

**Reprint
as at 1 October 2012**



**International Energy Agreement
Act 1976**

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Business, Innovation, and Employment.

Schedule
Agreement of an International Energy Program

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**An Act to vest powers in the Governor-General in Council and
the Minister of Energy Resources to enable New Zealand to carry
out its obligations under the International Energy Agreement**

1 Short Title

This Act may be cited as the International Energy Agreement Act 1976.

2 Interpretation

In this Act, unless the context otherwise requires,—

engine fuel has the meaning given by section 1B of the Energy (Fuels, Levies, and References) Act 1989

International Energy Agency means the body established by the Decision of the Council of the Organisation for Economic Co-operation and Development on 15 November 1974

International Energy Agreement means the Agreement on an International Energy Program signed at Paris on 18 November 1974, a copy of the English text of which is set out in the Schedule, and any amendment of that Agreement

Minister means, subject to any enactment, the Minister of the Crown for the time being responsible for the administration of this Act

petroleum means—

- (a) any naturally occurring hydrocarbon whether in a liquid or solid state; and
- (b) any naturally occurring mixture of hydrocarbons whether in a liquid or solid state; and
- (c) any naturally occurring mixture of 1 or more hydrocarbons whether in a liquid or solid state, and 1 or more of the following, namely, hydrogen sulphide, nitrogen, helium, or carbon dioxide—

and includes petroleum products; but does not include coal or natural gas

petroleum products means the following substances, whether refined or semi-refined, produced directly or indirectly from petroleum, that is to say, fuels, lubricants, bitumen, wax, industrial spirits, and any wide-range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50°C higher than its initial boiling point)

production, in relation to petroleum, includes processing; and **produce** has a corresponding meaning

undertaking includes a business, and also any activity carried on by a body of persons, whether corporate or unincorporate.

Section 2 **engine fuel**: inserted, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 2 **Minister**: substituted, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

3 Proclamation of petroleum emergency

- (1) If at any time it appears to the Governor-General that New Zealand's obligations under the International Energy Agreement require the taking of emergency measures to deal with a reduction or threatened reduction of petroleum supplies, he may, by Proclamation approved in Executive Council, declare that a petroleum emergency exists throughout New Zealand.
- (2) The Governor-General may, in like manner, revoke a declaration under subsection (1) when he is satisfied that the said obligations do not for the time being require the further exercise of the powers given by this Act to make regulations or the continued existence of the powers contained in those regulations.
- (3) A Proclamation made under subsection (1) or subsection (2) shall be published in the *Gazette* and shall come into operation on being so published.
- (4) Upon a Proclamation under subsection (2) coming into operation, all regulations made under section 4 and not previously revoked and all instruments made thereunder and then remaining in force shall, without further provision than this subsection, be revoked, but without affecting the previous operation thereof or anything previously done or omitted to be done thereunder or any proceeding, punishment, or remedy in respect thereof.

4 Emergency regulations as to petroleum

- (1) The Governor-General may—
- (a) while a Proclamation of petroleum emergency under section 3(1) is in force; and
 - (b) after he has been informed by the Minister that the Minister has held appropriate consultations,—
- by Order in Council, make regulations controlling, regulating, prohibiting, or otherwise making provision as to the production, acquisition, distribution, supply, or use of petroleum or engine fuel (other than provision as to the price thereof) for the purpose of carrying out such obligations as New Zealand may have, under the International Energy Agreement, to do any of the following:
- (c) restrain demand for, or reduce consumption of, petroleum or engine fuel in New Zealand;
 - (d) ensure the supply of petroleum or engine fuel by New Zealand to other countries which are parties to the said Agreement.
- (2) Regulations made under subsection (1) may authorise the Minister, after he has consulted with such persons or bodies as he thinks appropriate, to give, or revoke or vary, directions—
- (a) to any person carrying on an undertaking in the course of which he produces petroleum or engine fuel, as to the production, use, or disposal thereof or the use or disposal of any material used for the production thereof;
 - (b) to any person carrying on an undertaking in the course of which he acquires, supplies, or distributes petroleum or engine fuel, as to the acquisition, supply, or distribution thereof by him (whether in New Zealand or abroad);
 - (c) to any person carrying on an undertaking which involves the use of petroleum or engine fuel, as to the use thereof by him, whether for purposes specified by the Minister or during periods specified by him or otherwise.
- (3) Without restricting the generality of subsection (2)(b), regulations made under that subsection may authorise the giving of a direction which—

- (a) prohibits or restricts the acquisition, supply, or distribution of petroleum or engine fuel by or to persons specified by the Minister:
 - (b) requires the supply or distribution of petroleum or engine fuel to persons specified by the Minister in accordance with requirements specified by him.
- (4) For the purpose of subsection (1)(b) **appropriate consultations** means such consultations as the Minister thinks practicable and appropriate with persons in New Zealand appearing to him to represent those producers and suppliers of petroleum or engine fuel who are likely to be affected by the regulations.

Section 4(1): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(1)(c): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(1)(d): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(c): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(3)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(3)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(4): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

5 Further provisions as to regulations

- (1) No regulation made under section 4(1) shall be held invalid because it is, or authorises any act or omission which is, repugnant to, or inconsistent with, any Act (other than this Act).
- (2) Regulations made under section 4(1) may—
 - (a) provide that a person acting in compliance with any such regulations, or with any direction or other instrument made thereunder, shall not be liable or held to account for contravening or failing to satisfy, whether in whole or in part, the requirements of any other enactment or of any contractual obligation relating to, or in-

- volving, the production, acquisition, distribution, supply, or use of petroleum or engine fuel:
- (b) make any incidental, supplementary, or transitional provision which is necessary or expedient for carrying out the purposes of this Act:
 - (c) require the payment of fees in connection with any matter which may be controlled or regulated under this Act and may prescribe the amount and incidence of those fees:
 - (d) provide that a contravention or failure to comply therewith, or with any provision made thereunder, shall be an offence and prescribe penalties for offences not exceeding a fine of \$10,000.
- (3) All regulations made under section 4(1) shall be laid before Parliament as soon as is practicable after they are made.
- (4) Nothing in sections 4(2), 6, and 7 shall limit the power in section 4(1) to make regulations as to any matter mentioned in the said sections 4(2), 6, and 7 applicable to all, or any class of, persons to whom, or in respect of whom, directions could be given under, or by virtue of, those provisions.

Section 5(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

6 Maintenance of reserve supplies of petroleum

- (1) Subject to section 8(1), the Minister may give a direction under subsection (2) to a person who, in the course of an undertaking carried on by him produces, acquires, distributes, supplies, or uses petroleum or engine fuel where it appears to the Minister that the direction is necessary to maintain, or to assist towards maintaining, reserve supplies of petroleum in New Zealand at a level required by, or pursuant to, the International Energy Agreement.
- (2) Subject to subsection (4), the Minister may, in pursuance of subsection (1)—
- (a) direct any person referred to in that subsection to make such arrangements with respect to his New Zealand stocks of petroleum or engine fuel as will—

- (i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level; and
 - (ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by authority of the Minister:
 - (b) in the case of any person referred to in the said subsection (1) who is a supplier to the New Zealand market, direct him to create New Zealand stocks of petroleum or engine fuel up to a specified level and, with respect to them, make arrangements of the kind referred to in subsection (2)(a)(ii).
- (3) In giving such directions, the Minister shall have regard in particular to—
 - (a) the quantities of petroleum or engine fuel which have been supplied by the undertaking to the New Zealand market or used by the undertaking in past periods; and
 - (b) the extent to which petroleum produced or supplied by the undertaking is, or will be won under the authority of licences granted under the Petroleum Act 1937 or the Crown Minerals Act 1991.
- (4) Before giving a direction under subsection (2) the Minister shall notify the substance of the proposed direction to the person to whom he proposes to give it and shall afford him a reasonable opportunity to make representations. Any such direction shall allow the person to whom it is given a reasonable time for complying with it.
- (5) In this section **specified** means specified by the Minister's direction; and the Minister may by notice published in the *Gazette* prescribe, for the purposes of section 8(1) and of directions under this section,—
 - (a) the cases and circumstances in which stocks (in New Zealand or elsewhere) are to be treated, in relation to any person, as his New Zealand stocks:
 - (b) the extent to which stocks of a particular kind are to count towards compliance with a direction specifying stocks of another kind:
 - (c) the method by which quantities are to be measured for different purposes.

- (6) Any person who without reasonable excuse contravenes or fails to comply with a direction given to him under subsection (2) commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$10,000.

Section 6(1): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 6(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 6(2)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 6(3)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 6(3)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

7 Power to obtain information

- (1) The Minister may give any direction under subsection (2) to a person who in the course of an undertaking carried on by him produces, acquires, distributes, supplies, or uses petroleum or engine fuel, where it appears to the Minister that the direction is, or is likely to be, necessary to enable New Zealand to carry out such obligations as it may have under the International Energy Agreement to supply information to the International Energy Agency.
- (2) The Minister may, in pursuance of subsection (1), direct any person carrying on an undertaking—
- (a) to keep such books, accounts, and records relating to petroleum or engine fuel as may be specified by the Minister:
 - (b) to furnish, as and when specified by the Minister, returns and information relating to petroleum or engine fuel:
 - (c) to furnish, as and when specified by the Minister, information and forecasts relating to the undertaking itself or its activities.
- (3) Any person who without reasonable excuse contravenes or fails to comply with a direction given to him under subsection (2) commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$2,000.
- (4) Any person who in compliance or purported compliance with a direction given under subsection (2) makes, or causes to be

made on his behalf, a statement which he knows to be false or does not believe to be true commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$2,000.

(5) *[Repealed]*

(6) *[Repealed]*

Section 7(1): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(2)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(5): repealed, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Section 7(6): repealed, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

8 Further provisions as to directions under sections 6 and 7

- (1) No direction shall be given by the Minister under subsection (2) of section 6 to any person referred to in subsection (1) of that section unless that person in the course of all undertakings carried on by him has had in New Zealand under his control in the 12 months preceding the giving of the direction an aggregate of more than 50 000 tonnes of any combination of petroleum and engine fuels.
- (2) A direction under sections 6(2) and 7(2) shall be in writing and may be given by the Minister by any one of the following methods:
- (a) by delivering it to the person to whom it is to be given; or
 - (b) by leaving it at the usual or last known place of residence or business of that person; or
 - (c) by sending it in a registered letter addressed to that person at his usual or last known place of residence or business; or
 - (d) in the case of an incorporated company or body, by delivering it to the person appearing to be in charge of the registered or principal office of the company or body, or sending it in a registered letter addressed to the sec-

retary or principal executive officer of the company or body at that office.

- (3) Any direction which is sent to a person by registered letter shall, until the contrary is proved, be deemed to have been received by him, and to have been received at the time when it would have been delivered in the ordinary course of post. In proving such receipt for the purposes of this section, it shall be sufficient to prove that the registered letter was properly addressed and posted and that the postage was paid thereon.
- (4) Regulations made under section 4(1) may provide that the powers and provisions in subsections (2) and (3) shall, with all necessary modifications, apply to directions or notices given under the authority of those regulations.

Section 8(1): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

9 Power of entry

- (1) Subject to subsection (2), a person authorised in writing by the Minister may, on production of his authorisation (if so required), enter any premises, vehicle, or vessel for the purpose of—
- (a) securing compliance with directions given under section 6 or section 7; or
 - (b) checking estimates and forecasts or verifying returns and information provided pursuant to the said section 7—
- and may while on such premises, vehicle, or vessel make such enquiries and inspections, and purchase or take such samples of any substance, as are allowed by the terms of his authorisation.
- (2) The power of entry set out in subsection (1)—
- (a) shall not apply to premises used only as a dwelling; and
 - (b) may be exercised only at reasonable hours and after reasonable notice has been given to the occupier of the proposed entry.
- (3) Regulations made under section 4(1) may provide that the powers set out in this section shall be available, with all necessary modifications, for the purpose of ensuring that the provi-

sions of those regulations are effectively carried out and complied with.

Section 9(3): amended, on 1 October 2012, by section 320 of the Search and Surveillance Act 2012 (2012 No 24).

10 Liability of directors, etc, where offence committed by body corporate

Where any body corporate is convicted of an offence against this Act or against any regulation made under this Act, every director, every person concerned in the management of the body corporate, and every person purporting to be a director or to be concerned as aforesaid shall be guilty of a like offence if it is proved that the act or omission which constituted the offence was committed or took place with his authority, permission, or consent.

11 Search warrants

- (1) If an offence created by or under this Act has been committed or is suspected of having been committed (notwithstanding that the offence is not punishable by imprisonment), any person authorised in writing by the chief executive may exercise the powers of a constable to apply for a warrant under section 6 of the Search and Surveillance Act 2012.
- (2) Subparts 1, 3, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.
- (3) For the purposes of this section, **chief executive** means the chief executive of the department that, with the authority of the Prime Minister, is responsible for the administration of this Act.

Section 11: replaced, on 1 October 2012, by section 321 of the Search and Surveillance Act 2012 (2012 No 24).

Schedule
Agreement of an International Energy
Program

s 2

THE GOVERNMENTS OF THE REPUBLIC OF AUSTRIA, THE KINGDOM OF BELGIUM, CANADA, THE KINGDOM OF DENMARK, THE FEDERAL REPUBLIC OF GERMANY, IRELAND, THE ITALIAN REPUBLIC, JAPAN, THE GRAND DUCHY OF LUXEMBOURG, THE KINGDOM OF THE NETHERLANDS, SPAIN, THE KINGDOM OF SWEDEN, THE SWISS CONFEDERATION, THE REPUBLIC OF TURKEY, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA,

DESIRING to promote secure oil supplies on reasonable and equitable terms,

DETERMINED to take common effective measures to meet oil supply emergencies by developing an emergency self-sufficiency in oil supplies, restraining demand and allocating available oil among their countries on an equitable basis,

DESIRING to promote co-operative relations with oil producing countries and with other oil consuming countries, including those of the developing world, through a purposeful dialogue, as well as through other forms of co-operation, to further the opportunities for a better understanding between consumer and producer countries,

MINDFUL of the interests of other oil consuming countries, including those of the developing world,

DESIRING to play a more active role in relation to the oil industry by establishing a comprehensive international information system and a permanent frame work for consultation with oil companies,

DETERMINED to reduce their dependence on imported oil by undertaking long-term co-operative efforts on conservation of energy, on accelerated development of alternative sources of energy, on research and development in the energy field and on uranium enrichment,

CONVINCED that these objectives can only be reached through continued co-operative efforts within effective organs,

EXPRESSING the intention that such organs be created within the framework of the Organisation for Economic Co-operation and Development,

RECOGNISING that other Member countries of the Organisation for Economic Co-operation and Development may desire to join in their efforts,

CONSIDERING the special responsibility of governments for energy supply,

CONCLUDE that it is necessary to establish an International Energy Program to be implemented through an International Energy Agency, and to that end,

HAVE AGREED as follows:

Article 1

1. The Participating Countries shall implement the International Energy Program as provided for in this Agreement through the International Energy Agency, described in Chapter IX, hereinafter referred to as the “Agency”.
2. The term “Participating Countries” means States to which this Agreement applies provisionally and States for which the Agreement has entered into and remains in force.
3. The term “group” means the Participating Countries as a group.

Chapter I

Emergency self-sufficiency

Article 2

1. The Participating Countries shall establish a common emergency self-sufficiency in oil supplies. To this end, each Participating Country shall maintain emergency reserves sufficient to sustain consumption for at least 60 days with no net oil imports. Both consumption and net oil imports shall be reckoned at the average daily level of the previous calendar year.
2. The Governing Board shall, acting by special majority, not later than 1st July, 1975, decide the date from which the emergency reserve commitment of each Participating Country shall, for the purpose of calculating its supply right referred to in Article 7, be deemed to be raised to a level of 90 days. Each Participating Country shall increase its actual level of

Chapter I—*continued*Article 2—*continued*

emergency reserves to 90 days and shall endeavour to do so by the date so decided.

3. The term “emergency reserve commitment” means the emergency reserves equivalent to 60 days of net oil imports as set out in paragraph 1 and, from the date to be decided according to paragraph 2, to 90 days of net oil imports as set out in paragraph 2.

Article 3

1. The emergency reserve commitment set out in Article 2 may be satisfied by:
 - oil stocks,
 - fuel switching capacity,
 - stand-by oil production,in accordance with the provisions of the Annex which forms an integral part of this Agreement.
2. The Governing Board shall, acting by majority, not later than 1st July, 1975, decide the extent to which the emergency reserve commitment may be satisfied by the elements mentioned in paragraph 1.

Article 4

1. The Standing Group on Emergency Questions shall, on a continuing basis, review the effectiveness of the measures taken by each Participating Country to meet its emergency reserve commitment.
2. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

Chapter II Demand restraint

Article 5

1. Each Participating Country shall at all times have ready a program of contingent oil demand restraint measures enabling it to reduce its rate of final consumption in accordance with Chapter IV.
2. The Standing Group on Emergency Questions shall, on a continuing basis, review and assess:
 - each Participating Country's program of demand restraint measures,
 - the effectiveness of measures actually taken by each Participating Country.
3. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

Chapter III Allocation

Article 6

1. Each Participating Country shall take the necessary measures in order that allocation of oil will be carried out pursuant to this Chapter and Chapter IV.
2. The Standing Group on Emergency Questions shall, on a continuing basis, review and assess:
 - each Participating Country's measures in order that allocation of oil will be carried out pursuant to this Chapter and Chapter IV,
 - the effectiveness of measures actually taken by each Participating Country.
3. The Standing Group on Emergency Questions shall report to the Management Committee, which shall make proposals, as appropriate, to the Governing Board. The Governing Board may, acting by majority, adopt recommendations to Participating Countries.

Chapter III—*continued*Article 6—*continued*

4. The Governing Board shall, acting by majority, decide promptly on the practical procedures for the allocation of oil and on the procedures and modalities for the participation of oil companies therein within the framework of this Agreement.

Article 7

1. When allocation of oil is carried out pursuant to Article 13, 14, or 15, each Participating Country shall have a supply right equal to its permissible consumption less its emergency reserve drawdown obligation.
2. A Participating Country whose supply right exceeds the sum of its normal domestic production and actual net imports available during an emergency shall have an allocation right which entitles it to additional net imports equal to that excess.
3. A Participating Country in which the sum of normal domestic production and actual net imports available during an emergency exceeds its supply right shall have an allocation obligation which requires it to supply, directly or indirectly, the quantity of oil equal to that excess to other Participating Countries. This would not preclude any Participating Country from maintaining exports of oil to non-participating countries.
4. The term “permissible consumption” means the average daily rate of final consumption allowed when emergency demand restraint at the applicable level has been activated; possible further voluntary demand restraint by any Participating Country shall not affect its allocation right or obligation.
5. The term “emergency reserve drawdown obligation” means the emergency reserve commitment of any Participating Country divided by the total emergency reserve commitment of the group and multiplied by the group supply shortfall.
6. The term “group supply shortfall” means the shortfall for the group as measured by the aggregate permissible consumption for the group minus the daily rate of oil supplies available to the group during an emergency.

Chapter III—*continued*

Article 7—*continued*

7. The term “oil supplies available to the group” means
 - all crude oil available to the group,
 - all petroleum products imported from outside the group, and
 - all finished products and refinery feedstocks which are produced in association with natural gas and crude oil and are available to the group.
8. The term “final consumption” means total domestic consumption of all finished petroleum products.

Article 8

1. When allocation of oil to a Participating Country is carried out pursuant to Article 17, that Participating Country shall
 - sustain from its final consumption the reduction in its oil supplies up to a level equal to 7 percent of its final consumption during the base period,
 - have an allocation right equal to the reduction in its oil supplies which results in a reduction of its final consumption over and above that level.
2. The obligation to allocate this amount of oil is shared among the other Participating Countries on the basis of their final consumption during the base period.
3. The Participating Countries may meet their allocation obligations by any measures of their own choosing, including demand restraint measures or use of emergency reserves.

Article 9

1. For purposes of satisfying allocation rights and allocation obligations, the following elements will be included:
 - all crude oil,
 - all petroleum products,
 - all refinery feedstocks, and
 - all finished products produced in association with natural gas and crude oil.

Chapter III—*continued*Article 9—*continued*

2. To calculate a Participating Country's allocation right, petroleum products normally imported by that Participating Country, whether from other Participating Countries or from non-participating countries, shall be expressed in crude oil equivalent and treated as though they were imports of crude oil to that Participating Country.
3. Insofar as possible, normal channels of supply will be maintained as well as the normal supply proportions between crude oil and products and among different categories of crude oil and products.
4. When allocation takes place, an objective of the Program shall be that available crude oil and products shall, insofar as possible be shared within the refining and distributing industries as well as between refining and distributing companies in accordance with historical supply patterns.

Article 10

1. The objectives of the Program shall include ensuring fair treatment for all Participating Countries and basing the price for allocated oil on the price conditions prevailing for comparable commercial transactions.
2. Questions relating to the price of oil allocated during an emergency shall be examined by the Standing Group on Emergency Questions.

Article 11

1. It is not an objective of the Program to seek to increase, in an emergency, the share of world oil supply that the group had under normal market conditions. Historical oil trade patterns should be preserved as far as is reasonable, and due account should be taken of the position of individual non-participating countries.
2. In order to maintain the principles set out in paragraph 1, the Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, shall decide on such proposals.

Chapter IV
Activation
Activation

Article 12

Whenever the group as a whole or any Participating Country sustains or can reasonably be expected to sustain a reduction in its oil supplies, the emergency measures, which are the mandatory demand restraint referred to in Chapter II and the allocation of available oil referred to in Chapter III, shall be activated in accordance with this Chapter.

Article 13

Whenever the group sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies at least equal to 7 per cent of the average daily rate of its final consumption during the base period, each Participating Country shall implement demand restraint measures sufficient to reduce its final consumption by an amount equal to 7 percent of its final consumption during the base period, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

Article 14

Whenever the group sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies at least equal to 12 per cent of the average daily rate of its final consumption during the base period, each Participating Country shall implement demand restraint measures sufficient to reduce its final consumption by an amount equal to 10 percent of its final consumption during the base period, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

Article 15

When cumulative daily emergency reserve drawdown obligations as defined in Article 7 have reached 50 per cent of emergency reserve commitments and a decision has been taken in accordance with Article 20, each Participating Country shall take the measures so de-

Chapter IV—*continued*

cided, and allocation of available oil among the Participating Countries shall take place in accordance with Articles 7, 9, 10 and 11.

Article 16

When demand restraint is activated in accordance with this Chapter, a Participating Country may substitute for demand restraint measures use of emergency reserves held in excess of its emergency reserve commitment as provided in the Program.

Article 17

1. Whenever any Participating Country sustains or can reasonably be expected to sustain a reduction in the daily rate of its oil supplies which results in a reduction of the daily rate of its final consumption by an amount exceeding 7 per cent of the average daily rate of its final consumption during the base period, allocation of available oil to that Participating Country shall take place in accordance with Articles 8 to 11.
2. Allocation of available oil shall also take place when the conditions in paragraph 1 are fulfilled in a major region of a Participating Country whose oil market is incompletely integrated. In this case, the allocation obligation of other Participating Countries shall be reduced by the theoretical allocation obligation of any other major region or regions of the Participating Country concerned.

Article 18

1. The term “base period” means the most recent four quarters with a delay of one-quarter necessary to collect information. While emergency measures are applied with regard to the group or to a Participating Country, the base period shall remain fixed.
2. The Standing Group on Emergency Questions shall examine the base period set out in paragraph 1, taking into account in particular such factors as growth, seasonal variations in consumption and cyclical changes and shall, not later than 1st April, 1975, report to the Management Committee. The

Chapter IV—*continued*

Article 18—*continued*

Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, shall decide on these proposals not later than 1st July, 1975.

Article 19

1. The Secretariat shall make a finding when a reduction of oil supplies as mentioned in Article 13, 14 or 17 has occurred or can reasonably be expected to occur, and shall establish the amount of the reduction or expected reduction for each Participating Country and for the group. The Secretariat shall keep the Management Committee informed of its deliberations, and shall immediately report its finding to the members of the Committee and inform the Participating Countries, thereof. The report shall include information on the nature of the reduction.
2. Within 48 hours of the Secretariat's reporting a finding, the Committee shall meet to review the accuracy of the data compiled and the information provided. The Committee shall report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee, including any views regarding the handling of the emergency.
3. Within 48 hours of receiving the Management Committee's report, the Governing Board shall meet to review the finding of the Secretariat in the light of that report. The activation of emergency measures shall be considered confirmed and Participating Countries shall implement such measures within 15 days of such confirmation unless the Governing Board, acting by special majority, decides within a further 48 hours not to activate the emergency measures, to activate them only in part or to fix another time limit for their implementation.
4. If, according to the finding of the Secretariat, the conditions of more than one of the Articles 14, 13 and 17 are fulfilled, any decision not to activate emergency measures shall be taken separately for each Article and in the above order. If the conditions in Article 17 are fulfilled with regard to more than one

Chapter IV—*continued*Article 19—*continued*

Participating Country any decision not to activate allocation shall be taken separately with respect to each Country.

5. Decisions pursuant to paragraphs 3 and 4 may at any time be reversed by the Governing Board, acting by majority.
6. In making its finding under this Article, the Secretariat shall consult with oil companies to obtain their views regarding the situation and the appropriateness of the measures to be taken.
7. An international advisory board from the oil industry shall be convened, not later than the activation of emergency measures, to assist the Agency in ensuring the effective operation of such measures.

Article 20

1. The Secretariat shall make a finding when cumulative daily emergency reserve drawdown obligations have reached or can reasonably be expected to reach 50 per cent of emergency reserve commitments. The Secretariat shall immediately report its finding to the members of the Management Committee and inform the Participating Countries thereof. The report shall include information on the oil situation.
2. Within 72 hours of the Secretariat's reporting such a finding, the Management Committee shall meet to review the data compiled and the information provided. On the basis of available information the Committee shall report to the Governing Board within a further 48 hours proposing measures required for meeting the necessities of the situation, including the increase in the level of mandatory demand restraint that may be necessary. The report shall set out the views expressed by the members of the Committee.
3. The Governing Board shall meet within 48 hours of receiving the Committee's report and proposal. The Governing Board shall review the finding of the Secretariat and the report of the Management Committee and shall within a further 48 hours, acting by special majority, decide on the measures required for meeting the necessities of the situation, including the increase

Chapter IV—*continued*

Article 20—*continued*

in the level of mandatory demand restraint that may be necessary.

Article 21

1. Any Participating Country may request the Secretariat to make a finding under Article 19 or 20.
2. If, within 72 hours of such request, the Secretariat does not make such a finding, the Participating Country may request the Management Committee to meet and consider the situation in accordance with the provisions of this Agreement.
3. The Management Committee shall meet within 48 hours of such request in order to consider the situation. It shall, at the request of any Participating Country, report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee and by the Secretariat, including any views regarding the handling of the situation.
4. The Governing Board shall meet within 48 hours of receiving the Management Committee's report. If it finds, acting by majority, that the conditions set out in Article 13, 14, 15 or 17 are fulfilled, emergency measures shall be activated accordingly.

Article 22

The Governing Board may at any time decide by unanimity to activate any appropriate emergency measures not provided for in this Agreement, if the situation so requires.

Deactivation

Article 23

1. The Secretariat shall make a finding when a reduction of supplies as mentioned in Article 13, 14 or 17 has decreased or can reasonably be expected to decrease below the level referred to in the relevant Article. The Secretariat shall keep the Management Committee informed of its deliberations and shall imme-

Chapter IV—*continued*Article 23—*continued*

diately report its finding to the members of the Committee and inform the Participating Countries thereof.

2. Within 72 hours of the Secretariat's reporting a finding, the Management Committee shall meet to review the data compiled and the information provided. It shall report to the Governing Board within a further 48 hours. The report shall set out the views expressed by the members of the Committee, including any views regarding the handling of the emergency.
3. Within 48 hours of receiving the Committee's report, the Governing Board shall meet to review the finding of the Secretariat in the light of the report from the Management Committee. The deactivation of emergency measures or the applicable reduction of the demand restraint level shall be considered confirmed unless the Governing Board, acting by special majority, decides within a further 48 hours to maintain the emergency measures or to deactivate them only in part.
4. In making its finding under this Article, the Secretariat shall consult with the international advisory board, mentioned in Article 19, paragraph 7, to obtain its views regarding the situation and the appropriateness of the measures to be taken.
5. Any Participating Country may request the Secretariat to make a finding under this Article.

Article 24

When emergency measures are in force, and the Secretariat has not made a finding under Article 23, the Governing Board, acting by special majority, may at any time decide to deactivate the measures either wholly or in part.

Chapter V

Information System on the international oil
market*Article 25*

1. The Participating Countries shall establish an Information System consisting of two sections:

Chapter V—*continued*

Article 25—*continued*

- a General Section on the situation in the international oil market and activities of oil companies,
 - a Special Section designed to ensure the efficient operation of the measures described in Chapters I to IV.
2. The System shall be operated on a permanent basis, both under normal conditions and during emergencies, and in a manner which ensures the confidentiality of the information made available.
 3. The Secretariat shall be responsible for the operation of the Information System and shall make the information compiled available to the Participating Countries.

Article 26

The term “oil companies” means international companies, national companies, non-integrated companies and other entities which play a significant role in the international oil industry.

General Section

Article 27

1. Under the General Section of the Information System, the Participating Countries shall, on a regular basis, make available to the Secretariat information on the precise data identified in accordance with Article 29 on the following subjects relating to oil companies operating within their respective jurisdictions:
 - (a) Corporate structure;
 - (b) Financial structure, including balance sheets, profit and loss accounts, and taxes paid;
 - (c) Capital investments realised;
 - (d) Terms of arrangements for access to major sources of crude oil;
 - (e) Current rates of production and anticipated changes therein;
 - (f) Allocations of available crude supplies to affiliates and other customers (criteria and realisations);

Chapter V—*continued*Article 27—*continued*

- (g) Stocks;
 - (h) Cost of crude oil and oil products;
 - (i) Prices, including transfer prices to affiliates;
 - (j) Other subjects, as decided by the Governing Board, acting by unanimity.
2. Each Participating Country shall take appropriate measures to ensure that oil companies operating within its jurisdiction make such information available to it as is necessary to fulfil its obligations under paragraph 1, taking into account such relevant information as is already available to the public or to Governments.
 3. Each Participating Country shall provide information on a non-proprietary basis and on a company and/or country basis as appropriate, and in such a manner and degree as will not prejudice competition or conflict with the legal requirements of any Participating Country relating to competition.
 4. No Participating Country shall be entitled to obtain, through the General Section, any information on the activities of a company operating within its jurisdiction which could not be obtained by it from that company by application of its laws or through its institutions and customs if that company were operating solely within its jurisdiction.

Article 28

Information provided on a “non-proprietary basis” means information which does not constitute or relate to patents, trademarks, scientific or manufacturing processes or developments, individual sales, tax returns, customer lists or geological and geophysical information, including maps.

Article 29

1. Within 60 days of the first day of the provisional application of this Agreement, and as appropriate thereafter, the Standing Group on the Oil Market shall submit a report to the Management Committee identifying the precise data within the list of

Chapter V—*continued*

Article 29—*continued*

subjects in Article 27, paragraph 1, which are required for the efficient operation of the General Section, and specifying the procedures for obtaining such data on a regular basis.

2. The Management Committee shall review the report and make proposals to the Governing Board which, within 30 days of the submission of the report to the Management Committee, and acting by majority, shall take the decisions necessary for the establishment and efficient operation of the General Section.

Article 30

In preparing its reports under Article 29, the Standing Group on the Oil Market shall

- consult with oil companies to ensure that the System is compatible with industry operations;
- identify specific problems and issues which are of concern to Participating Countries;
- identify specific data which are useful and necessary to resolve such problems and issues;
- work out precise standards for the harmonization of the required information in order to ensure comparability of the data;
- work out procedures to ensure the confidentiality of the information.

Article 31

1. The Standing Group on the Oil Market shall on a continuing basis review the operation of the General Section.
2. In the event of changes in the conditions of the international oil market, the Standing Group on the Oil Market shall report to the Management Committee. The Committee shall make proposals on appropriate changes to the Governing Board which, acting by majority, shall decide on such proposals.

Chapter V—*continued**Special Section**Article 32*

1. Under the Special Section of the Information System, the Participating Countries shall make available to the Secretariat all information which is necessary to ensure the efficient operation of emergency measures.
2. Each Participating Country shall take appropriate measures to ensure that all oil companies operating within its jurisdiction make such information available to it as is necessary to enable it to fulfil its obligations under paragraph 1 and under Article 33.
3. The Secretariat shall, on the basis of this information and other information available, continuously survey the supply of oil to and the consumption of oil within the group and each Participating Country.

Article 33

Under the Special Section, the Participating Countries shall, on a regular basis, make available to the Secretariat information on the precise data identified in accordance with Article 34 on the following subjects:

- (a) Oil consumption and supply;
- (b) Demand restraint measures;
- (c) Levels of emergency reserves;
- (d) Availability and utilisation of transportation facilities;
- (e) Current and projected levels of international supply and demand;
- (f) Other subjects, as decided by the Governing Board, acting by unanimity.

Article 34

1. Within 30 days of the first day of the provisional application of this Agreement, the Standing Group on Emergency Questions shall submit a report to the Management Committee identifying the precise data within the list of subjects in Article 33

Chapter V—*continued*

Article 34—*continued*

which are required under the Special Section to ensure the efficient operation of emergency measures and specifying the procedures for obtaining such data on a regular basis, including accelerated procedures in times of emergency.

2. The Management Committee shall review the report and make proposals to the Governing Board which, within 30 days of the submission of the report to the Management Committee, and acting by majority, shall take the decisions necessary for the establishment and efficient operation of the Special Section.

Article 35

In preparing its report under Article 34, the Standing Group on Emergency Questions shall

- consult with oil companies to ensure that the System is compatible with industry operations;
- work out precise standards for the harmonization of the required information in order to ensure comparability of the data;
- work out procedures to ensure the confidentiality of the information.

Article 36

The Standing Group on Emergency Questions shall on a continuing basis review the operation of the Special Section and shall, as appropriate, report to the Management Committee. The Committee shall make proposals on appropriate changes to the Governing Board, which, acting by majority, shall decide on such proposals.

Chapter VI

Framework for consultation with oil
companies

Article 37

1. The Participating Countries shall establish within the Agency a permanent framework for consultation within which one or

Chapter VI—*continued*Article 37—*continued*

more Participating Countries may, in an appropriate manner, consult with and request information from individual oil companies on all important aspects of the oil industry, and within which the Participating Countries may share among themselves on a co-operative basis the results of such consultations.

2. The framework for consultation shall be established under the auspices of the Standing Group on the Oil Market.
3. Within 60 days of the first day of the provisional application of this Agreement, and as appropriate thereafter, the Standing Group on the Oil Market, after consultation with oil companies, shall submit a report to the Management Committee on the procedures for such consultations. The Management Committee shall review the report and make proposals to the Governing Board, which, within 30 days of the submission of the report to the Management Committee, and acting by majority, shall decide on such procedures.

Article 38

1. The Standing Group on the Oil Market shall present a report to the Management Committee on consultations held with any oil company within 30 days thereof.
2. The Management Committee shall consider the report and may make proposals on appropriate co-operative action to the Governing Board, which shall decide on such proposals.

Article 39

1. The Standing Group on the Oil Market shall, on a continuing basis, evaluate the results of the consultations with and the information collected from oil companies.
2. On the basis of these evaluations, the Standing Group may examine and assess the international oil situation and the position of the oil industry and shall report to the Management Committee.

Chapter VI—*continued*

Article 39—*continued*

3. The Management Committee shall review such reports and make proposals on appropriate co-operative action to the Governing Board, which shall decide on such proposals.

Article 40

The Standing Group on the Oil Market shall submit annually a general report to the Management Committee on the functioning of the framework for consultation with oil companies.

Chapter VII

Long term co-operation on energy

Article 41

1. The Participating Countries are determined to reduce over the longer term their dependence on imported oil for meeting their total energy requirements.
2. To this end, the Participating Countries will undertake national programs and promote the adoption of co-operative programs, including, as appropriate, the sharing of means and efforts, while concerting national policies, in the areas set out in Article 42.

Article 42

1. The Standing Group on Long Term Co-operation shall examine and report to the Management Committee on co-operative action. The following areas shall in particular be considered:
 - (a) Conservation of energy, including co-operative programs on
 - exchange of national experiences and information on energy conservation;
 - ways and means for reducing the growth of energy consumption through conservation.
 - (b) Development of alternative sources of energy such as domestic oil, coal, natural gas, nuclear energy and hydro-electric power, including co-operative programs on

Chapter VII—*continued*Article 42—*continued*

- exchange of information on such matters as resources, supply and demand, price and taxation;
 - ways and means for reducing the growth of consumption of imported oil through the development of alternative sources of energy;
 - concrete projects, including jointly financed projects;
 - criteria, quality objectives and standards for environmental protection.
- (c) Energy research and development, including as a matter of priority co-operative programs on
- coal technology;
 - solar energy;
 - radioactive waste management;
 - controlled thermonuclear fusion;
 - production of hydrogen from water;
 - nuclear safety;
 - waste heat utilisation;
 - conservation of energy;
 - municipal and industrial waste utilisation for energy conservation;
 - overall energy system analysis and general studies.
- (d) Uranium enrichment, including co-operative programs
- to monitor developments in natural and enriched uranium supply;
 - to facilitate development of natural uranium resources and enrichment services;
 - to encourage such consultations as may be required to deal with international issues that may arise in relation to the expansion of enriched uranium supply;
 - to arrange for the requisite collection, analysis and dissemination of data related to the planning of enrichment services.

Chapter VII—*continued*

Article 42—*continued*

2. In examining the areas of co-operative action, the Standing Group shall take due account of ongoing activities elsewhere.
3. Programs developed under paragraph 1 may be jointly financed. Such joint financing may take place in accordance with Article 64, paragraph 2.

Article 43

1. The Management Committee shall review the reports of the Standing Group and make appropriate proposals to the Governing Board, which shall decide on these proposals not later than 1st July, 1975.
2. The Governing Board shall take into account possibilities for co-operation within a broader framework.

Chapter VIII

Relations with producer countries and with
other consumer countries

Article 44

The Participating Countries will endeavour to promote co-operative relations with oil producing countries and with other oil consuming countries, including developing countries. They will keep under review developments in the energy field with a view to identifying opportunities for and promoting a purposeful dialogue, as well as other forms of co-operation, with producer countries and with other consumer countries.

Article 45

To achieve the objectives set out in Article 44, the Participating Countries will give full consideration to the needs and interests of other oil consuming countries, particularly those of the developing countries.

Chapter VIII—*continued**Article 46*

The Participating Countries will, in the context of the Program, exchange views on their relations with oil producing countries. To this end, the Participating Countries should inform each other of co-operative action on their part with producer countries which is relevant to the objectives of the Program.

Article 47

The Participating Countries will, in the context of the Program

- seek, in the light of their continuous review of developments in the international energy situation and its effect on the world economy, opportunities and means of encouraging stable international trade in oil and of promoting secure oil supplies on reasonable and equitable terms for each Participating Country;
- consider, in the light of work going on in other international organisations, other possible fields of co-operation including the prospects for co-operation in accelerated industrialisation and socio-economic development in the principal producing areas and the implications of this for international trade and investment;
- keep under review the prospects for co-operation with oil producing countries on energy questions of mutual interest, such as conservation of energy, the development of alternative sources, and research and development.

Article 48

1. The Standing Group on Relations with Producer and other Consumer Countries will examine and report to the Management Committee on the matters described in this Chapter.
2. The Management Committee may make proposals on appropriate co-operative action regarding these matters to the Governing Board, which shall decide on such proposals.

Chapter IX Institutional and general provisions

Article 49

1. The Agency shall have the following organs:
 - a Governing Board
 - a Management Committee
 - Standing Groups on
 - Emergency Questions
 - The Oil Market
 - Long Term Co-operation
 - Relations with Producer and Other Consumer Countries.
2. The Governing Board or the Management Committee may, acting by majority, establish any other organ necessary for the implementation of the Program.
3. The Agency shall have a Secretariat to assist the organs mentioned in paragraphs 1 and 2.

Governing Board

Article 50

1. The Governing Board shall be composed of one or more ministers or their delegates from each Participating Country.
2. The Governing Board, acting by majority, shall adopt its own rules of procedure. Unless otherwise decided in the rules of procedure, these rules shall also apply to the Management Committee and the Standing Groups.
3. The Governing Board, acting by majority, shall elect its Chairman and Vice-Chairmen.

Article 51

1. The Governing Board shall adopt decisions and make recommendations which are necessary for the proper functioning of the Program.
2. The Governing Board shall review periodically and take appropriate action concerning developments in the international energy situation, including problems relating to the oil sup-

Chapter IX—*continued*Article 51—*continued*

plies of any Participating Country or Countries, and the economic and monetary implications of these developments. In its activities concerning the economic and monetary implications of developments in the international energy situation, the Governing Board shall take into account the competence and activities of international institutions responsible for overall economic and monetary questions.

3. The Governing Board, acting by majority, may delegate any of its functions to any other organ of the Agency.

Article 52

1. Subject to Article 61, paragraph 2, and Article 65, decisions adopted pursuant to this Agreement by the Governing Board or by any other organ by delegation from the Board shall be binding on the Participating Countries.
2. Recommendations shall not be binding.

*Management Committee**Article 53*

1. The Management Committee shall be composed of one or more senior representatives of the Government of each Participating Country.
2. The Management Committee shall carry out the functions assigned to it in this Agreement and any other function delegated to it by the Governing Board.
3. The Management Committee may examine and make proposals to the Governing Board, as appropriate, on any matter within the scope of this Agreement.
4. The Management Committee shall be convened upon the request of any Participating Country.
5. The Management Committee, acting by majority, shall elect its Chairman and Vice-Chairmen.

Chapter IX—*continued*

Standing Groups

Article 54

1. Each Standing Group shall be composed of one or more representatives of the Government of each Participating Country.
2. The Management Committee, acting by majority, shall elect the Chairmen and Vice-Chairmen of the Standing Groups.

Article 55

1. The Standing Group on Emergency Questions shall carry out the functions assigned to it in Chapters I to V and the Annex and any other function delegated to it by the Governing Board.
2. The Standing Group may review and report to the Management Committee on any matter within the scope of Chapters I to V and the Annex.
3. The Standing Group may consult with oil companies on any matter within its competence.

Article 56

1. The Standing Group on the Oil Market shall carry out the functions assigned to it in Chapters V and VI and any other function delegated to it by the Governing Board.
2. The Standing Group may review and report to the Management Committee on any matter within the scope of Chapters V and VI.
3. The Standing Group may consult with oil companies on any matter within its competence.

Article 57

1. The Standing Group on Long Term Co-operation shall carry out the functions assigned to it in Chapter VII and any other function delegated to it by the Governing Board.
2. The Standing Group may review and report to the Management Committee on any matter within the scope of Chapter VII.

Chapter IX—*continued**Article 58*

1. The Standing Group on Relations with Producer and other Consumer Countries shall carry out the functions assigned to it in Chapter VIII and any other function delegated to it by the Governing Board.
2. The Standing Group may review and report to the Management Committee on any matter within the scope of Chapter VIII.
3. The Standing Group may consult with oil companies on any matter within its competence.

*Secretariat**Article 59*

1. The Secretariat shall be composed of an Executive Director and such staff as is necessary.
2. The Executive Director shall be appointed by the Governing Board.
3. In the performance of their duties under this Agreement the Executive Director and the staff shall be responsible to and report to the organs of the Agency.
4. The Governing Board, acting by majority, shall take all decisions necessary for the establishment and the functioning of the Secretariat.

Article 60

The Secretariat shall carry out the functions assigned to it in this Agreement and any other function assigned to it by the Governing Board.

Chapter IX—*continued*Article 62—*continued*

	General voting weights	Oil consumption voting weights	Combined voting weights
Germany	3	8	11
Ireland	3	0	3
Italy	3	6	9
Japan	3	15	18
Luxembourg	3	0	3
The Netherlands	3	2	5
Spain	3	2	5
Sweden	3	2	5
Switzerland	3	1	4
Turkey	3	1	4
United Kingdom	3	6	9
United States	3	48	51
Totals	48	100	148

3. Majority shall require 60 per cent of the total combined voting weights and 50 per cent of the general voting weights cast.
4. Special majority shall require:
 - (a) 60 per cent of the total combined voting weights and 36 general voting weights for:
 - the decision under Article 2, paragraph 2, relating to the increase in the emergency reserve commitment;
 - decisions under Article 19, paragraph 3, not to activate the emergency measures referred to in Articles 13 and 14;
 - decisions under Article 20, paragraph 3, on the measures required for meeting the necessities of the situation;
 - decisions under Article 23, paragraph 3, to maintain the emergency measures referred to in Articles 13 and 14;
 - decisions under Article 24 to deactivate the emergency measures referred to in Articles 13 and 14.

Chapter IX—*continued*

Article 62—*continued*

- (b) 42 general voting weights for:
- decisions under Article 19, paragraph 3, not to activate the emergency measures referred to in Article 17;
 - decisions under Article 23, paragraph 3, to maintain the emergency measures referred to in Article 17;
 - decisions under Article 24 to deactivate the emergency measures referred to in Article 17.
5. The Governing Board, acting by unanimity, shall decide on the necessary increase, decrease, and redistribution of the voting weights referred to in paragraph 2, as well as on amendment of the voting requirements set out in paragraphs 3 and 4 in the event that
- a Country accedes to this Agreement in accordance with Article 71, or
 - a Country withdraws from this Agreement in accordance with Article 68, paragraph 2, or Article 69, paragraph 2.
6. The Governing Board shall review annually the number and distribution of voting weights specified in paragraph 2, and, on the basis of such review, acting by unanimity, shall decide whether such voting weights should be increased or decreased, or redistributed, or both, because a change in any Participating Country's share in total oil consumption has occurred or for any other reason.
7. Any change in paragraph 2, 3 or 4 shall be based on the concepts underlying those paragraphs and paragraph 6.

Relations with other entities

Article 63

In order to achieve the objectives of the Program, the Agency may establish appropriate relations with non-participating countries, international organisations, whether governmental or non-governmental, other entities and individuals.

Chapter IX—*continued**Financial Arrangements**Article 64*

1. The expenses of the Secretariat and all other common expenses shall be shared among all Participating Countries according to a scale of contributions elaborated according to the principles and rules set out in the Annex to the “OECD Resolution of the Council on Determination of the Scale of Contributions by Member Countries to the Budget of the Organisation” of 10th December, 1963. After the first year of application of this Agreement, the Governing Board shall review this scale of contributions and, acting by unanimity, shall decide upon any appropriate changes in accordance with Article 73.
2. Special expenses incurred in connection with special activities carried out pursuant to Article 65 shall be shared by the Participating Countries taking part in such special activities in such proportions as shall be determined by unanimous agreement between them.
3. The Executive Director shall, in accordance with the financial regulations adopted by the Governing Board and not later than 1st October of each year, submit to the Governing Board a draft budget including personnel requirements. The Governing Board, acting by majority, shall adopt the budget.
4. The Governing Board, acting by majority, shall take all other necessary decisions regarding the financial administration of the Agency.
5. The financial year shall begin on 1st January and end on 31st December of each year. At the end of each financial year, revenues and expenditures shall be submitted to audit.

*Special activities**Article 65*

1. Any two or more Participating Countries may decide to carry out within the scope of this Agreement special activities, other

Chapter IX—*continued*

Article 65—*continued*

than activities which are required to be carried out by all Participating Countries under Chapters I to V. Participating Countries which do not wish to take part in such special activities shall abstain from taking part in such decisions and shall not be bound by them. Participating Countries carrying out such activities shall keep the Governing Board informed thereof.

2. For the implementation of such special activities, the Participating Countries concerned may agree upon voting procedures other than those provided for in Articles 61 and 62.

Implementation of the Agreement

Article 66

Each Participating Country shall take the necessary measures, including any necessary legislative measures, to implement this Agreement and decisions taken by the Governing Board.

Chapter X

Final provisions

Article 67

1. Each Signatory State shall, not later than 1st May, 1975, notify the Government of Belgium that, having complied with its constitutional procedures, it consents to be bound by this Agreement.
2. On the tenth day following the day on which at least six States holding at least 60 percent of the combined voting weights mentioned in Article 62 have deposited a notification of consent to be bound or an instrument of accession, this Agreement shall enter into force for such States.
3. For each Signatory State which deposits its notification thereafter, this Agreement shall enter into force on the tenth day following the day of deposit.
4. The Governing Board, acting by majority, may upon request from any Signatory State decide to extend, with respect to that State, the time limit for notification beyond 1st May, 1975.

Chapter X—*continued**Article 68*

1. Notwithstanding the provisions of Article 67, this Agreement shall be applied provisionally by all Signatory States, to the extent possible not inconsistent with their legislation, as from 18th November, 1974 following the first meeting of the Governing Board.
2. Provisional application of the Agreement shall continue until:
 - the Agreement enters into force for the State concerned in accordance with Article 67, or
 - 60 days after the Government of Belgium receives notification that the State concerned will not consent to be bound by the Agreement, or
 - the time limit for notification of consent by the State concerned referred to in Article 67 expires.

Article 69

1. The Agreement shall remain in force for a period of ten years from the date of its entry into force and shall continue in force thereafter unless and until the Governing Board, acting by majority, decides on its termination.
2. Any Participating Country may terminate the application of this Agreement for its part upon twelve months' written notice to the Government of Belgium to that effect, given not less than three years after the first day of the provisional application of this Agreement.

Article 70

1. Any State may, at the time of signature, notification of consent to be bound in accordance with Article 67, accession or at any later date, declare by notification addressed to the Government of Belgium that this Agreement shall apply to all or any of the territories for whose international relations it is responsible, or to any territories within its frontiers for whose oil supplies it is legally responsible.
2. Any declaration made pursuant to paragraph 1 may, in respect of any territory mentioned in such declaration, be withdrawn in accordance with the provisions of Article 69, paragraph 2.

Chapter X—*continued*

Article 71

1. This Agreement shall be open for accession by any Member of the Organisation for Economic Co-operation and Development which is able and willing to meet the requirements of the Program. The Governing Board, acting by majority, shall decide on any request for accession.
2. This Agreement shall enter into force for any State whose request for accession has been granted on the tenth day following the deposit of its instrument of accession with the Government of Belgium, or on the date of entry into force of the Agreement pursuant to Article 67, paragraph 2, whichever is the later.
3. Until 1st May 1975, accession may take place on a provisional basis under the conditions set out in Article 68.

Article 72

1. This Agreement shall be open for accession by the European Communities.
2. This Agreement shall not in any way impede the further implementation of the treaties establishing the European Communities.

Article 73

This Agreement may at any time be amended by the Governing Board, acting by unanimity. Such amendment shall come into force in a manner determined by the Governing Board, acting by unanimity and making provision for Participating Countries to comply with their respective constitutional procedures.

Article 74

This Agreement shall be subject to a general review after 1st May, 1980.

Article 75

The Government of Belgium shall notify all Participating Countries of the deposit of each notification of consent to be bound in accord-

Chapter X—*continued*Article 75—*continued*

ance with Article 67, and of each instrument of accession, of the entry into force of this Agreement or any amendment thereto, of any denunciation thereof, and of any other declaration or notification received.

Article 76

The original of this Agreement, of which the English, French and German texts are equally authentic, shall be deposited with the Government of Belgium, and a certified copy thereof shall be furnished to each other Participating Country by the Government of Belgium.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Paris, this eighteenth day of November, Nineteen Hundred and Seventy Four.

Annex
Emergency reserves

Article 1

1. Total oil stocks are measured according to the OECD and EEC definitions revised as follows:
 - A. Stocks included:
 - crude oil, major products and unfinished oils held
 - in refinery tanks
 - in bulk terminals
 - in pipeline tankage
 - in barges
 - in intercoastal tankers
 - in oil tankers in port
 - in inland ship bunkers
 - in storage tank bottoms
 - in working stocks

Annex—continued
Article 1—continued

- by large consumers as required by law or otherwise controlled by Governments.
- B. Stocks excluded:
 - (a) crude oil not yet produced
 - (b) crude oil, major products and unfinished oils held
 - in pipelines
 - in rail tank cars
 - in truck tank cars
 - in seagoing ships' bunkers
 - in service stations and retail stores
 - by other consumers
 - in tankers at sea
 - as military stocks.
- 2. That portion of oil stocks which can be credited toward each Participating Country's emergency reserve commitment is its total oil stocks under the above definition minus those stocks which can be technically determined as being absolutely unavailable in even the most severe emergency. The Standing Group on Emergency Questions shall examine this concept and report on criteria for the measurement of absolutely unavailable stocks.
- 3. Until a decision has been taken on this matter, each Participating Country shall subtract 10 per cent from its total stocks in measuring its emergency reserves.
- 4. The Standing Group on Emergency Questions shall examine and report to the Management Committee on:
 - (a) the modalities of including naphtha for uses other than motor and aviation gasoline in the consumption against which stocks are measured,
 - (b) the possibility of creating common rules for the treatment of marine bunkers in an emergency, and of including marine bunkers in the consumption against which stocks are measured,
 - (c) the possibility of creating common rules concerning demand restraint for aviation bunkers,

Annex—continued
Article 1—continued

- (d) the possibility of crediting towards emergency reserve commitments some portion of oil at sea at the time of activation of emergency measures,
- (e) the possibility of increasing supplies available in an emergency through savings in the distribution system.

Article 2

1. Fuel switching capacity is defined as normal oil consumption that may be replaced by other fuels in an emergency, provided that this capacity is subject to government control in an emergency, can be brought into operation within one month, and that secure supplies of the alternative fuel are available for use.
2. The supply of alternative fuel shall be expressed in terms of oil equivalent.
3. Stocks of an alternative fuel reserved for fuel switching purposes may be credited towards emergency reserve commitments insofar as they can be used during the period of self-sufficiency.
4. Stand-by production of an alternative fuel reserved for fuel switching purposes will be credited towards emergency reserve commitments on the same basis as stand-by oil production, subject to the provisions of Article 4 of this Annex.
5. The Standing Group on Emergency Questions shall examine and report to the Management Committee on
 - (a) the appropriateness of the time limit of one month mentioned in paragraph 1,
 - (b) the basis of accounting for the fuel switching capacity based on stocks of an alternative fuel, subject to the provisions of paragraph 3.

Article 3

A Participating Country may credit towards its emergency reserve commitment oil stocks in another country provided that the Government of that other country has an agreement with the Government of the Participating Country that it shall impose no impediment to the transfer of those stocks in an emergency to the Participating Country.

Annex—continued

Article 4

1. Stand-by oil production is defined as a Participating Country's potential oil production in excess of normal oil production within its jurisdiction
 - which is subject to government control, and
 - which can be brought into use during an emergency within the period of self-sufficiency.
2. The Standing Group on Emergency Questions shall examine and report to the Management Committee on
 - (a) the concept of and methods of measurement of stand-by oil production as referred to in paragraph 1,
 - (b) the appropriateness of "the period of self-sufficiency" as a time limit,
 - (c) the question of whether a given quantity of stand-by oil production is of greater value for purposes of emergency self-sufficiency than the same quantity of oil stocks, the amount of a possible credit for stand-by production, and the method of its calculation.

Article 5

Stand-by oil production available to a Participating Country within the jurisdiction of another country may be credited towards its emergency reserve commitment on the same basis as stand-by oil production within its own jurisdiction, subject to the provisions of Article 4 of this Annex provided that the Government of that other country has an agreement with the Government of the Participating Country that it shall impose no impediment to the supply of oil from that stand-by capacity to the Participating Country in an emergency.

Article 6

The Standing Group on Emergency Questions shall examine and report to the Management Committee on the possibility of crediting towards a Participating Country's emergency reserve commitment mentioned in Article 2, paragraph 2, of the Agreement, long term investments which have the effect of reducing the Participating Countries' dependence on imported oil.

Annex—continued

Article 7

1. The Standing Group on Emergency Questions shall examine and report to the Management Committee regarding the reference period set out in Article 2, paragraph 1, of the Agreement, in particular taking into account such factors as growth, seasonal variations in consumption and cyclical changes.
2. A decision by the Governing Board to change the definition of the reference period mentioned in paragraph 1 shall be taken by unanimity.

Article 8

The Standing Group on Emergency Questions shall examine and report to the Management Committee on all elements of Chapters I to IV of the Agreement to eliminate possible mathematical and statistical anomalies.

Article 9

The reports from the Standing Group on Emergency Questions on the matters mentioned in this Annex shall be submitted to the Management Committee by 1st April, 1975. The Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, not later than 1st July, 1975, shall decide on these proposals, except as provided for in Article 7, paragraph 2, of this Annex.

Search and Surveillance Act 2012

Public Act 2012 No 24
Date of assent 5 April 2012
Commencement see section 2

1 Title

This Act is the Search and Surveillance Act 2012.

2 Commencement

- (1) Part 1 and subpart 1 of Part 3 (other than section 49(3) and (4)), and sections 136, 140, 141, 148, 162, 165, 166, 167, 168, 169, 170, 171, 172, 175, 179, 180, 181, 247, 248, 251(3), 325 (other than section 325(4) and (6)), 334(1) and (7), 337(4), 342, 343, 346, 347, 349, 350, 352, 353, 354, 355, and 356 come into force on 18 April 2012.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (3) To the extent that it is not previously brought into force under subsection (2), the rest of this Act comes into force on 1 April 2014.
- (4) In this section, **provision** includes any item, or any part of an item, in the Schedule.

Section 2(2): Part 2, section 49(3), (4), subparts 2–4 of Part 3, Part 4 (except sections 136, 140, 141, 148, 162, 165–172, 175, 179–181), Part 5 (except sections 201(3)–(9), 247, 248, 251(3), 302, 325(1)–(3), (5), (7)–(13), 334(1), (7), 337(4), 342, 343, 346, 347, 349, 350, 352–356) and the Schedule (except the items relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and the Tax Administration Act 1994) brought into force, on 1 October 2012, by clause 3 of the Search and Surveillance Act Commencement Order 2012 (SR 2012/229).

Part 1 General provisions

5 Purpose

The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution

of offences in a manner that is consistent with human rights values by—

- (a) modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; and
- (b) providing rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Evidence Act 2006; and
- (c) ensuring investigative tools are effective and adequate for law enforcement needs.

Part 5

Amendments, repeals, and miscellaneous provisions

Subpart 4—Regulation-making powers, transitional provisions, and review provision

Transitional provisions

351 Transitional provision relating to provisions brought into force under section 2

- (1) Despite any amendment in Part 5 of this Act,—
 - (a) where an application has been made under an authorising Act before the relevant commencement, and the application is not finally determined before that date, the provisions of that Act continue to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
 - (b) those provisions continue to apply to a continuing warrant and to any matter relating to the warrant in all respects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
 - (c) those provisions continue to apply to any other proceeding, matter, or thing commenced and not completed before the relevant commencement as if this Act (other than this section and any provisions in force immedi-

ately before the relevant commencement) had not been enacted.

(2) Subsection (1)(c) does not limit the provisions of the Interpretation Act 1999.

(3) In this section,—

authorising Act means an Act amended by Part 5

continuing warrant means a warrant or other authority issued under an authorising Act—

(a) before the relevant commencement; or

(b) on or after that date on an application made before that date

relevant commencement, in relation to an authorising Act, means the commencement of a provision in Part 5 that amends an authorising Act.

Contents

- 1 General
 - 2 Status of reprints
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 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
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Notes

1 *General*

This is a reprint of the International Energy Agreement Act 1976. The reprint incorporates all the amendments to the Act as at 1 October 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Search and Surveillance Act 2012 (2012 No 24): sections 320, 321

Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60):
section 17

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140): section 5

Official Information Amendment Act 1987 (1987 No 8): section 25(1)
