



STATUTORY INSTRUMENTS.

**S.I. No. 745 of 2020**

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EUROPEAN UNION (SECURITY OF NATURAL GAS SUPPLY)  
REGULATIONS 2020

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I, EAMON RYAN, Minister for the Environment, Climate and Communications, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving full effect to Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017<sup>1</sup>, hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Union (Security of Natural Gas Supply) Regulations 2020.

*Interpretation*

2. (1) In these Regulations -

“Commission” means Commission for Regulation of Utilities;

“competent authority” means the body designated as the competent authority under Regulation 3;

“customer” means a wholesale or final customer of natural gas or a natural gas or electricity undertaking which purchases natural gas;

“EU Regulation” means 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<sup>1</sup>;

“final customer” means a customer purchasing natural gas for his or her or its own use;

“household customer” means a customer purchasing natural gas for his or her own household consumption;

“Minister” means Minister for the Environment, Climate and Communications;

“natural gas undertaking” means any natural or legal person engaged in the production, transmission, distribution, shipping, supply, purchase or storage of natural gas, including Liquefied Natural Gas (LNG), that is responsible for the commercial, technical or maintenance tasks related to those functions, but does not include final customers;

“protected customer” means household customers connected to a gas distribution network and any other category of customer, or customers, as may be designated as protected by the Commission within the meaning of the definition of ‘protected customer’ in Article 2(5) of the EU Regulation;

“security of supply” means security of supply of natural gas, including the security of the national electricity supply, and technical safety.

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<sup>1</sup> OJ No. L. 280, 28.10.2017, p. 1

(2) A word or expression that is used in these Regulations and is also used in the EU Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the EU Regulation.

*Functions of Commission with regard to security of supply*

3. (1) The Commission is designated as the competent authority for the purposes of the EU Regulation and these Regulations and shall perform the functions of competent authority for the purposes of, and as provided for in, the EU Regulation.

(2) The Commission shall have the following functions with regard to security of natural gas supply:

- (a) to establish a regulatory framework to ensure adequate levels of security of supply;
- (b) to ensure compliance with and, as competent authority, to perform such tasks as are necessary for, or are incidental and supplementary to, the administration and implementation of, the EU Regulation;
- (c) to designate the categories of customers to be defined as protected customers;
- (d) to submit an annual report to the Minister, not later than the 31st day of October of each year, regarding the measures it has taken under the EU Regulation, which shall include such information as the Minister may request in relation to the security of supply.

*Offences and penalties*

4. A natural gas undertaking which fails to provide the information required under Article 14(6) or (7) of the EU Regulation shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine, or
- (b) on conviction on indictment, to a fine not exceeding €500,000.

*Offence by body corporate*

5. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

*Prosecution of offences*

6. Summary proceedings for an offence under these Regulations may be brought and prosecuted by the Commission.



GIVEN under my Official Seal,  
30 December 2020.

EAMON RYAN  
Minister for the Environment, Climate and  
Communications.

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