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STATUTORY INSTRUMENTS

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**2019 No. 1393**

**EXITING THE EUROPEAN UNION  
GAS**

**The Gas Tariffs Code (Amendment) (EU Exit) Regulations 2019**

*Made - - - - 24th October 2019*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(1).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Gas Tariffs Code (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on the day after the day on which they are made.

**Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019**

2. Schedule 5 to the Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019(2) is amended in accordance with the Schedule to these Regulations.

24th October 2019

*Kwasi Kwarteng*  
Minister of State for Energy and Clean Growth  
Department for Business, Energy and Industrial  
Strategy

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(1) 2018 c. 16.  
(2) S.I. 2019/531.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Regulation 2

### Amendments to Schedule 5 to the Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019

1. For paragraph 1 substitute—
  - “1. In Article 1, omit “harmonised”.”.
2. For paragraph 2(2) substitute—
  - “(2) In paragraph 1, for “entry points from third countries or exit points to third countries” substitute “entry points from or exit points to other countries that are not member States”.”.
3. After paragraph 5 insert—
  - “5A. In Article 9(2), for “Member States” substitute “Great Britain or Northern Ireland, or other countries or territories”.
  - 5B.—(1) Article 10 is amended as follows.
    - (2) In the heading, for “a Member State” substitute “the United Kingdom”.
    - (3) In paragraph 1, for “a Member State” substitute “the United Kingdom”.
    - (4) In paragraph 5, for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” substitute “by the national regulatory authority”.
  - 5C.—(1) Article 11 is amended as follows.
    - (2) In the heading, for “more than one Member” substitute “the United Kingdom and a member”.
    - (3) For “more than one Member” substitute “the United Kingdom and a member”.
  - 5D.—(1) Article 13 is amended as follows.
    - (2) In paragraph 1(a), for “1,5” substitute “1.5”.
    - (3) In paragraph 3—
      - (a) for “1,5” substitute “1.5”;
      - (b) for “Agency” substitute “national regulatory authority”; and
      - (c) omit “in accordance with Regulation ([EC](#)) No. 713/2009”.
  - 5E.—(1) Article 15 is amended as follows.
    - (2) In paragraph 3—
      - (a) in point (d), for “0,1” substitute “0.1”; and
      - (b) in point (h)(i), for “1,5” (in both places it occurs) substitute “1.5”.
  - 5F. In Article 16(2), for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” (in both places it occurs) substitute “by the national regulatory authority”.
  - 5G. In Article 17(3), for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” substitute “by the national regulatory authority”.
  - 5H. In Article 19, for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” (in each place it occurs) substitute “by the national regulatory authority”.
  - 5I. In Article 20(2), for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” substitute “by the national regulatory authority”.”.

4. For paragraph 8 substitute—
    - “8.—(1) Article 26 is amended as follows.
    - (2) In paragraph 1, in the words before point (a), omit the second sentence.
    - (3) In paragraph 3, omit the last sentence.
    - (4) Omit paragraph 5.”
  5. In paragraph 9, omit sub-paragraph (4).
  6. In paragraph 10, omit sub-paragraphs (3) and (4).
  7. For paragraph 12 substitute—
    - “12. In Article 32(c), for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)” substitute “of the national regulatory authority”.”
  8. In paragraph 13(4)(b), after “respective” insert “national”.
  9. Omit paragraph 18.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (c) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Schedule 5 to the Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531) (“the 2019 Regulations”) amends Commission Regulation (EU) 2017/460 (“the Tariffs Code”) which establishes a network code on harmonised transmission tariff structures for gas.

Regulation 2 introduces the Schedule which amends Schedule 5 to the 2019 Regulations. These amendments are required as a result of changes to what will be retained EU law on exit day as a consequence of the postponement of exit day beyond 31st May 2019, the date from which Chapters II, III and IV of the Tariffs Code apply.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.