

WFW SECURES WIN FOR ACEPER IN ITALIAN COURTS AFFIRMING TREMONTI AMBIENTE AND CONTO ENERGIA BENEFITS ARE CUMULATIVE

7 JUNE 2019 • PRESS



Watson Farley & Williams (“WFW”) Italy is delighted to have achieved a successful decision for the Italian Association of Consumers and Producers of Renewable Energy (“ACEPER”), as representative of 15 photovoltaic operators, before the Lazio Administrative Regional Court (“TAR Lazio”) in their claim against the Gestore dei Servizi Energetici – GSE S.p.A. (“GSE”), the Italian government body promoting renewable energy and energy efficiency.

The judgment related to whether the *Tremonti Ambiente*, a tax relief for operators proportional to their environmental investment commitments set down in Article 6 of Law n. 388/2000, was cumulative with the feed-in tariffs due under the III, IV and V Conto Energia regulations.

In a 22 November 2017 Note, the GSE required renewable energy operators to renounce the *Tremonti Ambiente* tax relief if they wished to continue to benefit for the feed-in tariff regime outlined in the III, IV and V Conto Energia regulations. This was based on the argument that the tax benefits provided under *Tremonti Ambiente* were not cumulative with those relating to feed-in tariffs specified in the aforementioned *Conto Energia* regulations.

In a decisive victory for our clients, the TAR declared the 22 November 2017 Note to be null and void, the presiding judge agreeing with WFW’s argument that the *Tremonti Ambiente* benefits were in no way incompatible with operators also benefiting from the feed-in tariff regime.

This is a very important decision with major legal and tax implications for the Italian renewables industry, ensuring operators will be able to assert their right to enjoy the benefits made available under both and the feed-in tariff regime, and receive compensation for any monies lost due to the requirements of the 22 November 2017 Note.

The WFW Italy team advising ACEPER was led by Dispute Resolution Partner Elvezio Santarelli, working closely with Corporate Partner and WFW Italy Head Eugenio Tranchino. Administrative law expertise was provided by Partner Tiziana Manenti and Associate Gianluca Di Stefano.

Elvezio commented: “We are delighted to have achieved such a successful result on behalf of our clients. This is an important legal milestone for the renewables industry that will benefit operators across Italy, thereby ensuring the continued expansion of environmentally friendly energy sources”.

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