



**REGULATION GOVERNING THE  
TRADING PLATFORM FOR MINERAL OIL  
LOGISTICS SERVICES  
(P-LOGISTICS)**

*Approved by Decree of the Ministry of Economic Development 7 July 2017*

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## **TITLE I**

### **General Provisions**

#### **Article 1**

##### **Subject and Annexes**

- 1.1 These Rules and the documents attached thereto, which form part of them, govern the terms of organization and operation of Platform showing the notices concerning oil and mineral oil logistics services in the implementation of the provisions in Article 21 of Legislative Decree No. 249 of December 31<sup>st</sup> 2012, and the provisions set out in Ministerial Decree of August 9<sup>th</sup>, 2013 of the Ministry of Economic Development (hereinafter referred to as P-LOGISTICS).

#### **Article 2**

##### **Definitions**

##### 2.1 In the Rules:

- a) bulletin board means the screen report in which it is possible to view all the notices placed by participants in the computer system of the P-LOGISTICS in relation to each logistics service;
- b) Decree of August 9, 2013 means the Decree of the Ministry of Economic Development of August 9, 2013, by which, in implementing the provisions of Decree No. 249/12, it was approved the establishment, organization and operation of a market platform to bring together demand and supply of mineral-oil logistics at GME, according to the principles of neutrality, transparency and competition;
- c) exclusion from the P-LOGISTICS means the definitive loss of status of participant;
- d) GME means Gestore dei Mercati Energetici S.p.A., the joint stock company that is responsible, among other things, for the management of the electricity market, pursuant to Article 5 of Decree No. 79/99, the economic management of the natural gas market, pursuant to Article 30 of the Law No. 99 of July 23, 2009, and the organization and management of an oil and mineral oil logistics market pursuant to Article 21 of Legislative Decree No. 249/2012;
- e) identification code of the notice means the alphanumeric sequence that allows to uniquely identify a notice for the P-LOGISTICS purposes;
- f) identification code of the participant means the alphanumeric sequence that allows to uniquely identify a participant for the purposes of participation in the P-LOGISTICS;
- g) Legislative Decree No. 249/12 means the Legislative Decree No. 249 of December 31, 2012 of "Implementation of Directive 2009/119/EC imposing an obligation on Member States to maintain a minimum stocks of crude oil and/or petroleum products", published in the Official Gazette No. 22 of January 26, 2013;
- h) logistics service means services, notified through the P-LOGISTICS, for the storage and transit of mineral oils, such as gasoline, diesel, biofuels and jet fuels of kerosene type, as well as the services made available through the logistics capacity related to other categories of mineral oil

specified by the Ministry of Economic Development, pursuant to Article 2, paragraph 2 of the Decree of August 9, 2013, and published by GME on its *website*;

- i) notice means the non-binding expression of availability for sale of logistics services published by participants, anonymously, on the bulletin board display;
- j) OCSIT means the Italian Central Storage Body as set forth in Article 7 of Legislative Decree 249/2012, whose functions and activities, in the preservation of oil procurement and availability of oil stocks, are attributed to the Acquirente Unico S.p.A.;
- k) participant means the legal person that is admitted to trading on the P-LOGISTICS;
- l) P-LOGISTICS means the IT platform of the bulletin board display organized and managed by GME showing the availability of oil logistics services in the short, medium and long term;
- m) storage service means the provision of a specific volume for a certain period of time along with the reception and delivery, ex-storage, of mineral oils allowed to the P-LOGISTICS;
- n) Suspension of the P-LOGISTICS means the temporary inhibition of a participant from the right to participate in the P-LOGISTICS.
- o) transit service means receiving, ex-warehouse, storage, handling and delivery of mineral oils allowed to the P-LOGISTICS;
- p) working day means a day from Monday to Friday, except public holidays recognized by the State in all civil effects, as well as those as may be specified in the Operation Manual of the P-LOGISTICS;

### **Article 3**

#### **General principles and amendments to the Regulations**

- 3.1 GME shall exercise its functions in a transparent and non-discriminatory way.
- 3.2 GME shall be equipped with an organizational structure suitable for preventing conflicts of interest, real or potential, and control procedures for verification of compliance with the Rules and Operation Manual of the P-LOGISTICS.
- 3.3 Participants are required to conform their behavior to the principles of ethics and good faith.
- 3.4 GME shall prepare proposals to amend the Rules and make them known by posting them on its website or other means, to the interested parties, setting a term not less than fifteen days within which such parties may submit their observations. Taking into account the comments received, GME shall submit the proposed amendments and the reasons therefore to the Minister of Economic Development, for approval.
- 3.5 The procedure referred to in paragraph 3.4 does not apply in the case of urgent amendments to the Rules, aimed at safeguarding the proper operation of the P-LOGISTICS, or in cases of adaptation of the Rules to the applicable regulatory requirements. In this case, the amendment proposed by GME shall have effect

with the publication on the GME's website and it is promptly submitted to the Minister of Economic Development, for approval. If the Minister does not approve the amendment, it shall cease to have effect from the date of communication of the Minister's decision to GME. GME shall timely notify the participants of the outcome of the approval procedure by publication on its website.

- 3.6 Amendments to the Rules made in accordance with the paragraphs 3.4 and 3.5 above, are binding on all participants in the P-LOGISTICS that:
- a) have not requested exclusion referred to in Article 21 below within fifteen days after the entry into force of the amendments;
  - b) have operated on the P-LOGISTICS during the time referred to in subparagraph a) above.

#### **Article 4** **Operation manual of the P-LOGISTICS**

- 4.1 Registration, participation and operation procedures of the P-LOGISTICS, and the rules implementing and procedural regulations are defined in the Operation Manual of the P-LOGISTICS (hereinafter: Manual).
- 4.2 The Manual and any subsequent revision are posted on GME's website and, unless otherwise specified, shall enter into force from the date of publication.

#### **Article 5** **Units of measurement and rounding**

- 5.1 For the purpose of the P-LOGISTICS, GME uses the units of measurement posted on the Manual.
- 5.2 For the purposes of the P-LOGISTICS, all rounding are performed by applying the mathematical criterion. In particular, figures are rounded up or down to the nearest last decimal allowed and, if the result is halfway, they are rounded up.

#### **Article 6** **Access to information system**

- 6.1 Access to the information system of the P-LOGISTICS takes place through the Internet, in the manner and terms defined in the Manual, or by any other means specified therein.

#### **Article 7** **Fees for services provided by GME**

- 7.1 For the service provided by GME on the P-LOGISTICS, Participants shall pay GME the following fees:

- a) an access fee;
- b) a yearly fixed fee.

7.2 The amount of fees referred to in paragraph 7.1 above is determined by GME in order to ensure the economic and financial equilibrium of its operations and is approved by the Minister for Economic Development. Any subsequent amendment shall be subject to prior approval by the Minister of Economic Development. This measure will be published on the GME's website and will become effective starting from January 1<sup>st</sup> of the following year.

### **Article 8** **Invoicing of fees**

8.1 The fees referred to in Article 7, paragraph 7.1, subpara. a) and b), are invoiced, plus VAT, where applicable, according to the modalities and within the time limits defined in the Manual.

### **Article 9** **Payment of fees**

9.1 The amounts referred to in Article 8 above shall be paid by the Participants according to the modalities and within the time limits defined in the Manual.

### **Article 10** **Information on the P-LOGISTICS**

10.1 Data and information referred to in Article 24 below, paragraph 24.1, subpara. a) and g), related to the notices shown on the P-LOGISTICS, in an anonymous and aggregate manner, are public and published on the GME's website or otherwise IT support. Each participant shall have access to data and information of the P-LOGISTICS concerning him/her/it directly.

10.2 Except in cases where the disclosure requirement results from laws, regulations or other decisions by authorities, GME shall keep the information related to the notices shown on the P-LOGISTICS confidential.

### **Article 11** **Communication and publication of data and information**

11.1 Unless otherwise specified, the notification and the publication of data and information provided by the Rules shall be carried out electronically. In particular:

- a) the communication to a participant is made through the provision of data and information in the section of GME's information system whose access is only permitted to the participant;
  - b) The publication is carried out through the provision of data and information on the non-restricted access section of the GME's website.
- 11.2 The notices submitted by the participants, as well as their expressions of interest, are considered received on the date and at the time recorded by the GME's information system.  
Any other communication shall be deemed received:
- a) on the date and at the time of receipt, if received between 8 am and 5 pm of a working day;
  - b) at 8 am of the first working day after its receipt, if received between 5 pm and 12 am of a working day, or between 12.01 am and 12 pm of a non-working day;
  - c) at 8 am of the day of receipt, if received between 12 am and 8 am of a working day.
- 11.3 In order to determine the time of receipt of a notice, the time of the protocol of GME applies. In the event that a notice takes place via computer, the time of the GME's information system applies.

## ***Article 12*** ***Access security***

- 12.1 Participants access the P-LOGISTICS through appropriate procedures, shown in the Manual, aimed at ensuring their identification and authenticity as well as the confidentiality of operations carried out through the P-LOGISTICS.
- 12.2 Participants are required to keep and maintain the confidentiality of access codes and any other data or device required for access to the computer system of the P-LOGISTICS.

**TITLE II**  
**REGISTRATION TO THE P-LOGISTICS**

**Article 13**  
***Requirements for registration in the P-LOGISTICS***

- 13.1 Those who have adequate experience and expertise in the use of telematics systems and related security systems, or those who have employees or assistants with such experience and competence can be admitted to the P-LOGISTICS.
- 13.2 The following parties shall not be admitted to the P-LOGISTICS:
- a) those who have been convicted by final judgement, unless rehabilitated, or by a judgment imposing the punishment at the request of the parties, except in the event of termination of the offense, by imprisonment for the offense referred to in Article 501 of the Criminal Code, or by one of the crimes against the inviolability of the secrecy of computer or e-communications provided for in Articles 617c, quinquies and sexies of the Criminal Code, or with the crime of computer fraud under Article 640b of the Criminal Code, or with the offense of fraud committed against the State or another public body referred to in Article 640, paragraph 2, 1 of the Criminal Code, with the offenses concerning income tax and value added as per D.Lgs. 10 March 2000, no. 74, as well as those who have been convicted by an irrevocable sentence for the crimes referred to in Legislative Decree 504/95;
  - b) those who are not registered in the Register of Companies or, alternatively, do not possess the Administrative Economic Repertoire Code provided by the Italian Chamber of Commerce, Industry, Crafts and Agriculture;
  - c) those who have been excluded pursuant to Article 30, paragraph 30.1 below, for which, at the date of submission of the new application, GME still has an outstanding claim.
- 13.3 The conditions referred to in paragraph 13.2 (a) above refer to the holder, or to the legal representative or the person with the necessary powers.
- 13.4 13.4 With regard to the cases regulated in whole or in part by foreign legal systems, the verification of the existence of the requirements set out in paragraphs 13.2 and 13.3 above is carried out on the basis of a substantial equivalence assessment by GME.

**Article 14**  
***Application for registration in the P-LOGISTICS***

- 14.1 The party wishing to participate in the P-LOGISTICS shall submit to GME the application form and accompanying documentation described Article 15 below, in the manner specified in the Manual.



## **Article 15**

### ***Documents to be enclosed to the P-LOGISTICS participation application***

- 15.1 The application for admission in the P-LOGISTICS, signed by the person concerned, shall be accompanied by the following documentation, to be drawn up in the manner specified in the Manual:
- a) A statement, made pursuant to the decree of the President of the Republic of 28 December 2000, no. 445, certifying that the person applying for admission to the P-LOGISTICS, referred to in Article 14, para. 14.1, has not been the recipient of measures, in Italy, implying the loss of requirements of Article 13, paragraph 13.2, subpara a) and has not been the recipient, abroad, of measures corresponding to those which, according to the Italian law, would result in the loss of the same requirements or other equivalent documentation on the basis of which GME performs a substantial equivalence;
  - b) A statement made by the person requesting admission to P-LOGISTICS pursuant to the Decree of the President of the Republic of 28 December 2000, no. 445, certifying the ownership of the representation powers or other equivalent documentation on the basis of which GME performs a substantial equivalence assessment;
  - c) A statement made pursuant to the decree of the President of the Republic of 28 December 2000, no. 445, certifying that the person applying for admission to P-LOGISTICS is registered in the Register of Companies or, alternatively, possesses the Administrative Economic Repertoire Code provided by the Italian Chamber of Commerce, Industry, Crafts and Agriculture or other equivalent documentation on the basis of which GME performs a substantial equivalence assessment.
- 15.2 Should the documentation referred to in paragraph 15.1 already exist in GME, the party concerned is exempted from producing it by submitting a statement containing such indication, the date of dispatch to GME of the relevant documentation, and the confirmation of the current content of the same documentation.

## **Article 16**

### ***Participant in the P-LOGISTICS***

- 16.1 For the purpose of registration and participation in the P-LOGISTICS, the participant status is attributed to the OCSIT.

## **Article 17**

### ***List of participants registered in the P-LOGISTICS***

- 17.1 Participants registered in the P-LOGISTICS are entered in an appropriate "List of participants registered in the P-LOGISTICS", created and held by GME in

compliance with the provisions of EU Regulation 679/2016 and subsequent amendments and additions.

- 17.2 For each participant, the list of participants registered in the P-LOGISTICS contains:
- a) identification code assigned by GME;
  - b) registered name or company name, registered office, tax code, VAT number, telephone number, fax number, e-mail, subject to refer to any communications and related address;
  - c) status of the participant: registered, suspended, pending request for exclusion, excluded;
  - d) company Code, provided by the Ministry of the Economic Development, if available.
  - e) tax regime of the participant.
- 17.3 GME shall publish on its corporate website, relatively to the participants entered, the following data and information:
- a) company name
  - b) registered office;
- 17.4 Each participant may access to their personal data and information contained in the list of participants registered in the P-LOGISTICS.

**Article 18**  
***Data and information of participating in the P-LOGISTICS***

- 18.1 For the purpose of data and information entry referred to in Article 17, paragraph 17.2, subpara. e), the participant shall submit to GME a statement declaring his/her/its tax regime as provided in the Manual.
- 18.2 On receipt of the declaration referred to in paragraph 18.1, the list of participants registered in the P-LOGISTICS is updated by GME. Such amendment shall take effect within the second working day after the receipt of the request by GME.

**Article 19**  
***Verifications***

- 19.1 GME verifies the compliance with the Regulations and the Manual in order to ensure the proper functioning of P-LOGISTICS in accordance with the criteria of neutrality, transparency, objectivity and competition between operators. To this end, GME may require all operators to provide any useful information or

document regarding the operations they have carried out on P-LOGISTICS, possibly also by means of invitation to the hearing.

- 19.2 GME reserves the right to verify, in due time and in the manner defined by the same GME, that operators remain in compliance with the requirements for admission to the P-LOGISTICS. To this end, GME may require further documentation or update of the one already submitted.

**Article 20**  
**Notification obligations**

- 20.1 Participants are required to notify GME promptly and in any event within three working days from its occurrence, any change in circumstances, facts and quality that are likely to affect the modification of the data and information referred to in Article 17, paragraph 17.2, subpara. b) and e) declared and have been entered into the List of participants registered in the P-LOGISTICS.
- 20.2 Following every communication referred to in paragraph 20.1 above, GME shall update the list of participants registered in the P-LOGISTICS.

**Article 21**  
**Exclusion from the P-LOGISTICS on request**

- 21.1 For the purposes of exclusion from the P-LOGISTICS, participants shall submit to GME as specified in the Manual, a written request, showing the date from which the exclusion is requested.
- 21.2 The on-request exclusion from the P-LOGISTICS starts from the later of the following:
- a) the second working day following the date of receipt by GME of the request referred to in paragraph 21.1 above;
  - b) the date specified in the request referred to in paragraph 21.1 above.
- 21.3 The exclusion from the P-LOGISTICS under this Article shall not exempt the participant from all obligations arising from commitments taken by the P-LOGISTICS, including that relating to the payment of the fees referred to in Article 7.
- 21.4 During the period of suspension from the P-LOGISTICS, the participant cannot request exclusion under this Article.

**TITLE III**  
**OPERATION OF THE P-LOGISTICS**

**Article 22**  
**Purpose of the P-LOGISTICS**

- 22.1 The P-LOGISTICS is the platform where participants can:
- a) publish, anonymously, their notices concerning oil logistic services according to the procedures and time limits specified in the Manual;
  - b) view and express interest in one or more notices in the bulletin board.
- 22.2 GME's obligations exclude the checking of the truthfulness of data and information provided by the participants and published on the P-LOGISTICS.
- 22.3 Any conclusion of the contract between the participant proposing the notice and the participant interested in the same notice takes place outside of the platform and, in any case, neither the notice referred to in paragraph 22.1, subpara. a) nor the expression of interest referred to in paragraph 22.1, subpara. b), constitute a commitment to negotiate or to conclude contracts between the participants involved.

**Article 23**  
***Days and time of operation of the P-LOGISTICS***

- 23.1 Participants can carry out the activities referred to in Article 22 on the P-LOGISTICS continuously during every day of the year.

**Article 24**  
***Logistic services offer notices***

- 24.1 The offer notices relating to each logistic service, shall be submitted as specified in the Manual and contain at least the following information:
- a) the amount of the service;
  - b) the unit price of the service (net of VAT);
  - c) the type of the service (transit, storage);
  - d) the type of storage (segregated, mixed);
  - e) the type of storage (coastal, inland);
  - f) the type of mineral oil;
  - g) the location;
  - h) the length of the service (start-end of the service);
  - i) expiry date of the service
- 24.2 Notwithstanding the provisions of para. 24.1, participants may enter additional informations for each notice in the manner and based on the time limits specified in the Manual.

- 24.3 Visualisation of the notices on the bulletin board by the participants is based on the characteristics of the object of the service in the manner defined in the Manual.
- 24.4 The valid notices under Article 25 below remain published until the date referred to in para. 24.1, subpara i). After expiration of the said period, the notices will be automatically deleted.
- 24.5 Participants may cancel or modify their notices in the manner and based on the time limits specified in the Manual.
- 24.6 The notices are displayed on the bulletin board without specifying the proposing participant, ensuring his/her/its anonymity.
- 24.7 GME shall delete notices of participants suspended or excluded from the P-LOGISTICS in the manner and terms defined in the Manual.

**Article 25**  
***Checking the notices validity***

- 25.1 Following the submission of the notices, GME shall carry out the validation checks by only checking that:
- a) the participant is not suspended in the P-LOGISTICS;
  - b) the notice was submitted in the manner specified in the Manual;
  - c) the notice shows the minimum information referred to in Article 22, para. 24.1 above.
- 25.2 Where the validation checks referred to in this Article are successful, the notice shall be published on the bulletin board display.
- 25.3 Where the validation checks referred to in this Article are not successful, the GME's information system rejects the notice, showing participants the reason for invalidity.
- 25.4 The responsibility for correctness and accuracy of data and information for each notice on the P-LOGISTICS is in any case only upon the participant that publishes them.
- 25.5 GME is not and cannot be held liable for any damage arising from the use of the information on the P-LOGISTICS.

**Article 26**  
***Operation modes of the P-LOGISTICS***

- 26.1 Notices are displayed on the bulletin board with the indication of the identification code of the notice and the minimum information referred to in Article 24, paragraphs 24.1 and 24.2.
- 26.2 Those registered in the P-LOGISTICS, if not suspended, can view the data and information related to the logistics service contained in the notice and may

express interest in one or more offer notices on the bulletin board display in the manner and based on the terms set out in the Manual.

- 26.3 Following an expression of interest with respect to one or more notices, GME discloses the participant proposing the notices, using a special communication sent through the platform, the full name of the participant who has expressed interest in one or more notices, including the identification code of each notice.
- 26.4 If the participant proposing a notice agrees to get in touch with the subject who has expressed an interest, the platform sends him/her/it the identification code of the latter, the data identifying the proposing notice as well as those related to logistics service, including additional informations, if any, in the manner and terms indicated in the Manual.
- 26.5 If the participant proposing a notice rejects to enter into the contact with the subject who has expressed an interest, the platform sends to the latter a special communication containing the notification of the decision, keeping the anonymity of the proposing participant who rejected the contact.
- 26.6 Participants are required to keep confidential all the data and information pertaining to the potential negotiating counterparties to which they come to know via P-LOGISTICS, after receiving and/or accepting one or more expression of interest.

### **Article 27** **Emergency conditions**

- 27.1 Emergency conditions, including all cases of force majeure, are the situations of unavailability of the PLOGISTICS, also due to a malfunction in the computer system or telecommunication systems of GME, including by way of example:
  - a) in cases where participants not suspended in the P-LOGISTICS cannot view and/or express interest in one or more notices therein;
  - b) the case where GME is not able to receive the notices sent by the participants;
  - c) the case where GME is not able to communicate to the participants as provided under Article 26, paragraph 26.3.
- 27.2 In the event of occurrence of cases referred to in paragraph 27.1 above, GME shall provide the participants the onset of the emergency conditions, as specified in the Manual.
- 27.3 In the event of occurrence of cases referred to in paragraph 27.1 above, GME is not and cannot be held liable for any damage suffered by the participants.

**TITLE VI**  
**BREACHES, DISCIPLINARY MEASURES AND DISPUTES ON P-LOGISTICS**

***Article 28***  
***Breaches of the Rules and the Manual***

28.1 Breaches of the Rules and the Manual include the following behaviors:

- a) the negligence, imprudence and inexperience in the use of communication and participation systems related to the P-LOGISTICS;
- b) the disclosure to third parties of confidential information related to third-party participants, or the participant, which deal, in particular, the access codes to the GME's information system, any other data necessary for access to the GME's information system and the content of the notices submitted by third participants to GME, except the case that this occurs for the fulfillment of those obligations imposed by laws, regulations or decisions of competent authorities;
- c) attempting to access and/or unauthorized access to restricted areas of the GME's information system;
- d) all forms of use of the communication systems for fraudulent purposes;
- e) any other conduct contrary to the principles of fairness and good faith referred to in Article 3, paragraph 3.3 above.

***Article 29***  
***Disciplinary Measures***

29.1 Where GME ascertains the existence of the breaches referred to in Article 28 above, it shall implement against the participant, while respecting the principle of equality and equal treatment, taking into account the seriousness of the violation, the possible recidivism and the grade, the following disciplinary measures:

- a) private written warning;
- b) suspension from the P-LOGISTICS for a period not exceeding 18 months.

29.2 If a breach is identified, GME shall send to the Participant a notice containing:

- a) the description of the alleged breach;
- b) a deadline of at least ten days for any submission of defense brief documents.

- 29.3 GME shall, on the basis of the acquired elements, adopt any disciplinary measure, or filing the procedure, within thirty days of sending the notice referred to in paragraph 29.2 above.
- 29.4 The disciplinary measure, properly motivated, or the filing, shall be communicated to the participant concerned. Any disciplinary measure adopted shall be communicated, for information, to the Ministry of Economic Development.

### **Article 30**

#### ***Suspension for failure to comply with the notification obligations and failure to pay the fee***

- 30.1 In addition to the cases referred to in Article 29 above, GME shall suspend the operator from the P-LOGISTICS in the following cases:
- a) where the participant fails to comply with the notification obligations referred to in Article 20, para. 20.1, or the information provided pursuant to Article 20, para. 20.1 above, does not allow GME to get in contact with the participant, or the latter does not provide the information or documentation required under Article 19, paragraph 19.2. The suspension shall be valid until the date of receipt by GME of the communication referred to in Article 20, paragraph 20.1 or of the information or documentation referred to in Article 19, paragraph 19.2 or until the date on which the operator is found available again on the basis of the information notified pursuant to Article 20, paragraph 20.1;
  - b) where the participant fails to fulfill the obligation to pay the fees referred to in Article 7, paragraph 7.1, as provided for in Article 9 above. The suspension shall be valid until the date of the fulfillment of this obligation by the participant and in any case for a period of no more than six months, after which, the participant shall be excluded from the P-LOGISTICS.

### **Article 31**

#### ***Disputes settlement***

- 31.1 Any dispute arising between GME and P-LOGISTICS participants, including those concerning the non-payment, even partial, of the fees referred to in Article 7 above, shall be subject to the exclusive jurisdiction of the Court of Rome.