprise”), but are held at its disposal by an undertaking of the State in the territory of which the stocks are stored (“the second enterprise”), the following conditions shall be met:
- (a) the second enterprise is the legal owner of the stocks;
 - (b) the stocks are to be held by virtue of an agreement in writing between the first enterprise and the second enterprise (the “contract”) which will subsist throughout the period to which the acceptance relates;
 - (c) the contract shall include the name and address of the company operating the warehouse or facility where the said stocks are held, whether that company is the second enterprise or another company operating under an agreement to hold the stocks on behalf of the second enterprise, and the precise location of the facilities and the name of the tanks used;
 - (d) the first enterprise has the contractual right to acquire the stocks throughout the period of the contract and the methodology for establishing the price of such acquisition is agreed between the parties concerned;
 - (e) the actual availability of the stocks for the first enterprise is guaranteed at all times throughout the period of the contract; and