

## **Technical Rule no. 03 Rev. 5 P-GAS**

(under article 4 of the Regulations of the platform for the trading of bids/offers of natural gas, approved by the Ministry of Economic Development on 23 April 2010, as subsequently amended and supplemented)

<b>Title</b>	<b>Invoicing of fees</b>
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Reference Legislation	Articles 8 and 9, Regulations of the platform for the trading of bids/offers of natural gas (P-GAS Regulations)
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**Entered into force on 1<sup>st</sup> January 2019**

## **1. Foreword**

Article 8, para. 8.3 of the P-GAS Regulations provides that GME shall issue invoices to each Participant for the fees referred to in Article 7, para. 7.1 c) and d) thereof, in accordance with the modalities defined in the Technical Rules.

Article 8, para. 8.2 of the P-GAS Regulations provides that GME shall issue invoices to each Participant for the fees referred to in Article 7, para. 7.1 b) thereof, in accordance with the modalities defined in the Technical Rules.

Article 9 of the P-GAS Regulations stipulates that Participants shall pay the amounts referred to in Article 8 thereof, in accordance with the procedures and within the time limits defined in the Technical Rules.

## **2. Invoicing period**

The invoicing period for the trading fees pertaining to the platform for the trading of bids/offers of natural gas (P-GAS) will be the calendar month.

## **3. Time limit for notifications**

For each invoicing period, within the fourth day of the month after the last day included in the invoicing period (or if such day is not a working day, the immediately following working day), GME will provide each Participant with one or more files, called “pro-forma invoice notifications”, on the SetService Platform, indicating the sum of the fees owed for all transactions made on the P-GAS.

## **4. Time limit for invoicing the fees**

For each invoicing period, within the sixth working day of the month following the last day included in the invoicing period, GME will issue to each Participant one or more invoices, with the sum of the fees owed for all transactions made on the P-GAS.

GME provides for each operator with the invoice for the yearly fixed fee by the third working day of the month following the date of the admission decision referred to in Article 16, paragraph 16.4 of the Rules and every twelve months.

The GME shall issue an invoice for each participant for the access fee by the fifth working day following the date of the admission decision referred to in Article 16, paragraph 16.4 of the Regulations.

In case the transmission of the invoice issued by GME to a PA operator<sup>1</sup>, through the Sistema di Interscambio (SDI) to the PA operator is not successful, in compliance with the time limits identified in Law no. 244 dated December 24, 2007 and related implementations on electronic invoicing to the PA, GME will forward it, through alternative channels to SDI, the certificate of transmission of the invoice with delivery impossibility, containing the invoice.

## **5. Procedure and time limit for paying the fees**

Each Participant must pay the amounts due under Article 9 of the P-GAS Regulations:

- within the sixteenth working day of the month in which GME has made available the related invoice and with value date on the same day, for the fees referred to in Article 7, para. 7.1 c) and d) of the P-GAS Regulations;
- within thirty calendar days from the date of issuing of the invoice, for the fees referred to in Article 7, para. 7.1 a) of the P-GAS Regulations;
- within the last working day of the month in which the invoice has been issued and with value date on the same day, for the fees referred to in Article 7, para. 7.1 b) of the P-GAS Regulations.

These time limits are also valid with regard to PA operators, as they are compatible with the application of the provisions contained in Law no. 244 dated December 24, 2007 and related implementations.

Within the same time limits, a copy of the document giving evidence of the payment must be sent to GME.

The date and time when the payments are credited to GME's account will be those recorded by the information system of the bank in charge of GME's treasury services.

The IBAN code to be used for payments is posted on GME's website ([www.mercatoelettrico.org](http://www.mercatoelettrico.org)).

## **6. Notifications and invoices format and way of transmission**

Pro-forma invoices notifications shall be made available to participants on the "SetService" platform, under the procedures described in the specific SetService User Manual posted on GME's website ([www.mercatoelettrico.org](http://www.mercatoelettrico.org)).

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<sup>1</sup> PA operator shall mean the entity referred to in Article 1, paragraph 209 of the Law no. 244 of 24 December 2007.

GME's invoices shall be made available on the "SetService" platform and shall be transmitted, exclusively under the conditions provided for by the legislation regulating the electronic invoicing and the related implementing provisions, to participants through the SDI.

GME's invoices for the access fee, referred to in paragraphs above, shall be sent to the participants by email or regular mail, without prejudice to the provisions of the legislation currently in force regulating electronic invoicing and the related implementing provisions.

### **Appendix: VAT treatment**

The services provided by GME shall qualify as general services and the chargeability of VAT on the related fees shall depend on the place where the customer (P-GAS Participant) has established his/her/its business, as per Article 44 of Directive 2006/112/EC, as subsequently amended and supplemented.

Therefore, GME shall issue invoices by applying VAT at the standard rate, if the customer has established his/her/its place of business in Italy and has not submitted a statement concerning his/her/its taxation scheme as "esportatore abituale" (exporter on a permanent basis) as per Article 8, para. 8.2 of Decree of the President of the Republic no. 633 of 26 October 1972, in accordance with the modalities and within the time limits established in Technical Rule of P-GAS concerning the taxation of the Platform; vice versa in the presence of such a declaration, GME issues an invoice without charging VAT.

If the customer has established his/her/its place of business in one of the countries of the European Union (EU) and is a taxable person in such country, GME shall issue invoices without applying VAT. In this case, the reverse charge shall be applied by the customer.

If the customer has established his/her/its place of business in a non-EU country and is a taxable person for VAT purposes in such country, GME shall issue invoices without tax.