Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of this Act

(1) This Act provides the basis for the constitution, maintenance and management of compulsory liquid fuel stocks.

(2) Liquid fuel stocks (hereinafter, ‘the stocks’) means the quantities of energy products which are mandated by this Act, which are at the disposal or under the control of the State and which are constituted, by using Estonia’s membership in international organisations and by means of reliable and transparent mechanisms based on the solidarity of the Member States of the European Union, in order to ensure a high level of security of supply in
the Republic of Estonia, to maintain national security, to perform the obligations assumed under international agreements and to guarantee subsistence to the population.

[R T I, 31.10.2013, 5 – entry into force 01.11.2013]


[R T I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 1. Difficulties in supply

(1) A difficulty in supply means a significant and sharp decrease in the supply of energy products to the European Union or its Member State, or a member state or member states of the International Energy Agency, which may be accompanied by an effective international decision to release stocks.

(2) An effective international decision to release stocks means any valid decision taken by the Governing Board of the International Energy Agency to make energy products available in the market by employing the stocks of its members and by taking additional measures where necessary.

[R T I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 2. Composition of stocks

[R T I, 31.10.2013, 5 – entry into force 01.11.2013]

(1) Stocks are to be constituted of the following energy products:
1) motor gasoline;
2) jet fuel;
3) diesel fuel;
4) heavy fuel oil.

(2) The energy products specified in this Act are subject to the commodity codes of the combined nomenclature of goods (hereinafter, ‘CN codes’) established by the Council Regulation 2658/87/EEC on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 07.09.1987, pp. 1–675) as of 1 January 2012 as follows:
1) motor gasoline – fuel whose CN code is 2710 12 41, 2710 12 45, 2710 12 49, 2710 12 51 or 2710 12 59;
2) jet fuel – fuel whose CN code is 2710 19 21;
3) kerosene – fuel whose CN code is 2710 19 25;
4) diesel fuel – fuel whose CN code is 2710 19 43, 2710 19 46, 2710 19 47, 2710 20 11, 2710 20 15 or 2710 20 17;
5) light heating oil – fuel whose CN code is 2710 19 48 or 2710 20 19;
6) heavy fuel oil – fuel whose CN code is 2710 19 62, 2710 19 64, 2710 19 68, 2710 20 31, 2710 20 35 or 2710 20 39, except for shale fuel oil.

[R T I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 3. Calculation of the stockholding obligation

[R T I, 31.10.2013, 5 – entry into force 01.11.2013]

(1) Stocks must be maintained at all times at a level corresponding to at least 90 days’ average daily net imports or 61 days’ average daily inland consumption of energy products, depending on which of these is the greater (hereinafter, ‘the stockholding obligation’).

(2) The average daily net imports are calculated on the basis of the crude oil equivalent of imports of energy products during the previous calendar year, determined in accordance with the method set out in Annex I of Council Directive 2009/119/EC imposing an obligation on each Member State of the European Union to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 09/10/09, pp. 9–23).

(3) The average daily inland consumption is calculated on the basis of the crude oil equivalent of inland consumption during the previous calendar year, which is determined in accordance with the method set out in Annex II of Council Directive 2009/119/EC.

(4) Inland consumption means the total amount of energy products supplied to the transformation sector, industry and transport sectors, households and other sectors for end consumption as well as for energy sector own consumption (except for refinery fuel).

(5) When calculating the stockholding obligation, biofuels and additives are taken into account only if they have been blended with the energy products concerned.

(6) Additives means non-hydrocarbon compounds added to or blended with the energy products to modify their properties.

(7) Biofuel means the fuel referred to in clause 3 of section 120 of the Atmosphere Air Protection Act.

[RT 05.07.2016, 1 – entry into force 01.01.2017]
(8) Biomass means the product referred to in clause 5 of section 120 of the Atmosphere Air Protection Act. [RT 05.07.2016, 1 – entry into force 01.01.2017]

(9) The crude oil equivalent of the stockholding obligation for diesel fuel under subsections 2 and 3 of this section is calculated on the basis of the total amount of inland consumption or net imports of diesel fuel, light heating oil and kerosene.

(10) Quantities of fuel supplied as bunker stocks to vessels which engage in international shipping are not included in the calculation of inland consumption and net imports.

(11) Notwithstanding subsections 2 and 3 of this section, during the period from 1 January to 31 March of a given calendar year, the stockholding obligation for the corresponding calendar year is determined on the basis of the data for the year which preceded the previous year. [RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 3. Specific stocks

(1) The Government of the Republic may issue a directive by which it decides the constitution of specific stocks as part of the obligation mentioned in subsection 1 of section 3 of this Act.

(2) The directive of the Government of the Republic must include a list of energy products to be used for the constitution of specific stocks, the level of specific stocks in days and the duration of the obligation to hold specific stocks.

(3) When specific stocks are constituted, the stockholding obligation remains in force for at least one year.

(4) Specific stocks may be composed of one or several energy products specified in section 2 of this Act. Specific stocks may be constituted of energy products whose consumption, in terms of crude oil equivalents, during the reference year determined in accordance with subsection 5 of this section, amounts to at least 75% of inland consumption.

(5) Reference year means the calendar year whose data of consumption or net imports are used for the calculation of the stockholding obligation or of the stocks actually existing at a given moment.

(6) The list of energy products included in the specific stocks must remain in force for at least one year. If the list of energy products is amended, the amendment must be brought into force on the first day of the calendar month.

(7) The level of specific stocks for each energy product must correspond to the stocks for a certain number of days based on the corresponding average daily inland consumption which is measured in terms of the product’s crude oil equivalent during the reference year specified in subsection 5 of this section. The level of specific stocks expressed as a number of days applies equally to all energy products of which the specific stocks are composed.

(8) Where a decision has been made regarding the constitution of specific stocks, the Ministry of Economic Affairs and Communications transmits a corresponding notice to the European Commission, detailing the composition of the specific stocks, their level in days and the duration of the obligation to hold the specific stocks.

(9) During the period of effectiveness of the obligation to hold specific stocks referred to in subsection 3 of this section, the amount of the specific stocks may be temporarily reduced only in order to rotate the stocks.

(10) Where no specific stocks are constituted or where the level of specific stocks is below 30 days, one third of the stocks described in subsection 1 of section 3 of this Act must be constituted in accordance with the principles set out in subsection 4 of this section.

(11) In the case specified in subsection 10 of this section, the person responsible for the constitution and management of the stocks presents to the European Commission a report which sets out the measures taken in order to ensure, in the event of difficulties in supply, the availability and physical accessibility of the stocks as well as the possibility of inspecting the stocks. The report is presented by the end of the first month of the calendar year in question. [RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 3. Calculation of the quantity of the stocks

(1) The amount of the stocks held is calculated in accordance with the method provided in Annex 3 to Council Directive 2009/119/EC.
(2) The quantities of stocks held at a given moment are calculated on the basis of the data of the reference year specified in section 31 of this Act.

(3) A stock may be simultaneously taken into account in calculating the stocks described in section 3 of this Act as well as the stocks described in section 3 of this Act, provided the stock satisfies the relevant requirements.

(4) Biofuel and additives are included in calculation the quantity of the stocks held, provided they are blended with appropriate energy products, or are stored in Estonia, and it is guaranteed that they will be blended with energy products held as stocks and that they are will be used in transportation.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

Chapter 2
CONSTITUTION, MANAGEMENT AND USE OF STOCKS

§ 4. Constitution and management of stocks

Stocks are constituted and held by a government-owned company (hereinafter, ‘the stock manager’) within the meaning of the State Assets Act.

[RT I 2009, 57, 381 – entry into force 01.01.2010]

§ 5. Maintenance and replenishment of stocks

(1) Stocks are maintained in a manner which ensures availability of the stocks in the event of difficulties in supply.

(2) The stock manager may hold the stocks in Estonia or another Member State of the European Union (hereinafter, ‘the Member State’) or in the central stockholding entity of another Member State (hereinafter, ‘the central entity’).

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(21) Of the stocks specified in subsection 1 of section 3 of this Act, the quantity to be held in Estonia corresponds to at least 30 days’ average inland consumption of the respective energy product during the previous calendar year. This obligation applies with respect to the stocks of energy products whose inland consumption in the previous calendar year amounted to at least 75% of the total inland consumption of all energy products.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(3) The stock manager may maintain the stocks itself or transfer the stocks for storage to a company or other legal person under a deposit contract concluded with the company or other legal person.

(4) The deposit contract must stipulate the following:

1) the conditions of and rules for maintaining the stocks in order to ensure control over and availability of the stocks;
2) the location of the stocks: address, tank number or any other feature permitting identification;
3) conditions for releasing the stocks;
4) the rules concerning inspection of the stocks;
5) the requirement according to which the contract may not be unilaterally terminated in the event of difficulties in supply.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(5) The stock manager renews the stocks by way of rotation and ensures, at all times, the presence of the relevant quantity of the stocks and the conformity of the fuel to the established requirements.

(6) In order to perform its stockholding obligation or in order to ensure the performance of the stockholding obligation in the case of stock rotation, the stock manager may enter into a fixed term agreement under which another company, another Member State, the central entity of another Member State, or any other legal person assumes the stockholding obligation and the stock manager acquires the right to purchase the stocks covered by the agreement (hereinafter, ‘the delegated stocks’).

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(7) The agreement for delegated stocks must stipulate the following:

1) the right of the stock manager to purchase the stocks at any time during the entire term of the agreement, having regard to the need to ensure the availability of the stocks purchased;
2) the location of the stocks;
3) the method for determining the price payable for the stocks in the event of their purchase;
4) the term of the agreement.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(8) The total amount of delegated stocks must not exceed 20 percent of the amount of the stocks provided in subsection 1 of section 3 of this Act. This limitation on the amount of delegated stocks does not apply during...
the period of constitution of the stocks, in the case an agreement for delegated stocks is entered into for renewal of the stocks in order to ensure conformity thereof to the established requirements, and in the case that the obligation of maintaining a stock of one type of fuel is less than 20,000 tonnes.


(9) [Repealed – RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(10) Officials authorised by the minister responsible for the area have the right at any time to check the existence, maintenance and renewal of the stocks and compliance of the stocks with the established quality requirements.

§ 6. Maintenance of stocks in a Member State

(1) The maintenance of stocks in another Member State must be based on an international agreement entered into between the states concerned or a declaration of the consent of the Member State on whose territory the stocks are to be maintained, if that Member State has made provision for such consent.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(2) An international treaty entered into between the states concerned must:
1) cover all the fuels listed in section 2 of this Act;
2) include a covenant that the parties will not hinder transportation, in accordance with instructions provided by the other party, of the stocks covered by the treaty from their territory;
3) stipulate the conditions of and rules for maintaining the stocks in order to ensure control over and availability of the stocks;
4) stipulate rules for inspection of the stocks and the methods of cooperation in the case of inspection of the stocks;
4) provide rules for transmission of the data required for drawing up a statistical summary concerning the stocks;

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

5) be entered into for an unspecified term;
6) contain a requirement to the effect that the treaty may not be unilaterally terminated in the event of difficulties in supply.

(3) [Repealed – RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 61. Granting consent for the maintenance of stocks in Estonia

(1) Where another Member State, the central entity of another Member State or an economic operator of another Member State who is subject to a stockholding obligation wishes to maintain its stocks in Estonia or wishes to delegate the stockholding obligation to an economic operator located within the territory of Estonia, while there is no existing agreement between the states concerned, that state must obtain the consent of the stock manager.

(2) The stock manager grants its consent only if the person referred to in subsection 1 of this section has provided the following information at least 30 working days prior to the beginning of the period for which the consent is sought:
1) name and contact information of the applicant;
2) composition and quantity of stocks;
3) the exact location at which the stocks will be maintained and contact information of the stockholder or the person to whom the applicant wishes to delegate the stockholding obligation;
4) the period during which the stocks will be maintained or for which the stockholding obligation will be delegated;
5) the rules for transmission of the data required for the compilation of a statistical report;
6) the name and contact information of the agency which, in the country in which the applicant is located, exercises supervision over the performance of the stockholding obligation.

(3) The stock manager notifies its consent to the relevant agency of the other Member State.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 7. Use of stocks

(1) The stocks are used in the event of difficulties in supply.

(2) In the event of difficulties in supply, the release of the stocks is decided by the Government of the Republic, acting at the proposal of the minister responsible for the area.

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]
(3) The directive of the Government of the Republic referred to in subsection 2 of this section must set out the following:
1) the reason for the release of the stocks;
2) the estimated duration of the period of difficulties in supply during which the stocks are to be used;
3) the conditions for the release of the stocks;
4) the activities necessary for replenishment of the stocks;
5) the quantity of the stocks to be released.

(4) Where there is an effective international decision regarding the release of the stocks, the Government of the Republic has the right to decide the release of the stocks in order to fulfil its international obligations. The Ministry of Economic Affairs and Communications notifies the decision of the Government of the Republic to the European Commission without delay.

(5) Where there is no effective international decision regarding the release of the stocks, yet the supply of energy products into the country has significantly and sharply decreased, the Ministry of Economic Affairs and Communications submits an application to the European Commission requesting a partial or full release of the stocks. Having obtained the permission, the Government of the Republic issues a directive to release the stocks.

(6) Where the difficulties in supply have occurred in the supply of energy products to the European Union or another Member State, the Government of the Republic may, in order to comply with a recommendation of the European Commission, decide to release a part or all of the stocks.

(7) In urgent cases, the Government of the Republic may determine to release a quantity of the stocks which is necessary for promptly dealing with such cases, thereby reducing the stocks below the level specified in subsection 1 of section 3 of this Act. In such a case, the Ministry of Economic Affairs and Communications informs the European Commission immediately of the quantity of stocks released.

(8) The Ministry of Economic Affairs and Communications notifies to the International Energy Agency without delay any decision of the Government of the Republic which concerns the release of stocks and which is referred to in subsections 4–7 of this section.

§ 7. Activities in the event of difficulties in supply

(1) In the event of difficulties in supply, the Government of the Republic has the right, by directive and for a specified period:
1) to establish speed limits on the roads inside and outside built-up areas;
2) in relation to sales of fuel, to waive the requirements arising from climatic conditions;
3) to impose any other measure proposed by the advisory committee referred to in section 7(2) of this Act in order to reduce the consumption of liquid fuel.

(2) When establishing restrictions, preference may be given to emergency services and undertakings which ensure the functioning of services vital to the State within the meaning of the Exigent Situations Act.

(3) In a directive referred to in subsection 2 of section 7 of this Act, the Government of the Republic has the right:
1) to allow the stock manager to sell fuel which it maintains as a stock;
2) to allow the stock manager to place an offer on the international fuel market.

(4) In the cases described in subsections 4 and 6 of section 7 of this Act, the stock manager makes an offer of sale to the sellers of fuel. An offer to sell jet fuel is made to the persons who are payers of the stockpiling fee of this fuel. The quantity of the fuel offered for sale is to be proportionate to the market share of those persons, and the calculation of the market share is based on the quantity of fuel which those persons have released for consumption during the four preceding quarters, or, in the case of jet fuel, on the quantity of fuel which those persons have sold.

(5) For the purposes of this Act, the seller of fuel is a person who holds an authorisation for the sale of fuel within the meaning of the Liquid Fuel Act and whose authorisation contains a note made in accordance with subsection 2 of section 13 of the same Act that authorises the person to release fuel for consumption.

(6) Where no seller of fuel or no payer of the stockpiling fee for jet fuel wishes to purchase the quantities of fuel offered for sale, the stock manager may make an offer to sell the fuel to other legal persons.

(7) In the cases specified in subsections 4 and 6 of section 7 of this Act, the stock manager may make an offer on the international fuel market to sell a quantity of fuel that complies with the recommendations of the European Commission or the International Energy Agency.
(8) The principles of operation of the stock manager and the rules to be followed by the stock manager when selling the stocks to be offered to the persons referred to in subsection 4 of this section in the event of difficulties in supply are to be established by a regulation of the minister responsible for the area.

(9) If the stock manager demands this, the persons referred to in subsection 4 of this section are required to submit the information necessary for complying with the rules for sale of the stocks.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 7. Advisory committee

(1) In order to prepare the proposal specified in subsection 2 of section 7 of this Act, the minister responsible for the area convenes an advisory committee.

(2) The members of the advisory committee must include at least:
1) the members of the management board of the stock manager;
2) members of the supervisory board of the stock manager selected from among the candidates nominated by the sellers of fuel;
3) a representative of the Ministry of Economic Affairs and Communication;
4) a representative of the Ministry of Foreign Affairs;
5) a representative of the Ministry of Finance;
6) a representative of the Ministry of the Interior;
7) a representative of the Tax and Customs Board;
8) a representative of the Estonian Employers’ Confederation.

(3) The advisory committee is presided over by the representative of the Ministry of Economic Affairs and Communications

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

Chapter 3
FINANCING OF THE CONSTITUTION AND MANAGEMENT OF THE STOCKS, AND THE STOCKPILING FEE

§ 8. Financing of the constitution and management of the stocks

(1) Purchases of stocks are to be covered from the national budget by increasing the share capital of the stock manager and by using funds raised by the sale of stocks.

(2) The costs of managing the stocks are to be covered out of the stockpiling fee paid by payers of that fee. A payer of the stockpiling fee is the payer of the excise duty referred to in subsection 1 of section 22 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act. In the absence of the payer of the excise duty, the stockpiling fee is paid by the person who releases fuel for consumption. A person who supplies jet fuel to an aircraft refuelled in Estonia is also deemed a payer of the stockpiling fee.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(3) An importer is a person on whose behalf fuel has been placed on the market in Estonia or on whose behalf fuel has been brought from a Member State into Estonia without an excise suspension arrangement within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.

[RT I 2008, 49, 272 – entry into force 01.01.2009]

(4) The costs of managing the stocks are:
1) costs related to maintenance of the stocks;
2) costs related to insurance of the stocks;
3) costs related to verifying the quantity of the stocks and the conformity of the stocks to the established requirements;
4) operating costs of the stock manager;
5) financing costs of the stock manager;
6) other costs related to fulfilling the obligation, established by this Act, to maintain the stocks, except the cost of purchases of stocks.

§ 9. Stockpiling fee and payment thereof

(1) The stockpiling fee is a fee paid by payers of that fee in order to cover the costs of managing the stocks.

(2) The obligation to pay the stockpiling fee arises when motor gasoline, diesel fuel, light heating oil, heavy fuel oil, kerosene or jet fuel is released for consumption or when such fuel is transported from another Member
State into Estonia without an excise suspension arrangement within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act, or when fuel from an excise or customs warehouse is dispatched for refuelling an aircraft in the case of jet fuel, or in other cases of transfer of jet fuel.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(2¹) The stockpiling fee is refunded to the person who dispatched to another Member State a quantity of fuel released for consumption in Estonia, provided:
1) the stock manager has been informed of the intention to dispatch the fuel released for consumption in Estonia to another Member State before the dispatch of the fuel;
2) an application to refund the stockpiling fee has been submitted to the stock manager before dispatching the fuel to another Member State;
3) the stock manager has received a shipment document for the fuel which bears a confirmation of receipt of the fuel by the recipient of the fuel.

(2²) In addition to the information and documents referred to in subsection 2¹ of this section, the stock manager has the right to request other relevant information and documents which are necessary for refunding the stockpiling fee.

(2³) The stockpiling fee is refunded to the bank account of the payer of the fee within one month of receipt of the application.

(2⁴) The obligation to pay the stockpiling fee does not arise where an energy product named in subsection 2 of this section is not used as fuel and the person has submitted to the stock manager a copy of a valid permit for exemption from excise duty issued by the Tax and Customs Board.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(3) The stockpiling fee is paid into the bank account of the stock manager without prior demand for payment not later than on the fifteenth day of each month in an amount which corresponds to the amount of fuel released for consumption by the payer of the stockpiling fee during the previous calendar month, and to the current rate of the stockpiling fee. The explanation of the payment order must state ‘stockpiling fee’ and the name of the calendar month for which the stockpiling fee is paid.

(3¹) The payer of the stockpiling fee has the right to receive information from the stock manager concerning the obligation of payment of the stockpiling fee.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(4) Calculating the amount of the stockpiling fee on the basis of the volume of fuel must be based on the volume of the fuel at 15°C.

(5) If a payer of the stockpiling fee fails to pay the stockpiling fee by the due date, the payer is obligated to pay late interest on the amount owed at the rate of 0.06 percent per day, but not more than the total amount of the stockpiling fee due.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(6) [Repealed – RT I 2006, 43, 325 – entry into force 01.12.2006]

(7) Where necessary, the stock manager has the right to request a relevant security in order to ensure payment of the stockpiling fee. The existence of the security must be proved by a guarantee document issued by a credit or financial institution or an insurer, or by depositing a sum of money in the bank account of the stock manager.


§ 10. Rate of the stockpiling fee

(1) The rate of the stockpiling fee is established by the minister responsible for the area by regulation at the proposal of the stock manager subject to the minimum and maximum rate of the fee provided in this section.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(1¹) [Repealed – RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(1²) The rate of the stockpiling fee, expressed as an amount of euros per 1000 litres of fuel in the case of motor gasoline, jet fuel, diesel fuel, light heating oil and kerosene, and as an amount of euros per 1000 kg of fuel in the case of heavy fuel oil, is established in respect of each named energy product for the calendar year at least one month before the beginning of the calendar year.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(2) The rate of the stockpiling fee is to be based on the estimated costs of the management during the next calendar year of stocks which meet the requirements of subsection 1 of § 3 of this Act, and on the estimated volume of fuel to be released for consumption during the next calendar year.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]
(3) The rate of the stockpiling fee may be adjusted once in a calendar year in accordance with the costs incurred. The rate will be adjusted if this is necessary to cover the costs of managing the stocks. An adjustment of the stockpiling fee will take effect as of the beginning of the second month after it is passed.

(4) If the total amount of the stockpiling fee paid within a calendar year exceeds the actual costs of managing the stocks in that calendar year, the amount received in excess of the costs is taken into account at the next setting of the rate of the stockpiling fee.

(5) The rate of the stockpiling fee is published on the website of the stock manager without delay. The website of the stock manager must also show the number of the bank account of the stock manager.

(6) The minimum and maximum rate of the stockpiling fee are linked to the costs of holding a quantity of stocks corresponding to one day’s stocks, expressed as an amount of euros per 1000 litres of fuel in the case of motor gasoline, jet fuel, diesel oil, light heating oil and kerosene, and expressed as an amount of euros per 1000 kilograms of fuel in the case of heavy fuel oil.

(7) For motor gasoline, diesel oil, light heating oil and kerosene, the minimum rate of the stockpiling fee corresponding to one day’s stocks is 0.01 euros and the maximum rate is 0.16 euros per 1000 litres of fuel. For jet fuel, the minimum rate of the stockpiling fee corresponding to one day’s stocks is 0.01 euros and the maximum rate is 0.19 euros per 1000 litres of fuel.

(8) For heavy fuel oil, the minimum rate of the stockpiling fee corresponding to one day’s stocks is 0.01 euros and the maximum rate is 0.26 euros per 1000 kilograms of fuel.

Chapter 4
REPORTING

§ 11. Data and statistical summaries concerning the stocks

(1) The stock manager keeps, and continually updates, detailed records of all stocks which it holds and of all stocks which are maintained in the territory of Estonia.

(2) The records must contain particulars regarding the location of the storage facilities, as well as information, for each storage facility, concerning the energy products stored in that facility, the corresponding quantities of stocks and the owners of the stocks.

(3) By 25 February each year, the stock manager submits to the Ministry of Economic Affairs and Communications, to Statistics Estonia and to the European Commission a summary of the data, as of the last day of the preceding year, regarding the energy products of which the stocks are composed and regarding the corresponding stock quantities.

(4) When the European Commission demands this, the stock manager also transmits to the Commission, within 15 days from receiving the corresponding demand, the information described in subsection 2 of this section. Sensitive particulars concerning the location of the stocks may be omitted from the information transmitted.

(5) At the end of each month the stock manager submits to Statistics Estonia, in accordance with Annex IV to Council Directive 2009/119/EC and Annex C to Regulation (EC) No 1099/2008, a statistical summary concerning the stocks held by virtue of section 3 of this Act. The statistical summary is submitted by the 25th day of the month following the reporting month.

(6) The statistical summary referred to in subsection 5 of this section is to be submitted to the European Commission also within two months from receiving the corresponding demand from the Commission.

(7) The stock manager preserves all data, summaries and other documents related to the stocks at least for five years starting from the moment that they were collected or created.

(8) In the cases provided in subsections 3–6 of section 7 of this Act, the sellers of fuel must, when the stock manager demands this, provide the latter with data that is required for the provision of information to the International Energy Agency and European Commission.
§ 11. Statistical summaries concerning specific stocks

(1) The stock manager submits to the Ministry of Economic Affairs and Communications and to the European Commission a statistical summary for each category of products in the specific stocks, stating the quantity of the specific stocks held on the last day of each calendar month and specifying the quantities of average consumption in the relevant reference year as well as the number of days.

(2) If the specific stocks or a part thereof are held in another Member State, the statistical summary provides information regarding that Member State, the quantity of specific stocks held there and the category of products. The same information is also provided when specific stocks of another Member State are held in Estonia.

(3) The statistical summary referred to in subsection 1 of this section is submitted during the calendar month following the reporting month in the manner and according to the rules determined by the European Commission.

(4) The statistical summary is submitted to the European Commission without delay also when the Commission presents a corresponding request.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 11. Statistical summaries concerning commercial stocks


(2) Commercial stocks means the stocks of energy products which are held by economic operators who are not required to hold such stocks under this Act.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 12. Reporting to ensure preparedness to release stocks and to verify payment of the stockpiling fee

(1) In order to verify payment of the stockpiling fee, by the last day of every month the Tax and Customs Board submits to the stock manager information concerning the quantities of fuel released for consumption during the previous calendar month as well as the quantities of fuel dispatched for the refuelling of aircraft in Estonia.


(2) The information referred to in subsection 1 of this section is submitted separately for each payer of the stockpiling fee by each energy product mentioned in section 9(2) of this Act.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

(3) The stock manager has the right to obtain information from the Tax and Customs Board in order to determine the market share of the sellers of fuel and to ensure preparedness for the release of stocks.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

Chapter 5

STOCK MANAGER

§ 13. Articles of association of stock manager

The articles of association of the stock manager must set out the duties of the stock manager’s management board and supervisory board in arranging the constitution and management of the stocks.

§ 14. Special rules to govern the activities of the stock manager

(1) When exercising its rights as a shareholder, the holding administrator within the meaning of the State Assets Act must see to it that the articles of association of the stock manager contain the following requirements:

1) the supervisory board is obligated to convene an audit committee within the meaning of the Authorised Public Accountants Act;
2) the supervisory board is to be composed of four to six members, half of whom are to be selected from among the candidates nominated by the sellers of fuel;
3) the persons whom the sellers of fuel nominate as candidates to the membership of the supervisory board or whom the sellers of fuel wish to recall from the supervisory board are selected by the association of the sellers of fuel which submits the respective proposal simultaneously to the holding administrator and the minister responsible for the area;
4) the chair of the supervisory board is selected from among the members who were not nominated by the sellers of fuel.

(2) When exercising its rights as a shareholder, the holding administrator is not required to see to it that the articles of association of the stock manager reflect the provisions of subsection 2 and point 6 of subsection 4 of section 80 of the State Assets Act.
(3) When exercising its rights as a shareholder, the holding administrator is required to see to it that:
1) the holding administrator selects one half of the members of the supervisory board from among the candidates nominated by the sellers of fuel, and recalls that half, at the proposal of the minister responsible for the area, while selecting and recalling the other half at its own discretion;
2) where an odd number of supervisory board members are selected from among the candidates nominated by the sellers of fuel, the supernumerary member is selected at the proposal of the minister responsible for the area;
3) where the association of the sellers of fuel fails to nominate candidates to the membership of the supervisory board or nominates fewer candidates than required, the missing members are selected by the holding administrator, having regard to the right of the minister responsible for the area to make proposals regarding the selection of members of the supervisory board in accordance with points 1 and 2 of this subsection;
4) from among the candidates not nominated by the sellers of fuel, the holding administrator selects to the membership of the supervisory board, and recalls from the board, one half of its members at the proposal of the minister responsible for the area and the other half at its own discretion;
5) where an odd number of supervisory board members referred to in point 4 of this subsection is selected, the supernumerary member is selected by the holding administrator at its own discretion.

(4) When exercising its rights as a shareholder, the holding administrator is not required to comply with the provisions of subsections 2 and 3 of section 81 of the State Assets Act.

(5) Execution may not be levied on the stocks, or the stocks of another Member State held within the territory of Estonia, nor may such stocks be used as security.

(6) The stock manager may import and sell fuel without holding an authorisation within the meaning of the Liquid Fuel Act.

§ 15. Insurance of stocks

The stock manager is required to insure the stocks.

§ 16. Entry into contracts related to the stocks

(1) Procurements held to award contracts related to constitution and maintenance of the stocks are deemed to be public procurements related to protecting essential national interests within the meaning of clause 20 of subsection 1 of section 11 of the Public Procurement Act.

(2) The minister responsible for the area establishes the principles for the organisation of procurements for the constitution and maintenance of the stocks. The minister responsible for the area establishes the general terms and conditions of contracts for the purchase, sale or maintenance of fuel, or delegation of stocks, while the corresponding special terms and conditions are established by the supervisory board at the proposal of the management board.

§ 17. Sale of the stocks

(1) When they are being rotated, stocks may be sold at the market price provided that the fuel price risk related to the sale and re-constitution of stocks has been hedged. The same applies in the case where, due to the termination of the deposit contract, a stock is sold at the corresponding place of storage and then re-constituted at another place of storage.

(2) The stock manager has the right to sell stocks to reduce their quantity where that quantity exceeds the quantity referred to in subsection 1 of section 3 of this Act by more than five percent. To reduce the quantity of the stocks, stocks which exceed the mandatory quantity of the stocks by more than five percent may be sold at the market price. Where the market price is lower than the average weighted acquisition cost of the energy product, such a sale is only allowed if authorised by the minister responsible for the area.

(3) When reducing the quantity of stocks, regard must be had to the need to comply with the stockholding obligation for the following years also on the basis of 90 days’ worth of average net imports, provided that no export of the domestically produced energy products takes place.

(4) Reduction of stocks means a situation in which the sale of stocks is decided without the intention of repurchasing the stocks. When, at the time of deciding the sale of stocks, a decision is made to repurchase the stocks, and provided that the price risk of the energy product for the sale and the repurchase has been hedged, the sale is not deemed to constitute a reduction of the stocks.

(5) In order to balance the quantities of stockpiled energy products, one product may be substituted for another by purchasing a quantity of one and selling a quantity of the other, provided measures are taken to hedge the price risk related to the purchase and the sale.
(6) In determining the time of the sale and repurchase of stocks, and also in balancing the quantities of different energy products, the stock manager must ensure rational and sparing use of the funds concerned.

(7) In the event of difficulties in supply, the sale of stocks referred to in subsection 2 of this section is not allowed.
[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

§ 18. Analysis of the fuel supply situation

(1) The stock manager is required to analyse the fuel supply situation in the country together with the sellers of fuel and, in the event of difficulties in supply, to inform the Ministry of Economic Affairs and Communications thereof.

(2) Sellers of fuel are required to provide the information needed for the analysis referred to in subsection 1 of this section when the stock manager demands this.

§ 19. Right to obtain information

The stock manager has the right to obtain, from the Tax and Customs Board, information required in order to fulfil their duties under this Act.

§ 191. Participation in the preparation of the European Commission’s reviews

(1) When invited to do so by the European Commission, the minister responsible for the area appoints the officials to participate in the preparation of reviews regarding maintenance of the stocks and availability of the stocks in another Member State.

(2) In preparing the review concerning the Republic of Estonia the persons referred to in subsection 1 of this section must provide support to any person authorised by the European Commission and must ensure that such authorised persons have access to the documents related to the stocks and to the locations of the stocks.

(3) When preparing a review referred to in subsection 2 of this section concerning the Republic of Estonia, the stock manager ensures that the persons referred to in subsections 1 and 2 of this section have access.

(4) Persons who participate in the preparation of the review referred to in subsection 1 of this section must not disclose to third parties any information which was collected or exchanged in the course of the activities described in subsections 1 and 2 of this section and which includes business secrets.
[RT I, 31.10.2013, 5 – entry into force 01.11.2013]

Chapter 6
LIABILITY

§ 20. Unauthorised use of liquid fuel stocks

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) Knowingly unauthorised use of a liquid fuel stock is punishable by a fine of up to 300 fine units.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The same act, when committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 201. Failure to pay the stockpiling fee

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 21. Failure to submit information concerning liquid fuel stocks or information which is necessary for compiling an analysis of the fuel supply situation, or the submission of false information

(1) Failure to submit information concerning liquid fuel stocks or information which is necessary for compiling an analysis of the fuel supply situation, or the submission of false information, is punishable by a fine of up to 200 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 22. Proceedings

Extra-judicial proceedings concerning the misdemeanours provided in this Chapter are conducted by the Ministry of Economic Affairs and Communications.
Chapter 7
IMPLEMENTING PROVISIONS

§ 23. Transitional provision

(1) The stocks in each stock category provided in subsection 1 of section 2 of this Act must be maintained, at all times, at a level which equals:
1) after the entry into force of this Act, at least the average quantity of total inland consumption in the corresponding category during a period of 20 days in the preceding calendar year;
2) after 1 January 2006, at least the average quantity of total inland consumption in the corresponding category during a period of 35 days in the preceding calendar year;
3) after 1 January 2007, at least the average quantity of total inland consumption in the corresponding category during a period of 45 days in the preceding calendar year;
4) after 1 January 2008, at least the average quantity of total inland consumption in the corresponding category during a period of 50 days in the preceding calendar year;
5) after 1 January 2009, at least the average quantity of total inland consumption in the corresponding category during a period of 65 days in the preceding calendar year.

(2) As of 1 January 2010, stocks must be maintained at the level provided in subsection 1 of section 3 of this Act.

(3) The Government of the Republic establishes the company referred to in section 4 within at the latest one month after the entry into force of this Act.

(4) Until the establishment of the company referred to in section 4 of this Act, the Ministry of Economic Affairs and Communications acts as the stock manager and the administrator of state assets, being vested with the rights and subject to the obligations established in this Act.

(5) When the company is established, the fuel purchased by the Ministry of Economic Affairs and Communications under the Minimum Stocks of Liquid Fuel Act before the entry into force of this Act is to be transferred to the share capital of the company as a non-monetary contribution.

(6) The stock manager reimburses to the State the costs incurred by the Ministry of Economic Affairs and Communications in relation to managing the stocks in 2005.

(7) The costs incurred by the Ministry of Economic Affairs and Communications in relation to managing the stocks in 2005 and until the time that the stock manager is established are to be reimbursed from the reserve fund of the Government of the Republic.

(8) Until 1 January 2007, importers are required to maintain 10 days’ stock which is calculated on the basis of the average quantity of fuel placed on the market on their behalf in Estonia during the previous year. The stocks maintained by the importers are regarded as part of the stocks referred to in points 1 and 2 of subsection 1 of this section.

(9) Until the date set out in subsection 8 of this section, importers must, by the fifth day of each month, submit to the stock manager a statistical summary concerning the existing stocks as held at the end of the preceding month. The form of the statistical summary is established by the minister responsible for the area.

(10) In order to fulfil their stockholding obligation, importers must store the stocks in Estonia.

(11) The rate of the stockpiling fee for 2005 is established within two weeks after the entry into force of this Act. The first stockpiling fee payment is to be made not later than on the fifteenth day of the month following the entry into force of this Act.

§ 231. Application of section 7(8)

Section 7(8) of this Act is applied when the decision regarding the accession of the Republic of Estonia to the International Energy Agency has entered into force.

[RT I, 31.10.2013, 5 – entry into force 01.11.2013]
§ 24.–§ 26. [Omitted from this version.]

§ 27. Entry into force of this Act

(1) This Act enters into force on the day following its publication in the Riigi Teataja.

(2) Subsection 4 of section 3 of this Act enters into force on 1 January 2006.

(3) Subsection 9 of section 5 of this Act enters into force on 1 January 2010. [RT I, 31.10.2013, 5 – entry into force 01.11.2013]