

COMMISSION OF THE EUROPEAN COMMUNITIES

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Communication from the Commission to the Council

ON THE OIL SUPPLY SITUATION, INCORPORATING
TWO PROPOSALS FOR COUNCIL DIRECTIVES ON THE STEPS TO BE TAKEN
IN THE EVENT OF SUPPLY DIFFICULTIES AND
ON THE MAINTENANCE OF STOCKS OF OIL

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Introduction

1. The aim of this communication is to:
 - analyse the current situation on the oil market and the short-term outlook;
 - present legislative proposals designed to make fundamental changes to the Community's present role in times of oil supply difficulties;
 - spell out the implications for the Member States and the Community;
 - propose measures to cope with the situation;
 - propose guidelines for future action.

I. Current market situation and short-term outlook

2. The embargo on oil imports from Iraq and Kuwait adopted by the UN on 6 August and by the Community on 8 August (see Council Regulation No 2340/90) meant that some 4.3 million barrels/day, or 8% of world supplies and 15% of international oil trade, was withdrawn from the market for an indefinite period.

3. All the studies carried out so far by the IEA (International Energy Agency) and by the Commission on the current situation as regards worldwide supply and demand, as well as the information obtained direct from industry, suggest that there is no overall shortfall as things stand.

The increase in production by a number of countries, particularly in the wake of the extraordinary meeting of OPEC held on 29 August, and the high level of stocks held by the consumer countries, estimated at some 100 days' supplies, are sufficient to meet a demand already on the decrease as a result of the sharp rise in prices on the world market in recent weeks, which has been passed on to the final consumer.

4. The price increases have nonetheless been very severe, reflecting the uncertainty surrounding the outcome and duration of the crisis, and the doubt felt by operators as to the reliability of exports from the USSR. The disappearance from the world market of products from Kuwait and large volumes of light petroleum products from the refineries of Saudi Arabia, allied to technical difficulties in adapting the refining apparatus to cope with heavier crude oils with a higher sulphur content, have also contributed to the price increase. Experts consider, however, that the scale of the increases is largely unjustified and of a speculative nature. This is borne out by the fluctuations in price in recent weeks which reflect the extreme sensitivity and volatility of the market to speculation in the media.
5. These price increases have had very varying effects on consumer prices in the Member States, accentuating existing price differences.

These differences are due in large measure to the price-formation policies of the Member States. In countries where prices (before tax) are allowed to find their own level, increases on the international

markets are felt immediately, and sometimes even anticipated. In those Member States where prices are regulated, on the other hand, the increases are usually deferred, given that the numerous formulae applied are based on information relating to an earlier situation. In this context, the Commission is examining the different price mechanisms currently applied as these may, in times of crisis, threaten the free movement of products within the Community.

Diverging consumer price trends may also be explained by the different consumption, distribution and competition structures on the markets of the Member States.

Finally, where consumer prices are concerned, the differences are closely linked to the wide variety of taxation systems. Clearly, therefore, the convergence of taxes on petroleum products is essential with an eye to completion of the internal market in 1993.

6. The Commission, like its partners in the IEA, has endeavoured hitherto to calm the market and discourage operators from panic buying which simply swells stocks and maintains prices artificially high.
7. The Commission believes that, should the present situation persist, the speculative pressure would gradually ease and prices would drop accordingly. This trend is liable to be particularly marked at the end of the winter, when consumption begins its seasonal downturn and stocks are always relatively high.
8. For this reason, apart from ensuring closer surveillance of the market, the Commission has not felt it necessary in present circumstances to introduce specific measures.

However, it would if necessary consider the possibility, in order to help stabilize the market, of making a limited withdrawal from oil stocks. In view of the uncertainty as regards the outcome and duration of the crisis, this should be equivalent to not more than ten days' supply, in order to conserve oil stocks in case a serious crisis arises from a major shortfall.

It further considers that the present situation highlights the harmful effects of indexing gas prices with reference to the price of oil, and the need to look into the possibility of abolishing this practice in order to prevent a rise in oil prices having an automatic impact on gas resources. To this end, the Commission is prepared to hold talks with the major gas-exporting countries.

Finally, the Commission, in a bid to heighten public awareness of the need to save energy, has already stepped up the SAVE programme (Specific Actions for Vigorous Energy Efficiency), designed to produce medium and long-term results.

9. If hostilities should break out in the Gulf region, however, the result would probably be a price explosion. This would obviously be made even worse if the conflict were to spill over into Saudi Arabia, and in particular to the oil-producing installations in the north-east of the country. In the ensuing state of war, which would lead to a significant drop in supplies, an extraordinary meeting of the Community's Energy Ministers would have to be convened to assess the situation and adopt measures to reduce consumption and make withdrawals from stocks. This meeting would prepare the position to be adopted by the Community at the extraordinary meeting of the IEA Governing Board which would also be called.
10. As the legislation stands, a Council Decision based on Article 103(3) of the Treaty would enable a package of Community-wide measures to be

implemented relating to reduced consumption, withdrawals from stocks and prices. Should it be decided to confine the measures to cuts in consumption, the Commission could invoke Article 1 of Council Decision 77/706/EEC which allows the Commission to set a consumption reduction target of no more than 10% for a period of two months. If a cut in consumption in excess of 10% or for longer than two months should prove necessary, it could be introduced by means of a Council Decision adopted by a qualified majority.

II. Strengthening the Community's powers - Fundamental changes to proposed activities

11. The gradual establishment of the internal market under the terms of the Single Act and changing requirements as regards security of supply call into question the legal machinery hitherto used by the Community and the Member States to cope with supply difficulties.
12. The strengthening of political, economic and social cohesion taking place in the Community calls for a considerable strengthening of the legal instruments needed to deal with problems of this kind.

The Community as such does not currently have sufficient powers of initiative to assert itself vis-à-vis the Member States or the outside world. Its duty to assume its responsibilities fully in the international arena, particularly within the IEA, means that the Community must have autonomous powers which are more clearly defined and more credible.

13. Internally, this should be expressed in the creation of a Community action framework within which the Commission is authorized to adopt short-term measures in an emergency. This could be achieved in the

short term by replacing Council Directive 73/238/EEC by a speedier and more efficient Community decision-making mechanism. On the basis of this the Commission should be able on its own authority not only to set consumption reduction targets, but also to adopt measures valid for three months.

In parallel to this the system for maintaining oil stocks, which is an essential instrument of action and of security of supply policy, should be overhauled in order to enable the Community to take immediate action to offset supply difficulties. The Commission might be given responsibility for using a large proportion of the stocks, equivalent to 30 days' supply. To this end, each Member State would have to set up an agency which would hold stocks equivalent to at least 60 days' supply.

The two draft Council Directives attached are designed with these aims in mind.

14. Externally, the Community will have to assume a role on the international stage which is commensurate with its position on the international market as the largest importer of petroleum.

Participation by the Community as such in the IEA should be reviewed, as provided for, moreover, by Article 72 of the Agreement on an International Energy Programme, as well as Article 3 of the 1974 OECD Council decision setting up the IEA.

To this end, the Council is requested to issue a negotiating mandate.

III. Significance for the Member States and the Community

15. The role of the Member States is and will continue to be essential in the new organizational structure. Their relations with and commitments vis-à-vis the IEA are established and form the basis on which the Community should assert its identity.

16. The Community has a specific dimension to offer as regards:

- analysis of the market and the need to adopt measures;
- the type of measures which might be adopted.

As regards the analysis of the market, it is natural that it should take account of the assessment of an oil crisis situation made by the IEA. An analysis of this kind must be made at the broadest level, on the basis of the situation prevailing in the industrialized countries.

As far as the type of measures is concerned the Community, unlike the other major consumers, and in view of its structural dependence on outside sources of supply, must ensure security of supply, the free movement of products and political, economic and social cohesion in the context of completion of the internal market and the provisions of the Single Act. For this reason it would now be unacceptable to European public opinion for a Sunday driving ban, for instance, to be introduced in one Member State and not in the neighbouring countries. It is essential that the measures adopted should be compatible to the greatest possible extent and should be a tangible expression of the solidarity existing between Member States.

IV. Measures designed to cope with supply difficulties

17. A rise in oil prices on the scale now being experienced automatically results, provided surplus capacity is available and the increase is passed on to the final consumer, in an increase in supply and a reduction or replacement of demand.

Besides these classic effects, the measures to be taken in the event of supply difficulties might relate to:

- supply;
- demand.

18. Supply

- by drawing on stocks of oil;
- by making the rules on the quality of petroleum products more flexible;
- by making use of other sources of energy.

Quite apart from the possibility of allowing operators to make partial use of stocks in the present circumstances, action by the IEA, in addition to Community action, is essential in order to make a decisive impact on the market and dampen prices.

As far as environmental considerations are concerned, the two main Community directives on petroleum products (Council Directives 85/210 and 87/219) already offer Member States the possibility of relaxing the Community rules on the content of products for a period of four months, in order to increase the volume of products available and introduce greater flexibility into the refining process.

Finally, as regards the energy situation overall, the Member States should mobilize all the energy resources at their disposal to make them more readily available to other Member States. A protracted crisis cannot be ruled out which would justify, for example, stepping up the use of gas in electricity generation, in acceptable economic conditions.

19. Demand

Final energy consumption of oil in the Community, which is in the region of 360 mtoe, breaks down as follows: 14% is used by industry, 28% in the domestic sector and 58% for transport.

The natural effect of market forces, i.e. a downturn in demand in response to the rise in consumer prices resulting from the passing-on to the final consumer of the increases registered on the world market, should be allowed to come into play, and should be accompanied by measures to dampen demand.

In this respect the Community must seek to transpose the measures which have been adopted in principle within the IEA into a Community context. It must be borne in mind that the aim of the Community is to consolidate political, economic and social cohesion between the Member States.

The list of measures given below, set out in increasing order of stringency, reflects consensus within the Community and could form the basis for joint action.

This common set of measures which Member States would be obliged to implement would consist of:

- recommendations relating to:
 - . advertising and public awareness campaigns to promote energy saving
 - . efficient driving
 - . adjustment of engines and heating boilers
 - . speed restrictions (increased surveillance)
 - . increased use of public transport
 - . increased use of combined transport

- obligations relating to:
 - . heating of public buildings (temperature, hours of heating)
 - . fuel substitution, e.g. in power stations (fuel oil/coal/gas)
 - . speed restrictions (lowering of speed limits)
 - . public lighting and lighting for advertisements

 - prohibitions and rationing:
 - . ban on use of private cars on certain days/weekends or on the basis of number plates (even or odd numbers)
 - . obligation for distributors to allocate smaller quantities to households, reduced by a certain percentage compared with the previous year, with the exception of certain priority sectors (industry, hospitals, essential public services, etc.)
 - . rationing of fuel by means of petrol coupons.
20. Should supply difficulties threaten to arise, the Community's role would be clear. The Commission would intervene initially to assess the situation, taking into account the evaluation made by the IEA. Should further action prove necessary the Commission, assisted by an advisory committee of representatives of the Member States, would pinpoint the objectives to be achieved and the means to be deployed. These would be reflected in a series of coherent and complementary measures, valid for three months, to be implemented by the Member States, which would take account where necessary of specific national and/or regional situations. If the difficulties persisted, the Council would be called upon to adopt the necessary measures by a qualified majority.

V. Guidelines for future action

21. As the President of the Commission stressed at the special sitting of the European Parliament on the Gulf crisis held on 12 September 1990, the Commission has already begun discussions on the lessons to be learnt from the situation and on the way ahead in the aftermath of the crisis.

22. On the policy front, it is becoming increasingly clear that the dialogue between producers and consumers needs to be stepped up and industrial cooperation, for instance with the USSR, encouraged. Calls for dialogue have been made by the producers but also by consumers. Improved predictability of oil prices is essential to the development of the economies of both the producer and consumer countries. The pragmatic approach displayed today by the vast majority of OPEC countries is a pointer for the future. It should encourage cross-investment, which acts an added factor in ensuring the security of supplies.

23. With regard to the economic aspects, the Commission is examining the elements of a possible Community price-formation system for consumer oil prices. The current differences between Member States in the price of petroleum products before tax will no longer be acceptable in tomorrow's Community.

The Commission is also studying the overall value for our economies, our environment and the overall balance of oil supply and demand worldwide, which benefits the developing countries first and foremost, of keeping consumer oil prices high, notably by means of fiscal measures. It is looking especially at prices of petroleum products which cannot be substituted (motor fuels), which already account for more than half of the Community's oil consumption. The resulting tax revenue could be used partly to attain energy policy objectives.

Endorsement of this approach by all the industrialized countries, particularly the USA, would be desirable.

24. Finally, with regard to the establishment of the internal market for energy, the Commission will continue the discussions begun in July last on the conditions necessary for genuine security of supply in the Community. The free movement of energy products within the Community will enable resources to be used more efficiently, thus helping reduce dependence on outside sources of supply. The integration of the energy market will give all Member States more reliable access to the resources available throughout the Community.

VI. Conclusions

25. The Council is requested to:

- approve the guidelines laid down;
- adopt the two draft Directives attached to this communication, introducing a Community decision-making mechanism for coping with oil crises and a system of stocks which reflects changing conditions in the Community.

**Proposal for a
COUNCIL DIRECTIVE
providing for appropriate measures to be taken
in the event of difficulties in the supply of
crude oil and petroleum products to the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 103(2) thereof,

Having regard to the proposal from the Commission,¹

Whereas imported crude oil and petroleum products play an important role in the Community's energy supplies; whereas any difficulty, even temporary, having the effect of considerably reducing supplies of such products or significantly increasing the price thereof on international markets could cause serious disturbances in the economic activity of the Community; whereas the Community must, therefore, be in a position to offset or at least to diminish any harmful effects in such a case;

Whereas appropriate procedures and instruments should be provided for in advance to ensure the speedy implementation of measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products;

1 OJ No L

Whereas the competent authorities of the Member States should therefore possess the necessary powers to take appropriate action without delay and in accordance with the Treaty;

Whereas Council Directive 73/238/EEC² laid down procedures and instruments to harmonize these powers to a certain extent in order to facilitate the coordination of national measures within the framework of consultations at Community level;

Whereas, in the light of the completion of the internal market, those procedures should now be replaced by a truly Community mechanism whereby, in accordance with Article 145, third indent, of the Treaty the Commission, assisted by a Committee of representatives of the Member States, can, once it has established the existence of supply difficulties, determine the appropriate measures to be taken, recourse being had, as already provided for in Directive 73/238/EEC, to withdrawals from oil stocks, to demand restraint and/or to price control, and propose to the Council that the measures be extended, or where appropriate, amended, if the difficulties persist for longer than three months;

Whereas the Commission must take particular care to ensure compliance with the principle of subsidiarity where a reduction in consumption is concerned;

Whereas, for reasons of clarity, Directive 73/238/EEC should be recast in view of the significant amendments to be made to it;

Whereas this Directive is without prejudice to the time limits within which Member States have to comply with Directive 73/238/EEC,

² OJ No L 228, 16.8.1973, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall take all necessary measures to provide the competent authorities with the necessary powers, in the event of difficulties arising in the supply of crude oil and petroleum products which have the effect of considerably reducing supplies of such goods or significantly increasing the price thereof on international markets and are liable to cause severe disruption:

- to draw on the oil stocks provided for by Community legislation,
- to impose specific or broad restrictions on consumption,
- to regulate prices in order to prevent abnormal increases.

Article 2

1. Member States shall designate the bodies to be responsible for implementing the measures to be taken under the powers provided for in Article 1. They shall inform the Commission of the composition and terms of reference of those bodies.
2. Member States shall draw up intervention plans for use in the event of difficulties in the supply of crude oil and petroleum products.

Article 3

1. The existence of supply difficulties for the Community or a part thereof shall be established by the Commission. The Commission's decision shall take account of analyses carried out by the International Energy Agency and of international commitments entered into by the Community and its Member States, in particular vis-à-vis that Agency.
2. The Decision referred to in paragraph 1 shall be notified without delay to the Member States, which shall indicate to the Commission within a period of ten days following notification the measures they regard as appropriate. During this same period the Commission shall convene the Committee provided for in Article 4(1).
3. In accordance with the procedure provided for in Article 4(2), the Commission shall determine the measures to be implemented by the Member States in accordance with Article 1 taking account of the analyses referred to in paragraph 1.

With regard to the measures referred to in the second indent of Article 1, the Commission shall set the consumption reduction target to be achieved and shall determine the broad lines of the measures to be implemented by the Member States.

4. The measures decided on by the Commission shall apply for no more than three months. Thirty days before the expiry of the period of validity of the measures, and if the difficulties persist, the Commission shall propose to the Council the measures to be applied. The Council shall take a decision on that proposal, acting by a qualified majority and if possible within a period of ten days. If the Council does not lay down a time limit for the application of the measures, that time limit shall be three months.

Article 4

1. The Commission shall be assisted by a committee of an advisory nature, composed of the representatives of the Member States and chaired by the representative of the Commission.
2. In the cases referred to in Article 3(3), the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 5

1. This Directive shall replace Directive 73/238/EEC. Council Decision 77/706/EEC³ is hereby repealed.
2. References made to Directive 73/238/EEC shall be understood as being made to this Directive and shall be read in accordance with the table of equivalence annexed hereto.

Article 6

Member States shall bring into force not later than 1 January 1991 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

³ OJ No L 292, 16.11.1977, p. 9.

Until such provisions have been adopted, Member States shall continue to fulfill their obligations pursuant to Directive 73/238/EEC.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 7

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

A N N E X

Table of equivalence

Directive 73/238/EEC		This Directive
Article 1		Article 1
Article 2(1) and Article 4(2)		Article 2(1)
Article 2(2)		Article 2(2)
Article 3		Article 3(1), (2) and (3)
----		Article 3(4)
----		Article 4(1)
----		Article 4(2)
----		Article 5
Article 5 and Article 4(1)		Article 6, first paragraph
Article 6		Article 6, second paragraph
		Article 6, third paragraph
		Article 7

**Proposal for a
COUNCIL DIRECTIVE
laying down detailed rules for the implementation of
Directive /90/EEC with regard to oil stocks**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103(3) thereof,

Having regard to the proposal from the Commission,¹

Whereas imported crude oil and petroleum products play an important role in the Community's energy supplies; whereas any difficulty, even temporary, having the effect of considerably reducing supplies of such products or significantly increasing the price thereof on international markets could cause serious disturbances in the economic activity of the Community; whereas the Community must therefore be in a position to offset or at least to diminish any harmful effects in such a case;

Whereas in Directive .../90/EEC² the Council decided upon appropriate measures to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community, concerning oil stocks, restriction of consumption and price control; whereas it is therefore appropriate to adopt a Directive on oil stocks;

1 OJ No L

2 [Directive providing for appropriate measures to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community.]

Whereas Council Directive 68/414/EEC,³ as amended by Directive 72/425/EEC,⁴ imposes an obligation on Member States to maintain oil stocks corresponding to at least ninety days' internal consumption in the preceding calendar year for three categories of petroleum products;

Whereas, within the framework of the completion of the internal market, it is necessary to ensure that the organizational arrangements for oil stocks do not impede the free movement of goods and services and that the security of supply is increased;

Whereas it is therefore appropriate that all the Member States should have recourse to an agency to hold at least two-thirds of the stocks corresponding to their Community obligation, thus making it possible to ensure a fair sharing of the burden of the stockholding obligation between operators in the oil sector and to guarantee the existence and availability of oil stocks in order to mitigate supply difficulties;

Whereas it is necessary to make provision, in the event of supply difficulties, for a mechanism whereby the Community can intervene as soon as possible, if necessary by deciding on withdrawals from oil stocks;

Whereas, in accordance with Article 3(3) and (4) of Directive .../90/EEC, withdrawals may be decided upon by the Commission for a period not exceeding three months, and by the Council should the difficulties persist; whereas a withdrawal equivalent to 30 days' consumption should normally be sufficient; whereas, however, in the event of a more acute supply crisis it will fall to the Council to decide upon an additional withdrawal;

Whereas Directive 68/414/EEC was amended by Directive 72/425/EEC; whereas, on grounds of clarity, it should be recast for the purpose of implementing significantly changed arrangements;

3 OJ No L 308, 23.12.1968, p. 14.

4 OJ No L 291, 28.12.1972, p. 154.

Whereas this Directive is without prejudice to the time limits within which Member States have to comply with Directive 68/414/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall adopt such measures as may be appropriate in order to maintain at all times, subject to the provisions of Article 7, a volume of oil stocks corresponding to at least 90 days' consumption established on their territory in the preceding calendar year for each of the categories of petroleum products referred to in Article 2.
2. That part of internal consumption met by derivatives of petroleum produced indigenously by the Member State concerned may be deducted up to a maximum of 15% of the said consumption.
3. Seagoing ships bunkers shall not be included in the calculation of internal consumption.

Article 2

The following categories of product shall be taken into account in calculating internal consumption:

1. motor spirit and aviation fuel (aviation spirit and jet fuel of the gasoline type),
2. gas oil, kerosene and jet fuel of the kerosene type,
3. fuel oils.

Article 3

1. Each Member State shall set up an oil stockholding agency.

Several Member States may decide to have recourse to a joint agency. In that case they shall be jointly responsible for the obligations deriving from this Directive.

2. Member States shall take steps to ensure that their stockholding agency has stocks representing at least 60 days' consumption on the national territory.
3. The financing of the stocks referred to in paragraph 2 shall be the responsibility of the refiners and importers of the products referred to in Article 2 established in the Member State in question, according to the quantities delivered in that Member State during the preceding calendar year.
4. Member States shall ensure that the refiners and importers are responsible for holding the stocks corresponding to the balance of the obligation of the Member State in question.

Article 4

Member States shall submit to the Commission a statistical summary showing the stocks held by their stockholding agency at the end of each month. This summary shall be drawn up in accordance with Articles 5 and 6 and shall specify the number of days of average consumption in the preceding calendar year which those stocks represent. This summary must be submitted within 15 days of the end of each month.

Article 5

1. The stocks must consist of petroleum products for at least 70% of the total volume of stocks of each of the categories 1 and 2 referred to in Article 2 and 50% of the total volume of the stocks for category 3. The balance may be covered by crude oil or feedstocks.
2. In the statistical summary of stocks provided for in Article 4:
 - finished products shall be accounted for according to their actual tonnage;
 - crude oil and feedstocks shall be accounted for in the proportion of the quantities of each category of product obtained during the preceding calendar year from refineries in operation on the territory of the Community; the coefficient for converting volumes of crude oil and feedstocks into petroleum products shall be laid down each year before in accordance with the procedure referred to in Article 4(2) of Directive/90/EEC;
 - blending components, when intended for processing into the finished products listed in Article 2, may be substituted for the products for which they are intended.

Article 6

1. When calculating the minimum level provided for in Article 1, only those quantities which would be fully at the disposal of the Member States should difficulties arise in the supply of oil shall be included in the statistical summary provided for in Article 4.

2. Subject to paragraph 1, the following may be included in the stocks:
 - quantities on board oil tankers in port for the purpose of discharging, once the port formalities have been completed;
 - quantities held in ports of discharge;
 - supplies held in tanks at the entry to oil pipelines;
 - quantities held in storage by large-scale consumers in compliance with the provisions of national law concerning the maintenance of permanent stocks;
 - quantities held in vessels engaged in transport within the Community in so far as it is possible for the competent authorities to keep a check on such quantities and provided that they could be made available immediately.

3. In view of the provisions of paragraphs 1 and 2, the following shall, in particular, be excluded from the statistical summary: crude oil not yet extracted, quantities intended for the bunkers of seagoing vessels, quantities in direct transit, quantities in oil pipelines, road tankers and rail tank wagons, in the storage tanks of filling stations, and those held by small consumers. Quantities held by the armed forces and those held for them by the oil companies shall also be excluded from the statistical summary.

Article 7

1. If the Commission establishes, in accordance with Article 3(1) of Directive .../90/EEC, the existence of oil supply difficulties for the Community or a part thereof, it shall convene the Committee provided for in Article 4(1) of Directive .../90/EEC. The Commission may decide, in accordance with the procedure referred to in Article 4(2) of Directive .../90/EEC, that Member States may make a withdrawal from their stocks not exceeding 30 days.
2. An additional withdrawal may be decided upon by the Council acting on a Commission proposal. The Council shall take a decision acting by a qualified majority, if possible within a period of 10 days.

Article 8

1. This Directive shall replace Directive 68/414/EEC.
2. References made to Directive 68/414/EEC shall be understood as being made to this Directive and shall be read in accordance with the table of equivalence annexed hereto.

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1992, and by 1 January 1991 in the case of Article 7. They shall forthwith inform the Commission thereof.
2. Notwithstanding paragraph 1, the oil stockholding agencies shall have the quantities referred to in Article 3(2) no later than 1 January 1993.

3. Until such time as the provisions referred to in paragraph 1 have been adopted, Member States shall continue to fulfill their obligations pursuant to Directive 68/414/EEC.
4. When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 10

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

ANNEX

Table of equivalence

Directive 68/414/EEC	This Directive
Article 1(1)	Article 1(1)
Article 1(2)	Article 1(2)
Article 1(3)	Article 1(3)
Article 2	----
Article 3	Article 2
----	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6(1)(1)	Article 6(1)(1)
Article 6(1)(2)	----
Article 6(2)	----
Article 6(3)(1)	Article 6(2)
Article 6(3)(2)	Article 6(3)
Article 7	Article 7(1)
----	Article 7(2)
----	Article 8
Article 8	Article 9(1)
----	Article 9(2)
----	Article 9(3)
----	Article 9(4)
Article 9	Article 10

Fiche d'impact de certains actes législatifs sur les PME et l'emploi

1. OBLIGATIONS ADMINISTRATIVES DÉCOULANT DE L'APPLICATION DE LA
LEGISLATION POUR LES ENTREPRISES

Obligation de stockage pétrolier
(déjà existante sur base de la Directive 68/414/CEE)

2. AVANTAGES POUR L'ENTREPRISE

- OUI/■■■

- LESQUELLES

sécurité d'approvisionnement pétrolier améliorée au
niveau communautaire

3. INCONVENIENTS POUR L'ENTREPRISE
(coûts supplémentaires)

- OUI/■■■NON

- CONSEQUENCES

4. EFFETS SUR L'EMPLOI

Non

5. Y A-T-IL EU CONCERTATION PRÉALABLE AVEC LES PARTENAIRES
SOCIAUX ?

- ■■■■NON

- AVIS DES PARTENAIRES SOCIAUX

6. Y A-T-IL UNE APPROCHE ALTERNATIVE MOINS CONTRAIGNANTE ?

NON

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