
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), subsections (a), (b), (c) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend —

- Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply (“the Security of Gas Supply Regulation”).
- Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks (“the Balancing Code”);
- Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (“the Interoperability Code”);
- Commission Regulation (EU) 2017/459 establishing a network code on capacity allocation mechanisms in gas transmission systems (“the Capacity Allocation Mechanisms Code”);
- Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas (“the Tariffs Code”);

The Security of Gas Supply Regulation, the Balancing Code, the Interoperability Code and the Capacity Allocation Mechanisms Code form part of the domestic law of the United Kingdom on and after exit day by virtue of section 3 of the European Union (Withdrawal) Act 2018. Chapter 1 and Chapters 5 to 10 of the Tariffs Code form part of the domestic law of the United Kingdom on and after exit day by virtue of section 3 of the European Union (Withdrawal) Act 2018. Chapters 2, 3 and 4 of the Tariffs Code do not form part of the domestic law of the United Kingdom on and after exit day, as they do not apply in EU law until 31 May 2019. The Security of Gas Supply Regulation is amended by the Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018.

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.