

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 50

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en het Koninkrijk
Denemarken inzake het wederzijds aanhouden van voorraden ruwe
aardolie en/of aardolieproducten;
's-Gravenhage, 19 januari 2006*

B. TEKST

**Agreement between the Kingdom of the Netherlands and the
Kingdom of Denmark on the reciprocal holding of stocks of crude
oil and/or petroleum products**

The Kingdom of the Netherlands

and

the Kingdom of Denmark

(hereinafter together referred to as “the Contracting Parties”):

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 98/93/EC of 14 December 1998 (hereinafter together referred to as “the Directive”);

Having regard to Article 6, paragraph 2, of the Directive which envisages the establishment of stocks within the territory of a Member State for the account of undertakings, established in another Member State, under agreements between Governments;

Having regard to national legislation regarding oil stockholding obligations;

Have agreed as follows:

Article 1

For the purposes of this Agreement:

- a) “competent authority” means the Governmental authority of each Contracting Party responsible for supervising the fulfilment by undertakings of stock obligations;
- b) “stock” means any stock of crude oil or petroleum products (including blending and finished products) covered by the Directive;
- c) “stock obligation” means the overall quantity of stock required to be held under national law;
- d) “supply crisis” in this agreement shall have the same meaning as in Article 6, paragraph 2, of the Directive;
- e) “territory” means the area within the European Union over which each Contracting Party exercises jurisdiction and in respect of the Kingdom of Denmark the Faroe Islands and Greenland are not included;
- f) “undertaking” means any undertaking, body or entity, established in the territory of one Contracting Party which holds stocks for the purpose of facilitating compliance, whether by that undertaking or a third party, with the law relating to oil stockholding obligations of that or the other Contracting Party.

Article 2

This Agreement applies to stocks covered by the Directive which have been accepted by the competent authorities of both Contracting Parties as being stocks to which this Agreement applies.

Article 3

1. An undertaking established in the Netherlands may hold stocks to which this Agreement applies in Denmark. Such stocks may be held either:
 - a) directly by the undertaking established in the Netherlands; or
 - b) by an undertaking established in Denmark, on behalf of the undertaking established in the Netherlands.
2. An undertaking established in Denmark may hold stocks to which this Agreement applies in the Netherlands. Such stocks may be held either:
 - a) directly by the undertaking established in Denmark; or
 - b) by an undertaking established in the Netherlands, on behalf of the undertaking established in Denmark.
3. For stocks to be eligible for acceptance under Article 2 of this Agreement, the undertaking seeking acceptance of those stocks under that Article must have agreed to hold them itself or through the other undertaking, from the first day of any calendar quarter for one or more full calendar quarters, after acceptance by the competent authorities.

4. If an undertaking holds stocks on behalf of another undertaking in accordance with paragraphs 1b or 2b of this Article, then those stocks shall not be taken into account in the State where they are held, but shall be taken into account by the Contracting Party where the undertaking entitled to claim the stock is established.

Article 4

Neither Contracting Party shall oppose the removal of stocks to which this Agreement applies from its territory in accordance with directions issued by the competent authority of the other Contracting Party.

Article 5

1. The arrangement described in Article 3 shall require the approval of the competent authority of each Contracting Party, which must be applied for in advance in accordance with the procedure laid down in this Article.

2. Applications must be made to the competent authority of the Contracting Party under whose legislation the stockholding obligation arises at least 15 (fifteen) working days before the commencement of the period for which authorisation is sought and must include the following information:

- a) its name and address and the name and address of the undertaking established in the State where the stocks are to be held, which is to hold the stocks on its behalf;
- b) the category and quantity of the stocks;
- c) the period for which the stocks are to be held;
- d) the location, if known, of the depot(s) where the stocks are to be held.

3. Where the application is approved by the competent authority of the Contracting Party under whose legislation the stockholding obligation arises (“the first competent authority”), the latter shall forward to the competent authority of the other Contracting Party (“the second competent authority”) the information listed in paragraph 2 of this Article no later than 10 (ten) working days before the start of the period for which authorisation was sought and notify it of such approval.

4. The second competent authority shall use all reasonable endeavours to notify the first competent authority whether or not it approves the application no later than 5 (five) working days before the start of the period for which authorisation was sought. In the event that no such notification is received by the first competent authority before the date of commencement of such period, the second competent authority shall be deemed not to have approved the application in question.

5. Notwithstanding the time limits indicated in Article 5 paragraphs 2, 3 and 4, the competent authorities may, if necessary, agree to amend any or all of those time limits.

6. If there is any significant change in the matters regarding which information was supplied in accordance with paragraph 2 of this Article, a further application must be submitted by the applicant.

7. Any acceptance of an application may be withdrawn by either competent authority if any significant inaccuracy is found in the particulars furnished in respect of that acceptance under paragraph 2 of this Article. Before withdrawing an acceptance under this provision the competent authority concerned shall inform the competent authority of the other Contracting Party and afford the undertaking with the stockholding obligation, which had furnished the particulars a reasonable opportunity to make representations.

8. Both undertakings involved consent to disclose to the competent authorities any information obtained for the purpose of implementing this Agreement.

Article 6

1. Where an undertaking is applying for authorisation to hold stocks under the framework of this Agreement in circumstances where it will not be the owner of those stocks, then neither competent authority shall approve of the holding of the stocks concerned under the framework of this Agreement unless:

a) the undertaking holding the stocks on behalf of the applicant is one who is subject to the jurisdiction of the Contracting Party on whose territory the stocks are situated insofar as the legal powers of that Contracting Party to control and verify the existence of those stocks are concerned;

b) the stocks are to be held by virtue of an agreement in writing between the person with the stockholding obligation and the person holding the stocks on his behalf (the "contract") which will subsist throughout the period for which authorisation is sought;

c) the undertaking 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 specified in the contract: and

d) the actual availability of the stocks for the undertaking is guaranteed throughout the period of the contract.

2. Both undertakings consent to disclose to the competent authorities any information obtained for the purpose of implementing this Agreement

Article 7

1. Each competent authority shall require any undertaking holding stocks in the territory of the other Contracting Party to furnish it with a statistical return, at least monthly, 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 holding the stocks in the territory of the other Contracting Party and, where applicable, the name and address of the undertaking established in the territory of the Contracting Party where the stocks are to be held, which is to hold the stocks on its behalf;

b) the category and quantity of the stocks; and

c) location, if known, of the depot(s) where the stocks are held.

3. Each competent authority shall from time to time and, in particular, whenever so requested by the competent authority of the other Contracting Party, undertake any inspections, checks or other verification measures which it considers appropriate in respect of stocks accepted as being stocks to which this Agreement applies and shall notify the competent authority of the other Contracting Party immediately of any material discrepancy or irregularity which those measures reveal.

Article 8

1. The competent authorities agree to consult each other as soon as reasonably practicable in the event of a supply crisis.

2. The competent authorities agree to consult each other at the request of either of them in order to:

(i) resolve any difficulty arising in the interpretation or application of this Agreement; or

(ii) amend any of the terms of the Agreement, in which case the consultations must in any event begin no later than sixty days after the request has been received.

Article 9

This Agreement may be amended by written agreement between the Contracting Parties. The Contracting Parties shall notify each other through the diplomatic channel when their constitutional requirements for the entry into force of the amended Agreement have been completed. The amended Agreement shall enter into force on the thirtieth day following the date of receipt of the last notification.

Article 10

This Agreement shall enter into force on the first day of the second month after each Contracting Party has notified the other Contracting Party through the diplomatic channel of the completion of its procedures necessary for the entry into force of the Agreement.

Article 11

1. This Agreement may be terminated by either Contracting Party upon giving notice in writing through the diplomatic channel to the other Contracting Party, not less than six months before the end of any calen-

dar year. In such event the Agreement shall cease to be in force from the first day of the immediately following calendar year.

2. If a Contracting Party exercises the power of termination in paragraph 1 of this Article it shall notify the Commission of the European Union in writing of the termination before it takes effect.

3. The power of termination in paragraph 1 of this Article is not exercisable during a supply crisis.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE in two originals at The Hague, on this 19th day of January 2006, in the English language only.

For the Kingdom of the Netherlands

B. R. BOT

For the Kingdom of Denmark

K. M. BIERING

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel 10 in werking treden op de eerste dag van de tweede maand nadat de partijen elkaar er via diplomatieke kanalen van in kennis hebben gesteld dat de vereiste procedures voor inwerkingtreding zijn voltooid.

J. VERWIJZINGEN

Titel	: Richtlijn nr. 68/414/EEG van de Raad van 20 december 1968 houdende verplichting voor de lidstaten van de EEG om minimumvoorraden ruwe aardolie en/of aardolieproducten in opslag te houden
Tekst	: <i>Pb.</i> Nr. L 308 van 23/12/1968, blz. 0014 - 0016

Gewijzigd bij:

Titel : Richtlijn nr. 98/93/EEG van de Raad van 14 december 1998
Tekst : *Pb.* Nr. L 358 van 31/12/1998, blz. 0100 - 0104

Uitgegeven de *veertiende* maart 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT