



## **Technical Rule no. 02 rev3 MTEE**

(under Article 4 of the Rules of Operation  
of the Energy Efficiency Certificates Market)

**Title**                                      **Taxation in the Energy Efficiency Certificates  
Market**

Reference Legislation                  Article 19, para. 19.3 and Article 21, para. 21.1, Rules of  
Operation of the Energy Efficiency Certificates Market

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## 1. Foreword

Article 19, para. 19.2 of the Rules of Operation of the Energy Efficiency Certificates Market (hereafter “MTEE Rules”) stipulates that each market participant shall request GME to enter the data and information mentioned in Article 18, para. 18.2 f) thereof into the List of MTEE Participants, enclosing a statement about his/her/its VAT taxation scheme as indicated in the Technical Rules.

Article 21, para. 21.2 of the MTEE Rules provides that the Technical Rules shall define the market participant’s obligations to notify GME of his/her/its registration with the VAT Information Exchange System (VIES) and of any subsequent change thereof.

## 2. Application of VAT

The applicant must enclose the following statements, where applicable, to his/her/its request for entry of data and information:

- a) if the market participant established in Italy intends to exercise the option - available to persons having established their business in Italy and having made supplies for export or like transactions - of purchasing goods and services without the application of VAT as per article 8, para. 8.1 c) of Decree of the President of the Republic no. 633 of 26 October 1972 (hereafter “DPR 633/72”), as subsequently amended and supplemented - a statement of intent issued in accordance with article 1 c) of Law-Decree no. 746 of 29 December 1983, converted into Law no. 17 of 27 February 1984, as subsequently amended and supplemented, and documents to be enclosed thereto, the latter where applicable under the legislation from time to time in force.

If the market participant intends to continue to exercise the option of purchasing goods and services without the application of VAT, he/she/it will be required to resubmit the statement and documents to be enclosed thereto, where applicable, to GME upon the expiration of their period of validity. If the statement and documents to be enclosed thereto, where applicable, are not resubmitted within the time limits established by the applicable legislation, GME will apply the standard VAT rate to the market participant concerned;

- b) if the entity (parent company or fixed establishment) that will materially carry out the purchase and/or sale transactions on the MTEE is different from the entity (parent company or fixed establishment) admitted as participant to the MTEE - a statement (in the format posted on GME’s website [www.mercatoelettrico.org](http://www.mercatoelettrico.org)) where the market participant (parent company or fixed establishment) notifies GME of the entity (parent company or fixed establishment) that will materially carry out the purchase and/or sale transactions on the MTEE.

As the MTEE Participant is registered with the TEE Register, he/she/it must also file the statement (in the format posted on GME's website [www.mercatoelettrico.org](http://www.mercatoelettrico.org)) for the TEE Register.

### **3. Registration with the VIES**

With a view to entering orders into the MTEE, the market participant is held to notify GME of his/her/its registration with the *VAT Information Exchange System (VIES) of parties authorised to carry out intra-Community transactions* under article 35 of DPR 633/72, as subsequently amended and supplemented, in the format posted on GME's website [www.mercatoelettrico.org](http://www.mercatoelettrico.org). The market participant is also held to notify GME promptly, and anyway within three working days of its occurrence, of any subsequent change concerning the registration of his/her/its VAT number with the VIES, in the format posted on GME's website [www.mercatoelettrico.org](http://www.mercatoelettrico.org).

### **4. Effect of the statements and notifications**

The entry of the data and information contained in the statements mentioned in para. 2 above will take effect on the second working day following receipt of the request by GME, in compliance with Article 19, para. 19.4 of the MTEE Rules, provided that the submitted documents are correct and complete and that the requirements, if any, for updating the data and information provided by the market participant are satisfied.

The notification referred to in para. 3 above will take effect on the second working day following receipt by GME, in accordance with Article 21, para. 21.2 of the MTEE Rules, provided that the submitted documents are correct and complete.