



**REGULATION GOVERNING THE  
MINERAL-OIL STORAGE CAPACITY DATA REPORTING PLATFORM  
(PDC-oil) <sup>(\*)</sup>**

*entered into force on 4 July 2013*

*(\*) Please note that this translation is provided for convenience only. In case of discrepancies, the Italian text shall govern.*

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**TITLE I**  
**GENERAL PROVISIONS**

**Article 1**  
**Scope of the Regulation**

- 1.1 This Regulation governs the operation of the platform for collecting data about mineral-oil storage capacity. The platform, organised and managed by *Gestore dei mercati energetici S.p.A.* (hereafter “GME”), allows the parties referred to in article 21, para. 2 of Legislative Decree no. 249 of 31 December 2012 (*implementing Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products*) to report the data about mineral-oil storage capacity mentioned therein, by using the data reporting template approved by the Ministry of Economic Development Director-General’s Decree no. 17371 of 30 May 2013, as subsequently amended and supplemented, and in accordance with what is specified in the Notice issued by the Ministry of Economic Development on 1 July 2013 (Legislative Decree of 31 December 2012, article 21, para. 2 – notice concerning the yearly reporting of oil logistic facilities).

**Article 2**  
**Definitions**

- 2.1 For the purposes of this Regulation, unless otherwise defined:
- a) data reporting template shall mean the mineral-oil storage capacity data reporting template approved by Ministry of Economic Development Director-General’s Decree 17371/2013;
  - b) GME shall mean *Gestore dei mercati energetici S.p.A.*, the company (*società per azioni*) that was set up under article 5 of Legislative Decree no. 79 of 16 March 1999 and that, among others, carries out the activity of collection of mineral-oil storage capacity data;
  - c) Guide shall mean the PDC-oil Participant’s Guide drawn up by GME and posted on its website;
  - d) Legislative Decree 249/2012 shall mean Legislative Decree no. 249 of 31 December 2012, *implementing Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products*, published in *Gazzetta Ufficiale* no. 22 of 26 January 2013;
  - e) Mineral-oil storage capacity data shall mean the data referred to in article 21, para. 2 of Legislative Decree 249/2012;
  - f) Mineral-oil storage facility operator shall mean the owner or, if the storage facility has been leased, the lessee, as indicated in the Ministerial Notice;
  - g) Ministerial Notice shall mean the notice issued by the Ministry of Economic Development on 1 July 2013 (*Legislative Decree of 31 December 2012, article 21, para. 2 – notice concerning the yearly reporting of oil logistic facilities*);
  - h) Ministry of Economic Development Director-General’s Decree 17371/2013 shall mean Decree no. 17371 of 30 May 2013 with which the Director General of the Ministry of Economic Development approved the template for collecting yearly data on mineral-oil storage capacity;

- i) Obligated party shall mean the mineral-oil storage facility operator that is required to report the data about mineral-oil storage capacity referred to in article 21, para. 2 of Legislative Decree 249/2012 to GME, by using the data reporting template and in accordance with what is specified in the Ministerial Notice;
- j) Participant shall mean the obliged party participating in the PDC-oil;
- k) PDC-oil shall mean the platform for collecting data on mineral-oil storage capacity that GME organises and manages with a view to allowing obliged parties to report the data referred to in article 21, para. 2 of Legislative Decree 249/2012, by using the data reporting template approved by the Ministry of Economic Development Director-General's Decree 17371/2013 and in accordance with what is specified in the Ministerial Notice;
- l) Regulation shall mean this regulation governing the operation of the PDC-oil.

### **Article 3**

#### ***General Principles and Amendments to the Regulation***

- 3.1 In their activities on the PDC-oil, participants are required to abide by ordinary principles of correctness and good faith.
- 3.2 GME shall monitor compliance herewith with a view to ensuring the proper operation of the PDC-oil under principles of neutrality, transparency and objectivity. To this end, GME may ask participants to provide any useful information or document concerning their actions on the PDC-oil.
- 3.3 GME may make amendments and additions hereto and post them on its website. Amendments and additions shall enter into force upon the date of their publication.

### **Article 4**

#### ***PDC-oil Participants' Guide***

- 4.1 The implementing and procedural provisions hereof shall be set out in the Guide.
- 4.2 The Guide and any subsequent revision thereof shall be posted on GME's website and, unless otherwise indicated on GME's website, they shall enter into force upon the date of their publication.

### **Article 5**

#### ***Access to the PDC-oil Information System***

- 5.1 Access to the PDC-oil information system shall take place through the Internet in compliance with the procedure defined in the Guide.

**Article 6**  
**Security of Access**

- 6.1 Participants shall have access to the PDC-oil under appropriate procedures that are set out in the Guide. These procedures shall guarantee the identification of participants, authenticate their data reporting on the PDC-oil and safeguard the confidentiality of the reported data.
- 6.2 Participants shall maintain the confidentiality and privacy of their access codes and any other data or device required to access the PDC-oil information system and use them (or permit their use by appropriately designated parties) only for accessing the PDC-oil and reporting the data referred to in article 21, para. 2 of Legislative Decree 249/2012 thereon.
- 6.3 Participants shall timely ask GME to disable the credentials of access mentioned in para. 6.2 above and to assign new credentials whenever they have reason to believe that unauthorised parties may make an improper use thereof. All significant acts committed on the PDC-oil by unauthorised parties that have come into possession of the participants' access codes shall be regarded as acts committed by participants.
- 6.4 Participants shall be fully responsible and liable for the correctness of the mineral-oil storage capacity data reported and any other activity carried out on the PDC-oil and take on any and all liability for illegal access to the PDC-oil by unauthorised parties, holding GME harmless from any damage or risk to the integrity or security of the PDC-oil information system which may result from the negligence of participants or of their personnel in safekeeping the above-mentioned credentials, as well as from any and all third parties' claims, actions or threats related to or arising from the use or illegal use of the PDC-oil.

**Article 7**  
**Confidentiality of Mineral-Oil Storage Capacity Data**

- 7.1 Unless disclosure is prescribed by laws, regulations or other provisions issued by authorities, GME shall keep the data referred to in article 21, para. 2 of Legislative Decree 249/2012 and reported by participants on the PDC-oil as confidential.
- 7.2 GME shall provide the Ministry of Economic Development with all the data about the PDC-oil that the Ministry may require for the activities falling under its responsibility.
- 7.3 Each participant shall have access to the data of the PDC-oil that concern him/her/it directly.

**Article 8**  
**Communication of Data and Information**

- 8.1 Unless otherwise specified in the Regulation or in the Guide, the communication of data and information specified herein to participants shall take place electronically. In particular:
- a) communication to a participant shall take place by making available data and information in the section of the PDC-oil information system whose access is restricted to that participant;
  - b) publication shall take place by making available data and information in the section of the PDC-oil information system whose access is non-restricted.
- 8.2 The reported mineral-oil storage capacity data shall be deemed to be received on the date and at the time recorded by GME's information system. Any other communication shall be deemed to be received:

- a) on the day and at the time of receipt, if it arrives between 08:00 and 17:00 of a working day;
- b) at 08:00 of the first working day following the day of receipt, if it arrives between 17:00 and 24:00 of a working day, or between 00:00 and 24:00 of a non-working day;
- c) at 08:00 of the day of receipt, if it arrives between 00:00 and 08:00 of a working day.

8.3 For the purpose of determining the time of receipt of an electronic communication, the time shall be obtained from GME's information system. For other communications, the time shall be obtained from GME's records.

### **TITLE III PARTICIPATION IN THE PDC-OIL**

#### ***Article 9 Requirements for Participation in the PDC-oil***

9.1 Obligated parties are required to participate in the PDC-oil.

#### ***Article 10 PDC-oil Participation Application***

10.1 Obligated parties shall submit a PDC-oil participation application to GME - accompanied by the documents specified in Article 11 below - in accordance with the procedure described in the Guide.

#### ***Article 11 Documents to be Enclosed to the PDC-oil Participation Application***

11.1 The application for participation in the PDC-oil shall be signed by the legal representative (or other duly authorised person) and accompanied by a declaration (pursuant to Decree no. 445 of the President of the Republic of 28 December 2000) certifying the powers of representation or by other equivalent document based on which GME shall carry out a substantial equivalence evaluation.

#### ***Article 12 Admission Procedure***

12.1 GME shall notify the applicant of his/her/its admission to the PDC-oil or of the rejection of his/her/its application (and the reasons for the rejection) within fifteen working days of receipt of the application, after verifying the regularity of the submitted documents. The notification shall be sent by registered letter with return receipt, preceded by a fax.

12.3 If the submitted documents are incomplete or irregular, GME shall notify the applicant of the steps necessary to complete or regularise the documents, as well as of the date by which he/she/it shall do so. This notification shall suspend the time limit referred to in para. 12.1 above, which shall run again from the date upon which GME receives the completed or regularised documents.

12.3 With the notification of admission, the applicant shall acquire the status of participant.

**Article 13**  
**List of PDC-Oil Participants**

- 13.1 The parties admitted to the PDC-oil as provided herein shall be entered into an appropriate List of PDC-Oil Participants (*Elenco dei soggetti iscritti alla PDC-oil*). GME shall draw up and administer the list in compliance with Legislative Decree no. 196 of 30 June 2003, as subsequently amended and supplemented.
- 13.2 The List of PDC-Oil Participants shall include at least the following data for each participant:
- a) identification code of the participant;
  - b) company name or registered name, registered office, taxpayer's code, VAT number, fax and telephone numbers, e-mail address and contact person/s for communications and related addresses and other data;
  - c) status of the participant: admitted, suspended, excluded;
  - d) parties authorised to access the PDC-oil information system on behalf of the participant;
  - e) where applicable, company code assigned by the Ministry of Economic Development.
- 13.3 Each Participant may access his/her/its own data and information contained in the List of PDC-oil Participants.
- 13.4 GME shall transmit the List of PDC-oil Participants to the Ministry of Economic Development.

**Article 14**  
**Notification Obligations**

- 14.1 PDC-oil participants shall notify GME promptly - and in any case within three working days of its occurrence - of any change in circumstances that may involve the change of any of the data and information referred to in Article 13, para. 13.2 b), d), and e) above that they have declared and that have been entered into the List of PDC-oil Participants. Participants shall take on any and all responsibility and liability for late notification of the aforesaid changes, even in the cases specified in Article 20 below.
- 14.2 GME reserves the right, also at the request of the Ministry of Economic Development, to ask participants to provide clarifications about the data and information referred to in Article 13, para. 13.2 b) and e) above, as well as to update them. Participants shall take on any and all responsibility and liability for late provision of the aforesaid clarifications or updates, even in the cases specified in Article 20 below.
- 14.3 After the notifications referred to in paras. 14.1 and 14.2 above, GME shall - within 5 working days - update the List of PDC-oil Participants.

**Article 15**  
**Exclusion from the PDC-oil on Request**

- 15.1 For the purposes of exclusion from the PDC-oil, participants shall hand in an appropriate written request to GME (or send it by registered letter with return receipt), possibly indicating the date from which exclusion is requested.
- 15.2 Exclusion from the PDC-oil on request shall run from the later of the following dates:
- a) the second working day following the date of receipt by GME of the request referred to in para. 15.1 above;
  - b) the date indicated in the request referred to in para. 15.1 above.
- 15.3 GME shall notify the Ministry of Economic Development of the exclusion within the time limits referred to in para. 15.2 above.

**Article 16**  
**Suspension and Exclusion from the PDC-oil**  
**Requested by the Ministry of Economic Development**

- 16.1 GME shall, at the request of the Ministry of Economic Development, suspend or exclude participants from the PDC-oil, providing the same participants with the reasons for the suspension or exclusion.

**TITLE III**  
**REPORTING OF MINERAL-OIL STORAGE CAPACITY DATA**

**Article 17**  
**Purpose of the PDC-oil**

- 17.1 Participants shall report the mineral-oil storage capacity data referred to in article 21, para. 2 of Legislative Decree 249/2012 on the PDC-oil, by using the data reporting template made available by GME thereon and in accordance with what is specified in the Ministerial Notice.

**Article 18**  
**Procedure for Reporting Mineral-Oil Storage Capacity Data**

- 17.1 The procedure for reporting mineral-oil storage capacity data shall be set out in the Guide.
- 17.2 GME shall - under the procedure and within the time limits established in the Guide - confirm to participants that it has stored the data that they have reported on the PDC-oil pursuant to para. 18.1 above.



**Article 19**  
**Dates and Hours for Reporting Mineral-Oil Storage Capacity Data**

- 18.1 Participants shall report mineral-oil storage capacity data on a yearly basis.
- 18.2 On its website, GME shall post the dates and hours for reporting the data mentioned in para. 19.1 above.

**Article 20**  
**Unavailability of the PDC-oil**

- 20.1 Where the PDC-oil becomes unavailable owing to, among others, malfunctions of GME's information system or telecommunications systems, GME shall suspend the operation of the PDC-oil and notify participants thereof by posting an appropriate notice on its website.
- 20.2 After notifying the unavailability of the PDC-oil as indicated in para. 20.1 above, GME shall put in place and provide participants with the provisional data reporting channel referred to in the Guide, notifying participants thereof by posting an appropriate notice on its website.
- 20.3 Where the case mentioned in para. 20.2 above arises and GME notifies participants of the reinstatement of the operation of the PDC-oil, participants shall timely enter into the PDC-oil the data that they have previously reported via the provisional channel.

**Article 21**  
**Storage of Data and Information Reported on the PDC-oil**

- 21.1 In accordance with the provisions of Legislative Decree no. 196 of 30 June 2003, as subsequently amended and supplemented, GME shall chronologically save all the data in the formats in which they have been transmitted and received through the PDC-oil.

**TITLE IV**  
**BREACHES OF THE REGULATION AND DISPUTES**

**Article 22**  
**Breaches of the Regulation and of the Guide**

- 22.1 The following cases shall be considered as breaches of this Regulation and of the Guide:
- a) breach of the principles of transparency, neutrality, correctness and good faith of this Regulation and of the Guide;
  - b) negligence, imprudence and unskilfulness in the use of the PDC-oil reporting systems;
  - b) disclosure to third parties of confidential information concerning the participant or third participants and, in particular, the codes of access and any other data needed for access to the PDC-oil information system, as well as the content of the data and information reported by third participants, unless disclosure is prescribed by laws, regulations or provisions issued by the relevant authorities;
  - d) any attempt to access restricted sections of the PDC-oil information system;
  - e) any use of communication systems for fraudulent purposes;
  - f) any other conduct contrary to the ordinary principles of correctness and good faith referred to in Article 3, para. 3.1 above.

- 22.2 Where GME ascertains the breaches referred to in para. 22.1 above, it shall apply the disciplinary measure of suspension of the participant involved from the PDC-oil. GME shall notify the disciplinary measure to the participant involved and to the Ministry of Economic Development for the actions falling under its responsibility.

**Article 23**  
**Disputes**

- 23.1 The Court of Rome shall have exclusive jurisdiction over disputes arising from the application of or anyway in connection with the Regulation that GME and participants have not succeeded in amicably settling.

**TITLE V**  
**FINAL PROVISIONS**

**Article 24**  
**Entry into Force**

- 24.1 This Regulation shall be posted on GME's website and, unless otherwise indicated on GME's website, it shall enter into force upon the date of its publication.

**Article 25**  
**Governing Law**

- 25.1 For matters not explicitly covered hereby, the provisions of the relevant Italian legislation shall apply.