

Technical Rule no. 06 MTEE

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

Title	Notifications about the procedure of admission to/exclusion from the MTEE
--------------	--

Reference Legislation	Article 16, para. 16.1, Article 17, para. 17.1 c), Article 18, paras. 18.1 and 18.4 and Article 22, para. 22.1, Rules of Operation of the Energy Efficiency Certificates Market
--------------------------	---

Published on 25 February 2013

1. Foreword

Article 16, para. 16.1 provides that a party intending to participate in the market shall submit to GME: a Market Participation Application in the format of Annex 1 to the Rules of Operation of the Energy Efficiency Certificates Market (hereafter: MTEE Rules), together with the documents indicated in Article 17 thereof; and a Market Participation Agreement in the format of Annex 2 to the MTEE Rules.

Article 17, para. 17.1 c) of the MTEE Rules provides that, if the applicant is an individual not holding a VAT number - owning or holding cogeneration units recognised as HEC - , the Market Participation Application, signed by the applicant, shall be accompanied by a statement releasing GME of any liability in the format reported in the Technical Rules.

Article 18, para. 18.1 of the MTEE Rules provides that, within 15 calendar days of the date of receipt of the participation application, after checking whether the applicant meets the applicable requirements, as well as the validity of the documents submitted for participation in the market, GME shall notify the applicant of the acceptance or rejection of his/her/its application.

Article 18, para. 18.4 of the MTEE Rules provides that, if the documents submitted for participation in the market are irregular or incomplete, GME shall - under the procedures and within the time limits defined in the Technical Rules - notify the applicant of the requirements for submitting regular documents or for completing the already submitted ones, as well as of the time limit within which the applicant must do so.

Article 22, para. 22.1 of the MTEE Rules provides that, for the purposes of exclusion from the market, Participants shall - under the procedures and within the time limits defined in the Technical Rules - file an appropriate written application with GME; the application shall indicate the date from which exclusion is requested.

2. Modalities and time limits of GME's notifications

GME will notify by a registered letter with return receipt, preceded by a fax:

- the admission of the applicant to the market or the rejection of his/her/its participation application within 15 calendar days of the date of receipt thereof (article 18, para. 18.1 of the MTEE Rules);
- in case of incomplete or irregular documents, the steps necessary to complete or regularise them, as well as the time limit by which the applicant must do so (article 18, para. 18.4 of the MTEE Rules).

3. Modalities and time limits of the applicant's/Participant's notifications (admission to/exclusion from the market)

A party applying for participation in the market must send to GME by ordinary mail or courier:

- the **Market Participation Application** in the format of Annex 1 to the MTEE Rules, signed in original by the individual (if the applicant is an individual) or by the legal representative or duly authorised person (if the applicant is an organisation) – Article 16, para. 16.1 a) of the MTEE Rules;
- the **declaration or other equivalent document**, based on which GME will carry out a substantial equivalence evaluation, **referred to in article 17, para. 17.1 a) of the MTEE Rules**;
- if the applicant is an organisation, the **declaration or other equivalent document**, based on which GME will carry out a substantial equivalence evaluation, **referred to in article 17, para. 17.1 b) of the MTEE Rules**;
- if the applicant is an individual not holding a VAT number - owning or holding cogeneration units recognised as HEC -, **the statement referred to in article 17, para. 17.1 c) of the MTEE Rules in the format (Annex sub A) reported at the end of this Technical Rule** or downloadable from GME's website ("The Markets/Environmental Markets/Energy Efficiency Certificates/Market/How to participate" section);
- the **Market Participation Agreement**, in the format of Annex 2 to the MTEE Rules, initialled on each page and signed at the foot, in original, by the individual (if the applicant is an individual) or by the legal representative or other duly authorised person (if the applicant is an organisation) – Article 16, para. 16.1b) of the MTEE Rules.

A party applying for exclusion from the market must send to GME - by ordinary mail or courier

- the request for exclusion from the market, signed in original by the individual (if the applicant is an individual) or by the legal representative or other duly authorised person (if the applicant is an organisation) – Article 22, para. 22.1 of the MTEE Rules.

Annex sub A*

**RELEASE OF LIABILITY PURSUANT TO ARTICLE 17, PARA. 17.1 C)
OF THE RULES OF OPERATION OF THE ENERGY EFFICIENCY CERTIFICATES MARKET**

I, the undersigned (*name and surname*), residing in taxpayer's code.....

WHEREAS

- under article 16 of the Rules of Operation of the Energy Efficiency Certificates Market, I have filed an application and a signed copy of the agreement for participation in the Energy Efficiency Certificates Market (hereinafter referred to as "MTEE") according to the formats annexed to said Rules, on..... (*date*);
- under article 17, para. 17.1 c) of said Rules, an applicant having the status of individual not holding a VAT number - owning or holding a cogeneration unit recognised as HEC - is held to enclose a statement (releasing GME of any liability) to his/her participation application under the procedure established in the Technical Rules;
- under article 25, para. 25.4 of said Rules, a participant having the status of individual not holding a VAT number - owning or holding a cogeneration unit recognised as HEC - is only allowed to enter sell orders into the order book of certificates of type II-HEC; the maximum volume of orders is equal to the amount of certificates of type II-HEC received from GME, deposited into his/her ownership account and still valid;

DECLARE THAT

I do not hold a VAT number, because I do not carry out commercial activities on a regular basis. Consequently, the sale transactions that I will conclude in the MTEE, in respect of certificates of type II-HEC received from GME, will not be VAT chargeable, because I do not meet the subjective requirement of article 4 of the Decree of the President of the Republic no. 633 of 26 October 1972.

Therefore, I will take on any direct and indirect responsibility and liability for the sale of certificates of type II-HEC in the MTEE without applying VAT, because I do not meet the above-mentioned subjective requirement, and I will release GME and hold it harmless from and against any and all claims, damages, losses, costs, expenses and other liability of whatever nature that GME or third parties may suffer or incur owing to the non-application of VAT on transactions of sale of the above certificates that I may conclude in the MTEE.

Date

.....

Signature

.....

Encl: copy of a valid identity document of the signer

*** This is a courtesy translation. Please submit the above document in the Italian version only.**