



**RULES GOVERNING THE GREEN CERTIFICATES BILATERALS REGISTRATION
PLATFORM, AS PER ARTICLE 12, PARA. 3 OF THE MINISTERIAL DECREE OF 18
DECEMBER 2008 ^(*)**

Updated as of 28 May 2009

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

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TITLE I
GENERAL PROVISIONS

Article 1

Text and Annexes

- 1.1 These Rules (hereafter called the “Rules”) and the documents attached hereto, which are an integral part hereof, shall govern the operation of the *Piattaforma di Registrazione delle Transazioni Bilaterali dei Certificati Verdi* (Green Certificates Bilaterals Registration Platform, hereafter called “PBCV”), as per Article 12, para. 3 of the Ministerial Decree of 18 December 2008.

Article 2

Definitions

- 2.1 The definitions of Article 2, para. 2.1 of the Integrated Text of the Electricity Market Rules, approved by the Ministerial Decree of 19 December 2003 and published in the *Supplemento Ordinario, Gazzetta Ufficiale, Serie Generale* no. 301 of 30 December 2003 (hereafter called the “Integrated Text of the Electricity Market Rules”), as subsequently amended and supplemented, shall - where applicable - apply to these Rules.
- 2.2 The following additional definitions shall apply to these Rules:
- a) accepted request for registration shall mean a request for registering a bilateral transaction of sale of Green Certificates that a selling Participant has submitted into the PBCV and that the purchasing Participant has accepted;
 - b) bilateral transaction shall mean a transaction of purchase or sale of Green Certificates that is made off the Green Certificates Market regulated and operated by GME;
 - c) concluded registration shall mean the transfer of ownership of Green Certificates from the selling Participant to the purchasing Participant;
 - d) Participant shall mean the natural or legal person admitted to the PBCV;
 - e) rejected request for registration shall mean a request for registering a bilateral transaction of sale of Green Certificates that a selling Participant has submitted into the PBCV and that the purchasing Participant has rejected;

- f) request for registration shall mean a request for registering a bilateral transaction of sale of Green Certificates that a selling Participant has submitted into the PBCV;
- g) technically adequate request for registration shall mean a request for registering a bilateral transaction of sale of Green Certificates i) that a selling Participant has submitted into the PBCV in the mode with technical adequacy verification, ii) that the purchasing Participant has accepted and iii) that has successfully passed the technical adequacy verifications as provided herein;
- h) valid request for registration shall mean a request for registering a bilateral transaction of sale of Green Certificates i) that a selling Participant has submitted into the PBCV in the mode without technical adequacy verification, ii) that the purchasing Participant has accepted and iii) that has successfully passed the validity verifications as provided herein.

Article 3

General Principles and Amendments to these Rules

- 3.1 GME shall discharge its responsibilities under transparent and non-discriminatory criteria.
- 3.2 GME shall put in place an organisational structure suitable for preventing real or potential conflicts of interest, as well as procedures for monitoring and enforcing compliance both with these Rules and with the *Disposizioni Tecniche di Funzionamento (DTF -Technical Rules)*.
- 3.3 Participants shall conduct their activities in accordance with common principles of ethics and good faith.
- 3.4 Notwithstanding amendments arising from laws, regulations or other measures by authorities, GME reserves the right to make amendments hereto by posting them on its website or by other suitable means.

Article 4

Technical Rules

- 4.1 The implementing and procedural provisions hereof shall be defined in the Technical Rules. GME shall formulate the Technical Rules under criteria of neutrality, transparency, objectivity and competition between Participants.
- 4.2 The Technical Rules shall be posted on GME's website and enter into force upon the date of their publication.
- 4.3 GME may also submit draft versions of the Technical Rules to interested parties, setting a time limit for submission of comments, if any.

Article 5

Access to the PBVC Information System

- 5.1 Access to the information system of the PBCV shall take place through the Internet.

Article 6

GME's Access to the Green Certificates Registry

- 6.1 For the purpose of verifying the ownership of the Green Certificates underlying a request for registration on the PBCV, GME shall access the Green Certificates Registry, which is held and administered by *Gestore dei Servizi Energetici – GSE S.p.A.*

Article 7

Fees for the Services Provided by GME

- 7.1 For the services provided by GME, Participants shall pay GME a fee for each Green Certificate underlying the registrations that they have concluded on the PBCV.
- 7.2 On a yearly basis, GME shall determine the extent of the fee referred to in para. 7.1 above and post it on its website.

Article 8

Information about the PBCV Sessions

- 8.1 At the end of each registration session, GME shall post on its website at least the following data and information (in aggregate form) about the registrations of bilateral transactions on Green Certificates concluded on the PBCV:
- a) registered quantities;
 - b) minimum and maximum prices;
 - c) weighted average price for the registered quantities.
- 8.2 Each Participant shall have access to its own data and information on the PBCV.
- 8.3 Except in circumstances where disclosure is mandated by laws, regulations or other decisions by authorities, GME shall keep the information about the registrations concluded on the PBCV confidential for minimum period of twelve months.
- 8.4 GME shall transmit to Gestore dei Servizi Energetici – GSE S.p.A only the information that the latter requires for performing the activities falling under its responsibility.

Article 9

Communication and Publication of Data and Information

- 9.1 Unless otherwise specified, the data and information covered hereby shall be communicated and published in electronic form. In particular:
- a) communications to a Participant shall be made by posting data and information in the section of the PBCV information system whose access is restricted to the same Participant;
 - b) publication shall be made by posting data and information in the section of the PBCV information system whose access is non-restricted.
- 9.2 The requests for registration submitted by Participants 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 received between 08:00 and 17:00 of a working day;

- b) at 08:00 of the first working day after the one of receipt, if received 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 received between 00:00 and 08:00 of a working day.

9.3 For the purpose of determining the time of receipt, the time shall be obtained from GME's records. For electronic communications, the time shall be obtained from GME's information system.

Article 10

Security of Access

- 10.1 Participants shall have access to the PBCV via special procedures, defined in the Technical Rules and guaranteeing their identification.
- 10.2 Participants shall keep confidentiality about their access codes and any other data or device required to access the PBCV information system.

TITLE II
PARTICIPATION IN THE PBCV

Article 11

PBCV Participation Application

- 11.1 A party wishing to participate in the PBCV shall submit a participation application to GME in the format enclosed hereto (Annex 1).

Article 12

Admission Procedure

- 12.1 Within five working days from the date of receipt, after validating the application, GME shall notify the applicant of the acceptance or rejection (and the reasons therefore such rejection) of the application. The notification shall be given by fax, followed by registered letter with acknowledgement of receipt.
- 12.2 If the application is irregular or incomplete, GME shall notify the applicant of the requirements for submitting a regular or complete application, as well as of the time limit within which said requirements shall be fulfilled. The notification shall suspend the time period referred to in para. 12.1 above, which shall run again from the date of receipt of the regular or complete application by GME.

Article 13

List of Participants

- 13.1 The parties admitted to the PBCV as per Article 12 above shall be entered into an appropriate List of Participants (*Elenco degli operatori iscritti alla PBCV*), created and held by GME in compliance with Legislative Decree no. 196 of 30 June 2003, as subsequently amended and supplemented.
- 13.2 For each Participant, the List shall include:
- a) Participant's identification code;
 - b) full name or registered name, place of residence and place of domicile (where different from the place of residence) or registered office, taxpayer's code, VAT number, telephone number, fax number, e-mail address and contact person for communications, if any, and related contact data;

- c) Participant's status: admitted, suspended or pending request for exclusion;
- d) Participant's bank details;
- e) code of ownership account in the Green Certificates Registry held and administered by Gestore dei Servizi Energetici – GSE S.p.A.

13.3 GME shall publish the following data and information on Participants: full name or registered name, place of residence or registered office.

13.4 Each Participant may access its own data in the List of Participants.

Article 14

Verifications

14.1 GME shall monitor and enforce compliance with the Rules and Technical Rules, in order to ensure the proper functioning of the PBCV under criteria of neutrality, transparency, objectivity and competition between Participants. For this purpose, GME may require Participants to submit any information or document giving evidence of the transactions that they have made on the PBCV, and also convene them for a hearing.

Article 15

Notification Obligations

15.1 Participants shall notify GME promptly and, in any case, within three working days, of the occurrence of any change in facts, statuses or qualities which may alter the data and information referred to in Article 13, para. 13.2 above that they have declared and have been entered into the List of Participants.

15.2 As a result of the notifications given in accordance with para. 15.1 above, GME shall update the List of Participants.

Article 16

On-Demand Exclusion from the PBCV

16.1 For the purposes of exclusion from the PBCV, Participants shall submit to GME's registered office - or send by registered letter with acknowledgement of receipt - an appropriate written request, specifying the date from which exclusion is requested.

- 16.2 On-demand exclusion from the PBCV shall run from one of the following dates, whichever is later:
- a) second working day after the date of receipt by GME of the request referred to in para. 16.1 above;
 - b) date specified in the request referred to in para. 16.1 above.
- 16.3 On-demand exclusion from the PBCV shall not exempt the Participant from fulfilling obligations contracted on the PBCV.

TITLE III
REGISTRATION OF BILATERAL TRANSACTIONS

Article 17

Green Certificates Underlying Requests for Registering Bilateral Transactions

- 17.1 Bilateral transactions may be registered on the PBCV in respect of Green Certificates whose value is defined in the Technical Rules and which are still valid for the purposes of the verifications referred to in Article 13 of the Ministerial Decree of 18 December 2008.

Article 18

Purpose of the PBCV

- 18.1 On the PBCV, Participants register bilateral transactions on Green Certificates, as provided for in Article 17 above.
- 18.2 Requests for registering bilateral transactions may be submitted alternatively in the following modes:
- a) without technical adequacy verification;
 - b) with technical adequacy verification.
- 18.3 GME shall not be the counterparty of Participants for all registrations concluded on the PBCV.

Article 19

Days and Hours of the PBCV Sessions

- 19.1 The sessions of the PBCV shall take place at least once a week in the period from January to March of each year and at least once a month in the remaining months.
- 19.2 The days and hours of the sessions of the PBCV shall be published on GME's website.

Article 20

Submission of Requests for Registration

- 20.2 Requests for registering transactions may be submitted into the PBCV by filling in the appropriate forms available in the PBCV information system, in accordance with the procedures and within the time limits that are defined in the Technical Rules.
- 20.2 In the request for registration, the selling Participant shall - under penalty of inadmissibility - specify the following data:
- a) number of Green Certificates covered by the request;
 - b) reference year of the Green Certificates;
 - c) price referred to 1 MWh;
 - d) purchasing Participant;
 - e) with/without technical adequacy verification.
- 20.3 Each request for registration shall be stored in the PBCV information system with a unique alphanumeric identification code.
- 20.4 The purchasing Participant may accept or reject a request for registration entered by a selling Participant.
- 20.5 A request for registration submitted by a selling Participant may be changed or cancelled by the same Participant, if such request has not yet been accepted by the purchasing Participant.
- 20.6 A request for registration submitted by a selling Participant and rejected by the purchasing Participant shall be automatically cancelled.
- 20.7 A request for registration submitted by a selling Participant shall be deemed to be concluded:
- a) in the case of a request without technical adequacy verification - when it is accepted by the purchasing Participant and verified to be valid under Article 21 below;

b) in the case of a request with technical adequacy verification - when it is accepted by the purchasing Participant and verified to be technically adequate under Article 22 below.

20.8 Each bilateral transaction concluded on the PBCV shall be stored in the information system with the unique alphanumerical identification code of the request for registration that the selling Participant has entered.

20.9 With regard to the concluded registrations, GME shall notify Gestore dei Servizi Energetici – GSE S.p.A. of the transfer of ownership of the Green Certificates within twenty-four hours from the end of the session during which such transfer has taken place.

Article 21

Validity of Requests for Registration

21.1 After receiving the requests for registration referred to in Article 18, para. 18.2 a) above that the selling Participant has submitted and that the purchasing Participant has accepted, GME shall verify their validity. In particular, GME shall check whether:

- a) the Participant has not been suspended;
- b) the request for registration is valid in accordance with para. 21.2 below.

21.2 When accessing the Green Certificates Registry, as set out in Article 6 above, GME shall check whether the number of Green Certificates covered by the request for registration is actually owned by the selling Participant.

21.3 GME shall verify the validity of the submitted requests for registration by order of time of submission by the selling Participant.

21.4 At the end of each PBCV session, GME shall cancel all the requests for registration i) that have been submitted by the seller, ii) that have been accepted by the purchaser, and iii) have not passed the validity verification pursuant to para. 21.1 above.

Article 22

Technical Adequacy of Requests for Registration

- 22.1 After receiving the requests for registration referred to in Article 18, para. 18.2 b) above that the selling Participant has submitted and that the purchasing Participant has accepted, GME shall verify their technical adequacy. In particular, GME shall check whether:
- a) the Participant has not been suspended;
 - b) the request for registration is guaranteed in compliance with paras. 22.2 and 22.3 below.
- 22.2 When accessing the Green Certificates Registry, as set out in Article 6 above, GME shall check whether the number of Green Certificates covered by the request for registration is actually owned by the selling Participant.
- 22.3 GME shall check whether the value of the accepted request for registration, increased by VAT (where applicable), is lower than or equal to the amount of the purchasing Participant's guarantee deposit mentioned in Article 23 below and possibly
- a) increased by the value of the concluded bilateral transactions (Article 18, para. 18.2 b) above) of sale, and/or
 - b) decreased by the value of the concluded bilateral transactions (Article 18, para. 18.2 b) above) of purchase.
- 22.4 GME shall verify the technical adequacy of the submitted requests for registration by order of time of submission by the selling Participant.
- 22.5 At the end of each PBCV session, GME shall cancel all the requests i) that have been submitted by the seller, ii) that have been accepted by the purchaser, and iii) that have not passed the technical adequacy verification as per para. 22.1 above.

Article 23

Guarantee Deposit

- 23.1 For the purpose of submitting requests for registration in the mode mentioned in Article 18, para. 18.2 b) above, each selling Participant shall - within 12:00 of the day of the PBCV session - lodge a guarantee deposit in favour of GME, with value date on

the same day, and notify GME of the amount thereof in accordance with the modalities and within the time limits defined in the Technical Rules.

Article 24

Information about Concluded Bilateral Transactions

- 24.1 GME shall record the following information about bilateral transactions concluded on the PBCV:
- a) identification code of the request for registration;
 - b) price referred to 1 MWh;
 - c) number of Green Certificates;
 - d) reference year;
 - e) day and time of conclusion of the registration;
 - f) identity of purchasing and selling Participants.

Article 25

Emergency Procedure

- 25.1 Emergency conditions are defined as follows:
- a) GME is unable to receive the requests for registration submitted by Participants under the modalities referred to in Article 20 above, due to malfunctioning of its telecommunications systems;
 - b) GME is unable - for whatever reason, including malfunctioning of its information system - to determine the results of the validity and technical adequacy verifications of accepted requests for registration;
 - c) GME is unable - for whatever reason, including malfunctioning of its information system or telecommunications systems - to notify Participants of the results of the validity and technical adequacy verifications of accepted requests for registration.
- 25.2 If the conditions mentioned in para. 25.1 a) above arise, GME shall - under the modalities stated in the Technical Rules - notify Participants thereof and of the new time of close of the PBCV session. Where particularly adverse circumstances arise and the conditions referred to in para. 25.1 a) above persist within the new time of close of the PBCV session, GME shall cancel the session and notify Participants thereof in accordance with the modalities described in the Technical Rules.

- 25.3 If the conditions referred to in para. 25.1 b) above arise, GME shall suspend transactions on the PBCV and notify Participants of the presumable duration of the suspension as set forth in the Technical Rules.
- 25.4 The communication procedures to be adopted by GME upon the occurrence of the conditions referred to in para. 25.1 c) above shall be defined in the Technical Rules.
- 25.5 GME shall not be liable for default due to force majeure, fortuitous events or events beyond its control, including but not limited to malfunctioning of its information system due to viruses, hackers and strikes.

TITLE IV
BILLING, INVOICING AND PAYMENT OF FEES

Article 26
Billing of Fees

26.1 At the end of each PBCV session, GME shall calculate the fees referred to in Article 7, para. 7.1 above in respect of the registrations concluded on the PBCV.

Article 27
Invoicing Period

27.1 The invoicing period for the fees pertaining to the PBCV shall be defined in the Technical Rules.

Article 28
Invoicing of Fees

28.1 For each invoicing period, within the time limit specified in the Technical Rules, GME shall issue invoices to each Participant for the amounts referred to in Article 26 above.

Article 29
Invoice Contents

29.1 The invoices referred to in Article 28, para. 28.1 above shall specify at least the following data:

- a) number of Green Certificates covered by the concluded registrations;
- b) fees referred to in Article 7, para. 7.1 above;
- c) VAT taxation applied;
- d) total amount.

Article 30
Payment of Fees

30.1 Based on the invoices received from GME under Article 28 above, Participants shall - under the modalities and within the time limits established in the Technical Rules - pay the fees to the bank in charge of treasury services referred to in Article 82 of the Integrated Text of the Electricity Market Rules.

Article 31

Suspension for Non-Fulfilment of Notification Obligations and Non-Payment of Fees

31.1 GME shall suspend the Participant from the PBCV in the following cases:

- a) where the Participant does not fulfil notification obligations as per Article 15 above. The suspension shall have effect until the date of receipt of such notifications by GME;
- b) where the Participant does not pay the fees specified in Article 7, para 7.1 above. The suspension shall have effect until the date of receipt of such fees by GME and anyway for a period not exceeding six months. At the end of such period, the Participant that has not paid the fees shall be excluded from the PBCV.

TITLE V
SETTLEMENT OF PAYMENTS FOR CONCLUDED REGISTRATIONS
WITH TECHNICAL ADEQUACY VERIFICATION

Article 32

Payments to Selling Participants

- 32.1 With regard to the requests for registration referred to in Article 18, para. 18.2 b) above, GME shall - within 24 hours from the close of a session of the PBCV and for each concluded registration - make the payment to the selling Participant by utilising the purchasing Participant's available deposit. The value date of such payment shall be the second working day after the one on which the registration has been concluded.
- 32.2 At the end of the payments mentioned in para. 32.1 above, GME shall return to each purchasing Participant the residual guarantee deposit (if positive), with value date on the second working day after the one on which the latest PBCV session has been held, unless otherwise specified by the same Participant in accordance with the modalities and within the time limits stated in the Technical Rules.

TITLE VI
COMPLAINTS CONCERNING THE PBCV

Article 33

Submission of and Minimum Contents of Complaints

- 33.1 Complaints relating to the PBCV shall - under penalty of inadmissibility - be submitted in electronic form within sixty minutes from the end of the session, by using the appropriate forms available in the PBCV information system.
- 33.2 All complaints shall - under penalty of inadmissibility - include the following data:
- a) identification code of the request for registration which is being disputed, as assigned by GME's information system;
 - b) GME's decision being disputed;
 - c) concise description of the grounds for the complaint.

Article 34

Complaint Resolution

- 34.1 GME shall notify the Participant concerned of the outcome of the verifications of the complaints specified in Article 33 above, by the end of the working day following the day of receipt of such complaints.
- 34.2 The acceptance of a complaint shall not modify the results of the technical adequacy verifications made in the PBCV session to which the complaint refers, as per Article 22 above.

TITLE VII
FINAL PROVISIONS

Article 35

Entry into force

35.1 These Rules shall be posted on GME's website and enter into force upon the date of their publication.

Annex 1: "Modello di domanda di iscrizione" (PBCV Participation Application)



Annex 1

**Application for Participation in the Green Certificates Bilaterals Registration Platform (PBCV),
under article 11 of the Rules Governing the PBCV**

I, the undersigned.....(*name and surname*), born in
.....on....., residing in..... (*address*),
taxpayer's code....., VAT number....., telephone number
....., fax number, e-mail address

or

the company/*other*.....(*company name or registered name*), having its
registered office in.....(*address and postal code*), taxpayer's
number....., VAT number....., telephone
number....., fax number....., e-mail address....., represented
by..... in his/her capacity of.....(*legal representative or duly authorised
person*)

WHEREAS

- *Gestore dei Mercati Energetici S.p.A.* (hereafter called "GME") has established the *Piattaforma di Registrazione delle Transazioni Bilaterali dei Certificati Verdi* (Green Certificates Bilaterals Registration Platform, hereafter called "PBCV");
- the provisions concerning the operation of the PBCV are defined in the Rules Governing the PBCV (hereafter called "Rules"), posted on GME's website;
- the Technical Rules, referred to in article 4 of the Rules, are posted on GME's website;
- under Legislative Decree no. 196 of 30 June 2003, as subsequently amended and supplemented, GME shall process the Applicant's personal data with electronic means ensuring the security and the privacy of such data, in accordance with the data privacy statement issued under article 13 of the aforementioned Decree;

NOW, THEREFORE,

in accordance with article 11 of the Rules,

I, the undersigned,

or

the company/*other*, represented byin his/her
capacity of (*legal representative or duly authorised person*)

APPLY/APPLIES

for admission to the PBCV and, for this purpose,

- 1) declare/s that I/it have/has read and understood the Rules and the Technical Rules, that I/it accept/s to be bound thereby without any condition or reservation and that I/it shall keep update of any amendments thereto;
- 2) authorise/s GME to process my/its personal data and disclose them to third parties, in compliance with the applicable legislation;
- 4) also authorise/s GME to transfer my/its personal data, also for statistical purposes, to other parties providing the services required for the performance of GME's activities;
- 5) declare/s that the contact person for notifications, if any, is Mr./Mrs./Ms., in his/her capacity of....., whose contact data are(specify telephone number, fax number and e-mail address);
- 6) declare/s that the person/s authorised to access the PBCV information system on my/its behalf is/are:
 1. Mr./Mrs./Ms, born inon, residing in, taxpayer's number....., telephone number, e-mail address.....;
 2. Mr./Mrs./Ms, born inon, residing in, taxpayer's number....., telephone number....., e-mail address.....;
- 7) (where applicable) declare/s that the identification code assigned by *Gestore dei Servizi Energetici - GSE S.p.A.* is as follows

Place and date

.....

Signature

.....