



**REGULATION GOVERNING THE
MINERAL-OIL STORAGE AND TRANSIT CAPACITY DATA REPORTING PLATFORM
(PDC-oil) (*)**

entered into force on 26 September 2019

() Please note that this translation is provided for convenience only. In case of discrepancies, the Italian text shall govern.*

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TITLE I
GENERAL PROVISIONS

Article 1
Scope of the Regulation

- 1.1 This Regulation contains the operating rules of the data reporting platform for the storage and transit capacity of mineral-oils, organized and managed by Gestore dei Mercati Energetici S.p.A. in order to allow the obliged parties to report the data referred to in Article 21, paragraph 2, of the Legislative Decree of 31 December 2012, no. 249, as well as the data referred to in article 2, paragraph 1, of ministerial decree 5 July 2017, n.17433.

Article 2
Definitions

- 2.1 For the purposes of this Regulation, unless otherwise defined:
- a) Ministerial Notice of annual data shall mean the Notice adopted annually by the Ministry of Economic Development, which contains the necessary indications for the compilation, by obliged parties, of the annual data reporting template, as well as the timing of sending such data through the PDC-oil;
 - b) Ministerial Notice of monthly data shall mean Notice no. 1612 of January 19, 2018 adopted by the Ministry of Economic Development, which contains the necessary indications for the compilation, by obliged subjects, of the monthly data reporting templates, as well as the timing of sending such data through the PDC-oil;
 - c) Legislative Decree 249/2012 shall mean Legislative Decree no. 249 of 31 December 2012, implementing Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products, published in Gazzetta Ufficiale no. 22 of 26 January 2013;
 - d) Annual data shall mean data on the storage capacity of mineral oils referred to in Article 21, paragraph 2, of Legislative Decree 249/2012;
 - e) Monthly data shall mean data on the storage and transit capacity of mineral oils referred to in Article 2, paragraph 1, of the Ministerial Decree of 5 July 2017;
 - f) Ministry of Economic Development Director-General's Decree 17371/2013 shall mean Decree no. 17371 of 30 May 2013 with which the Director General of the Ministry of Economic Development approved the template for collecting annual data referred to in Article 21, paragraph 2 of Legislative Decree 249/12;
 - g) Ministerial Decree of 5 July 2017 shall mean the decree of the Ministry of Economic Development 5 July 2017, no. 17433, approving the Regulation of the P-Logistics Platform, as well as the functional arrangements for the communication of monthly data;
 - h) Owner of the mineral oil storage facility shall mean the owner or, in the case of the lease of the plant itself, the lessee, of the mineral oil storage plant, as indicated in the Ministerial Notice of annual data;

- i) GME shall mean the Gestore dei Mercati Energetici S.p.A., the company established pursuant to Article 5 of Legislative Decree 16 March 1999, no. 79, which, *inter alia*, carries out the activity of reporting data on the storage and transit capacity of mineral oils;
- j) Guide shall mean the PDC-oil participant's Guide prepared by GME and published on its website;
- k) Annual reporting template shall mean the template for collecting annual data on the storage capacity of mineral oils referred to in article 21, paragraph 2 of Legislative Decree 249/2012, approved by the Ministry of Economic Development by decree Directorial Decree 17371/2013;
- l) Monthly reporting templates shall mean the templates for collecting of monthly data on the storage and transit capacity of mineral oils referred to in the Ministerial Notice of monthly data as subsequently modified and integrated;
- m) Participant shall mean the obliged party participating in the PDC-oil;
- n) PDC-oil shall mean the platform for collecting data on mineral-oil storage and transit capacity that GME organises and manages in order to allowing obliged parties to report data on: *i)* storage of mineral oils referred to in Article 21, paragraph 2, of Legislative Decree 249/2012, according to the annual reporting template, as well as according to what is specified in the Ministerial Notice of annual data; *ii)* storage and transit of mineral oils referred to in Article 2, paragraph 1, of the Ministerial Decree of 5 July 2017, according to the monthly reporting templates, and as specified in the Ministerial Notice of monthly data;
- o) Regulation shall mean this Regulation for the operation of the PDC-oil;
- p) Obligated party shall mean the mineral-oil storage facility owner that is required to report the data referred to in article 21, para. 2 of Legislative Decree 249/2012 and/or the data referred to in Article 2, paragraph 1, of the Ministerial Decree of 5 July 2017 to GME.

Article 3

General Principles and Amendments to the Regulation

- 3.1 In their activities on the PDC-oil, participants are required to abide by ordinary principles of correctness and good faith.
- 3.2 GME shall monitor compliance herewith with a view to ensuring the proper operation of the PDC-oil under principles of neutrality, transparency and objectivity. To this end, GME may ask participants to provide any useful information or document concerning their actions on the PDC-oil.
- 3.3 GME may make amendments and additions hereto and post them on its website. Amendments and additions shall enter into force upon the date of their publication and simultaneously notified to the Ministry of Economic Development.

Article 4
PDC-oil Participants' Guide

- 4.1 The implementing and procedural provisions hereof shall be set out in the Guide.
- 4.2 The Guide and any subsequent revision thereof shall be posted on GME's website and, unless otherwise indicated on GME's website, they shall enter into force upon the date of their publication.

Article 5
Access to the PDC-oil Information System

- 5.1 Access to the PDC-oil information system shall take place through the Internet in compliance with the procedure defined in the Guide.

Article 6
Security of Access

- 6.1 Participants shall have access to the PDC-oil under appropriate procedures that are set out in the Guide. These procedures shall guarantee the identification of participants, authenticate their data reporting on the PDC-oil and safeguard the confidentiality of the reported data.
- 6.2 Participants shall maintain the confidentiality and privacy of their access codes and any other data or device required to access the PDC-oil information system and use them (or permit their use by appropriately designated parties) only for accessing the PDC-oil and reporting the data.
- 6.3 Participants shall timely ask GME to disable the credentials of access mentioned in para. 6.2 above and to assign new credentials whenever they have reason to believe that unauthorised parties may make an improper use thereof. All significant acts committed on the PDC-oil by unauthorised parties that have come into possession of the participants' access codes shall be regarded as acts committed by participants.
- 6.4 Participants shall be fully responsible and liable for the correctness of annual and monthly data reported and any other activity carried out on the PDC-oil and take on any and all liability for illegal access to the PDC-oil by unauthorised parties, holding GME harmless from any damage or risk to the integrity or security of the PDC-oil information system which may result from the negligence of participants or of their personnel in safekeeping the above-mentioned credentials, as well as holding GME harmless from any and all third parties' claims, actions or threats related to or arising from the use or illegal use of the PDC-oil.

Article 7
Information on the PDC-oil

- 7.1 Unless disclosure is prescribed by laws, regulations or other provisions issued by authorities, GME shall keep confidential the annual or monthly data reported by participants on the PDC-oil.
- 7.2 Upon indication of the Ministry of Economic Development and in the modalities defined by it, GME shall publish on its website, on an aggregate basis, the annual data reported by participants on the PDC-oil.

- 7.3 GME shall provide the Ministry of Economic Development with all the data about the PDC-oil that the Ministry may require for the activities falling under its responsibility.
- 7.4 Each participant shall have access to the data of the PDC-oil that concern him/her/it directly.

Article 8

Communication of Data and Information

- 8.1 Unless otherwise specified in the Regulation or in the Guide, the communication of data and information specified herein to participants shall take place electronically. In particular:
- a) communication to a participant shall take place by making available data and information in the section of the PDC-oil information system whose access is restricted to that participant;
 - b) publication shall take place by making available data and information in the section of the PDC-oil information system whose access is non-restricted.
- 8.2 The report of annual or monthly data shall be deemed to be received on the date and at the time recorded by GME's information system. Any other communication shall be deemed to be received:
- a) on the day and at the time of receipt, if it arrives between 08:00 and 17:00 of a working day;
 - b) at 08:00 of the first working day following the day of receipt, if it arrives between 17:00 and 24:00 of a working day, or between 00:00 and 24:00 of a non-working day;
 - c) at 08:00 of the day of receipt, if it arrives between 00:00 and 08:00 of a working day.
- 8.3 For the purpose of determining the time of receipt of an electronic communication, the time shall be obtained from GME's information system. For other communications, the time shall be obtained from GME's records.

TITLE II

PARTICIPATION IN THE PDC-OIL

Article 9

Requirements for Participation in the PDC-oil

- 9.1 Obligated parties are required to participate in the PDC-oil.

Article 10

PDC-oil Participation Application

- 10.1 Obligated parties shall submit a PDC-oil participation application to GME - accompanied by the documents specified in Article 11 below - in accordance with the procedure described in the Guide.

Article 11

Documents to be Enclosed to the PDC-oil Participation Application

- 11.1 The application for participation in the PDC-oil shall be signed by the legal representative (or other duly authorised person) and accompanied by a declaration (pursuant to Decree no. 445 of the President of the Republic of 28 December 2000) certifying the powers of representation or by other equivalent document based on which GME shall carry out a substantial equivalence evaluation.

Article 12

Admission Procedure

- 12.1 GME shall notify the applicant of his/her/its admission to the PDC-oil or of the rejection of his/her/its application (and the reasons for the rejection) within fifteen working days of receipt of the application, after verifying the regularity of the submitted documents. The notification shall be sent by registered letter with return receipt, preceded by a fax.
- 12.3 If the submitted documents are incomplete or irregular, GME shall notify the applicant of the steps necessary to complete or regularise the documents, as well as of the date by which he/she/it shall do so. This notification shall suspend the time limit referred to in para. 12.1 above, which shall run again from the date upon which GME receives the completed or regularised documents.
- 12.3 With the notification of admission, the applicant shall acquire the status of participant.

Article 13
List of PDC-Oil Participants

- 13.1 The parties admitted to the PDC-oil as provided herein shall be entered into an appropriate List of PDC-Oil Participants (*Elenco dei soggetti iscritti alla PDC-oil*), prepared and kept by GME also in compliance with EU Regulation 679/2016, as subsequently amended and supplemented.
- 13.2 The List of PDC-Oil Participants shall include at least the following data for each participant:
- a) identification code of the participant;
 - b) company name or registered name, registered office, taxpayer's code, VAT number, fax and telephone numbers, e-mail address and contact person/s for communications and related addresses and other data;
 - c) status of the participant: admitted, suspended, excluded;
 - d) parties authorised to access the PDC-oil information system on behalf of the participant;
 - e) where applicable, company code assigned by the Ministry of Economic Development.
- 13.3 Each Participant may access his/her/its own data and information contained in the List of PDC-oil Participants.
- 13.4 GME shall transmit the List of PDC-oil Participants to the Ministry of Economic Development.

Article 14
Notification Obligations

- 14.1 PDC-oil participants shall notify GME promptly - and in any case within three working days of its occurrence - of any change in circumstances that may involve the change of any of the data and information referred to in Article 13, para. 13.2 b), d), and e) above that they have declared and that have been entered into the List of PDC-oil Participants. Participants shall take on any and all responsibility and liability for late notification of the aforesaid changes, even in the cases specified in Article 20 below.

- 14.2 GME reserves the right, also at the request of the Ministry of Economic Development, to ask participants to provide clarifications about the data and information referred to in Article 13, para. 13.2 b) and e) above, as well as to update them. Participants shall take on any and all responsibility and liability for late provision of the aforesaid clarifications or updates, even in the cases specified in Article 20 below.
- 14.3 After the notifications referred to in paras. 14.1 and 14.2 above, GME shall - within 5 working days - update the List of PDC-oil Participants.

Article 15
Exclusion from the PDC-oil on Request

- 15.1 For the purposes of exclusion from the PDC-oil, participants shall hand in an appropriate written request to GME (or send it by registered letter with return receipt), possibly indicating the date from which exclusion is requested.
- 15.2 Exclusion from the PDC-oil on request shall run from the later of the following dates:
- a) the second working day following the date of receipt by GME of the request referred to in para. 15.1 above;
 - b) the date indicated in the request referred to in para. 15.1 above.
- 15.3 GME shall notify the Ministry of Economic Development of the exclusion within the time limits referred to in para. 15.2 above.

Article 16
Suspension and Exclusion from the PDC-oil
Requested by the Ministry of Economic Development

- 16.1 GME shall, at the request of the Ministry of Economic Development, suspend or exclude participants from the PDC-oil, providing the same participants with the reasons for the suspension or exclusion.

TITLE III
REPORTING OF ANNUAL AND MONTHLY CAPACITY DATA

Article 17
Purpose of the PDC-oil

- 17.1 Participants shall report:
- a) annual data by using the annual data reporting template made available by GME thereon and in accordance with what is specified in the Ministerial Notice of annual data;
 - b) monthly data, by using the monthly data reporting templates made available by GME thereon, and as specified in the Ministerial Notice of monthly data.

Article 18
Procedure for Reporting Annual and Monthly Data

- 18.1 The procedure for reporting annual and monthly data shall be set out in the Guide.
- 18.2 GME shall - under the procedure and within the time limits established in the Guide - confirm to participants that it has stored the annual and monthly data that they have reported on the PDC-oil pursuant to para. 18.1 above.

Article 19
Dates and Hours for Annual and Monthly Data

- 19.1 Participants shall report annual data on a yearly basis, as specified in the Ministerial Notice of annual data.
- 19.2 Participants shall report monthly data on a quarterly basis, as specified in the Ministerial Notice of monthly data.
- 19.3 On its website, GME shall post the dates and hours for reporting the data mentioned in para. 19.1 and 19.2 above.

Article 20
Unavailability of the PDC-oil

- 20.1 Where the PDC-oil becomes unavailable owing to, among others, malfunctions of GME's information system or telecommunications systems, GME shall suspend the operation of the PDC-oil and notify participants thereof by posting an appropriate notice on its website.
- 20.2 After notifying the unavailability of the PDC-oil as indicated in para. 20.1 above, GME shall put in place and provide participants with the provisional data reporting channel referred to in the Guide, notifying participants thereof by posting an appropriate notice on its website.
- 20.3 If GME uses the provisional data-reporting channel referred to in para. 20.2 above, it shall notify participants of the reinstatement of the operation of the PDC-oil, and participants shall timely enter into the PDC-oil the data that they have previously reported via the provisional channel.

Article 21
Storage of Data and Information Reported on the PDC-oil

- 21.1 GME shall chronologically save all the data in the formats in which they have been transmitted and received through the PDC-oil.

TITLE IV
BREACHES, DISCIPLINARY MEASURES AND DISPUTES ON THE PDC-OIL

Article 22
Breaches of the Regulation and of the Guide

- 22.1 The following cases shall be considered as breaches of this Regulation and of the Guide:
 - a) negligence, imprudence and unskilfulness in the use of the PDC-oil reporting and participation systems;
 - b) disclosure to third parties of confidential information concerning the participant or third participants and, in particular, the codes of access to the GME information system and any other data needed for access to the GME information system, as well as the content of the data and information reported by third participants, unless disclosure is prescribed by laws, regulations or provisions issued by the relevant authorities;
 - c) any attempt to access and/or unauthorised access to restricted sections of the GME information system;
 - d) any use of communication systems for fraudulent purposes;
 - e) any other conduct contrary to the ordinary principles of correctness and good faith referred to in Article 3, para. 3.1 above.

Article 23
Disciplinary measures

- 23.1 If GME verifies the existence of the breaches referred to in the previous Article 22, it will adopt against the participant, in compliance with the principle of equality and equal treatment, taking into account the seriousness of the breach, of any repetition and its recurrence, the following disciplinary measures:
- a) formal written warning;
 - b) suspension of the participant from the PDC-oil for no longer than 18 months.
- 23.2 Once an alleged breach has been detected, GME will send the participant a notice containing:
- a) the description of the alleged breach;
 - b) the fixed deadline, which is no less than ten days, to submit briefs and documents.
- 23.3 On the basis of the elements acquired, GME shall adopt any disciplinary measure, or arrange for the procedure to be filed, within thirty days from the sending of the notice referred to in paragraph 23.2 above.
- 23.4 The disciplinary measure, adequately motivated, or filing, is notified to the participant concerned. Any disciplinary measure adopted is notified, for information purpose, to the Ministry of Economic Development.

Article 24
Disputes

- 24.1 The Court of Rome shall have exclusive jurisdiction over disputes arising between GME and PDC-Oil participants.

TITLE V
FINAL PROVISIONS

Article 25
Entry into Force

- 25.1 This Regulation shall be posted on GME's website and, unless otherwise indicated on GME's website, it shall enter into force upon the date of its publication.

Article 26
Governing Law

- 26.1 For matters not explicitly covered hereby, the provisions of the relevant Italian legislation shall apply.