Response received via email:

Dear,

Interconnector (UK) Limited's is consulting on its request under Article 37 of Commission Regulation (EU)2017/460 establishing a network code on harmonized transmission tariff structures for gas for a derogation from the application of one or more Articles of this Commission Regulation.

FEBEG, the Belgian Association of Electricity and Gas Companies, would like to put forward a question in this respect.

Article 37 of the abovementioned Regulation states:

'Article 37

Power to grant derogations

1. National regulatory authorities may, at the request of an entity which operates an interconnector that has benefited from an exemption from Article 41(6), (8) and (10) of Directive 2009/73/EC in accordance with Article 36 of that Directive or a similar exemption, jointly grant such entity a derogation from the application of one or more Articles of this Regulation in accordance with paragraphs 2 to 6 of this Article where the application of those Articles to such entity would have one or several of the following negative consequences. It would (...).

As a consequence, a derogation can only be asked for by '*an entity which operates an interconnector that has benefited from an exemption from Article 41(6), (8) and (10) of Directive 2009/73/EC in accordance with Article 36 of that Directive or a similar exemption*'.

As far as we know, interconnector is not exempted in accordance with Article 36. Does this mean that interconnector is benefiting from a 'similar exemption'?
If so, we would be grateful if you could point us to the document that grants an exemption to interconnector as we most probably have missed that.

Many thanks and best regards,

Steven Harlem
Regulatory Manager
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