

Commission Implementing Directive (EU) 2018/1581 of
19 October 2018 amending Council Directive 2009/119/EC as
regards the methods for calculating stockholding obligations

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amending Council Directive 2009/119/EC as regards
the methods for calculating stockholding obligations

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2009/119/EC of 14 September 2009, imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) In accordance with Article 22 of Directive 2009/119/EC the Commission carried out a review of its functioning and implementation ('mid-term evaluation'), which highlighted the need to introduce a number of technical changes to the Directive, in order to facilitate its implementation.⁽²⁾
- (2) Postponing the start of the new yearly stockholding obligation under Directive 2009/119/EC by three months should give Member States additional time to complete the internal administrative procedures and facilitate compliance within the deadline and, possibly, at lower costs.
- (3) Regulation (EC) No 1099/2008 of the European Parliament and of the Council⁽³⁾ is a reference point for the definition of 'oil stocks' and for identifying the different petroleum products that are relevant for calculating the stockholding obligation, the level of emergency and specific stocks held and for reporting purposes. Regulation (EC) No 1099/2008 has been modified several times. As a result references to specific provisions of Regulation (EC) No 1099/2008 in Directive 2009/119/EC have become outdated and need to be adapted so that they refer to the appropriate provisions of that Regulation.
- (4) The application of two different formulas for calculating the quantities of naphtha that are not relevant for calculating the stockholding obligation, depending on whether the naphtha yield over the previous year was smaller or greater than 7 %, has led in practice to fluctuations in the stockholding obligations for some Member States which may cause a substantial financial burden and lack of compliance, without being justified by the Directive's objectives. Removing the 7 % threshold and giving the same options to all Member States should eliminate inequalities and unjustified fluctuations.
- (5) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents⁽⁴⁾, Member States have

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undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.

- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee set up under Article 23 of Directive 2009/119/EC,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 265, 9.10.2009, p. 9.](#)
- (2) Commission Staff Working Document, Mid-term evaluation of Council Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (SWD(2017) 439 final)
- (3) Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics ([OJ L 304, 14.11.2008, p. 1.](#))
- (4) [OJ C 369, 17.12.2011, p. 14.](#)