

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 13

Solidarity

1 If a Member State has requested the application of the solidarity measure pursuant to this Article, a Member State which is directly connected to the requesting Member State or, where the Member State so provides, its competent authority or transmission system operator or distribution system operator shall as far as possible without creating unsafe situations, take the necessary measures to ensure that the gas supply to customers other than solidarity protected customers in its territory is reduced or does not continue to the extent necessary and for as long as the gas supply to solidarity protected customers in the requesting Member State is not satisfied. The requesting Member State shall ensure that the relevant volume of gas is effectively delivered to solidarity protected customers in its territory.

In exceptional circumstances and upon a duly reasoned request by the relevant electricity or gas transmission system operator to its competent authority, the gas supply may also continue to certain critical gas-fired power plants as defined pursuant to Article 11(7) in the Member State providing solidarity if the lack of gas supply to such plants would result in severe damage in the functioning of the electricity system or would hamper the production and/or transportation of gas.

2 A Member State shall also provide the solidarity measure to another Member State to which it is connected via a third country unless flows are restricted through the third country. Such an extension of the measure shall be subject to the agreement of the relevant Member States, who shall involve, as appropriate, the third country through which they are connected.

3 A solidarity measure shall be taken as a last resort and shall apply only if the requesting Member State has:

- a not been able to cover the deficit in gas supply to its solidarity protected customers despite the application of the measure referred to in Article 11(3);
- b exhausted all market-based measures and all measures provided in its emergency plan;
- c notified an explicit request to the Commission and to the competent authorities of all Member States with which it is connected either directly or pursuant to paragraph 2 via a third country, accompanied by a description of the implemented measures referred to in point (b) of this paragraph;
- d undertaken to pay fair and prompt compensation to the Member State providing solidarity in accordance with paragraph 8.

4 If there is more than one Member State that could provide solidarity to a requesting Member State, the requesting Member State shall, after consulting all Member States required to provide solidarity, seek the most advantageous offer on the basis of cost, speed of delivery, reliability and diversification of supplies of gas. The Member States concerned shall make such offers on the basis of voluntary demand-side measures as much as and for as long as possible, before resorting to non-market-based measures.

5 Where market-based measures prove insufficient for the Member State providing solidarity to address the deficit in gas supply to solidarity protected customers in the

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2017/1938 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

requesting Member State, the Member State providing solidarity may introduce non-market-based measures in order to comply with the obligations laid down in paragraphs 1 and 2.

6 The competent authority of the requesting Member State shall immediately inform the Commission and the competent authorities of the Member States providing solidarity when gas supply to solidarity protected customers in its territory is satisfied or where the obligations under paragraphs 1 and 2 are, based on its needs, reduced, or where they are suspended at the request of the Member State receiving solidarity.

7 The obligations laid down in paragraphs 1 and 2 shall apply subject to the technically safe and reliable operation of the gas system of a Member State providing solidarity and the limit of the maximum interconnection export capability of the relevant Member State infrastructure towards the requesting Member State. Technical, legal and financial arrangements may reflect such circumstances in particular those under which the market will deliver up to maximum interconnection capacity.

8 Solidarity under this Regulation shall be provided on the basis of compensation. The Member State requesting solidarity shall promptly pay, or ensure prompt payment of, fair compensation to the Member State providing solidarity. Such fair compensation shall cover at least:

- a the gas delivered into the territory of the requesting Member State;
- b all other relevant and reasonable costs incurred when providing solidarity, including, where appropriate, costs of such measures that may have been established in advance;
- c reimbursement for any compensation resulting from judicial proceedings, arbitration proceedings or similar proceedings and settlements and related costs of such proceedings involving the Member State providing solidarity *vis-a-vis* entities involved in the provision of such solidarity.

Fair compensation pursuant to the first subparagraph shall include, *inter alia*, all reasonable costs that the Member State providing solidarity incurs from an obligation to pay compensation by virtue of fundamental rights guaranteed by Union law and by virtue of the applicable international obligations when implementing this Article and further reasonable costs incurred from payment of compensation pursuant to national compensation rules.

By 1 December 2018, the Member States shall adopt the necessary measures, in particular the technical, legal and financial arrangements pursuant to paragraph 10, to implement the first and second subparagraphs of this paragraph. Such measures may provide for the practical modalities of prompt payment.

9 Member States shall ensure that the provisions of this Article are implemented in conformity with the Treaties, the Charter of Fundamental Rights of the European Union, as well as the applicable international obligations. They shall take the necessary measures to that effect.

10 By 1 December 2018, the Member States shall adopt the necessary measures, including those agreed in technical, legal and financial arrangements, to ensure that gas is supplied to solidarity protected customers in the requesting Member State in accordance with paragraphs 1 and 2. The technical, legal and financial arrangements shall be agreed among the Member States which are directly connected or, in accordance with paragraph 2, via a third country, and shall be described in their respective emergency plans. Such arrangements may cover, among others, the following elements:

- a the operational safety of networks;
- b gas prices to be applied and/or the methodology for their setting, taking into account the impact on the functioning of the market;

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2017/1938 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- c the use of interconnections, including bi-directional capacity and underground gas storage;
- d gas volumes or the methodology for their setting;
- e categories of costs that will have to be covered by a fair and prompt compensation, that may include damages for curtailed industry;
- f an indication of the method how the fair compensation could be calculated.

The financial arrangement agreed between Member States before solidarity is requested shall contain provisions that allow for the calculation of the fair compensation of at least all relevant and reasonable costs incurred when providing solidarity and an undertaking that such compensation will be paid.

Any compensation mechanism shall provide incentives to participate in market-based solutions such as auctions and demand response mechanisms. It shall not create perverse incentives, including in financial terms, for market players to postpone their action until non-market-based measures are applied. All compensation mechanisms or at least their summary shall be included in the emergency plans.

11 For as long as a Member State can cover the gas consumption for its solidarity protected customers from its own production, it shall be exempt from the obligation to conclude technical, legal and financial arrangements with Member States with which it is directly connected or, in accordance with paragraph 2, via a third country, for the purpose of receiving solidarity. Such an exemption shall not affect the obligation of the relevant Member State to provide solidarity to other Member States pursuant to this Article.

12 By 1 December 2017 and after consulting the GCG, the Commission shall provide for legally non-binding guidance for the key elements of the technical, legal and financial arrangements especially on how to apply the elements described in paragraphs 8 and 10 in practice.

13 Where Member States do not agree on the necessary technical, legal and financial arrangements by 1 October 2018, the Commission may after consulting the competent authorities concerned, propose a framework for such measures setting out the necessary principles to make them operational which shall build on the Commission's guidance set out in paragraph 12. Member States shall finalise their arrangements by 1 December 2018 taking utmost account of the Commission's proposal.

14 The applicability of this Article shall not be affected if Member States fail to agree or finalise their technical, legal and financial arrangements. In such a situation the Member States concerned shall agree on the necessary ad hoc measures and the Member State requesting solidarity shall provide an undertaking in accordance with point (d) of paragraph 3.

15 The obligations laid down in paragraphs 1 and 2 of this Article shall cease to apply immediately after the declaration of the end of an emergency or the Commission concludes, in accordance with the first subparagraph of Article 11(8), that the declaration of an emergency is not or is no longer justified.

16 Where the Union incurs costs by virtue of any liability, other than for unlawful acts or conduct pursuant to the second paragraph of Article 340 TFEU, in respect of measures that Member States are required to take pursuant to this Article, those costs shall be reimbursed to it by the Member State receiving solidarity.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2017/1938 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Art. 1213 omitted by [S.I. 2019/531 Sch. 1 para. 12](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/531 Sch. 1 para. 17](#)
- Annex 1 omitted by [S.I. 2019/531 Sch. 1 para. 18](#)
- Annex 2 point 5 omitted by [S.I. 2019/531 Sch. 1 para. 19\(3\)](#)
- Annex 2 point 3 words substituted by [S.I. 2019/531 Sch. 1 para. 19\(2\)](#)
- Art. 2.1(A1)(A2) inserted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(a\)](#)
- Art. 2(1) Art. 2 renumbered as Art. 2(1) by [S.I. 2019/531 Sch. 1 para. 2\(2\)](#)
- Art. 2(2) inserted by [S.I. 2019/531 Sch. 1 para. 2\(4\)](#)
- Art. 2.1(2) omitted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(b\)](#)
- Art. 2.1(5) words substituted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(c\)\(i\)](#)
- Art. 2.1(5) words substituted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(c\)\(ii\)](#)
- Art. 2.1(6) omitted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(d\)](#)
- Art. 2.1(7) word substituted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(e\)\(ii\)](#)
- Art. 2.1(7) words inserted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(e\)\(i\)](#)
- Art. 2.1(7) words inserted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(e\)\(iii\)](#)
- Art. 2.1(8) words inserted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(f\)](#)
- Art. 2.1(8A) inserted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(g\)](#)
- Art. 2.1(9) omitted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(h\)](#)
- Art. 2.1(11)-(26) omitted by [S.I. 2019/531 Sch. 1 para. 2\(3\)\(i\)](#)
- Annex 3 point 6-11 omitted by [S.I. 2019/531 Sch. 1 para. 20\(7\)](#)
- Annex 3 point 1 substituted by [S.I. 2019/531 Sch. 1 para. 20\(2\)](#)
- Annex 3 point 4 substituted by [S.I. 2019/531 Sch. 1 para. 20\(5\)](#)
- Annex 3 point 5(c) substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(e\)\(iii\)](#)
- Annex 3 point 5 words inserted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(d\)](#)
- Annex 3 point 3 words omitted by [S.I. 2019/531 Sch. 1 para. 20\(4\)\(c\)](#)
- Annex 3 point 5 words omitted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(b\)](#)
- Annex 3 point 12 words omitted by [S.I. 2019/531 Sch. 1 para. 20\(8\)\(b\)](#)
- Annex 3 point 2 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(3\)\(a\)](#)
- Annex 3 point 2 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(3\)\(b\)](#)
- Annex 3 point 3 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(4\)\(a\)](#)
- Annex 3 point 3 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(4\)\(b\)](#)
- Annex 3 point 5 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(a\)\(i\)](#)
- Annex 3 point 5 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(a\)\(ii\)](#)
- Annex 3 point 5 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(a\)\(iii\)](#)
- Annex 3 point 5 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(c\)](#)
- Annex 3 point 5(a) words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(e\)\(i\)](#)
- Annex 3 point 5(b) words substituted by [S.I. 2019/531 Sch. 1 para. 20\(6\)\(e\)\(ii\)](#)
- Annex 3 point 12 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(8\)\(a\)](#)
- Annex 3 point 13 words substituted by [S.I. 2019/531 Sch. 1 para. 20\(9\)](#)
- Annex 4 omitted by [S.I. 2019/531 Sch. 1 para. 21](#)
- Annex 5 point 1.1 omitted by [S.I. 2019/531 Sch. 1 para. 22\(3\)\(a\)](#)
- Annex 5 point 2(a)(viii) omitted by [S.I. 2019/531 Sch. 1 para. 22\(4\)\(c\)](#)
- Annex 5 point 1.2 word omitted by [S.I. 2019/531 Sch. 1 para. 22\(3\)\(b\)\(i\)](#)
- Annex 5 point 5 words omitted by [S.I. 2019/531 Sch. 1 para. 22\(6\)](#)
- Annex 5 point 1.2 words substituted by [S.I. 2019/531 Sch. 1 para. 22\(3\)\(b\)\(ii\)](#)

- Annex 5 point 2(a)(ii) words substituted by S.I. 2019/531 Sch. 1 para. 22(4)(a)
- Annex 5 point 2(a)(vii) words substituted by S.I. 2019/531 Sch. 1 para. 22(4)(b)
- Annex 5 point 3 words substituted by S.I. 2019/531 Sch. 1 para. 22(5)(a)
- Annex 5 point 3 words substituted by S.I. 2019/531 Sch. 1 para. 22(5)(b)(i)
- Annex 5 point 3(a) words substituted by S.I. 2019/531 Sch. 1 para. 22(5)(b)(ii)
- Annex 5 point 3(c) words substituted by S.I. 2019/531 Sch. 1 para. 22(5)(b)(iii)
- Art. 5(4)(b) words omitted by S.I. 2019/531 Sch. 1 para. 5(5)(b)
- Annex 6 point 1.1 omitted by S.I. 2019/531 Sch. 1 para. 23(3)(a)
- Annex 6 point 3.1 omitted by S.I. 2019/531 Sch. 1 para. 23(5)(a)
- Annex 6 point 3.2(a)(vi) omitted by S.I. 2019/531 Sch. 1 para. 23(5)(b)(iv)
- Annex 6 point 4(d)(vi) omitted by S.I. 2019/531 Sch. 1 para. 23(6)(a)
- Annex 6 point 4(e)(ii) omitted by S.I. 2019/531 Sch. 1 para. 23(6)(b)
- Annex 6 point 7(b) omitted by S.I. 2019/531 Sch. 1 para. 23(8)(b)
- Annex 6 point 11.1 omitted by S.I. 2019/531 Sch. 1 para. 23(11)
- Annex 6 point 11.2 omitted by S.I. 2019/531 Sch. 1 para. 23(11)
- Annex 6 point 11.3 omitted by S.I. 2019/531 Sch. 1 para. 23(11)
- Annex 6 point 1.2 word omitted by S.I. 2019/531 Sch. 1 para. 23(3)(b)(i)
- Annex 6 point 1.2(b) words omitted by S.I. 2019/531 Sch. 1 para. 23(3)(b)(iii)
- Annex 6 point 1.2(d) words omitted by S.I. 2019/531 Sch. 1 para. 23(3)(b)(iii)
- Annex 6 point 2 words omitted by S.I. 2019/531 Sch. 1 para. 23(4)
- Annex 6 point 3.2 words omitted by S.I. 2019/531 Sch. 1 para. 23(5)(b)(i)
- Annex 6 point 3.2(a)(ii) words omitted by S.I. 2019/531 Sch. 1 para. 23(5)(b)(ii)
- Annex 6 point 5(a)(i) words omitted by S.I. 2019/531 Sch. 1 para. 23(7)(a)(i)
- Annex 6 point 5(a)(i) words omitted by S.I. 2019/531 Sch. 1 para. 23(7)(a)(ii)
- Annex 6 point 5(b) words omitted by S.I. 2019/531 Sch. 1 para. 23(7)(b)
- Annex 6 point 7(a) words omitted by S.I. 2019/531 Sch. 1 para. 23(8)(a)(i)
- Annex 6 words substituted by S.I. 2019/531 Sch. 1 para. 23(2)
- Annex 6 point 1.2 words substituted by S.I. 2019/531 Sch. 1 para. 23(3)(b)(ii)
- Annex 6 point 1.2(e) words substituted by S.I. 2019/531 Sch. 1 para. 23(3)(b)(iv)
- Annex 6 point 3.2(a)(v) words substituted by S.I. 2019/531 Sch. 1 para. 23(5)(b)(iii)
- Annex 6 point 5(c)(iii) words substituted by S.I. 2019/531 Sch. 1 para. 23(7)(c)
- Annex 6 point 7(a) words substituted by S.I. 2019/531 Sch. 1 para. 23(8)(a)(ii)
- Annex 6 point 9(d) words substituted by S.I. 2019/531 Sch. 1 para. 23(9)
- Annex 6 point 10 words substituted by S.I. 2019/531 Sch. 1 para. 23(10)
- Art. 6(2)(b)(c) omitted by S.I. 2019/531 Sch. 1 para. 6(3)(a)
- Annex 7 point 8 omitted by S.I. 2019/531 Sch. 1 para. 24(5)
- Annex 7 point 5(a) word omitted by S.I. 2019/531 Sch. 1 para. 24(3)(b)
- Annex 7 words substituted by S.I. 2019/531 Sch. 1 para. 24(2)
- Annex 7 point 5(a) words substituted by S.I. 2019/531 Sch. 1 para. 24(3)(a)
- Annex 7 point 5(b) words substituted by S.I. 2019/531 Sch. 1 para. 24(4)
- Art. 7(4)(a) words omitted by S.I. 2019/531 Sch. 1 para. 7(4)(b)(i)
- Art. 7(4)(a) words omitted by S.I. 2019/531 Sch. 1 para. 7(4)(b)(ii)
- Art. 7(4)(b) words substituted by S.I. 2019/531 Sch. 1 para. 7(4)(c)
- Art. 7(4)(c) words substituted by S.I. 2019/531 Sch. 1 para. 7(4)(d)
- Art. 7(4)(d) omitted by S.I. 2019/531 Sch. 1 para. 7(4)(e)
- Art. 7(4)(e) words substituted by S.I. 2019/531 Sch. 1 para. 7(4)(f)
- Art. 7(5A) inserted by S.I. 2018/1286 reg. 23(b)
- Annex 8 point (a) words omitted by S.I. 2019/531 Sch. 1 para. 25(3)
- Annex 8 words substituted by S.I. 2019/531 Sch. 1 para. 25(2)
- Art. 8(2)(a) words omitted by S.I. 2019/531 Sch. 1 para. 8(3)(b)(i)
- Art. 8(2)(a) words substituted by S.I. 2019/531 Sch. 1 para. 8(3)(b)(ii)
- Art. 8(5A) inserted by S.I. 2018/1286 reg. 24(b)
- Annex 9 omitted by S.I. 2019/531 Sch. 1 para. 26
- Art. 9(1)(b)(ba) substituted for Art. 9(1)(b) by S.I. 2019/531 Sch. 1 para. 9(2)(a)
- Art. 9(1)(c) words omitted by S.I. 2019/531 Sch. 1 para. 9(2)(b)(i)
- Art. 9(1)(c) words omitted by S.I. 2019/531 Sch. 1 para. 9(2)(b)(ii)
- Art. 9(1)(c) words omitted by S.I. 2019/531 Sch. 1 para. 9(2)(b)(iii)
- Art. 9(1)(e) words substituted by S.I. 2019/531 Sch. 1 para. 9(2)(c)

- Art. 9(1)(g) words substituted by S.I. 2019/531 Sch. 1 para. 9(2)(d)
- Art. 9(1)(i) words substituted by S.I. 2019/531 Sch. 1 para. 9(2)(e)
- Art. 9(1)(j) words substituted by S.I. 2019/531 Sch. 1 para. 9(2)(f)
- Art. 10(1)(b) words substituted by S.I. 2019/531 Sch. 1 para. 10(2)(a)(i)
- Art. 10(1)(b) words substituted by S.I. 2019/531 Sch. 1 para. 10(2)(a)(ii)
- Art. 10(1)(c) words substituted by S.I. 2019/531 Sch. 1 para. 10(2)(b)
- Art. 10(1)(c)(i) words omitted by S.I. 2019/531 Sch. 1 para. 10(2)(c)
- Art. 10(1)(j) omitted by S.I. 2019/531 Sch. 1 para. 10(2)(d)
- Art. 10(1)(m)(n) omitted by S.I. 2019/531 Sch. 1 para. 10(2)(e)
- Art. 10(1)(o) words substituted by S.I. 2019/531 Sch. 1 para. 10(2)(f)
- Art. 11(6)(a)(b) omitted by S.I. 2019/531 Sch. 1 para. 11(5)(b)
- Art. 14(6)(a) words substituted by S.I. 2019/531 Sch. 1 para. 13(6)(b)(i)
- Art. 14(6)(a)(vii) words substituted by S.I. 2019/531 Sch. 1 para. 13(6)(b)(ii)
- Art. 14(6)(b) words substituted by S.I. 2019/531 Sch. 1 para. 13(6)(c)(i)
- Art. 14(6)(b) words substituted by S.I. 2019/531 Sch. 1 para. 13(6)(c)(ii)
- Art. 14(6)(b) words substituted by S.I. 2019/531 Sch. 1 para. 13(6)(d)
- Art. 15(2)(a)(b) omitted by S.I. 2019/531 Sch. 1 para. 14(3)(a)
- Art. 15(2)(c) words substituted by S.I. 2019/531 Sch. 1 para. 14(3)(b)
- Art. 15(2)(d) words substituted by S.I. 2019/531 Sch. 1 para. 14(3)(c)
- Art. 19A inserted by S.I. 2018/1286 reg. 26