

WFW OBTAINS ARERA SANCTIONS ANNULMENT FOR CVA ENERGIE AND C.U.RA

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Watson Farley & Williams (“WFW”) has secured a further important victory before the Regional Administrative Court of Milan (“TAR”), for a successful request for the annulment of sanctions against CVA Energie and C.U.RA imposed by the Italian Regulatory Authority for Energy, Networks and Environment (“ARERA”) regarding alleged illegitimate electricity price imbalances in the Italian dispatching market.

The TAR upheld CVA Energie’s and C.U.RA’s appeals against their €1.4m and €1.253m fines imposed on them respectively by ARERA in August 2021 (both proceedings having been initiated in December 2017).

The arguments in the judgment upholding the appeal expressed principles of particular guarantee for operators affected by sanctions imposed as a result of a preliminary investigation that seriously disregarded procedural timing and guarantees.

The TAR stated that it is “fundamental, for systematic reasons of legal certainty to safeguard freedom of enterprise and efficient administration, to verify whether not meeting ARERA’s required procedural deadline was due to a justified need for further investigation or to mere negligence”.

CVA Energie is part of CVA Group, which is reference provider of energy services in the Val D’Aosta region of northern Italy and one of the most important Italian companies active in the green energy sector. C.U.RA manages the procurement and trading of commodities and it is part of Italian energy company Cura Group.

The WFW Italy Regulatory team advising CVA Energie and C.U.RA on this complex litigation before the Regional Administrative Court was led by Partner Francesco Piron, working closely with Of Counsel Antonio Colavecchio, Counsel Giannalberto Mazzei and Associate Cesare Fossati. Francesco also represented CVA Energie and C.U.RA previously in the initial investigation and proceedings before ARERA.

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