

REPUBLIC
OF
IRELAND



Treaty Series No. 9 (1985)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Ireland
on the Reciprocal Holding of Stocks of
Crude Oil and/or Petroleum Products

Dublin, 22 October, 1984

[The Agreement entered into force on 22 October 1984]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 1985*

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**AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF IRELAND ON THE
RECIPROCAL HOLDING OF STOCKS OF CRUDE OIL AND/OR
PETROLEUM PRODUCTS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland;

Having regard to Council Directive 68/414/EEC of 20 December 1968 imposing obligations on Member States of the European Economic Community to maintain minimum stocks of crude oil and/or petroleum products, as amended by Council Directive 72/425/EEC of 19 December 1972 (hereinafter together referred to as "the Directive");

Noting that Article 6 of the Directive provides for agreements to be concluded between Governments in order to provide for certain stocks being established for the purpose of implementing the Directive;

Having regard to the provisions of the Energy Act 1976 of the United Kingdom and the Petroleum Stocks Order 1976 made thereunder;

Having regard to the European Communities (Minimum Stocks of Petroleum Oils) Regulations 1974 to 1977 made by the relevant Irish Ministers and which envisage the signature of agreements between the Government of the Republic of Ireland and the Government of another Member State;

Have agreed as follows :

ARTICLE 1

For the purposes of this Agreement the term "territory" shall mean that area over which each Party exercises jurisdiction.

ARTICLE 2

This Agreement applies to stocks of crude oil or of any of the petroleum products (including both blending components and finished products) covered by the Directive which are held in the territory of one State by, or on behalf of, an undertaking established in the territory of the other State and which it is entitled either to use or dispose of, and which have been accepted by both Governments as being stocks to which this Agreement applies. Any such acceptance must be for a fixed period of at least six months.

ARTICLE 3

Neither Government shall oppose the transfer from the territory of its State to the territory of the other State of stocks to which this Agreement applies.

ARTICLE 4

(1) No stocks may be accepted under Article 2 of this Agreement as being stocks to which this Agreement applies unless :

(a) the undertaking holding the stocks has furnished the competent authority of the State in whose territory they will be situated, not later than 20 working days before the commencement of the period to which the acceptance relates with the following particulars :

- (i) the nature and quantity of the stocks;
- (ii) the exact location of the premises at which they are to be held;
- (iii) the name and address of the undertaking by or on behalf of whom they are to be held;
- (iv) the period for which they are to be held by or on behalf of that undertaking;
- (v) the entitlement of that undertaking to use or dispose of them and, where they are to be held on behalf of another undertaking, the provisions of any agreement whereby they are to be so held;
- (vi) any liability for duties or taxes of any kind payable in respect of the stocks; and

(b) where the stocks are held in one State on behalf of an undertaking established in the territory of the other State, they are to be so held by virtue of an agreement in writing which will subsist throughout the period to which the acceptance relates and both that undertaking and the undertaking holding the stocks consent to the competent authority of the State in whose territory they will be situated disclosing to the other Government any information obtained for the purpose of implementing Article 5 of this Agreement.

(2) Where the competent authority of one Government has been furnished with particulars under paragraph (1)(a) of this Article and that Government accepts the stocks in question as stocks to which this Agreement applies, that authority shall, not later than 10 working days before the commencement of the period to which the acceptance relates, transmit the particulars to the competent authority of the other Government and notify it of such acceptance.

(3) Any acceptance under Article 2 of this Agreement may be withdrawn by either Government if any inaccuracy is found in the particulars furnished in respect of that acceptance under paragraph (1)(a) of this Article, or if there is any material change in the matters to which those particulars relate. Before withdrawing an acceptance under this provision the Government concerned shall afford the undertaking which had furnished the particulars a reasonable opportunity to make representations.

ARTICLE 5

(1) Each Government shall require any person holding stocks to which this Agreement applies on behalf of an undertaking established in the

territory of the other State to furnish the competent authority of the first Government with a quarterly statistical return of those stocks within six weeks of the expiry of the period to which the return relates.

(2) Each statistical return to be furnished under paragraph (1) of this Article shall include particulars of:

- (a) the name and address of the undertaking established in the territory of the other State on whose behalf the stocks are held;
- (b) the nature and quantity of the stocks; and
- (c) the exact location of the premises at which they are held.

(3) Each Government shall transmit forthwith to the other Government copies of every statistical return furnished under paragraph (1) of this Article.

(4) The competent authority of each Government shall, by exercising from time to time its powers of inspection, check on the information contained in statistical returns so furnished and notify the competent authority of the other Government of any inaccuracy.

ARTICLE 6

Should any difficulty arise in the interpretation or application of this Agreement, the two Governments shall immediately consult together at the request of either of them in order to resolve the difficulty.

ARTICLE 7

This Agreement shall enter into force on the date of signature.

ARTICLE 8

(1) This Agreement shall continue in force indefinitely but may be terminated by either Government upon giving nine months' notice in writing through the diplomatic channel to the other Government. Neither Government shall exercise this power of termination without having informed the Commission of the European Communities of its intention to do so.

(2) The provisions of paragraph (1) of this Article shall not apply during a supply crisis. The term "supply crisis" shall have the same meaning for the purposes of this Agreement as it has in Article 6 of the Directive.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at Dublin this 22nd day of October 1984.

A. C. GOODISON

J. C. HOLLOWAY

For the Government of the United
Kingdom of Great Britain and
Northern Ireland.

For the Government of the Republic
of Ireland.