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#### OUTCOME OF PROCEEDINGS

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from: Working Party on Energy

on: 5 January 1999

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No. Prev. doc.: 13340/98 ENER 179

No. Cion prop.: 9897/98 ENER 94 – COM(98) 363 final

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Subject: Proposal for a Council Decision regarding a Community procedure for information and consultation on crude-oil supply costs and the consumer prices of petroleum products

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On 5 January 1999, the Working Party on Energy continued the examination of the above-mentioned proposal.

The outcome of the discussion is reproduced in the Annex to this document. Amendments/additions in relation to the previous version are underlined and positions of Member States are recorded in footnotes.

In accordance with the Interinstitutional agreement of the European Parliament, the Council and the Commission on common guidelines for the quality of drafting of Community legislation, the definitions have been transferred to the enacting terms of the Decision.

Draft

**COUNCIL DECISION****regarding a Community procedure for information and consultation  
on crude-oil supply costs and the consumer prices of petroleum products****Article 1**

1. [...] The Member States shall communicate to the Commission information relating to the crude-oil supply cost CIF and the consumer prices of petroleum products, in the manner laid down in Article 2.  
The list of petroleum products is given in the Annex.

The information shall be obtained by aggregating the data received [...] and shall be presented in such a way as to give as representative a picture as possible of each Member State's oil market.

2. [...]

**Article 1a**

For the purposes of this Decision:

1. "supply cost" shall mean all crude-oil imports plus crude oil produced and refined in the Community;
2. "imports" shall mean all imports of crude oil into the territory of the Community for purposes other than transit and which are intended to cover the needs of a Member State;
3. "crude oil produced in the European Community" shall mean all crude oil produced, refined and marketed in the producing Member State;
4. "consumer prices" [...] shall mean the most representative price levels [...] actually charged to consumers in a given category.

## Article 2

Member States shall communicate to the Commission the following information:

- (a) [...] the monthly crude-oil supply cost CIF in the month<sup>(1)</sup> following the end of the month in question;
- (b) [...] the consumer prices of petroleum products net of duties and taxes and inclusive of all taxes in force on the fifteenth day of each month, in the 30 days following the fifteenth day of the month in question;<sup>(2)</sup>
- (c) [...] the consumer prices of petroleum products net of duties and taxes in force each Monday<sup>(3)</sup>, at the latest by noon the following day.<sup>(4)</sup>

## Article 3

[...]

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- (<sup>1</sup>) GR/F proposed: "in the 45 days...".  
P/Cion could not accept such an extension.  
As a compromise, the Commission proposed to introduce a threshold excluding indigenous production in some cases, for example by inserting in the definition of "crude oil produced in the European Community", Article 1a(3): "... shall mean all crude oil produced and refined in the producing Member State, where such production represents more than 15 % on an annual basis of the total crude oil supply of the Member State concerned."
- (<sup>2</sup>) D: would like to have more than 30 days to communicate this information.  
P: considered that this kind of information more appropriately could be handled in the normal statistical framework.
- (<sup>3</sup>) D: considered to replace "each Monday" with "in the beginning of the week".  
NL: questioned the need as such for weekly transmission of information.  
The Commission explained that a certain day would have to be specified, but could agree to any day of the week.
- (<sup>4</sup>) D/GR/A: suggested to make the communication of information mentioned in c) voluntary, which is the case at present.  
The Commission noted that the information mentioned in c) had been transmitted by all Member States during the last 18 years and considered a division of the Article in a mandatory part and a voluntary part to be inappropriate.
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#### **Article 4**

On the basis of the information collected pursuant to this Decision, the Commission shall publish in an appropriate form:

- (a) each month, the crude-oil supply cost CIF and the consumer prices of petroleum products net of duties and taxes and inclusive of duties and taxes charged on the fifteenth day of each month;
- (b) each week, the consumer prices of petroleum products net of duties and taxes charged on Monday.

#### **Article 5**

The Member States and the Commission shall consult each other [...] on the information collected pursuant to this Decision. [...]

#### **Article 5a**

All information communicated pursuant to this Decision shall be confidential. This provision shall not however prevent the distribution of general or summary information in terms which do not disclose details relating to individual undertakings, i.e. in terms which refer to at least three undertakings. Member States may refrain from submitting details which relate to such individual undertakings.

#### **Article 6**

If the Commission finds that there are anomalies or inconsistencies in the information communicated to it by the Member States, it may ask the Member States to permit it to acquaint itself [...] with the calculation and assessment procedures used to arrive at the aggregated information.

#### **Article 7**

Within the limits laid down by this Decision, the Commission shall adopt implementing provisions regarding the form, the content, and all other aspects of the communications provided for in Article 1.

#### **Article 8**

Directive 76/491/EEC is hereby repealed.

#### **Article 9**

This Decision is addressed to the Member States.

Done at Brussels,

For the Council  
The President

**List of petroleum products**

- motor fuels
    - at the pump
      - premium leaded petrol
      - Euro super 95
      - diesel
      - LPG<sup>(5)</sup>
  - domestic heating fuels
    - for small consumers
      - heating gas oil
  - industrial fuels
    - for wholesale market deliveries
      - [...]
      - heavy fuel oil (sulphur content exceeding 1 % [...])
      - fuel oil (sulphur content not exceeding 1 %)
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<sup>(5)</sup> It was noted that a threshold will be set in the implementing provisions (see Article 7).