

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 Market 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 Market 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 Market 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 Market Participant that has established his/her/its business in Italy notifies his/her/its registration with the VAT Information Exchange System (VIES) concerning parties authorised to carry out intra-Community transactions under article 35 of Decree of the President of the Republic no. 633 of 26 October 1972, as subsequently amended and supplemented.

The Market Participant is held to notify GME promptly, and anyway within three working days of its occurrence, of any change concerning the registration of his/her/its VAT identification number with the VIES;

- c) if the entity (parent company or fixed establishment) that will materially carry out the purchase and/or sale transactions in the MTEE is different from the entity (parent company or fixed establishment) admitted as participant to the MTEE - a statement (as per the form enclosed hereto) where the Market 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 in the MTEE.

As the MTEE Participant is registered with the TEE Register, he/she/it must also file the statement (as per the form enclosed hereto) with reference to the TEE Register.

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, if the submitted documents are correct and complete and if the requirements, if any, for updating the data and information provided by the Market Participant are satisfied.

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.

1. VIES registration statement form

SELF-CERTIFICATION (*)

(pursuant to Decree of the President of the Republic no. 445 of 28 December 2000, hereafter "DPR 445/00")

Re: Statement of registration with the VAT Information Exchange System (VIES)

I, the undersigned, born in on, residing intaxpayer's code in my capacity ofof the company having its registered office in taxpayer's code and VAT identification number, aware of the loss of benefits resulting from misrepresentations as per art. 75 of DPR 445/00, as well as of the criminal penalties inflicted in case of misrepresentations as per art. 76 of DPR 445/00,

HEREBY STATE

for the purposes and effects of art. 46 of DPR 445/00 and under my own responsibility

that since (date) the VAT identification number has been registered with the VAT Information Exchange System (VIES) concerning parties authorised to carry out intra-Community transactions under article 35 of Decree of the President of the Republic no. 633 of 26 October 1972, as subsequently amended and supplemented, after filing the relevant application with the revenue office on

In witness hereof
(signature)

Date

Exempt from stamp duty as per art. 37, DPR 445/00.

Privacy Statement under art. 13 of Legislative Decree no. 196 of 30 June 2003: under the applicable legislation, the above data shall be solely used for the purpose for which they have been originally provided.

(*) This is courtesy translation. You must submit only the Italian version of the document.

2. VIES cancellation statement form

SELF-CERTIFICATION (*)

(pursuant to Decree of the President of the Republic no. 445 of 28 December 2000, hereafter "DPR 445/00")

Re: Statement of cancellation from the VAT Information Exchange System (VIES)

I, the undersigned, born in on, residing intaxpayer's code in my capacity ofof the company having its registered office in taxpayer's code and VAT identification number, aware of the loss of benefits resulting from misrepresentations as per art. 75 of DPR 445/00, as well as of the criminal penalties inflicted in case of misrepresentations as per art. 76 of DPR 445/00,

HEREBY STATE

for the purposes and effects of art. 46 of DPR 445/00 and under my own responsibility

that since (date) the VAT identification number has been CANCELLED from the VAT Information Exchange System (VIES) concerning parties authorised to carry out intra-Community transactions under article 35 of Decree of the President of the Republic no. 633 of 26 October 1972, as subsequently amended and supplemented.

In witness hereof
(signature)

Date

Exempt from stamp duty as per art. 37, DPR 445/00.

Privacy Statement under art. 13 of Legislative Decree no. 196 of 30 June 2003: under the applicable legislation, the above data shall be solely used for the purpose for which they have been originally provided.

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3. VAT and Fixed Establishment Statement form referred to in para. 2 c) above

VAT AND FIXED ESTABLISHMENT STATEMENT¹ (*)

Gestore dei Mercati Energetici S.p.A.
Largo Tartini, 3/4
00198 – Roma

I, the undersigned _____, born in _____, on _____, taxpayer's code _____, residing in _____, address _____, legal representative of the company _____ (NOTE: Market Participant), having its:

- registered office in (country) _____, (town/city) _____, address _____, VAT identification number _____;
- fixed establishment in (country) _____, (town/city) _____, address _____, VAT identification number _____, as per the certificate issued by the relevant tax authorities and enclosed hereto with the related sworn and apostilled translation (if it is not in the Italian language) for fixed establishments located in non-EU countries;

HEREBY STATE

in connection with trades/transactions in the MTEE and on the TEE Register:

- that all the trades/transactions will be carried out directly from the main place of business;
- that all the trades/transactions will be carried out with the technical and human resources of the fixed establishment located in (country) _____, (town/city) _____, address, VAT identification number _____.

I, the undersigned, also undertake to submit a new statement in case of change of the above data.

I, the undersigned, will be fully responsible and liable for the accuracy and truthfulness of the submitted statements and data, holding Gestore dei Mercati Energetici S.p.A. (hereafter "GME") harmless from and against any and all responsibilities and liabilities regarding the correct application of the taxes based on the above statements. If the above-mentioned data are untruthful, I will bear all the costs in connection with differences in taxes, pecuniary sanctions, interest and any other amount that GME may be required to pay to the financial administration and/or to any other entity involved, as well as court fees, regardless of the legitimacy of the claim filed against GME by the financial administration and/or any other entity involved. I, the undersigned, undertake to pay the requested amounts within 5 (five) days at the latest.

Where any defence filed by GME with the financial administration and/or any other entity involved, in order to protect its interests and make its arguments heard, has a demonstrated positive final outcome, then the undersigned will be entitled to the refund of the amounts paid in accordance with the above paragraph, to the extent that GME has obtained, for such reason, a refund from the financial administration and/or any other entity involved. GME will be held to refund the undersigned of the amounts that he/she has paid and that have been demonstrated not to be due to the financial administration and/or to any other entity involved, provided that the undersigned has asked GME - in due course and within the time limits mandated by law - to file a claim for refund of the aforesaid amounts with the relevant bodies. GME will fulfil the aforesaid obligation to the extent that it will obtain the aforesaid refund from the financial administration and/or any other entity involved.

¹ Statement to be submitted on the company's letterheaded paper.

Without prejudice to the above for the purposes of the application of VAT, I, the undersigned, also state that the trades/transactions possibly carried out by a fixed establishment will produce the same effects, in terms of rights and obligations, also with regard to the guarantees posted to cover obligations, as if they had been carried out directly from the main place of business. I hereby enclose a copy of my identity document.

Stamp and signature

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