

## **Technical Rule no. 05 rev1 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>VAT Taxation on the P-GAS</b>
Reference Legislation	Article 18, paras. 18.4, Regulations of the platform for the trading of bids/offers of natural gas (P-GAS Regulations)

**Entered into force on 8 August 2013**

## 1. Foreword

Article 18, para. 18.4 of the P-GAS Regulations provides that each Participant shall – in accordance with the Technical Rules - enclose a statement concerning his/her VAT taxation scheme to his/her/its request for the entry of the data and information referred to in article 17, para. 17.2 d).

### 1. Application of VAT

The following statements shall be enclosed to the request for insertion of data and information:

- a) if the Participant intends to use the option, available to persons having established their place of 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 c) of Decree of the President of the Republic no. 633 of 26 October 1972 - a statement of intent (in the format approved with the Ministerial Decree of 6 December 1986) to his/her/its request of entry of data and information;  
if the Participant intends to continue to use the option of making purchases without the application of VAT, he/she/it is required to renew the above statement upon expiration of its period of validity. If the statement is not renewed within the time limits mandated by law, GME shall apply the standard VAT rate to the Participant.
- b) if the entity (parent company or fixed establishment) that will materially carry out the purchase and/or sale transactions in P-GAS is different from the entity (parent company or fixed establishment) admitted as Participant in the P-GAS – a statement (as per the form enclosed hereto) where the Participant (as 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 P-GAS.

### 2. Effect of the statements

The entry of the data and information contained in the statement referred to in para. 2 above shall have effect within the second working day following the receipt of the request by GME, if the submitted documents are correct and complete and if the requirements, if any, for updating the data and information provided by the Participant are satisfied.

If the Participant requests the application of the special VAT scheme mentioned in para. 2 a) above at a subsequent time after submitting the P-GAS participation application and the P-GAS

participation agreement, the statement shall have full effect, in respect of the fees to be invoiced by GME, from the working day of receipt of the same.

**1. VAT and Fixed Establishment Statement form referred to in para. 2 b)**

**VAT AND FIXED ESTABLISHMENT STATEMENT<sup>1</sup> (\*)**

Gestore dei Mercati Energetici S.p.A.  
Viale Maresciallo Pilsudski, 122-124  
00197 Rome, Italy

I, the undersigned \_\_\_\_\_, born in \_\_\_\_\_, on \_\_\_\_\_, taxpayer's code \_\_\_\_\_, residing in \_\_\_\_\_, address \_\_\_\_\_, legal representative of the company \_\_\_\_\_ (NOTE: Market Participant), having its:

- registered office in (country) \_\_\_\_\_, (town/city) \_\_\_\_\_, address \_\_\_\_\_, VAT identification number \_\_\_\_\_;
- fixed establishment in (country) \_\_\_\_\_, (town/city) \_\_\_\_\_, address \_\_\_\_\_, VAT identification number \_\_\_\_\_, as per the certificate issued by the relevant tax authorities and enclosed hereto with the related sworn and apostilled translation (if it is not in the Italian language) for fixed establishments located in non-EU countries;

**HEREBY STATE**

in connection with transactions on the P-GAS:

- that all the transactions will be carried out directly from the main place of business;
- that all the transactions will be carried out with the technical and human resources of the fixed establishment located in (country) \_\_\_\_\_, (town/city) \_\_\_\_\_, address, VAT identification number \_\_\_\_\_.

I, the undersigned, also undertake to submit a new statement in case of change of the above data.

I, the undersigned, will be fully responsible and liable for the accuracy and truthfulness of the submitted statements and data, holding Gestore dei Mercati Energetici S.p.A. (hereafter "GME") harmless from and against any and all responsibilities and liabilities regarding the correct application of the taxes based on the above statements. If the above-mentioned data are untruthful, I will bear all the costs in connection with differences in taxes, pecuniary sanctions, interest and any other amount that GME may be required to pay to the financial administration and/or to any other entity involved, as well as court fees, regardless of the legitimacy of the claim filed against GME by the financial administration and/or any other entity involved. I, the undersigned, undertake to pay the requested amounts within 5 (five) days at the latest.

<sup>1</sup> Statement to be submitted on the company's letterheaded paper.

Where any defence filed by GME with the financial administration and/or any other entity involved, in order to protect its interests and make its arguments heard, has a demonstrated positive final outcome, then the undersigned will be entitled to the refund of the amounts paid in accordance with the above paragraph, to the extent that GME has obtained, for such reason, a refund from the financial administration and/or any other entity involved. GME will be held to refund the undersigned of the amounts that he/she has paid and that have been demonstrated not to be due to the financial administration and/or to any other entity involved, provided that the undersigned has asked GME - in due course and within the time limits mandated by law - to file a claim for refund of the aforesaid amounts with the relevant bodies. GME will fulfil the aforesaid obligation to the extent that it will obtain the aforesaid refund from the financial administration and/or any other entity involved.

Without prejudice to the above for the purposes of the application of VAT, I, the undersigned, also state that the registrations possibly carried out by a fixed establishment will produce the same effects, in terms of rights and obligations, also with regard to the guarantees covering obligations, as if they had been carried out directly from the main place of business.

I hereby enclose a copy of my identity document.

Stamp and signature

---

**(\*) This is a courtesy translation. You must submit only the Italian version of the document.**