

Technical Rule no. 05 rev3 PB-GAS

(under article 4 of the Regulations of the Gas Balancing Platform, approved by “Autorità per l’Energia Elettrica e il gas” with its Decision ARG/GAS 145/11 of 28 October 2011, as subsequently amended and supplemented)

Title	VAT Taxation on the PB-GAS
Reference Legislation	Article 20, para. 20.1 - Regulations of Gas Balancing Platform

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1. Foreword

Under Article 20, para. 20.1 of the Regulations of the Gas Balancing Platform (hereafter “PB-GAS Regulations”), each Participant shall ask GME to enter the data and information referred to in Article 19, para. 19.2 g) thereof into the Register of PB-GAS Participants, enclosing a statement concerning his/her/its taxation scheme to his/her/its request, in accordance with the procedures and within the time limits established in the Technical Rules.

2. Application of VAT

The following statements, where applicable, will be enclosed to the request for entry of data and information:

- a) if the Participant established in Italy intends to exercise the option, available to persons having established their 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, para. 1 c) of Decree of the President of the Republic no. 633 of 26 October 1972 - a statement of intent issued in accordance with article 1 c) of Law-Decree no. 746 of 29 December 1983, converted into Law no. 17 of 27 February 1984, and the documents to be enclosed thereto, where applicable under the legislation from time to time in force.

If the Participant intends to continue to exercise the option of making purchases without the application of VAT, he/she/it is required to resubmit the above statement and the documents, where applicable, upon expiration of their period of validity. If the statement and the enclosed documents, where applicable, are not resubmitted within the time limits mandated by law, GME will apply the standard VAT rate to the Participant concerned.

- b) if the entity (parent company or fixed establishment) that will materially carry out the purchase and/or sale transactions on the PB-GAS is different from the entity (parent company or fixed establishment) admitted as PB-GAS Participant - a statement (as per the form available on GME’s website www.mercatoelettrico.org) in which 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 PB-GAS.

3. Effect of the statements

The entry of the data and information contained in the statements referred to in para. 2 above will have effect within the second working day following the receipt of the request by GME, in accordance with Article 20, para. 20.2 of the PB-GAS Regulations, if the submitted documents are

correct and complete and if any requirements for updating the data and information notified by the Participant are met.

If the Italian Participant requests the application of the special VAT scheme mentioned in para. 2 a) above, by submitting the statement of intent and the related documents, where applicable, at a subsequent time after submitting the PB-GAS participation application and the PB-GAS participation agreement, the statement will have full effect, in respect of the fees to be invoiced by GME, as of the working day of receipt of the same.