

No. 23628

**BELGIUM
and
NETHERLANDS**

**Agreement on the reciprocal holding of stocks of crude oil,
intermediate petroleum products and petroleum prod-
ucts. Signed at Brussels on 14 February 1983**

Authentic texts: French and Dutch.

Registered by Belgium on 19 November 1985.

**BELGIQUE
et
PAYS-BAS**

**Accord relatif à l'imputation réciproque des stocks de pé-
trole brut, de produits intermédiaires du pétrole et de
produits pétroliers. Signé à Bruxelles le 14 février 1983**

Textes authentiques : français et néerlandais.

Enregistré par la Belgique le 19 novembre 1985.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS ON THE RECIPROCAL HOLDING OF STOCKS OF CRUDE OIL, INTERMEDIATE PETROLEUM PRODUCTS AND PETROLEUM PRODUCTS

The Government of the Kingdom of Belgium and the Government of the Kingdom of the Netherlands,

Having regard to:

Directive 68/414/EEC of the Council of the European Communities of 20 December 1968 which obliges member States of the European Communities to maintain a minimum level of 65 days' stocks of crude oil and/or petroleum products and, in particular, article 6(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 individual agreements between Governments;

Directive 72/425/EEC of the Council of the European Communities of 19 December 1972 increasing the minimum level of stocks of crude oil and/or petroleum products to 90 days as from 1 January 1975;

The fact that the petroleum markets of the two countries are associated because of their geographic situation and the extensive development of the distribution network;

In view of domestic legislation concerning the maintenance of stocks of petroleum products,

Have agreed as follows:

Article 1. For the purpose of implementing this Agreement,

The term "stocks" means stocks of crude oil, intermediate petroleum products and petroleum products;

The term "requirement to maintain stocks" means:

- In the Kingdom of the Netherlands: the requirement to maintain stocks pursuant to the "Wet voorraadvorming aardolieproducten" (Act on the Storage of Petroleum Products) of 21 October 1976 (*Stbl.* 1976, 569), and
- In the Kingdom of Belgium: the requirement to maintain stocks pursuant to the Royal Decree of 11 October 1971 (M.B. 31.12.1971) and the Royal Decree of 1 June 1976 (M.B. 9.6.1976);

The term "Netherlands or Belgian enterprises required to maintain stocks" means enterprises required to maintain stocks under Netherlands or Belgian regulations.

Article 2. Stocks stored in the Netherlands may be held by Belgian enterprises required to maintain stocks, subject to the following conditions.

¹ Came into force on 28 November 1983, i.e., one month after the Contracting Parties had notified each other (on 15 April and on 28 October 1983) of the completion of the required legislative procedures, in accordance with article 12.

Article 3. 1. The following stocks may also be taken into account:

(a) Stocks lawfully held at the disposal of Belgian enterprises required to maintain stocks in Belgium and stored in Netherlands depots, provided that such depots are not owned, rented or otherwise used by Netherlands enterprises required to maintain stocks, or by enterprises constituting a group including Netherlands enterprises required to maintain stocks, or by enterprises over which Netherlands enterprises required to maintain stocks exercise substantial control.

Prior authorization from the Minister of the Kingdom of Belgium responsible for energy policy shall be required for maintaining such stocks. Under this Agreement, no authorization by the Netherlands Minister of Economic Affairs shall be required for maintaining such stocks.

(b) Stocks stored in the Netherlands in depots owned, rented or otherwise used by Netherlands enterprises required to maintain stocks, or by enterprises constituting a group including Netherlands enterprises required to maintain stocks, or by enterprises over which Netherlands enterprises required to maintain stocks exercise substantial control.

Prior authorization from the Netherlands Minister of Economic Affairs shall be required for Netherlands enterprises required to maintain stocks to hold such stocks, and for Belgian enterprises required to maintain stocks to hold such stocks.

2. In view of the other provisions of this Agreement, stocks held on board oil tankers shall also be taken into account provided that the port formalities have been completed in a Netherlands port.

Article 4. 1. Applications for establishing such stocks, under article 3, paragraph 1(a), and paragraph 2 in conjunction with paragraph 1(a), shall be submitted by the Belgian enterprise required to maintain stocks not later than 15 working days prior to the beginning of each calendar quarter year, to the Minister of the Kingdom of Belgium responsible for energy policy. Applications shall include the following information:

- (a) The nature and quantity of the stocks;
- (b) The name and address of the enterprise whose depots are used for storing such stocks;
- (c) Specific details of the nature and site of the depots where the stocks are stored;
- (d) The calendar quarter year for which authorization is requested.

Applicants shall establish, to the satisfaction of the Minister of the Kingdom of Belgium responsible for energy policy, that they can lawfully dispose of the stocks concerned, and shall undertake to maintain such capability legitimately, at least for the duration of the calendar quarter year for which authorization is requested.

Applicants must also establish that, should a supply crisis arise during such quarter, the stocks concerned may, if required, continue to be stored in the relevant depots even after the end of the quarter.

2. Applications for maintaining and establishing stocks under article 3, paragraph 1(b), and paragraph 2 in conjunction with paragraph 1(b), shall be addressed to the Netherlands Minister of Economic Affairs by the Netherlands enterprise required to maintain stocks no later than 15 working days before the beginning of each calendar quarter year, and shall be accompanied by a declaration, addressed to the Belgian enterprise required to maintain stocks, to the effect that such stocks will re-

main at the disposal of the Belgian enterprise required to maintain stocks, at least for the duration of the calendar quarter year for which authorization is requested.

Where a Belgian enterprise required to maintain stocks cannot legitimately dispose of the stocks concerned, the application shall be accompanied by a declaration, addressed to the Belgian enterprise required to maintain stocks, to the effect that such stocks shall remain at the disposal of the Belgian enterprise required to maintain stocks, at least for the duration of the calendar quarter year for which the authorization is requested.

The declaration addressed to the Belgian enterprise required to maintain stocks shall also stipulate that, should a supply crisis arise during the quarter, the stocks concerned shall remain at the disposal of the Belgian enterprise required to maintain stocks, or be reserved for it, as appropriate, even after the end of the quarter.

In both cases, the application must include the following information:

- (a) The name and address of the Belgian enterprise required to maintain stocks;
- (b) The name and address of the enterprise required to maintain stocks whose depots are used for storing stocks, or of the enterprise required to maintain stocks which has rented or otherwise used the depots in which the stocks are stored;
- (c) The nature and quantity of the stocks;
- (d) Specific details of the nature and site of the depots where the stocks are stored;
- (e) The calendar quarter year for which authorization is requested.

3. The Netherlands Minister of Economic Affairs shall authorize the maintenance of stocks, if he decides that the Netherlands enterprise required to maintain stocks has sufficient stocks throughout the period for which authorization is requested:

- (a) In order to meet the requirement to maintain stocks incumbent on the relevant enterprise;
- (b) In order to meet the requirement, incumbent on the Netherlands enterprise required to maintain stocks, to hold stocks for the Belgian enterprises required to maintain stocks and the other foreign enterprises;
- (c) In order to maintain continuity of export deliveries.

4. If the Netherlands Minister of Economic Affairs has no objection, he shall refer the application to the Minister of the Kingdom of Belgium responsible for energy policy.

He shall provide the Netherlands enterprise with a copy.

If the Minister of the Kingdom of Belgium responsible for energy policy has no objection, he shall authorize the Belgian enterprise required to maintain stocks to hold such stocks.

Where the authorized quantity to be established differs from the quantity approved by the Netherlands Minister of Economic Affairs, the Netherlands Minister shall immediately inform him thereof. In such cases, the quantity authorized shall be reduced accordingly.

Article 5. 1. The stocks referred to in article 3, paragraph 1(b), of this Agreement, shall not be established by Netherlands enterprises required to maintain stocks for the purpose of meeting their storage obligations. Nor shall such stocks be included in Netherlands stock declarations addressed to the Organization for Econo-

mic Co-operation and Development, the International Energy Agency and the European Communities.

2. This Agreement shall not amend the provisions of the Agreement on an International Energy Programme established and signed at Paris on 18 November 1974¹.

Article 6. 1. The Minister of the Kingdom of Belgium responsible for energy policy, shall transmit, as quickly as possible, to the Netherlands Minister of Economic Affairs, a copy of the document authorizing the establishment of stocks under article 3, paragraph 1(a), together with the information set forth in article 4, paragraph 1.

2. At the request of the Minister of the Kingdom of Belgium responsible for energy policy, the Netherlands Minister of Economic Affairs shall, within the limits of his mandate, verify the existence of the stocks referred to in article 3 of this Agreement.

3. Where, in a supply crisis, it appears that, for reasons of *force majeure* or negligence, the total amount of stocks held by the Netherlands enterprise required to maintain stocks is less than:

- (a) The total amount of stocks which the Netherlands enterprise required to maintain stocks must hold in order to meet its storage obligation, and
- (b) The total amount of stocks which the Netherlands enterprise required to maintain stocks has undertaken to hold for foreign enterprises required to maintain stocks, the Minister of the Kingdom of Belgium responsible for energy policy shall be immediately informed thereof. The deficit shall be distributed proportionately among the relevant enterprises required to maintain stocks.

Article 7. Stocks established to meet Belgian storage obligations may be shipped freely to Belgium without any restriction and whatever the circumstances. In a supply crisis, stocks established during the quarter in which the supply crisis arose, may be freely shipped without restriction to Belgium, even after the end of the quarter. In periods of supply crisis, the shipping of stocks must be reported as soon as possible to the Netherlands Minister of Economic Affairs who has the authority to issue directives for identifying the stocks concerned, without detriment to free shipping.

Article 8. The provisions of articles 1 to 7 shall apply to such of the stocks stored in Belgium as the Netherlands enterprises required to maintain stocks may wish to hold in order to meet their obligations.

Article 9. On the proposal of one of the Contracting Parties, any question regarding the interpretation and application of this Agreement may be the subject of consultations. In a supply crisis, such consultations shall be initiated without delay.

Article 10. If either Contracting Party deems it advisable to amend any provision of this Agreement, it may request the other Contracting Party to consult with it. Such consultations shall begin within 60 (sixty) days from the date of receipt of the request.

The Contracting Parties shall indicate, in writing, their acceptance of any amendment to this Agreement, and such amendment shall enter into force as soon as the Con-

¹ United Nations, *Treaty Series*, vol. 1040, p. 271.

tracting Parties notify each other that the procedures required under their respective laws for the entry into force have been completed.

Article 11. With respect to the Kingdom of the Netherlands, this Agreement shall apply only to the Kingdom in Europe.

Article 12. This Agreement shall enter into force one month after the Governments of the Contracting Parties have notified each other that, in their respective countries, the procedures required by law for the entry into force of this Agreement have been completed.

Article 13. This Agreement shall remain in force indefinitely. Either Contracting Party may denounce it not later than three months before the end of the calendar year; in such a case the Agreement shall cease to apply as from the beginning of the following calendar year. The option to denounce shall not be exercised in a supply crisis. The Commission of the European Communities shall, in all cases, be given advance notice of any such denunciation.

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

DONE at Brussels, on 14 February 1983, in two copies, in the Dutch and French languages, both texts being equally authentic.

For the Kingdom
of Belgium:

[Signed]

L. TINDEMANS

For the Kingdom
of the Netherlands:

[Signed]

C. A. VAN DER KLAUW