

Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (Text with EEA relevance)

Article 10

**Content of emergency plans**

- 1 The emergency plan shall:
- a build upon the crisis levels referred to in Article 11(1);
  - b define the role and responsibilities of natural gas undertakings, transmission system operators for electricity if relevant and of industrial gas customers including relevant electricity producers, taking account of the different extent to which they are affected in the event of a disruption of gas supply, and their interaction with the [<sup>F1</sup>Secretary of State] and where appropriate with the [<sup>F2</sup>regulatory authority] at each of the crisis levels referred to in Article 11(1);
  - c define the role and responsibilities of the [<sup>F3</sup>Secretary of State] and of the other bodies to which tasks have been delegated as referred to in Article 3(2) at each of the crisis levels referred to in Article 11(1);
  - d ensure that natural gas undertakings and industrial gas customers including relevant electricity producers are given sufficient opportunity to respond to the crisis levels referred to in Article 11(1);
  - e identify, if appropriate, the measures and actions to be taken to mitigate the potential impact of a disruption of gas supply on district heating and the supply of electricity generated from gas, including through an integrated view of energy systems operations across electricity and gas if relevant;
  - f establish detailed procedures and measures to be followed for the crisis levels referred to in Article 11(1), including the corresponding schemes on information flows;
  - g designate a crisis manager and define its role;
  - h identify the contribution of market-based measures for coping with the situation at alert level and mitigating the situation at emergency level;
  - i identify the contribution of non-market-based measures planned or to be implemented for the emergency level, and assess the degree to which the use of such non-market-based measures is necessary to cope with a crisis. The effects of the non-market-based measures shall be assessed and procedures for their implementation defined. Non-market-based measures are to be used only when market-based mechanisms alone can no longer ensure supplies, in particular to protected customers<sup>F4</sup> ...;
  - <sup>F5</sup>j .....
  - k detail the reporting obligations imposed on natural gas undertakings and, where appropriate, electricity undertakings at alert and emergency levels;
  - l describe the technical or legal arrangements in place to prevent undue gas consumption of customers who are connected to a gas distribution or transmission network but not protected customers;
  - <sup>F6</sup>m .....
  - <sup>F6</sup>n .....
  - o establish a list of predefined actions to make gas available in the event of an emergency, including commercial agreements between the parties involved in such actions and the compensation mechanisms for natural gas undertakings where appropriate, taking due

*Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)*

account of the confidentiality of sensitive data. Such actions may involve cross-border agreements between [<sup>F7</sup>the United Kingdom and member States, or between natural gas undertakings].

In order to prevent undue gas consumption during an emergency, as referred to in point (l) of the first subparagraph [<sup>F8</sup>the Secretary of State] shall inform customers who are not protected customers that they are required to cease or reduce their gas consumption without creating technically unsafe situations.

2 The emergency plan shall be updated every four years after 1 March 2019 or more frequently if circumstances so warrant <sup>F9</sup>.... The updated plan shall reflect the updated risk assessment and the results of the tests carried out in accordance with paragraph 3 of this Article. [<sup>F10</sup>Article 8(5), (7) and (11) apply to the updated plan.]

3 The measures, actions and procedures contained in the emergency plan shall be tested at least once between its four-year updates referred to in paragraph 2. In order to test the emergency plan, the [<sup>F11</sup>Secretary of State] shall simulate high and medium impact scenarios and responses in real time in accordance with that emergency plan. <sup>F12</sup>...

4 The emergency plan shall ensure that cross-border access to infrastructure in accordance with Regulation (EC) No 715/2009 is maintained as far as technically and safely possible in the event of an emergency and shall not introduce any measure unduly restricting the flow of gas across borders.

#### Textual Amendments

- F1** Words in Art. 10(1)(b) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 10(1)(b) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 10(1)(c) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 10(1)(c)(i) omitted (31.12.2020) by virtue of The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 10(1)(j) omitted (31.12.2020) by virtue of The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 10(1)(m)(n) omitted (31.12.2020) by virtue of The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 10(1)(o) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 10(1) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 10(2) omitted (31.12.2020) by virtue of The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F10** Words in Art. 10(2) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 10(3) substituted (31.12.2020) by The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 10(3) omitted (31.12.2020) by virtue of The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/531), reg. 1(2), **Sch. 1 para. 10(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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