



Technical Rule no. 02 rev1 MTEE

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

Title	Taxation in the Energy Efficiency Certificates Market
Reference Legislation	Article 21, para. 21.2, Rules of Operation of the Energy Efficiency Certificates Market

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1. Foreword

Article 21, para. 21.2 of the Rules of Operation of the Energy Efficiency Certificates Market (hereafter "MTEE Rules" stipulates that the Technical Rules shall define the Market Participant's obligations to notify his/her/its applicable tax scheme, as well as its registration with the VAT Information Exchange System (VIES).

2. Application of VAT and registration with the VIES

The applicant must enclose the following statements to his/her/its request for entry of data and information:

- a) a statement of intent in the format approved by the Ministerial Decree of 6 December 1986, if the Participant intends to exercise the option - for parties having established their place of business in Italy and having made supplies for export or like exports - to purchase goods and services without the application of VAT, under article 8, para. 8.1 c) of Decree of the President of the Republic no. 633 of 26 October 1972, as subsequently amended and supplemented.

If the Participant intends to continue to exercise the option of purchasing goods and services without the application of VAT, he/she/it will be required to renew his/her/its statement to GME upon the expiration of its period of validity. If the statement is not renewed within the time limits established by the applicable legislation, GME will apply the standard VAT rate to the Participant concerned;

- b) a statement issued under Decree of the President of the Republic no. 445 of 28 December 2000 - signed in original by the individual or the legal representative - in which the Italian Participant notifies his/her/its registration with the VAT Information Exchange System (VIES) concerning parties authorised to carry out intra-Community operations under article 35 of Decree of the President of the Republic no. 633 of 26 October 1972, as subsequently amended and supplemented.

2. Effect of the statements

The entry of the data and information contained in the statements mentioned in para. 2 above will take effect on the second working day following receipt of the request by GME.

3. Application of VAT on fees

The services provided by GME in the MTEE shall mean services and the chargeability of VAT on the related fees shall depend on the place where the customer (Market Participant) has established his/her/its business.

Therefore, GME shall issue invoices by applying VAT at the standard rate, if the customer has established his/her/its place of business in Italy and has not submitted a statement concerning his/her/its tax scheme as “esportatore abituale” (exporter on a permanent basis) as per Article 8, para. 8.2 of Decree of the President of the Republic no. 633 of 26 October 1972, in accordance with the modalities and within the time limits defined in para. 2 above. By contrast, if the customer has submitted such a statement, GME shall issue invoices without applying VAT.

Conversely, if the customer has established his/her/its place of business in one of the countries of the European Union (EU) and is a taxable person in his/her/its own country, GME shall issue invoices without applying VAT. In this case, the customer shall apply VAT under the reverse charge procedure.

If the customer has established his/her/its place of business in a non-EU country and is a taxable person in such country, GME shall issue invoices without VAT.