



**Points of attention and procedures concerning the reporting and inspection of stocks  
under APETRA ticket contract**

Version dated August 2016

This document refers to and draws the attention to the contractual measures of the Framework agreement related to Disposition Rights ("Tickets") from the specification APETRA 2016/1.

*APETRA recommends that a copy of this document is distributed to the person(s) responsible for the stock accounting with whom the APETRA inspectors will collaborate during their inspection, and to the manager(s) of the storage facility(ies) where stocks under ticket contracts are (will be) stored.*

**General reservation for ticket contracts held outside the Belgian territory :**

Each Member state has transposed the new Directive 2009/119/CE into national legislation as it sees fit. APETRA is not presumed to be familiar with the details of the legislation of all its partner countries: **we thus request that you make the fullest enquiries possible at your authorities and bear this information in mind when submitting a tender to APETRA.**

**1. MEASURES RELATED TO RESERVED STOCKS UNDER A TICKET CONTRACT**

1. Your company is and shall remain the **owner** of the Reserved Stocks during the Reservation Period until a possible Lifting. The Reserved Stocks may not be alienated and are not liable to sequestration by third parties. They may not be encumbered<sup>1</sup> with any collateral or personal surety or with any commercial rights or be used to cover his own stockholding obligation or that of a third party.

**The Contracting party undertakes to report any limitation of the Disposition Right immediately to APETRA.**

2. **Reserved Stocks consisting of finished petroleum products** must match at all times the Specifications of the country where the Finished products shall be delivered in case of the exercise of the Ticket. **Blending components** can only be counted toward Reserved Stocks if all necessary components to be blended into the Finished product to be delivered, as detailed in the Stock declaration form<sup>2</sup> :

1. are part of one and same contract
2. are stored in the same storage facility
3. in adequate proportions to be blended into the Finished product that meets the specifications of the country where the Finished products shall be delivered in case of the exercise of the Ticket.

**Reserved Stocks consist of semi-finished petroleum products and/or crude oil** guarantee APETRA through their location, qualities and quantities, to receive in case of a supply crisis, the quality and quantity of Product To Be Supplied specified in the Stock declaration form through their refining or any other processing / upgrading scheme.

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<sup>1</sup> Except when they serve as a guarantee to finance the purchase of the Reserved Stocks, insofar as this does not prevent APETRA from exercising its Disposition Right in the case of a Supply Crisis.

<sup>2</sup> Such form can be found on APETRA internet site

For more information on conditions imposed upon the Products To Be Supplied and upon the Products that are eligible for Reserved Stocks: see annex F of the specification APETRA/2016/1.

## **2. THE LOCATION OF THE RESERVED STOCKS**

### 1. The Storage Facility:

The Reserved Stocks are stored in an **Eligible Storage Facility**<sup>3</sup> as such Storage Facility must comply with some conditions regarding its capacity, the means of delivery and redelivery, but particularly that the owner of the Storage Facility declares that the Storage Facility is accessible during a Supply Crisis to all brands, taking into account the access and safety requirements of the Storage Facility.

The status of Eligible Storage facility is granted by the Director-generalship of Energy of the FPS Economy for Storage Facilities located on the Belgian territory, and by APETRA for Storage Facilities located outside the Belgian territory.

The Reserved Stocks can be stored in several Eligible Storage Facilities, taking into account, that the **minimum quantity of Reserved Stocks per Storage Facility is 2.500 tons.**

If your company is not the owner of the Storage Facility, you are bound to inform the Storage Facility owner of the specific status of the Reserved stocks **by sending him a letter, which specimen is attached<sup>4</sup> to this document.** You must send a signed copy of this letter to APETRA.

In case the Reserved stocks are located in **Belgium**, you will make sure that the owner of the Storage facility shall declare his stock under ticket contract (with APETRA) to the Director-generalship of Energy, in conformity with the article 3, §3, of the royal decree dated 15<sup>th</sup> of June 2006 related to the obligations of information and administration of the registered oil companies and of APETRA within the framework of the compulsory stocks<sup>5</sup>.

### 2. The location of the Reserved stocks – the Stock declaration:

The location of the Reserved stocks will be mentioned by sending the Excel file "**Stock Declaration**<sup>6</sup>" per mail to the APETRA administration: [admin@apetra.be](mailto:admin@apetra.be) latest by:

1. For tickets on stocks held in Belgium: 7 days before the start of the ticket contract;
2. For tickets on stocks held abroad (for which an agreement in advance from both Member States concerned is necessary): 3 working days before the first day of the months that precedes the starting date of the ticket contract.

#### **Remark : bilateral stocks**

**If the Reserved Stocks are kept in a Storage Facility located in another Eligible country than Belgium<sup>7</sup>, then an Individual Contract will only be definitively accepted and payable by APETRA after acceptance of the quantities by the authorized administrations.**

Partner shall be responsible to seek the acceptance of the other country administration; APETRA shall be responsible to seek the acceptance of the volumes by the Belgian administration.

<sup>3</sup> The definition of an Eligible Storage Facility can be found on APETRA website on : <http://www.apetra.be/en/tenders/depots.html>

<sup>4</sup> The specimen of this letter can be found on the APETRA website ([www.apetra.be](http://www.apetra.be)) , section "on-going tenders", sub-section "disposition rights".

<sup>5</sup> Only for the Storage facilities located in Belgium

<sup>6</sup> Such form can be found on the APETRA website – See 2.

<sup>7</sup> These are : The Netherlands, France, Germany, Luxembourg, the United Kingdom and the Republic of Ireland.

### 3. Change of location and/or the nature of the Reserved Stocks:

The nature and the location(s) of the Reserved Stocks can be modified :

For Reserved stocks held in Belgium : if

- The new location is also an Eligible Storage facility
- The new location is communicated to APETRA **at least 96 hours in advance** and
- **Confirmed within 12 hours after the change** by means of a new Declaration of Stocks.
- The nature of the Reserved Stocks and of the Products to be Supplied can be altered during the contract subject to preliminary agreement by APETRA.

For Reserved stocks held outside the Belgian territory :

- The new location is also an Eligible Storage facility
- The new Directive stipulates that for each modification in the management tasks (nature of the product, location, etc.) a new approval in advance of both Member States is necessary. APETRA accepts for tickets held abroad no modification of the nature / location of the Reserved Stocks, except, by high exception and only for long-term tickets (i.e. minimum 6 months). Any request for modification of the nature / location of the product need in any case to be notified to APETRA latest 40 days before the modification of nature / location.

**The location / nature of the Reserved Stocks cannot be changed after a Notification of Supply Crisis has been communicated.**

### **3. INSPECTION OF STOCKS UNDER TICKET CONTRACT**

**The inspection of stocks under ticket contract involves a physical quantity and quality inspection of the stocks at the time of the inspection and a book-keeping audit to check the permanent presence of the stocks during the term of the contract.**

If the bookkeeping is not kept at the same place / location as the actual storage location of the product, the Company must indicate on the declaration form the contact person details (name, e-mail address and telephone number) of the bookkeeping and give permission to the inspection company to inspect the book stock at that location.

The inspection of the stocks under ticket takes place by one of the two specialized inspection companies contracted by APETRA, namely Intertek (Caleb Brett) and SGS.

The Inspector shall inform the Storage facility managers and/or contact persons of the control with a 24 hours' notice.

The findings of an inspection will be drawn up in an Inspection Report that is signed by the inspector and the person in charge of the storage facility and/or the contact person.

APETRA hereby guarantees that information disclosed during the inspection as far as other companies stocks or obligations (...) shall be kept confidential.

The inspection of the stock of products (finished products, semi-finished, blend components or crude oil) shall consist of:

A. Physical inspection of the quantity and quality of the Reserved stocks

During this inspection, the storage facility stock control manager (or the contact person, as designated by the Company in the stock declaration form) must demonstrate that:

- The Reserved stocks belonging to your company stored, in the tanks / storage facility **on the day of the control**, are at least equal to the quantities covering the APETRA contract added to the other commitments that your Company may have to cover stock obligation for itself, other agencies, affiliates or customers (by means of extract or output from the storage facility or the Company information system on the day of the inspection).

The APETRA inspector may request to consult the storage facility or the Company information system to check the stock level of one or several of these tanks. When information system or remote stock level system is not operational, the Inspector will have the right to physically control the level of the tanks where the products covering the APETRA tickets are stored.

- The quality of the finished products contained in these tanks is in line with the official specification. The inspector may request to consult a certificate of analysis of one or several tanks. The Inspector is allowed to take a sample in a tank.
- For blending components, that the Reserved Stocks, their location, products and proportions allow to make the contractual Products To Be Supplied through their blending.

B. Book-keeping audit

During this audit, the appropriate documentation shall be shown to the inspector to demonstrate (by means of extract or output from the storage facility or the Company information system) that the stocks held in the storage facility belonging to your company, were **at all time since the beginning of the APETRA contract** (or since the previous inspection as the case may be) at least equal to the quantities covering the APETRA contract AND ALSO the other commitments that your Company might have to cover stock obligation for itself, other agencies, affiliates or customers.

**If the Reserved Stocks (tickets) are stored in a storage facility of which your company is not the owner, you must take the necessary measures to inform such storage company to make possible the inspection by the APETRA inspectors.**

**Annex 1: Specimen of the letter from the Contracting party to the Storage Facility Owner concerning awareness and obligations**

Dear (name of the Storage Facility operator, where the Reserved Stocks will be held during the duration of the Individual Contract for Disposition Rights),

By this letter, we inform you that we entered into an agreement with APETRA, the Belgian Stockholding Agency.

With this contract, we put at APETRA's disposal the following volume of our in property owned stock:

<b>Name of product</b>				
<b>tons</b>				
<b>Tank(s) N°</b>				

- **Duration of this disposition right: from ..... till .....**

The above mentioned product(s) (quantity and quality) must be present at all times during the duration of the contract signed between APETRA and ourselves.

According to the terms of this contract, we ask you:

1. To put in place an appropriate bookkeeping/registration documentation to be able to demonstrate that the above quantities are permanently present in the storage facility under our name.
2. To authorize any controls (physical and in your registers) asked by APETRA inspectors. APETRA's inspectors shall warn the Partner and/or the Storage Facility Owner at least 24 hours in advance of the inspection.


We thank you for your cooperation and remain, Dear ....

Yours faithfully,

Contracting party  
(name and authorized signature)

Copy : APETRA  
To the attention of the ticket administration  
66 boulevard de l'Impératrice  
1000 Brussels  
BELGIUM

**Annex 2: Reserved Stock Declaration form (Sample of the Excel file – available on the APETRA website)**

	<b>RESERVED STOCK DECLARATION FORM</b>				
To be mailed to the APETRA administration <a href="mailto:admin@apetra.be">admin@apetra.be</a>					
Contract reference number			Contract start date		
Date of declaration			End date		
Name of Company					
<b>I. Details location A</b>					
Name of Storage facility					
Address					
Contact person at depot:	Name:		Company CSO manager	Name:	
	Phone n°:			Phone n°:	
	E-mail:			E-mail:	
<b>II. Quantity of Reserved stocks (fill out appropriate box)</b>					
<u>Under the form of:</u>	Gasoline		Distillates		Heavy fuel oil
Finished Products incl. mixing components		tons		tons	
Refinery feedstock					tons
Crude oil					tons
<b>III. Location of the Reserved stocks</b>					
Tank numbers N°s	Capacity M <sup>3</sup>	Name of finished product, blending component, semi-finished products or crude oil			Quantities of Reserved stocks for APETRA (Mton)
<b>IV. Product to be delivered in case of a crisis (in tons)</b>					
Gasolines	Heating oil	Diesel 10 ppm	Kerosene	JET fuel	Fuel 1%
In case of change of localisation or the nature of the Reserved stocks, this form must be mailed back to reflect the new situation. The date indicated is the date from which the new situation will be valid.					