

**PROCEDURE FOR MANAGING THE
“BLOCKING/UNBLOCKING” OF
ENERGY EFFICIENCY CERTIFICATES (“TEE”)¹**

¹*Reference shall always be made to the Italian text. In case of discrepancies, the Italian text shall prevail.*

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1. GENERAL

1.1 Regulatory and organisational references

A. Rules for registering bilateral transactions on Energy Efficiency Certificates

TITLE I – GENERAL PROVISIONS

Article 2 – Definitions

TITLE II – REGISTRATION OF BILATERAL TRANSACTIONS

Article 13 – Registration of bilateral transactions

B. Rules governing the operation of the Energy Efficiency Certificates Market

C. Energy Efficiency Certificates Register User Guide

1.2 Scope

This document defines the operational procedure for “blocking/unblocking” Energy Efficiency Certificates (hereafter “TEE”). The procedure applies to any natural or legal person (individuals or organisations) operating in the energy service sector (as per article 7 of the Decree issued on 28 December 2012 by the Minister of Productive Activities in consultation with the Minister of Environment and Land and Sea Protection, hereafter “Ministerial Decree of 28 Dec. 2012” and as per Article 5 of the Decree issued on 11 January 2017 by the Minister of Productive Activities in consultation with the Minister of Environment and Land and Sea Protection) and holding an ownership account in the Energy Efficiency Certificates Register (hereafter “account holder/s”). Under the procedure, the account holders may utilise all or part of the TEE that they have available upon the date of their application as collateral for their obligations towards the credit institutions financing their efficiency projects.

1.3 Definitions and abbreviations

For the purposes of this procedure, the definitions and abbreviations set out in article 2 of the Rules for registering bilateral transactions on Energy Efficiency Certificates, endorsed by Decision EEN 5/08 of 14 April 2008, as subsequently amended and supplemented, adopted by “Autorità per l’Energia Elettrica, il Gas e il Sistema idrico” (AEEGSI, The Italian Regulatory Authority for Electricity Gas and Water) and posted on GME’s website, as well as in the Ministerial Decrees by the Minister of Productive Activities in consultation with the

Minister of Environment and Land Protection of 20 July 2004, shall apply.

2. DESCRIPTION OF PROCESSES

2.1 Blocking of TEE

To apply for the “blocking” of a given number of TEE, the holder of the ownership account held in the Energy Efficiency Certificates Register shall submit a “Joint Declaration” to GME. The declaration shall have the format enclosed hereto (Annex 1 – “Joint Declaration”) and be signed both by the account holder and by the financing credit institution. The declaration shall contain:

- a) the request by the account holder to inhibit (block) the trading of TEE both through bilateral transactions and participation in the Energy Efficiency Certificates Market;
- b) the acknowledgement by the financing credit institution of what is indicated in point a) above and the concurrent request by the same institution that a person be authorised in viewer mode to access the TEE Register for control purposes;
- c) a clause of discharge of liability of GME, defined as follows:

“Moreover, the account holder and the credit institution shall hold GME harmless from any and all claims or liability for damages being an indirect or unpredictable consequence of GME’s conduct, including but not limited to damages arising from the loss of business opportunities or customers or profits. Finally, the account holder and the credit institution shall hold GME harmless from any and all claims or liability for damages deriving from failures or malfunctions due to force majeure, fortuitous case or anyway events beyond GME’s control, including but not limited to wars, riots, earthquakes, floods, fires, strikes, failures of power supply or telecommunications lines (e.g. telephone lines), as well as failure of access to the Internet, where such failures are due to the fault of third parties”.

The above-mentioned “Joint Declaration” form (Annex 1) is available in .pdf format on GME’s website, in the “GME’s Markets/Environmental Markets/Energy Efficiency Certificates/Register/TEE Blocking/Unblocking” section. The form must be duly filled in, signed both by the account holder (if the account holder is an organisation, the form must be signed by the legal representative or by a duly authorised person) and by the financing credit institution (represented by its legal representative or by a duly authorised person) and accompanied by a self-certification stating their powers of representation.

After checking the submitted documents for completeness and validity, GME shall block the specified number of TEE within the fourth working day following the date of receipt of the joint declaration of Annex 1.

If the submitted documents are incomplete or irregular, GME may ask the applicant to complete or regularise them. In this case, GME shall block the TEE within the fourth working day following the date of receipt of the complete or regular documents.

To enable the financing credit institution to monitor the blocked certificates, GME shall provide it with a login and a password for viewer-mode access to the Register.

2.2 Unblocking of TEE

The previously blocked TEE may be traded only after the financing credit institution has submitted a revocation of the TEE blocking to GME; the revocation shall have the format enclosed hereto (Annex 2 – “Revocation”):

The form for the “revocation” of the TEE blocking (Annex 2) is available in .pdf format on GME’s website, in the “GME’s Markets/Environmental Markets/Energy Efficiency Certificates/Register/TEE Blocking/Unblocking” section. The form must be duly filled in, signed by the credit institution (represented by its legal representative or by a duly authorised person) and accompanied by a self-certification stating the powers of representation of the legal representative or duly authorised person.

After receiving the revocation of the TEE blocking, GME shall - within the fourth working day following the date of receipt of the same notification - unblock the previously blocked TEE and thus make it possible to trade them again. If the submitted documents are incomplete or irregular, GME may ask the applicant to complete or regularise them. In this case, GME shall unblock the TEE within the fourth working day following the date of receipt of the complete or regular documents.

Copies of the Annexes mentioned in this procedure may be sent in advance to GME by fax to +39-06-80124102 or by e-mail to certificatibianchi@mercatoelettrico.org, while the originals must be sent to the following address:

Gestore dei Mercati Energetici SpA

Sala Mercato

Viale Maresciallo Pilsudski, 122/124

00197 Rome - Italy

3. ANNEXES

Annex 1 - “Joint Declaration” form - TEE blocking (to be completed and signed by both the account holder and the financing credit institution)

Annex 2 - “Revocation” form - TEE unblocking (to be completed and signed by the financing credit institution).

ANNEX 1

JOINT DECLARATION FOR BLOCKING ENERGY EFFICIENCY CERTIFICATES ("TEE")

I, the undersigned, born in, residing in, or the company/other.....having its registered office in, taxpayer's code, VAT number..., holder of ownership account no. (hereafter "account holder"), represented by, in his/her capacity of legal representative

AND

the credit institution, having its registered office in, VAT number.....(hereafter "credit institution"), represented by, in his/her capacity of legal representative

DECLARE

that they intend to inhibit (hereafter "block") the trading - whether through bilateral contracts or participation in the Energy Efficiency Certificates Market - of a number of Energy Efficiency Certificates (hereafter "TEE") posted as collateral for the financing granted by the credit institution as per agreement (*specify reference data*)

Therefore, the account holder hereby asks Gestore dei Mercati Energetici SpA (hereafter "GME") to "block" of a number of TEE recorded in the ownership account opened in the TEE Register.

In turn, the credit institution hereby acknowledges and explicitly approves the “blocking” of the above-mentioned TEE. Additionally, the credit institution hereby asks that the following person be authorised to access the TEE Register in viewer mode:

name...

surname...

taxpayer’s code...

telephone...

e-mail...

Moreover, the account holder and the credit institution shall hold GME harmless from any and all claims or liability for damages being an indirect or unpredictable consequence of GME’s conduct, including but not limited to damages arising from the loss of business opportunities or customers or profits. Finally, the account holder and the credit institution shall hold GME harmless from any and all claims or liability for damages deriving from failures or malfunctions due to force majeure, fortuitous case or anyway events beyond GME’s control, including but not limited to wars, riots, earthquakes, floods, fires, strikes, failures of power supply or telecommunications lines (e.g. telephone lines), as well as failure of access to the Internet, where such failures are due to the fault of third parties.

Place and date

.....

The account holder

....

Stamp of the company

The credit Institution

.....

Stamp of the company

ANNEX 2

REVOCATION OF THE BLOCKING OF ENERGY EFFICIENCY CERTIFICATES (“TEE”)

The financing credit institution, having its registered office in....., represented by, in his/her capacity of legal representative, in accordance with the provisions of the “Joint Declaration” signed by the financing credit institution and by the holder of ownership account no.

WHEREAS

on ... (*specify date*), the credit institution and the holder of the ownership account signed a “Joint Declaration” for inhibiting (“blocking”) the trading of a number of TEE

HEREBY NOTIFIES

GME of the revocation of the “blocking” of a number of TEE

recorded in the ownership account of the holder of ownership account no. opened in the TEE Register, with a view to making it possible to trade them again.

For the purposes and effects of this notification, the credit institution shall hold GME harmless from any and all claims or liability for damages being an indirect or unpredictable consequence of GME's conduct, including but not limited to damages arising from the loss of business opportunities or customers or profits. Finally, the credit institution shall hold GME harmless from any and all claims or liability for damages deriving from failures or malfunctions due to force majeure, fortuitous case or anyway events beyond GME's control, including but not limited to wars, riots, earthquakes, floods, fires, strikes, failures of power supply or telecommunications lines (e.g. telephone lines), as well as failure of access to the Internet, where such failures are due to the fault of third parties.

Place, date

....

Signature

....

Stamp of the company