



TREATY SERIES 2015
N° 12

**Agreement between the Government of Ireland and the Government of the
French Republic on the Reciprocal Holding of Emergency Stocks of Crude
Oil and / or Petroleum Products**

Done at Paris on 17 November 2015

Entered into force on 17 November 2015

Presented to Dáil Éireann by the Minister for Foreign Affairs and Trade

**AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE
GOVERNMENT OF THE FRENCH REPUBLIC ON THE RECIPROCAL HOLDING
OF EMERGENCY STOCKS OF CRUDE OIL AND / OR PETROLEUM PRODUCTS**

The Government of Ireland and the Government of the French Republic,

Having regard to Council Directive 2009/119/EC of 14 September 2009, which obliges Member States of the European Communities to maintain minimum stocks of crude oil and/or petroleum products;

Having regard to national legislation regarding security stocks of crude oil and/or petroleum products;

Have agreed as follows:

Article 1

For the purposes of this Agreement,

a) "**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) "**Competent Authority**" means

In Ireland: the Minister for Communications, Energy and Natural Resources

In France: the Minister in charge of Energy.

c) "**Covering Entity**" means the central stockholding entity (CSE) or an economic operator in one State which provides stocks to cover a stockholding obligation for the CSE or an economic operator in the other State;

d) "**Covered Entity**" means the CSE or economic operator in one State using stocks provided by a Covering Entity to cover its own stockholding obligation;

e) "**Storing Entity**" means the CSE or an economic operator using its own oil stocks in one State (the Covering State) to cover its stockholding obligation toward the other State (the Covered State);

f) "**Covering State**" means the State where the oil stocks of the Covering Entity or the Storing Entity are located;

- g) “**Covered State**” means the State for which a Covered Entity or a Storing Entity has to fulfill a stockholding obligation;
- h) “**international ticket**” means an arrangement under which a Covered Entity delegates its stockholding tasks in accordance with Article 7(3) or Article 8(1)(b)-(c) of the Directive to a Covering Entity which holds those stocks in the Covering State;
- i) “**international storage arrangement**” means an arrangement under which a Storing Entity meets its commitments to the Covered State by holding emergency stocks located in the Covering State;
- j) “**territory**” means the area over which each Government exercises jurisdiction.
- k) “**Directive**” 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.

In addition, the definitions in Article 2 of the Directive apply.

Article 2

Any CSE or economic operator with a stockholding obligation in Ireland or in France may hold part of the stocks required for compliance with that obligation respectively in France or in Ireland under international ticket or international storage arrangement, subject to both countries’ approval, and on condition that these stocks are stored in approved facilities.

Article 3

Oil stocks which are held as emergency stocks under an international ticket or an international storage arrangement according to this Agreement:

- a) are located in the territory of one of the States; and
- b) are monitored regularly by the State in whose territory the stocks are held; and
- c) are reported on regularly in accordance with the requirements of the IEA and the EU.

Article 4

For the implementation of the arrangements described in Article 2, any Covered Entity or any Storing Entity shall require the prior approval of the competent authorities, in accordance with the following procedure.

1. Applications should include the following information:
 - a) in case of an international ticket: the Covering Entity and the Covered Entity with registered names and principal business addresses;
 - b) in case of an international storage arrangement: the Storing Entity with registered name and principal business address;
 - c) the identity of the Covering State and the Covered State;
 - d) the contract period which will be a period of full months, 3 months as a minimum, beginning on the first day of a month;
 - e) the category of oil stocks will be specified using the following categories:
 - motor gasoline;
 - aviation gasoline;
 - kerosene-type jet fuel;
 - other kerosene;
 - gas/diesel oil;
 - fuel oil;
 - crude oil,
 - f) the volume of the oil stocks, specified in metric tonnes;
 - g) information to pinpoint the locations of the storage facilities where the oil stocks will be stored throughout the storage period.
 - h) in case of an international storage arrangement: if the oil stocks are specific stocks within the meaning of Article 9 of the Directive.
2. In case of an international ticket the Competent authorities of the States should require applications for an international ticket to contain an assurance from the applicant that:
 - a) there are legally binding arrangements which will ensure that from the beginning of the ticket period:
 - the stocks will be held on behalf of the Covered Party throughout the ticket period;
 - the stocks will be available and physically accessible at all times;

- b) the applicant will provide evidence of these arrangements to either Competent authorities on request;
- c) the international ticket will not come into force until after it has been authorised by both Competent authorities of the States.
3. In case of an international storage arrangement the Competent authorities of the States should require applications to cover a specified quantity of one category at no more than three storage facilities.
4. Applications should be sent to both competent authorities no later than 5 weeks prior to the start of the international ticket (or storage arrangement) period or to the date on which the international ticket (or storage arrangement) is to be amended:
- a) by the Covering Entity (or Storing Entity) to the Competent authority of the Covering State and
- b) by the Covered Entity (or Storing Entity) to the Competent authority of the Covered State.
5. If the Competent authority of a State has not agreed in writing to the application by 20 working days before the start of the international ticket (or amendment to the ticket) or international storage arrangement (or amendment to the arrangement), the Competent authority of the other State may treat the application for approval as rejected.
6. After examining the application the competent authority of the Covered State transmit to the competent authority of the Covering State, no later than 30 working days before the start of the period for which authorisation is requested, the particulars specified in paragraph 1 above, concerning the applications it approves.
7. The competent authority of the Covering State shall communicate its decision to the Competent authority of the Covered State, no later than 10 working days after receipt of application specified in paragraph 6.
8. The Competent authority of the States should respond to requests as soon as possible and should aim to respond to requests within two weeks after receipt. Applications which have not been agreed in writing 15 working days before the beginning (or date of amendment) of the international ticket (or storage arrangement) may be considered by applicant as rejected.

Article 5

Revocation of arrangements described in Article 2, should be processed as follows:

1. If a Competent authority of one of the States decides to revoke an authorisation for an international ticket or an international storage arrangement which is for a duration of 3 months or less:
 - a) the Competent authority of that State should notify the Competent authority of the other State; and
 - b) each Competent authority should notify the applicants within 2 business days of receiving notification of the decision to revoke.
2. An authorisation for an international storage arrangement which is for a duration of greater than 3 months may be withdrawn:
 - a) by either Competent authority of the States if any inaccuracy is found in the particulars furnished in respect of that authorisation or if there is any material change in the matters to which those particulars relate, or
 - b) by agreement between both Competent authorities of the States.
3. Before withdrawing an authorisation under paragraph 2(a) the competent authority shall inform the other competent authority and give the undertaking which had furnished the particulars a reasonable opportunity to make a case for retaining the authorisation
4. If approval is revoked by one Competent authority, the applicant will bring the international ticket or the international storage arrangement to an end within 1 month after being informed that the approval has been revoked.

Article 6

All communications between Competent authorities should be made by electronic communication. The Competent Authorities should notify each other about the contact data including email addresses to be used for communications under this agreement.

Article 7

1. The Competent authorities of the States should ensure that the Covering Entity, the Covered Entity and the Storing Entity forward statistical summaries to the Competent authorities of the Covering State and the Covered State, respectively, in accordance with their national legislation.

2. The Competent authorities of the States should submit their national reporting to international organisations in accordance with the requirements of the IEA and the EU. The Competent authority of one State may request further information from the Competent authority of the other State regarding an international ticket or storage arrangement under article 4 and the Competent authority should make all reasonable endeavours to provide any information requested.

Article 8

1. The Competent authorities of the States should in accordance with their national legislation, put in place any controls of the oil emergency stocks held in its territory under an international ticket or storage arrangement which are necessary in order to comply with the requirements of the IEA and the EU.
2. Any failure detected by agents from the State on whose territory security stocks are held on behalf of the other contracting State in virtue of this agreement, will be notified to this latter mentioned State as soon as reasonably possible.

Article 9

At the request of either contracting State, any difficulty arising in the interpretation or application of this Agreement may be the subject of consultations for the purpose of their resolution. In the event of a major supply disruption, such consultations shall take place without delay.

Article 10

1. If either Contracting State deems it advisable to amend any provision of this Agreement, it may request consultation with the other State. Such consultation shall begin within 60 calendar days from the date of receipt of the request.
2. The Contracting States shall indicate, in writing, their acceptance of any amendment to this Agreement. Such amendment shall enter into force as soon as the States notify one another through the diplomatic channel that the amendment is compatible with their respective legislative requirements.

Article 11

1. This Agreement is concluded for an indefinite period. However, either Contracting State may terminate it upon giving notice in writing, through the diplomatic channel to the other Contracting State not later than six months before the end of a calendar year. Such termination shall take effect on the first day of the following calendar year.
2. The option to terminate shall not be exercised in a major supply disruption.
3. The European Commission shall, in all cases, as soon as possible, be given advance notice of any proposed termination.

Article 12

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

This Agreement replaces the Agreement between the Government of Ireland and the Government of the French Republic on the Holding in French Territory of Reserve Stocks of Crude Oil and/or Refined Petroleum Products on behalf of Companies Established in Ireland done on 10 December 1985, which is terminated.

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

DONE at Paris on this 17th day of November 2015 in two originals in the English and French languages, each text being equally authentic

For the Government of Ireland

Alex White

For the Government of the French Republic

Ségolène Royal