

ITALIAN REPUBLIC
IN THE NAME OF THE ITALIAN PEOPLE

TRIBUNAL OF MILAN
Criminal Section X
Collegiate Composition

At the hearing on April 18, 2019, the following has been issued

P.Q.M.

Having regard to Articles 533, 535 c.p.p.,

Declares

Akhmerov Igor and Cavacece Alessandro responsible for the crimes ascribed to them in chapter B) of the indictment - limited to the photovoltaic fields named Lorusso (n. 236482), Selvaggi (n. 248818), Giordano Domenica (n. 241258), Marulli Quattromini (n. 231801), Antonacci (216677), Scaltrito (213260), Di Mauro (244581) - as well as the offenses referred to in chapter E) with reference to the Conto Energia II, limited to the photovoltaic fields of Lorusso, Marulli, Antonacci, Scaltrito and Di Mauro and the related requests for granting the incentive tariff;

Declares

Akhmerov Igor, Giorgi Marco, Maggi Sebastiano and Pilotto Giuseppina responsible for the crimes ascribed to them in chapter D) and to the crimes alleged against them in chapter E), in relation to Conto Energia IV and with reference to the substitutive declarations of notarized documents, requests for granting of the incentive tariff, final plant technical data sheets, flash lists of conformity certificates;

Declares

Akhmerov Igor and Giorgi Marco responsible for the crime ascribed to them in Chapter F);

and, having recognized the constraint of internal and external continuation between the crimes respectively ascribed to all the defendants, granted the generic extenuating circumstances to Pilotto alone, assessed as equivalent to the disputed aggravating circumstances,

Condemns

Akhmerov Igor to the total sentence of four years and six months of imprisonment;
Giorgi Marco for the total sentence of three and six months of imprisonment;
Maggi Sebastiano to the total sentence of two years and six months of imprisonment;
Cavacece Alessandro to the total sentence of two years of imprisonment;
Pilotto Giuseppina for a total sentence of four years, four months of imprisonment and a fine of 600.00 euros.

Having regard to Articles 29, 32 *bis*, 32 *ter* e 32 *quater* c.p.,

Applies

to all the accessory penalty of not being able to contract with the P.A. for the duration of penalties respectively imposed, as well as to Akhmerov and Giorgi also the ancillary penalties for disqualification from public offices for the duration of five years and the disqualification from the management offices of legal entities and companies for the duration of the respective main penalties.

Having regard to Articles 163 e 175 c.p.,

Grants

in Cavacece Alessandro and Pilotto Giuseppina the benefits of the conditional suspension of the sentence and the non-mention of the sentence in the certificate of the judicial record.

Having regard to Article 531c.p.p.,

Declares

the termination of the alleged crimes in chapter E), as far as Conto Energia II is concerned, with reference to the sworn expert reports for the completion of work and to the final technical data sheets of the plants relating to the photovoltaic fields subject to the convictions for the offenses referred to in the Chapter B), due to a prescription.

Having regard to Article 530 c.p.p.,

Absolves

the defendants from the residual crimes respectively assigned to them because the fact does not exist.

With regard to Article 66 del Legislative Decree 231/2001,

Declares

Denys the responsibility:

of the companies Energetic Source Green Investments srl, Energetic Source Solar Production srl and Energetic Source Green Power srl for the administrative offenses respectively disputed with reference to the photovoltaic fields indicated in chapter B) of the indictment, called Lorusso (n. 236482), Selvaggi (n. 248818), Giordano Domenica (n. 241258), Marulli Quattromini (n. 231801), Antonacci (n. 216677), Scaltrito (n. 213260) and Di Mauro (n. 244581) for failure to integrate the indictment criteria indicated in art. 5 of Legislative Decree 231/2001;

of the companies Enovos Solar Investments II srl, Bankruptcy Energetic Source Green Investments srl and Bankruptcy Energetic Source Green Power srl for administrative offenses respectively assigned to them with reference to the crimes object of chapter B), different from those indicated above, because the fact does not exist;

of the companies Ens Solar Four srl and Bankruptcy Energetic Source Green Power srl for the administrative offenses respectively assigned to them with reference to the chapter C) of the indictment, because the fact does not exist;

of the companies Ens Solar Four srl, Ens Solar Five srl, Soc. Agr.En.Fo 3 a r.l., Soc. Agr.En.Fo 18 a r.l., Soc. Agr.En.Fo 44 a r.l., Soc. Agr.En.Fo 46 a r.L, Soc. Agr.En.Fo 60 a r.l., Soc. Agr.En.Fo 71 a r.l., Soc. Agr.En.Fo 73 a r.l., Bankruptcy Company Agr. En.Fo 14 a rl, for administrative offenses respectively charged against them with reference to Chapter D), for failure to integrate the indictment criteria indicated in art. 5 of Legislative Decree 231/2001.

With regard to Article 538 ss. c.p.p.,

Condemns

Akhmerov and Cavacece, with reference to the crimes referred to in Chapter B) for which their responsibility was established, jointly with Avelar Management Ltd. and Saem srl., to pay compensation for damages in favor of GSE spa, to be paid separately, with sentence to pay a provisional amount of 1,000,000.00 euros;

Akhmerov, Giorgi, Maggi and Pilotto, with reference to the crimes covered by Chapter D), jointly with Aveleos SA, Avelar Management Ltd and Saem srl to pay damages to GSE spa, to be paid separately, with sentence to pay a provisional amount of 2,000,000.00 euros;

as well as all the aforementioned defendants in the refund of court costs in favor of GSE spa, which pays out at € 10,000.00, plus VAT and CFA, and 15% of the said amount as a lump-sum reimbursement of expenses;

Rejects

the claims for compensation made in relation to the civil responsible Ens Solar Four srl, Ens Solar Five srl, Agr.En.fo 3 srl, Agr.En.fo 44 srl, Agr.En.Fo 71 srl and Energetic Source srl;

Condemns

Akhmerov and Giorgi, together with the civil responsible Aveleos SA, to pay damages in favor of the companies EAM Solar Italy Holding srl and EAM Solar ASA, to be paid separately, with provisional payment determined at 5,000,000.00 euros, as well as reimbursement of court costs, which totaled 15,840.00 euros plus VAT and CPA, and 15% in the form of flat-rate reimbursement of expenses;

Rejects

The claims for compensation in relation to the civil responsible Avelar Energy Ltd. And Enovos Luxemburg S.A.

Condemns

Akhmerov, Giorgi and Pilotto to pay damages in favor of Interporto Toscano Amerigo Vespucci, to be paid separately, with sentence to payment of a provisional determined in 100,000.00 euros for reimbursement of court costs quantified in 10,000.00 euros plus VAT and CPA, and to 15 percent of said amount by way of flat-rate reimbursement of expenses;

Condemns

Akhmerov, Giorgi, Maggi and Pilotto to pay damages in favor of Agr.En.Fo 60 a. rl, to be liquidated separately, with conviction to pay a provisional amount of € 125,000.00 and reimbursement of court costs quantified in € 10,000.00 plus VAT and CPA, and 15% of this amount as reimbursement flat rate of expenses;

Condemns

Akhmerov, with reference to the crimes ascribed to him in chapters B) and E) for which he was declared liable, to pay damages in favor of Unicredit spa, to be paid separately, with sentence to payment of a provisional amount determined as euro 500,000.00 and reimbursement of court costs quantified in 7,000.00 euros plus VAT and CPA, and 15 per cent of this amount as a lump sum reimbursement of expenses;

Condemns

Akhmerov and Cavacece, with reference to the crimes ascribed to chapter B) and E) for which their responsibility in favor of Ubi Leasing spa was affirmed; to be payed separately, with conviction to pay a provisional amount of €800,000.00 and reimbursement of court costs quantified in €7,000.00, plus VAT and CPA, and 15% of this amount as a lump sum reimbursement of expenses.

With regards to Article 640 *quater* c.p.p.,

Orders

the confiscation for equivalent of the profit of the crimes referred to in Chapter B), for which a conviction has been imposed, against Akhmerov up to 7,990,359.85 euros and towards Cavacece up to the amount of 82,374.84 euros; the confiscation for equivalent of the profit of the crimes covered by chapter D), against Akhmerov up to the amount of 13.066.063,33 euros, against Giorgi up to the amount of 6.533.031,66, against Maggi up to the amount of 1,088,838.61 euros and against Pilotto up to the amount of 21,776.77 euros.

With regards to Article 321 c.p.p.,

Provides

the return to the defendants of any assets under seizure whose values are in excess of the amounts confiscated.

With regard to Article 544, comma 3, c.p.p.,

Indicates

in ninety days the deadline for filing the sentence.

Decided in Milan, 18 April 2019.