

Technical Rule no. 02 rev.4 MTEE

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

Title	Taxation of the Energy Efficiency Certificates Market
Reference standards	Article 19, para. 19.3 of the Rules of Operation of the Energy Efficiency Certificates Market

Published on 30 September 2015

1. Premise

Article 19, para. 19.2 of the Rules of Operation of the Energy Efficiency Certificates Market requires each Market Participant, for the purpose of submitting offers on the market, asks GME for the inclusion in the List of those participants admitted to the MTEE of the data and information referred to in Article 18, para. 18.2, subpara. f), of the Rules.

The following paragraph 19.3 of the Rules of Operation of the Energy Efficiency Certificates Market provides that, upon the request for entry of data and information above, the Participant shall provide a statement of his/her/its own fiscal regime, as provided in the Technical Rules.

2. VAT application

Upon the request for entering the data and information, they are attached, in case there are the conditions, the following statements:

- a) the declaration of intent, prepared pursuant to Article 1, subpara. c) of the Decree Law of 29 December 1983, no. 746, converted into Law of 27 February 1984, no. 17, and subsequent amendments, and the attached documentation, the latter where required under the law from time to time in force, if the Market Participant established in Italy intends to use the option provided for those established in the Country area, who have carried out export sales or similar exports, to purchase goods and services without charging VAT, under Article 8, paragraph 8.1, subpara. c) of Presidential Decree of 26 October 1972, no. 633 as amended. In the event that the Market Participant intends to continue to exercise the option to purchase without applying VAT, it is required to renew the GME the declaration and the accompanying documents, where required, at the expiry of their period of validity. In case of non-renewal of the declaration and accompanying documents, where required, in accordance with law, GME shall apply to the entity concerned the ordinary VAT regime;
- b) when the entity (parent company or permanent firm) that will perform materially purchase and/or sale transactions on the MTEE is different from the entity (parent company or permanent firm) through which the Market Participant is admitted to the MTEE, the statement, according to the form available on the GME's website (www.mercatoelettrico.org), with which the Market Participant, in his/her/its capacity as parent company or permanent firm shall notify GME the entity (parent company or permanent firm) that performs materially purchase and/or sale transactions on the MTEE.

The Market Participant of the MTEE, as registered in the Register of TEEs, will make specific and distinct statement also with reference to the Register of TEEs, according to the form available on the GME's website (www.mercatoelettrico.org).

If the Market Participant requires or has already requested the application of the VAT regime referred to in subparagraph a) of this paragraph, such a declaration and the related documentation, if provided, produces all its effects exclusively with reference to fees, provided for by Article 6 of the Rules, which will be invoiced by GME.

3. Effectiveness of the statements and notices

The entry of the data and information contained in the statements referred to in paragraph 2 above shall take effect within the second business day following the receipt of the request by GME, as provided in Article 19, paragraph 19.4 of the Rules where the documentation shows to be correct, complete and they are satisfied, when required, the necessary conditions for proceeding with the upgrade of the data and information provided by the Market Participant.