L.N. 503 of 2021

REGULATOR FOR ENERGY AND WATER SERVICES ACT (CAP. 545)

Promotion of Energy from Renewable Sources Regulations, 2021

IN EXERCISE of the powers conferred by article 37(1) of the Regulator for Energy and Water Services Act, the Minister for Energy, Enterprise and Sustainable Development, after consultation with the Regulator for Energy and Water Services, has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Promotion of Energy from Renewable Sources Regulations, 2021.

(2) These regulations transpose articles 2 to 18 and 20 to 28 of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast).

Interpretation. S.L. 545.34.

2. (1) For the purposes of these regulations, the relevant definitions in the Electricity Regulations shall apply.

(2) Unless the context otherwise requires:

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"Act" means the Regulator for Energy and Water Services Act;

"advanced biofuels" means biofuels that are produced from the feedstock listed in Part A of the Fifth Schedule;

"ambient energy" means naturally occurring thermal energy and energy accumulated in the environment with constrained boundaries, which can be stored in the ambient air, excluding in exhaust air, or in surface or sewage water;

"biofuels" means liquid fuel for transport produced from biomass;

"biogas" means gaseous fuels produced from biomass;

"bioliquids" means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal

and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

"biomass fuels" means gaseous and solid fuels produced from biomass;

"Building and Construction Authority" means the Authority established by article 5 of the Building and Construction Authority Act; Cap. 513.

"Directive" means Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast);

"distribution system operator" means an operator as defined in regulation 2 of the Electricity Regulations for electricity and in regulation 2 of the Natural Gas Market Regulations for natural gas; S.L. 545.34. S.L. 545.12.

"district heating" or "district cooling" means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from central or decentralised sources of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

"efficient district heating and cooling"shall have the same meaning as assigned to efficient district heating and cooling in the Energy Efficiency Regulations; S.L.545.33.

"energy from renewable sources" or "renewable energy" means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;

"energy performance certificate" shall have the same meaning as assigned to energy performance certificate in the Energy Performance of Buildings Regulations; S.L. 513.01.

"European Union" or "Union" shall have the same meaning as assigned to it in the Treaty;

"financial instrument" means a financial instrument as defined in point (29) of Article 2 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/ 2013, (EU) No 1304/2013, (EU) No 1309/2013. (EU) No 1316/2013,

(EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012;

"food and feed crops" means starch-rich crops, sugar crops or oil crops produced on agricultural land as a main crop excluding residues, waste or ligno-cellulosic material and intermediate crops, such as catch crops and cover crops, provided that the use of such intermediate crops does not trigger demand for additional land;

"fuel supplier" means an entity supplying fuel to the market that is responsible for passing fuel through an excise duty point or, in the case of electricity or where no excise is due or where duly justified, any other relevant entity so designated;

"geothermal energy" means energy stored in the form of heat beneath the surface of solid earth;

"green certificate" means a tradeable commodity representing the environmental attributes of a specific quantity of energy produced from renewable energy sources issued upon compliance with environmental quality and sustainability criteria;

"gross final consumption of energy" means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, the consumption of electricity and heat by the energy branch for electricity, heat and transport fuel production, and losses of electricity and heat in distribution and transmission;

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"high-efficiency cogeneration" shall have the same meaning as assigned to high-efficiency cogeneration in the Energy Efficiency Regulations;

"jointly acting renewables self-consumers" means a group of at least two jointly acting renewables self-consumers who are located in the same building or multi-apartment block;

"ligno-cellulosic material" means material composed of lignin, cellulose and hemicellulose, such as biomass sourced from forests, woody energy crops and forest-based industries' residues and wastes;

"low indirect land-use change-risk biofuels, bioliquids and biomass fuels" means biofuels, bioliquids and biomass fuels, the feedstock of which was produced within schemes which avoid displacement effects of food and feed-crop based biofuels, bioliquids and biomass fuels through improved agricultural practices as well as through the cultivation of crops on areas which were previously not used for cultivation of crops, and which were produced in accordance with the sustainability criteria for biofuels, bioliquids and biomass fuels laid down in regulation 3 of the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations, 2021; L.N. 505 of 2021.

"Member State" means a state which is a member of the European Union;

"Member State of origin" or "country of origin" means a state from which electricity produced from renewable energy sources is transferred or exported to another Member State or a third country;

"Member State of destination" or "country of destination" means a Member State or country which receives or to which electricity produced from renewable energy sources is transferred or exported from the country of origin;

"Minister" means the Minister responsible for energy;

"non-food cellulosic material" means feedstock mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material, including food and feed crop residues, such as straw, stover, husks and shells; grassy energy crops with a low starch content, such as ryegrass, switchgrass, miscanthus, giant cane; cover crops before and after main crops; ley crops; industrial residues, including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted; and material from biowaste, where ley and cover crops are understood to be temporary, short-term sown pastures comprising grass-legume mixture with a low starch content to obtain fodder for livestock and improve soil fertility for obtaining higher yields of arable main crops;

"peer-to-peer trading" of renewable energy means the sale of renewable energy between market participants by means of a contract with pre-determined conditions governing the automated execution and settlement of the transaction, either directly between market participants or indirectly through a certified third-party market participant, such as an aggregator. The right to conduct peer-to-peer trading shall be without prejudice to the rights and obligations of the parties involved as final customers, producers, suppliers or aggregators;

Cap. 552. "Planning Authority" means the Authority established by the Development Planning Act;

"recycled carbon fuels" means liquid and gaseous fuels that are produced from liquid or solid waste streams of non-renewable origin which are not suitable for material recovery in accordance with regulation 4A of the Waste Regulations, or from waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations;

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"Regulation (EC) No 1099/2008" means Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics;

"Regulation (EU) 2018/1999" means Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council;

Cap. 545. "Regulator" means the Regulator for Energy and Water Services established by the Act;

"relevant authority" means any authority or license- or permit-issuing or administrative body responsible for the issuing of authorisations, licenses or permits, or responsible for the formulation and publication of general binding rules, insofar as these authorisations, licenses, permits or rules may directly impact, or relate to any activity which may impact, the achievement of the objectives laid down by these regulations;

"renewable energy community" means a legal entity:

(a) which, in accordance with the applicable law, is based on an open and voluntary participation, is autonomous, and is effectively controlled by shareholders or members that are located in the proximity of the renewable energy projects that are owned and developed by that legal entity;

(b) the shareholders or members of which are natural persons, SME’s or local authorities, including municipalities;

(c) the primary purpose of which is to provide

environmental, economic or social community benefits for its shareholders or members or for the local areas where it operates, rather than financial profits;

"renewable energy obligation" means a national support scheme requiring energy producers to include a given share of energy from renewable sources in their production, requiring energy suppliers to include a given share of energy from renewable sources in their supply, or requiring energy consumers to include a given share of energy from renewable sources in their consumption, including schemes under which such requirements may be fulfilled by using green certificates;

"renewable liquid and gaseous transport fuels of non-biological origin" means liquid or gaseous fuels which are used in the transport sector other than biofuels or biogas, the energy content of which is derived from renewable sources other than biomass;

"renewables power purchase agreement" means a contract under which a natural or legal person agrees to purchase renewable electricity directly from an electricity producer;

"renewables self-consumer" means a final customer operating within its premises located within confined boundaries who generates renewable electricity for its own consumption, and who may store or sell self-generated renewable electricity, provided that, for a non-household renewables self-consumer, those activities do not constitute its primary commercial or professional activity;

"repowering" means renewing power plants that produce renewable energy, including the full or partial replacement of installations or operation systems and equipment for the purposes of replacing capacity or increasing the efficiency or capacity of the installation;

"residue" means a substance that is not the end product(s) that a production process directly seeks to produce; it is not a primary aim of the production process and the process has not been deliberately modified to produce it;

"SME" means a micro, small or medium-sized enterprise as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC;

"starch-rich crops" means crops comprising mainly cereals, regardless of whether the grains alone or the whole plant, such as in the case of green maize, are used; tubers and root crops, such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams; and

corm crops, such as taro and cocoyam;

"support scheme" means any instrument, scheme or mechanism applied by the Minister, or by a group of Member States which includes Malta, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased, including but not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and sliding or fixed premium payments;

"third country" means a country which is not a member of the European Union and which receives or to which electricity produced from renewable energy sources is transferred or exported from the country of origin;

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"Treaty" shall have the same meaning as assigned to Treaty in the European Union Act;

"waste" means any substance or object which the holder discards or intends or is required to discard, excluding those substances that have been intentionally modified or contaminated in order to meet this definition;

"waste heat and cold" means unavoidable heat or cold generated as by-product in industrial or power generation installations, or in the tertiary sector, which would be dissipated unused in air or water without access to a district heating or cooling system, where a cogeneration process has been used or will be used or where cogeneration is not feasible.

National and Union targets for 2030.

3. (1) The Minister shall, through the introduction of measures, ensure the achievement of Malta's contribution towards the realisation of a share of at least thirty-two per cent (32%) of energy from renewable sources in the Union's gross final consumption of energy in 2030.

(2) The contribution referred to in sub-regulation (1) shall be in line with the trajectory established in accordance with Articles 3 to 5 and 9 to 14 of Regulation (EU) 2018/1999 for the national contribution to the binding overall Union as reported in Malta's National Energy and Climate Plan, and the measures referred to in sub-regulation (1) shall be effectively designed to ensure the share of energy from renewable sources equals or exceeds that trajectory.

(3) The Minister shall take the necessary measures to ensure that from the 1st January 2021, the share of energy from renewable sources in the gross final consumption of energy shall not be lower than the baseline share of ten per cent (10%).

Support schemes for energy from renewable sources.

4. (1) In order to reach or exceed the Union target of at least thirty-two per cent (32%), described in sub-regulation (1) of regulation 3 and Malta's contribution thereto, as established in sub-regulation (2) of regulation 3, the Minister may apply support schemes.

(2) Support schemes for electricity from renewable sources shall provide incentives for the integration of electricity from renewable sources in the electricity market in a market-based and market-responsive way, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability.

(3) Support schemes for electricity from renewable sources shall be designed so as to maximise the integration of electricity from renewable sources in the electricity market and to ensure that renewable energy producers are responding to market price signals and maximise their market revenues, and therefore, to that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, *inter alia*, sliding or fixed.

(4) The Minister may exempt small-scale installations and demonstration projects from the provisions of sub-article (3),without prejudice to the applicable Union law on the internal market for electricity.

(5) The Minister shall ensure that support for electricity from renewable sources is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner:

Provided that small-scale installations and demonstration projects may be exempted from tendering procedures and may also consider establishing mechanisms to ensure the regional diversification in the deployment of renewable electricity, in particular to ensure cost-efficient system integration.

(6) The Minister may limit tendering procedures to specific technologies where opening support schemes to all producers of electricity from renewable sources would lead to a suboptimal result, in view of:

(a) the long-term potential of a particular technology;

(b) the need to achieve diversification;

(c) grid integration costs;

(d) network constraints and grid stability;

(e) for biomass, the need to avoid distortions of raw materials markets.

(7) Where support for electricity from renewable sources is granted by means of a tendering procedure, the Minister shall, in order to ensure a high project realisation rate:

(a) establish and publish non-discriminatory and transparent criteria to qualify for the tendering procedure and set clear dates and rules for delivery of the project;

(b) publish information about previous tendering procedures, including project realisation rates.

(8) The Minister shall apply this regulation without prejudice to Articles 107 and 108 TFEU.

Opening of support schemes for electricity from renewable sources.

5. (1) The Minister shall have the right, in accordance with the provisions of these regulations, to decide to which extent electricity from renewable sources which is produced in another Member State is supported. However, the Minister may open participation in support schemes for electricity from renewable sources to producers located in other Member States, subject to the conditions laid down in this regulation.

(2) When opening participation in support schemes for electricity from renewable sources, the Minister may provide that support for an indicative share of the newly-supported capacity, or of the budget allocated thereto, in each year is open to producers located in other Member States.

(3) The indicative share referred to in sub-regulation (2) may, in each year, amount to at least five per cent (5%) from 2023 to 2026 and at least ten per cent (10%) from 2027 to 2030, or, where lower, to the level of interconnectivity of the Member State concerned in any given year.

(4) In order to acquire further implementation experience, the Minister may organise one or more pilot schemes where support is open to producers located in other Member States.

(5) The Minister may require proof of physical import of

electricity from renewable sources. To that end, the Minister may limit participation in support schemes to producers located in Member States with which there is a direct connection via interconnectors. However, Member States shall not change or otherwise affect cross-zonal schedules and capacity allocation due to producers participating in cross-border support schemes. Cross-border electricity transfers shall be determined only by the outcome of capacity allocation pursuant to Union law on the internal market in electricity.

(6) Where the Minister opens participation in support schemes to producers located in other Member States, agreement on the principles of such participation. covering at least the principles of allocation of renewable electricity that is the subject of cross-border support shall be reached with the relevant Member States:

Provided that the Minister may, if so required, request the Commission to assist with the negotiation process.

Stability of financial support.

6. (1) Without prejudice to adaptations necessary to comply with Articles107 and 108 TFEU, the Minister shall ensure that the level of, and the conditions attached to, the support granted to renewable energy projects are not revised in a way that negatively affects the rights conferred thereunder and undermines the economic viability of projects that already benefit from support.

(2) The Minister may adjust the level of support in accordance with objective criteria, provided that such criteria are established in the original design of the support scheme.

(3) The Minister shall publish a long-term schedule anticipating the expected allocation of support, covering, as a reference, at least the following five years, or, in the case of budgetary planning constraints, the following three years, including the indicative timing, the frequency of tendering procedures where appropriate, the expected capacity and budget or maximum unitary support expected to be allocated, and the expected eligible technologies, if applicable.

(4) The schedule referred to in sub-regulation (3) shall be updated on an annual basis or, where necessary, to reflect recent market developments or expected allocation of support.

(5) The Minister shall, at least every five years, carry out an assessment of:

(a) the effectiveness of support schemes for electricity from renewable sources;

(b) the major distributive effects of support schemes for electricity from renewable sources on different consumer groups, and on investments;

(c) the effect of possible changes to the support schemes.

(6) The assessments referred to in sub-regulation (5) shall be included in the relevant updates of Malta's integrated national energy and climate plans and progress reports in accordance with Regulation (EU) 2018/1999, and the results thereof shall be taken into account in the indicative long-term planning governing the decisions of the support and design of new support.

Calculation of the share of energy from renewable sources.

7. (1) The share of energy from renewable sources shall be calculated as the gross final consumption of energy from renewable sources divided by the gross final consumption of energy from all energy sources, expressed as a percentage.

(2) In calculating the gross final consumption of energy for the purposes of measuring its compliance with the targets and indicative trajectory laid down in these regulations, the amount of energy consumed in aviation shall, as a proportion of the gross final consumption of energy, be considered to be no more than four point one two per cent (4.12%).

(3) The methodology and definitions used in the calculation of the share of energy from renewable sources shall be those provided for in Regulation (EC) No 1099/2008.

Calculation of the gross final consumption of energy from renewable sources.

8. (1) The gross final consumption of energy from renewable sources shall be calculated as the sum of:

(a) gross final consumption of electricity from renewable sources;

(b) gross final consumption of energy from renewable sources in the heating and cooling sector; and

(c) final consumption of energy from renewable sources in the transport sector.

(2) With regard to paragraphs (a), (b), or (c) of sub-regulation (1), gas, electricity and hydrogen from renewable sources shall be considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources.

(3) Biofuels, bioliquids and biomass fuels that are not compliant with the sustainability and greenhouse gas emissions saving criteria laid down in the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations, 2021 shall not be taken into account. L.N. 505 of 2021

(4) The sum referred to in sub-regulation (1) shall be adjusted to take into account, whenever applicable the effects on allocation of energy from renewable sources arising out of arrangements entered into for the purpose of:

(a) statistical transfers of energy from renewable sources;

(b) joint projects with other Member States and, or third countries; and

(c) joint support schemes with other Member States.

Calculation of the gross final consumption of electricity from renewable sources.

9. (1) For the purposes of paragraph (a) of sub-regulation (1) of regulation 8, gross final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in Malta from renewable sources, and shall include the production of electricity from renewables self-consumers and renewable energy communities, but shall however exclude the production of electricity in pumped storage units from water that has previously been pumped uphill.

(2) In multi-fuel plants using renewable and non-renewable sources, only the part of electricity produced from renewable sources shall be taken into account, and for the purposes of that calculation, the contribution of each energy source shall be calculated on the basis of its energy content.

(3) The electricity generated by hydropower and wind power shall be accounted for in accordance with the normalisation rules set out in the First Schedule.

Calculation of the gross final consumption of energy from renewable sources in the heating and cooling sector.

10. (1) For the purposes of paragraph (b) of sub-regulation (1) of regulation 8, gross final consumption of energy from renewable sources in the heating and cooling sector shall be calculated as the quantity of district heating and cooling produced in Malta from renewable sources, plus the consumption of other energy from renewable sources in industry, households, services, agriculture, forestry and fisheries, for heating, cooling and processing purposes.

(2) In multi-fuel plants using renewable and non-renewable sources, only the part of heating and cooling produced from renewable sources shall be taken into account and for the purposes of that

calculation, the contribution of each energy source shall be calculated on the basis of its energy content.

(3) Ambient and geothermal energy used for heating and cooling by means of heat pumps and district cooling systems shall be taken into account, provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps.

(4) The quantity of heat or cold to be considered to be energy from renewable sources for the purposes of these regulations shall be calculated in accordance with the methodology set out in the Second Schedule and shall take into account energy use in all end-use sectors.

(5) Thermal energy generated by passive energy systems, under which lower energy consumption is achieved passively through building design or from heat generated by energy from non-renewable sources, shall not be taken into account.

Calculation of the final consumption of energy from renewable sources in the transport sector.

11. (1) For the purposes of paragraph (c) of sub-regulation (1) of regulation 8, the following requirements shall apply:

(a) final consumption of energy from renewable sources in the transport sector shall be calculated as the sum of all biofuels, biomass fuels and renewable liquid and gaseous transport fuels of non-biological origin consumed in the transport sector:

Provided that renewable liquid and gaseous transport fuels of non-biological origin that are produced from renewable electricity shall be considered to be part of the calculation pursuant to paragraph (a) of sub-regulation (1) of regulation 8 only when calculating the quantity of electricity produced in Malta from renewable sources; and

(b) for the calculation of final consumption of energy in the transport sector, the values regarding the energy content of transport fuels, as set out in the Third Schedule, shall be used:

Provided that in order to determine the calorific values of fuels, the relevant European Standards Organisation (ESO) standards shall be used for the determination of the energy content of transport fuels not included in the Third Schedule, and where no ESO standard has been adopted for that purpose, the relevant International Organization for Standardisation (ISO) standards shall be used.

Union renewable development platform and statistical transfers between Member States.

12. (1) The Minister may make arrangements for the statistical transfer of a specified amount of energy from renewable sources from Malta to another Member State, or from another Member State to Malta, as the case may be.

(2) The transferred amount shall be:

(a) deducted from the amount of energy from renewable sources that is taken into account in calculating the renewable energy share of the Member State making the transfer for the purposes of the Directive; and

(b) added to the amount of energy from renewable sources that is taken into account in calculating the renewable energy share of the Member State accepting the transfer for the purposes of the Directive.

(3) The Minister may, for the purposes of sub-regulation (1) make use of the Union renewable development platform ('URDP') established by the Commission, and may, on a voluntary basis, submit to the URDP annual data on Malta's national contributions to the Union target or any benchmark set for monitoring progress in Regulation (EU) 2018/1999, including the amount by which Malta is expected to fall short of or exceed its contribution, and an indication of the price at which Malta would accept to transfer any excess production of energy from renewable sources from or to another Member State.

(4) The price of any transfers effected in terms of the provisions in sub-regulation (3) shall be set on a case-by-case basis based on the URDP demand-and-supply matching mechanism.

(5) The arrangements referred to in sub-regulations (1) to (4) may have a duration of one or more calendar years and shall be notified by the Minister to the Commission or finalised on the URDP not later than twelve (12) months after the end of each year in which they have effect. The information sent to the Commission shall include the quantity and price of the energy involved. For transfers finalised on the URDP, the parties involved and the information on the particular transfer shall be disclosed to the public.

(6) Transfers shall become effective after all Member States involved in the transfer have notified the transfer to the Commission or after all clearing conditions are met on the URDP, as applicable.

Joint projects with other Member States.

13. (1) The Minister may make arrangements for cooperation with one or more authorities in one or more other Member States, or designate an authority or entity to make such arrangements for

cooperation, on all types of joint projects with regard to the production of electricity, heating or cooling from renewable sources, where cooperation may also involve private operators.

(2) The Minister shall notify the Commission of the proportion or amount of electricity, heating or cooling from renewable sources produced by any joint project located in Malta that became or becomes operational after 25 June 2009, or by the increased capacity of an installation that was refurbished after that date, which is to be regarded as counting towards the renewable energy share of another Member State for the purposes of the Directive:

Provided that units of energy from renewable sources imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred.

(3) The notification referred to in sub-regulation (2) shall:

(a) describe the proposed installation or identify the refurbished installation located in Malta;

(b) specify the proportion or amount of electricity or heating or cooling produced from the installation which is to be regarded as counting towards the renewable energy share of the other Member State;

(c) identify the Member State in whose favour the notification is being made; and

(d) specify the period, in whole calendar years, during which the electricity or heating or cooling produced by the installation from renewable sources is to be regarded as counting towards the renewable energy share of the other Member State.

(4) The duration of a joint project as referred to in this regulation may extend beyond 2030.

(5) A notification made under this regulation shall not be varied or withdrawn without the joint agreement of the relevant Maltese authorities and the relevant authorities of the Member State identified in accordance with paragraph (c) of sub-regulation (3).

(6) The Minister may request the Commission to facilitate the establishment of joint projects with other Member States, in particular via dedicated technical assistance and project development assistance.

Effects of joint projects with other Member States.

14. (1) Within three (3) months of the end of each year falling within the period referred to in paragraph (d) of sub-regulation (3) of regulation 13, the Minister shall issue a letter of notification stating:

(a) the total amount of electricity or heating or cooling produced from renewable sources during that year by the installation which was the subject of the notification under regulation 13; and

(b) the amount of electricity or heating or cooling produced from renewable sources during that year by that installation which is to count towards the renewable energy share of another Member State in accordance with the terms of the notification.

(2) The Minister shall submit the letter of notification to the Member State in whose favour the notification was made and to the Commission.

(3) The amount of electricity or heating or cooling from renewable sources notified in accordance with paragraph (b) of sub-regulation (1) shall be:

(a) deducted from the amount of electricity or heating or cooling from renewable sources that is taken into account in calculating Malta's renewable energy share for the purposes of these regulations; and

(b) added to the amount of electricity or heating or cooling from renewable sources that is taken into account in calculating the renewable energy share of the Member State receiving the letter of notification pursuant to sub-regulation (2) for the purposes of the Directive.

Joint projects with third countries.

15. (1) The Minister may make arrangements or designate an authority or entity to make such arrangements for the purpose of cooperation with one or more third countries on all types of joint projects with regard to the production of electricity from renewable sources, where cooperation may also involve private operators and shall take place in full respect of international law:

Provided that such cooperation may also be jointly entered into with one or more other Member States.

(2) Electricity from renewable sources produced in a third country shall be taken into account for the purposes of calculating Malta's renewable energy share, and, where other Member States are

involved in the cooperation, for the purposes of calculating their renewable energy shares, only where the following conditions are met:

(a) the electricity is consumed in the Union, which is deemed to be met where:

(i) an equivalent amount of electricity to the electricity accounted for has been firmly nominated to the allocated interconnection capacity by all responsible transmission system operators in the country of origin, the country of destination and, if relevant, each third country of transit;

(ii) an equivalent amount of electricity to the electricity accounted for has been firmly registered in the schedule of balance by the responsible transmission system operator on the Union side of an interconnector; and

(iii) the nominated capacity and the production of electricity from renewable sources by the installation referred to in paragraph (b) refer to the same period of time;

(b) the electricity is produced by an installation that became operational after 25th June 2009 or by the increased capacity of an installation that was refurbished after that date, under a joint project as referred to in sub-regulation (1):

Provided that units of energy from renewable sources imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred;

(c) the amount of electricity produced and exported has not received support from a support scheme of a third country other than investment aid granted to the installation; and

(d) the electricity has been produced in accordance with international law, in a third country that is a signatory to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, or other international conventions or treaties on human rights.

(3) For the purposes of sub-regulation (4), the Minister may apply to the Commission for account to be taken of electricity from renewable sources produced and consumed in a third country, in the context of the construction of an interconnector with a very long lead-

time between a Member State and a third country where the following conditions are met:

(a) construction of the interconnector started by 31 December 2026;

(b) it is not possible for the interconnector to become operational by 31 December 2030;

(c) it is possible for the interconnector to become operational by 31 December 2032;

(d) after it becomes operational, the interconnector will be used for the export of electricity from renewable sources to the Union, in accordance with sub-regulation (2);

(e) the application relates to a joint project that fulfils the criteria set out in paragraphs (b) and (c) of sub-regulation (2) and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.

(4) The proportion or amount of electricity produced by any installation in the territory of a third country, which is to be regarded as counting towards Malta's renewable energy share shall be notified to the Commission by the Minister. When more than one Member State is concerned, the distribution between Member States of that proportion or amount shall be notified to the Commission. The proportion or amount shall not exceed the proportion or amount actually exported to, and consumed in, the Union, shall correspond to the amount referred to in sub-paragraphs (i) and (ii) of paragraph (a) of sub-regulation (2) and shall meet the conditions set out in paragraph (a) of that sub-regulation.

(5) The notification referred to in sub-regulation (4) shall:

(a) describe the proposed installation or identify the refurbished installation;

(b) specify the proportion or amount of electricity produced from the installation which is to be regarded as counting towards Malta's renewable energy share as well as, subject to confidentiality requirements, the corresponding financial arrangements;

(c) specify the period, in whole calendar years, during which the electricity is to be regarded as counting towards

Malta's renewable energy share; and

(d) include a written acknowledgement of paragraphs (b) and (c) by the third country in whose territory the installation is to become operational and an indication of the proportion or amount of electricity produced by the installation which will be used domestically by that third country.

(6) The duration of a joint project as referred to in this regulation may extend beyond 2030.

(7) A notification made under this regulation shall be varied or withdrawn only where there is a joint agreement between Malta and the third country that has acknowledged the joint project in accordance with paragraph (d) of sub-regulation (5).

Effects of joint projects with third countries.

16. (1) Within twelve (12) months of the end of each year falling within the period specified under paragraph (c) of sub-regulation (5) of regulation 15, the Minister shall issue a letter of notification stating:

(a) the total amount of electricity produced from renewable sources during that year by the installation which was the subject of the notification under regulation 15;

(b) the amount of electricity produced from renewable sources during that year by that installation which is to count towards Malta's renewable energy share in accordance with the terms of the notification under regulation 15; and

(c) evidence of compliance with the conditions laid down in sub-regulation (2) of regulation 15.

(2) The Minister shall submit the letter of notification to the Commission and to the third country that has acknowledged the project in accordance with paragraph (d) of sub-regulation (5) of regulation 15.

(3) For the purposes of calculating the renewable energy shares under these regulations, the amount of electricity from renewable sources notified in accordance with paragraph (b) of sub-regulation (1) shall be added to the amount of energy from renewable sources that is taken into account in calculating Malta's renewable energy shares.

Joint support schemes.

17. (1) Without prejudice to the obligations of the Minister under regulation 5, the Minister may agree with the relevant authorities of one or more other Member States, on a voluntary basis, to join or partly coordinate their national support schemes.

(2) Where an agreement is reached for the joining or partial coordination of national support schemes, a certain amount of energy from renewable sources produced in Malta may count towards the renewable energy share of another participating Member State, or vice-versa, provided that Malta and any other Member State concerned:

(a) make a statistical transfer of specified amounts of energy from renewable sources in accordance with regulation 12; or

(b) set up a distribution rule agreed by Malta and any participating Member State that allocates amounts of energy from renewable sources between them.

(3) A distribution rule as referred to in paragraph (b) of sub-regulation (2) shall be notified by the Minister to the Commission not later than three (3) months after the end of the first year in which it takes effect.

(4) Within three (3) months of the end of each year, where a notification has been made under sub-regulation (3), the Minister shall issue a letter of notification stating the total amount of electricity or heating or cooling from renewable sources produced during the year which is to be the subject of the distribution rule.

(5) For the purposes of calculating the renewable energy shares under these regulations, the amount of electricity or heating or cooling from renewable sources notified in accordance with sub-regulation (4) shall be reallocated between Malta and any Member State concerned in accordance with the notified distribution rule.

(6) The Minister may request the Commission to facilitate the establishment of joint support schemes between Malta and any other Member State.

Administrative procedures, regulations and codes.

18. (1) Any national rules concerning the authorisation, certification and licensing procedures that are applied to:

(a) plants and associated transmission and distribution networks for the production of electricity, heating or cooling from renewable sources;

(b) the process of transformation of biomass into biofuels, bioliquids, biomass fuels or other energy products; and

(c) to renewable liquid and gaseous transport fuels of non-biological origin;

shall be proportionate and necessary and contribute to the implementation of the energy efficiency first principle.

(2) The Regulator and the Planning Authority shall, in particular, take the appropriate steps to ensure that:

(a) administrative procedures are streamlined and expedited at the appropriate administrative level and predictable timeframes are established for the procedures referred to in the sub-regulation (1);

(b) rules concerning authorisation, certification and licensing are objective, transparent and proportionate, do not discriminate between applicants and take fully into account the particularities of individual renewable energy technologies;

(c) administrative charges paid by consumers, planners, *periti*, builders and equipment and system installers and suppliers are transparent and cost-related; and

(d) simplified and less burdensome authorisation procedures, including a simple-notification procedure, are established for decentralised devices, and for producing and storing energy from renewable sources.

(3) The Minister, where necessary in consultation with the Regulator, shall clearly define any technical specifications which are to be met by renewable energy equipment and systems in order to benefit from support schemes:

Provided that where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards:

Provided further that such technical specifications shall not prescribe where the equipment and systems are to be certified and shall not impede the proper functioning of the internal market.

(4) The Minister shall undertake the necessary coordination with the relevant Ministries as necessary such that provisions may be made by the relevant authorities for the integration and deployment of renewable energy, including for renewables self-consumption and renewable energy communities, and the use of unavoidable waste heat and cold when planning, including early spatial planning, designing, building and renovating urban infrastructure, industrial, commercial or residential areas and energy infrastructure, including electricity,

district heating and cooling, natural gas and alternative fuel networks. The Minister shall, in particular, coordinate with the relevant Ministries as necessary such that relevant authorities are encouraged to include heating and cooling from renewable sources in the planning of city infrastructure where appropriate, and to consult the network operators to reflect the impact of energy efficiency and demand response programs as well as specific provisions on renewables self-consumption and renewable energy communities, on the infrastructure development plans of the operators.

(5) The Building and Construction Authority shall introduce appropriate measures in their building regulations and codes in order to increase the share of all kinds of energy from renewable sources in the building sector.

(6) In establishing the measures referred to in sub-regulation (5) or in their support schemes, the Building and Construction Authority or the Minister, as the case may be, may take into account, where applicable, national measures relating to substantial increases in renewables self-consumption, in local energy storage and in energy efficiency, relating to cogeneration and relating to passive, low-energy or zero-energy buildings.

(7) The Building and Construction Authority in its building regulations and codes, or other competent authorities by other means with equivalent effect, shall require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation in so far as technically, functionally and economically feasible, and reflecting the results of the cost-optimal calculation carried out pursuant to sub-regulation (2) of regulation 6 of the Energy Performance of Buildings Regulations and S.L. 513.01 in so far as this does not negatively affect indoor air quality.

(8) It shall be permitted for the minimum levels referred to in sub-regulation (7) to be fulfilled, *inter alia*, through efficient district heating and cooling using a significant share of renewable energy and waste heat and cold.

(9) The requirements laid down in sub-regulation (5) shall apply to the armed forces only to the extent that their application does not cause any conflict with the nature and primary aim of the activities of the armed forces and with the exception of material used exclusively for military purposes.

(10) The Building and Construction Authority shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level, fulfil an exemplary role in the context of these regulations from 1 January 2012:

Provided that the obligation may, *inter alia*, be fulfilled by complying with nearly zero-energy building provisions as required in the Energy Performance of Buildings Regulations, or, by coordinating with the Lands Authority to provide for the roofs of public or mixed private-public buildings to be used by third parties for installations that produce energy from renewable sources.

S.L. 513.01.

(11) In drafting building regulations and codes, the Building and Construction Authority shall promote the use of renewable heating and cooling systems and equipment that achieve a significant reduction of energy consumption:

Provided that use shall be made of energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, and, the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in the case of replacement, with a view to promoting an increased replacement rate of old heating systems and an increased switch to solutions based on renewable energy in accordance with the Energy Performance of Buildings Regulations shall be ensured.

S.L. 513.01.

(12) The Minister shall carry out an assessment of the potential of energy from renewable sources and of the use of waste heat and cold in the heating and cooling sector.

S.L. 545.33.

(13) The assessment referred to in sub-regulation (12) shall, where appropriate, include spatial analysis of areas suitable for low-ecological-risk deployment and the potential for small-scale household projects and shall be included in the second comprehensive assessment required pursuant to the Energy Efficiency Regulations for the first time by 31 December 2020 and in the subsequent updates of the comprehensive assessments.

(14) The Minister shall assess the regulatory and administrative barriers to long-term renewables power purchase agreements, and shall remove unjustified barriers to, and facilitate the uptake of, such agreements, whilst ensuring that those agreements are not subject to disproportionate or discriminatory procedures or charges.

(15) Policies and measures facilitating the uptake of renewables power purchase agreements shall be described in Malta's integrated

national energy and climate plans and progress reports pursuant to Regulation (EU) 2018/1999.

(16) Sub-regulations (14) and (15) shall be without prejudice to the exercise of the derogations granted under Article 66 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast).

Organisation and duration of the permit-granting process.

19. (1) The Regulator shall coordinate with the relevant authorities the setting up of one or more contact points related to the permit-granting process.

(2) The contact points described in sub-regulation (1) shall, upon request, guide the applicant through and facilitate the entire administrative permit application and granting process. The applicant shall not be required to contact more than one contact point for the entire process.

(3) The permit-granting process referred to in sub-regulation (2) shall cover the relevant administrative permits to build, repower and operate plants for the production of energy from renewable sources and assets necessary for their connection to the grid and shall comprise all procedures from the acknowledgment of the receipt of the application to the transmission of the outcome of the procedure referred to in sub-regulation (4).

(4) The contact point shall guide the applicant through the administrative permit application process in a transparent manner up to the delivery of one or several decisions by the responsible authorities at the end of the process, provide the applicant with all necessary information and involve, where appropriate, other administrative authorities. Applicants shall be allowed to submit relevant documents also in digital form.

(5) The contact point shall make available a manual of procedures for developers of renewable energy production projects and shall provide that information also online, addressing distinctly also small-scale projects and renewables self-consumers projects.

(6) Information shall be made available online to indicate the contact point relevant to the applicant's application.

(7) Without prejudice to sub-regulation (11), the permit-granting process referred to in sub-regulation (1) shall not exceed two (2) years for power plants, including all relevant procedures of competent authorities:

Provided that where duly justified on the grounds of extraordinary circumstances, that two (2) year period may be extended by up to one (1) year.

(8) Without prejudice to sub-regulation (11), the permit-granting process shall not exceed one (1) year for installations with an electrical capacity of less than 150 kW:

Provided that where duly justified on the grounds of extraordinary circumstances, that one year period may be extended by up to one (1) year.

(9) The relevant permit and authorisation issuing bodies shall ensure that applicants have easy access to simple procedures for the settlement of disputes concerning the permit-granting process and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.

(10) The Regulator, the Planning Authority and the Environment and Resources Authority and any other relevant authority, shall facilitate the repowering of existing renewable energy plants by ensuring a simplified and swift permit-granting process which shall not exceed one (1) year:

Provided that where duly justified on the grounds of extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project impacts substantially on the grid or the original capacity, size or performance of the installation, that one (1)-year period may be extended by up to one (1) year.

(11) The time periods established in this regulation shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.

(12) The time periods established in this regulation shall run from the date upon which the relative permit or authorisation issuing body acknowledges the submission of the application, provided that where the application documentation is incomplete or where the permit or authorisation issuing body requires the applicant to submit further information which is necessary for the processing of the application, the permit or authorisation issuing body shall accordingly issue a request to the applicant and the period shall be suspended from the date upon which the request is issued until such time as the

applicant complies with such request.

Simple-notification procedure for grid connections.

20. (1) The Regulator shall establish a simple-notification procedure for grid connections whereby installations or aggregated production units of renewables self-consumers and demonstration projects, with an electrical capacity of 10.8kW or less, or of a capacity which is equivalent thereto for connections other than three-phase connections, are to be connected to the grid following a notification to the distribution system operator.

(2) The distribution system operator may, within a limited period following the notification referred to in sub-regulation (1), reject the requested grid connection or propose an alternative grid connection point on justified grounds of safety concerns or technical incompatibility of the system components:

Provided that the installation or aggregated production unit may be connected in the case of a positive decision by the distribution system operator, or in the absence of a decision by the distribution system operator within one (1) month following the notification.

(3) The Regulator may allow a simple-notification procedure for installations or aggregated production units with an electrical capacity of above 10.8kW and up to 50kW, provided that grid stability, grid reliability and grid safety are maintained.

Information and training.

21. (1) The Regulator, the Building and Construction Authority, the Permanent Secretary responsible for Social Policy and, or Social Accommodation and any other relevant public authorities shall make available information on support measures falling under their respective remit to all relevant actors, such as consumers including low-income, vulnerable consumers, renewables self-consumers, renewable energy communities, builders, installers, *periti*, suppliers of heating, cooling and electricity equipment and systems, and suppliers of vehicles compatible with the use of renewable energy and of intelligent transport systems.

(2) Suppliers of equipment and systems for the use of heating, cooling and electricity from renewable sources shall make available information on the net benefits, cost and energy efficiency of such equipment and systems.

(3) The Regulator shall coordinate with the appropriate persons and entities to ensure that in so far as is reasonable, certification schemes or equivalent qualification schemes are available for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps:

Provided that the Regulator may take into account existing schemes and structures as appropriate, and which shall be based on the criteria laid down in the Fourth Schedule. Certification awarded by other Member States in accordance with those criteria shall be recognised.

(4) Information on certification schemes or equivalent qualification schemes as referred to in sub-regulation (3) shall be made available to the public by the Regulator:

Provided that the list of installers who are qualified or certified in accordance with sub-regulation (3) shall be made available to the public.

(5) The Building and Construction Authority, shall ensure that guidance is made available to all relevant actors, in particular to planners and *periti* to enable them to properly consider the optimal combination of energy from renewable sources, of high-efficiency technologies, and of district heating and cooling when planning, designing, building and renovating industrial, commercial or residential areas.

(6) The Regulator, where appropriate with the participation relevant public authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens of how to exercise their rights as active customers, and of the benefits and practicalities, including technical and financial aspects, of developing and using energy from renewable sources, including by renewables self-consumption or in the framework of renewable energy communities.

Access to and operation of the grids.

S.L. 545.12.

22. (1) Where relevant, the Regulator shall require transmission system operators and distribution system operators in their territory to publish technical rules in accordance with regulation 10 of the Natural Gas Market Regulations, in particular regarding network connection rules that include gas quality, gas odoration and gas pressure requirements.

(2) The Regulator shall require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.

(3) Subject to the assessment included in the integrated national energy and climate plans in accordance with Annex I to Regulation (EU) 2018/1999 on the necessity to build new infrastructure for district heating and cooling from renewable sources

in order to achieve the Union target described in sub-regulation (1) of regulation 3, the Minister shall ensure that the necessary incentives and regulatory framework are in place such that district heating and cooling infrastructure can accommodate heating and cooling from large biomass, solar energy, ambient energy and geothermal energy facilities and from waste heat and cold.

Renewables self-consumers.

23. (1) The Minister shall provide a regulatory framework to ensure that consumers are entitled to become renewables self-consumers, subject to this regulation.

(2) The regulatory framework referred to in sub-regulation (1) shall ensure that renewables self-consumers, individually or through aggregators, are entitled:

(a) to generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through renewables power purchase agreements, electricity suppliers and peer-to-peer trading arrangements, without being subject:

(i) in relation to the electricity that they consume from or feed into the grid, to discriminatory or disproportionate procedures and charges, and to network charges that are not cost-reflective;

(ii) in relation to their self-generated electricity from renewable sources remaining within their premises, to discriminatory or disproportionate procedures, and to any charges or fees;

(b) to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any double charge, including network charges, for stored electricity remaining within their premises;

(c) to maintain their rights and obligations as final consumers;

(d) to receive remuneration, including, where applicable, through support schemes, for the self-generated renewable electricity that they feed into the grid, which reflects the market value of that electricity and which may take into account its long-term value to the grid, the environment and society.

(3) Non-discriminatory and proportionate charges and fees to renewables self-consumers may apply in relation to their self-

generated renewable electricity remaining within their premises in one or more of the following cases:

(a) if the self-generated renewable electricity is effectively supported via support schemes, only to the extent that the economic viability of the project and the incentive effect of such support are not undermined;

(b) from 1 December 2026, if the overall share of self-consumption installations exceeds eight per cent (8%) of the total installed electricity capacity in Malta, and if it is demonstrated, by means of a cost-benefit analysis performed by the Regulator, which is conducted by way of an open, transparent and participatory process, that the provision laid down in sub-paragraph (ii) of paragraph (a) of sub-regulation (2) either results in a significant disproportionate burden on the long-term financial sustainability of the electric system, or creates an incentive exceeding what is objectively needed to achieve cost-effective deployment of renewable energy, and that such burden or incentive cannot be minimised by taking other reasonable actions; or

(c) if the self-generated renewable electricity is produced in installations with a total installed electrical capacity of more than 30kW.

(4) The regulatory framework referred to in sub-regulation (1) shall provide that renewables self-consumers located in the same building, including multi-apartment blocks, are entitled to engage jointly in activities referred to in sub-regulation (2) and that they are permitted to arrange sharing of renewable energy that is produced on their site or sites between themselves, without prejudice to the network charges and other relevant charges, fees, levies and taxes applicable to each renewables self-consumer and without prejudice to the provisions of sub-regulation (9).

(5) The regulatory framework may differentiate between individual renewables self-consumers and jointly acting renewables self-consumers, provided that any such differentiation shall be proportionate and duly justified.

(6) The renewables self-consumer's installation may be owned by a third party or managed by a third party for installation, operation, including metering and maintenance, provided that the third party remains subject to the renewables self-consumer's instructions, whereby the third party itself shall not be considered to be a renewables self-consumer.

(7) The Minister shall put in place an enabling framework to promote and facilitate the development of renewables self-consumption based on an assessment of the existing unjustified barriers to, and of the potential of, renewables self-consumption in Malta, where the enabling framework shall, *inter alia*:

(a) address accessibility of renewables self-consumption to all final customers, including those in low-income or vulnerable households;

(b) address unjustified barriers to the financing of projects in the market and measures to facilitate access to finance;

(c) address other unjustified regulatory barriers to renewables self-consumption, including for tenants;

(d) address incentives to building owners to create opportunities for renewables self-consumption, including for tenants;

(e) grant renewables self-consumers, for self-generated renewable electricity that they feed into the grid, non-discriminatory access to relevant existing support schemes as well as to all electricity market segments;

(f) ensure that renewables self-consumers contribute in an adequate and balanced way to the overall cost sharing of the system when electricity is fed into the grid.

(8) A summary of the policies and measures under the enabling framework and an assessment of their implementation respectively shall be reported in Malta's integrated national energy and climate plans and progress reports pursuant to Regulation (EU) 2018/1999.

(9) This regulation shall apply without prejudice to Articles 107 and 108 TFEU and shall furthermore apply without prejudice to Malta's right to exercise the derogations granted pursuant to Article 66 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast).

Renewable energy communities. S.L. 545. 34.

24. (1) The regulatory framework for citizen energy communities envisaged by regulation 13 of the Electricity Regulations shall ensure that final customers, in particular household customers, are entitled to participate in a renewable energy community while maintaining their rights or obligations as final customers, and without being subject to unjustified or discriminatory conditions or procedures

that would prevent their participation in a renewable energy community, provided that for private undertakings, their participation does not constitute their primary commercial or professional activity.

(2) The regulatory framework shall ensure that renewable energy communities are entitled to:

(a) produce, consume, store and sell renewable energy, including through renewables power purchase agreements;

(b) share, within the renewable energy community, renewable energy that is produced by the production units owned by that renewable energy community, subject to the other requirements laid down in this regulation and to maintaining the rights and obligations of the renewable energy community members as customers;

(c) access all suitable energy markets both directly or through aggregation in a non-discriminatory manner.

(3) The Minister shall carry out an assessment of the existing barriers and potential of development of renewable energy communities.

(4) The enabling framework shall promote and facilitate the development of renewable energy communities and shall ensure, *inter alia*, that:

(a) unjustified regulatory and administrative barriers to renewable energy communities are removed;

(b) renewable energy communities that supply energy or provide aggregation or other commercial energy services are subject to the provisions relevant for such activities;

(c) the relevant distribution system operator cooperates with renewable energy communities to facilitate energy transfers within renewable energy communities;

(d) renewable energy communities are subject to fair, proportionate and transparent procedures, including registration and licensing procedures, and cost-reflective network charges, as well as relevant charges, levies and taxes, ensuring that they contribute, in an adequate, fair and balanced way, to the overall cost sharing of the system in line with a transparent cost-benefit analysis of distributed energy sources developed by the national competent authorities;

(e) renewable energy communities are not subject to discriminatory treatment with regard to their activities, rights and obligations as final customers, producers, suppliers, distribution system operators, or as other market participants;

(f) the participation in the renewable energy communities is accessible to all consumers, including those in low-income or vulnerable households;

(g) tools to facilitate access to finance and information are available;

(h) regulatory and capacity-building support is provided to public authorities in enabling and setting up renewable energy communities, and in helping authorities to participate directly;

(i) rules to secure the equal and non-discriminatory treatment of consumers that participate in the renewable energy community are in place.

(5) The main elements of the enabling framework referred to in sub-regulation (4), and of its implementation, shall be part of the updates of the integrated national energy and climate plans and progress reports pursuant to Regulation (EU) 2018/1999.

(6) The Regulatory framework may provide for renewable energy communities to be open to cross-border participation.

(7) Without prejudice to Articles 107 and 108 TFEU, the Minister shall take into account specificities of renewable energy communities when designing support schemes in order to allow them to compete for support on an equal footing with other market participants.

(8) This regulation shall apply without prejudice to Malta's right to exercise the derogations granted pursuant to Article 66 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast).

Mainstreaming renewable energy in heating and cooling.

25. (1) In order to promote the use of renewable energy in the heating and cooling sector, the Minister shall endeavour to increase the share of renewable energy in that sector by an indicative 1.1 percentage points as an annual average calculated for the periods 2021-2025 and 2026-2030, starting from the share of renewable energy in the heating and cooling sector in 2020, expressed in terms of national share of final energy consumption and calculated in accordance with the methodology set out in regulations 7, 8 and 10,

without prejudice to sub-regulations (2) to (5).

(2) For the purposes of sub-regulation (1), when calculating the share of renewable energy in the heating and cooling sector and the average annual increase in accordance with that sub-regulation, the Minister:

(a) may count waste heat and cold, subject to a limit of forty per cent (40%) of the average annual increase;

(b) where its share of renewable energy in the heating and cooling sector is above sixty per cent (60%), may count any such share as fulfilling the average annual increase; and

(c) where its share of renewable energy in the heating and cooling sector is above fifty per cent (50%) and up to sixty per cent (60%), may count any such share as fulfilling half of the average annual increase.

(3) When deciding which measures to adopt for the purposes of deploying energy from renewable sources in the heating and cooling sector, the Minister may take into account cost-effectiveness reflecting structural barriers arising from the high share of natural gas or cooling, or from a dispersed settlement structure with low population density.

(4) Where measures would result in a lower average annual increase than that referred to in sub-regulation (1), the Minister shall make it public through the inclusion within the integrated national energy and climate progress reports pursuant to Article 20 of Regulation (EU) 2018/1999, and provide the Commission with reasons, including of choice of measures as referred to in sub-regulation (2).

(5) On the basis of objective and non-discriminatory criteria, the Minister may establish and make public a list of measures and may designate and make public the implementing entities, such as fuel suppliers, public or professional bodies, which are to contribute to the average annual increase referred to in sub-regulation (1).

(6) In order to promote the objectives laid down in sub-regulation (1), the Minister may implement, *inter alia*, one or more of the following options:

(a) physical incorporation of renewable energy or waste heat and cold in the energy and energy fuel supplied for heating and cooling;

(b) direct mitigation measures such as the installation of

highly efficient renewable heating and cooling systems in buildings, or the use of renewable energy or waste heat and cold in industrial heating and cooling processes;

(c) indirect mitigation measures covered by tradable certificates proving compliance with the obligation laid down in sub-regulation (1) through support to indirect mitigation measures, carried out by another economic operator such as an independent renewable technology installer or energy service company providing renewable installation services;

(d) other policy measures, with an equivalent effect, to reach the average annual increase referred to in sub-regulation (1), including fiscal measures or other financial incentives.

(7) When adopting and implementing the measures referred to in sub-regulation (6), the Minister shall aim to ensure the accessibility of measures to all consumers, in particular those in low-income or vulnerable households, who would not otherwise possess sufficient up-front capital to benefit.

(8) The Minister may use the structures established under the national energy savings obligations set out in regulation 8 of the Energy Efficiency Regulations to implement and monitor the measures referred to in sub-regulation (5). S.L. 545.33.

(9) Where entities are designated under sub-regulation (5), the Minister shall ensure that the contribution by those designated entities is measurable and verifiable.

(10) Designated entities under sub-regulation (5) shall report annually to the Regulator on:

(a) the total amount of energy supplied for heating and cooling;

(b) the total amount of renewable energy supplied for heating and cooling;

(c) the amount of waste heat and cold supplied for heating and cooling;

(d) the share of renewable energy and waste heat and cold in the total amount of energy supplied for heating and cooling; and

(e) the type of renewable energy source.

(11) The Regulator shall verify the reported contributions submitted in line with sub-regulation (10) and report these to the Minister in aggregated form.

District heating and cooling.

26. Suppliers shall provide information on the energy performance and the share of renewable energy in their district heating and cooling systems to their final consumers in an easily accessible manner, on their websites, on annual bills and upon request.

Mainstreaming renewable energy in the transport sector.

27. (1) The Minister shall set an obligation on fuel suppliers to ensure that the share of renewable energy within the final consumption of energy in the transport sector is at least fourteen per cent (14%) by 2030 (minimum share) in accordance with an indicative trajectory set by the Minister and calculated in accordance with the methodology set out in regulations 28 and 29.

(2) For the purposes of setting the obligation referred to in sub-regulation (1), the Minister may exempt, or distinguish between, different fuel suppliers and different energy carriers when setting the obligation on the fuel suppliers, ensuring that the varying degrees of maturity and the cost of different technologies are taken into account.

(3) For the calculation of the minimum share referred to in sub-regulation (1), the Regulator:

(a) shall take into account renewable liquid and gaseous transport fuels of non-biological origin also when they are used as intermediate products for the production of conventional fuels; and

(b) may take into account recycled carbon fuels.

(4) Within the minimum share referred to in sub-regulation (1), the contribution of advanced biofuels and biogas produced from the feedstock listed in Part A of the Fifth Schedule as a share of final consumption of energy in the transport sector shall be at least zero point two per cent (0.2%) in 2022, at least one per cent (1%) in 2025 and at least three point five per cent (3.5%) in 2030:

Provided that the Minister may exempt fuel suppliers supplying fuel in the form of electricity or renewable liquid and gaseous transport fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas with respect to those fuels.

(5) When setting the obligation referred to in sub-regulations (1) and (4) to ensure the achievement of the share set out therein, the Minister may do so, *inter alia*, by means of measures targeting

volumes, energy content or greenhouse gas emissions, provided that it is demonstrated that the said minimum shares are achieved.

(6) The greenhouse gas emissions savings from the use of renewable liquid and gaseous transport fuels of non-biological origin shall be at least seventy per cent (70%) from 1 January 2021.

Specific rules for biofuels, bioliquids and biomass fuels produced from food and feed crops.

28. (1) For the calculation of Malta's gross final consumption of energy from renewable sources referred to in regulation 8 and the minimum share referred to in the sub-regulation (1) of regulation 27, the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than one percentage point higher than the share of such fuels in the final consumption of energy in the road and rail transport sectors in Malta in 2020 with a maximum of seven per cent (7%) of final consumption of energy in the road and rail transport sectors:

Provided that where that share is below one per cent (1%), it may be increased to a maximum of two per cent (2%) of the final consumption of energy in the road and rail transport sectors.

L.N. 505 of 2021.

(2) The Minister may set a lower limit and may distinguish, for the purposes of regulation 3 of the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations, 2021 between different biofuels, bioliquids and biomass fuels produced from food and feed crops, taking into account best available evidence on indirect land-use change impact, including, for example, the option to set a lower limit for the share of biofuels, bioliquids and biomass fuels produced from oil crops.

(3) Where the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, produced from food and feed crops in Malta is limited to a share lower than seven per cent (7%) or the Minister decides to limit the share further, the minimum share referred to in sub-article (1) of regulation 27 may be accordingly reduced, by a maximum of seven percentage points (7%).

(4) For the calculation of Malta's gross final consumption of energy from renewable sources referred to in regulation 8 and the minimum share referred to in sub-regulation (1) of regulation 27, the share of high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon stock is observed shall not exceed the level of consumption of such fuels in Malta in 2019, unless they are certified to be low indirect landuse change-risk biofuels, bioliquids or biomass fuels pursuant to

legislation issued to this effect by the Commission in line with paragraph 2 of Article 26 of the Directive:

Provided that from the 1st of January 2024, such fuels shall not be taken into account for said calculations.

Calculation rules with regard to the minimum shares of renewable energy in the transport sector.

29. (1) For the calculation of the minimum shares referred to in sub-regulations (1) and (4) of regulation 27 the following provisions shall apply:

(a) for the calculation of the denominator, that is the energy content of road and rail-transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, recycled carbon fuels and electricity supplied to the road and rail transport sectors, shall be taken into account;

(b) for the calculation of the numerator, that is the amount of energy from renewable sources consumed in the transport sector for the purposes of sub-regulation (1) of regulation 27 the energy content of all types of energy from renewable sources supplied to all transport sectors, including renewable electricity supplied to the road and rail transport sectors, shall be taken into account and recycled carbon fuels may also be taken into account; and

(c) for the calculation of both numerator and denominator, the values regarding the energy content of transport fuels set out in the Third Schedule shall be used:

Provided that in order to determine the calorific values of fuels, the relevant European Standards Organisation (ESO) standards shall be used for the determination of the energy content of transport fuels not included in the Third Schedule, and where no ESO standard has been adopted for that purpose, the relevant International Organization for Standardisation (ISO) standards shall be used.

(2) For the purposes of demonstrating compliance with the minimum shares referred to in regulation 27:

(a) the share of biofuels and biogas for transport produced from the feedstock listed in the Fifth Schedule may be considered to be twice its energy content;

(b) the share of renewable electricity shall be considered to be four times its energy content when supplied to road vehicles and may be considered to be 1.5 times its energy content

when supplied to rail transport;

(c) with the exception of fuels produced from food and feed crops, the share of fuels supplied in the aviation and maritime sectors shall be considered to be 1.2 times their energy content.

(3) For the calculation of the share of renewable electricity in the electricity supplied to road and rail vehicles for the purposes of sub-regulation (1), the two-year period before the year in which the electricity is supplied in Malta shall be referred to.

(4) By way of derogation from sub-regulation (3), to determine the share of electricity for the purposes of sub-regulation (1), in the case of electricity obtained from a direct connection to an installation generating renewable electricity and supplied to road vehicles, that electricity shall be fully counted as renewable.

(5) For the purposes of this regulation, where electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, either directly or for the production of intermediate products, the average share of electricity from renewable sources in the country of production, as measured two years before the year in question, shall be used to determine the share of renewable energy.

(6) Electricity obtained from direct connection to an installation generating renewable electricity may be fully counted as renewable electricity where it is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, provided that the installation:

(a) comes into operation after, or at the same time as, the installation producing the renewable liquid and gaseous transport fuels of non-biological origin; and

(b) is not connected to the grid or is connected to the grid but evidence can be provided that the electricity concerned has been supplied without taking electricity from the grid.

(7) Electricity that has been taken from the grid may be counted as fully renewable provided that it is produced exclusively from renewable sources and the renewable properties and other appropriate criteria have been demonstrated, ensuring that the renewable properties of that electricity are claimed only once and only in one end-use sector.

Other provisions on renewable energy in the transport sector.

30. (1) The relevant economic operators shall submit information on the transactions made and the sustainability characteristics of liquid and gaseous transport fuels that are eligible for being counted towards the numerator referred to in paragraph (b) of sub-regulation (1) of regulation 29 or that are taken into account for the purposes referred to in paragraphs (a), (b), and (c) of sub-regulation (1) of regulation 3 of the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations, 2021, including their life-cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market.

S.L.545.28.

(2) The submission referred to in sub-regulation (1) shall be in the form of an entry made by the economic operators into the Union database put in place by the Commission to enable the tracing of the fuels described in sub-regulation (2).

(3) Fuel suppliers shall enter the information necessary to verify compliance with the requirements laid down in the sub-regulations (1) and (4) of regulation 27 into the Union database.

S.L. 460.32.

(4) By the 31st December 2021, the Minister shall take measures to ensure the availability of fuels from renewable sources for transport and to ensure publicly accessible high-power recharging points whilst the Minister responsible for Transport shall take measures to ensure the availability of refuelling infrastructure in line with the national policy framework drawn up as a requirement of Directive 2014/94/EU.

Administrative fines.

31. (1) The Regulator may impose an administrative fine upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Regulator in ensuring compliance with these regulations.

(2) An administrative fine imposed under sub-regulation (1) shall not exceed one hundred thousand euro (€100,000) for each contravention.

Repeal.

32. The Promotion of Energy from Renewable Sources Regulations are hereby repealed.

FIRST SCHEDULE
(regulation 9)

Normalisation Rule for Accounting for Electricity Generated from Hydropower and Wind Power

The following rule shall be applied for the purposes of accounting for electricity generated from hydropower in Malta:

$$Q_e = C_N \times \left[\sum_{i=N-14}^{N} \frac{Q_i}{C_i} \right] /15$$

where:

N	=	reference year;
$Q_{N(norm)}$	=	normalised electricity generated by all hydropower plants in Malta in year N, for accounting purposes;
Q_i	=	the quantity of electricity actually generated in year i by all hydropower plants in Malta measured in GWh, excluding production from pumped storage units using water that has previously been pumped uphill;
C_i	=	the total installed capacity, net of pumped storage, of all hydropower plants in Malta at the end of year i, measured in MW.

The following rule shall be applied for the purposes of accounting for electricity generated from onshore wind power in Malta:

$$Q_{N(norm)} = \frac{C_N + C_{N-1}}{2} \times \frac{\sum_{i=N-n}^{N} Q_i}{\sum_{j=N-n}^{N} \frac{C_j + C_{j-1}}{2}}$$

where:

N	=	reference year;
$Q_{N(norm)}$	=	normalised electricity generated by all onshore wind power plants in Maltain year N, for accounting purposes;
Q_i	=	the quantity of electricity actually generated in year i by all onshore wind power plants in Malta measured in GWh;
C_j	=	the total installed capacity of all the onshore wind power plants in Malta at the end of year j, measured in MW;

n	=	4 or the number of years preceding year N for which capacity and production data are available for Malta, whichever is lower.

The following rule shall be applied for the purposes of accounting for electricity generated from offshore wind power in Malta:

$$Q_{N(norm)} = \frac{C_N + C_{N-1}}{2} \times \frac{\sum_{i=N-n}^{N} Q_i}{\sum_{j=N-n}^{N} \frac{C_j + C_{j-1}}{2}}$$

where:

N	=	reference year;
$Q_{N(norm)}$	=	normalised electricity generated by all offshore wind power plants in Malta in year N, for accounting purposes;
Q_i	=	the quantity of electricity actually generated in year i by all offshore wind power plants in Malta measured in GWh;
C_j	=	the total installed capacity of all the offshore wind power plants in Malta at the end of year j, measured in MW;
n	=	4 or the number of years preceding year N for which capacity and production data are available for Malta in question, whichever is lower.

SECOND SCHEDULE
(regulations 10 and 11)

Accounting of Energy from Heat Pumps

The amount of aerothermal, geothermal or hydrothermal energy captured by heat pumps to be considered to be energy from renewable sources for the purposes of this Directive, E_{RES}, shall be calculated in accordance with the following formula:

$E_{RES} = Q_{usable} * (1 - 1/SPF)$

where

Q_{usable} = the estimated total usable heat delivered by heat pumps fulfilling the criteria referred to in regulation 11, implemented as follows: Only heat pumps for which SPF>1.15* 1/ η shall be taken into account,

SPF =	the estimated average seasonal performance factor for those heat pumps,
η =	the ratio between total gross production of electricity and the primary energy consumption for the production of electricity and shall be calculated as an EU average based on Eurostat data.

THIRD SCHEDULE
(regulations 11 and 29)

Energy Content of Fuels

Fuel	**Energy content by weight (lower calorific value, MJ/kg)**	**Energy content by volume (lower calorific value, MJ/l)**
FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS		
Bio-Propane	46	24
Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)	37	34
Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)	37	33
Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)	38	34
Biogas that can be purified to natural gas quality	50	—
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel	44	34
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol	45	30
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel	44	34
Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas	46	24

Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel	43	36
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol	44	32
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel	43	33
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas	46	23
RENEWABLE FUELS THAT CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS		
Methanol from renewable sources	20	16
Ethanol from renewable sources	27	21
Propanol from renewable sources	31	25
Butanol from renewable sources	33	27
Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel)	44	34
Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol)	44	33
Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel)	44	33
Fischer-Tropsch liquefied petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas	46	24
DME (dimethylether)	28	19
Hydrogen from renewable sources	120	—
ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol)	36 (of which 37% from renewable sources)	27 (of which 37% from renewable sources)

MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)	35 (of which 22% from renewable sources)	26 (of which 22% from renewable sources)
TAEE (tertiary-amyl-ethyl-ether produced on the basis of ethanol)	38 (of which 29% from renewable sources)	29 (of which 29% from renewable sources)
TAME (tertiary-amyl-methyl-ether produced on the basis of methanol)	36 (of which 18% from renewable sources)	28 (of which 18% from renewable sources)
THxEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)	38 (of which 25% from renewable sources)	30 (of which 25% from renewable sources)
THxME (tertiary-hexyl-methyl-ether produced on the basis of methanol)	38 of which 14% from renewable sources)	30 (of which 14% from renewable sources)
FOSSIL FUELS		
Petrol	43	32
Diesel	43	36

FOURTH SCHEDULE
(regulation 21)

Certification of Installers

The certification schemes or equivalent qualification schemes referred to in sub-regulation (3) of regulation 21 shall be based on the following criteria:

1. The certification or qualification process shall be transparent and clearly defined by the Regulator.

2. Installers of biomass, heat pump, shallow geothermal and solar photovoltaic and solar thermal energy shall be certified by an accredited training programme or training provider.

3. The accreditation of the training programme or provider shall be effected by an appointed body, following discussions between the Minister and the relevant competent authority. The Regulator shall ensure that the training programme offered by the training provider has continuity and regional or national coverage. The training provider shall have adequate technical facilities to provide practical training, including some laboratory equipment or corresponding facilities to provide practical training. The training provider shall also offer in addition to the basic training, shorter refresher courses on topical

issues, including on new technologies, to enable life-long learning in installations. The training provider may be the manufacturer of the equipment or system, institutes or associations.

4. The training leading to certification or qualification of an installer shall include theoretical and practical parts. At the end of the training, the installer must have the skills required to install the relevant equipment and systems to meet the performance and reliability needs of the customer, incorporate quality craftsmanship, and comply with all applicable codes and standards, including energy and eco-labelling.

5. The training course shall end with an examination leading to a certificate or qualification. The examination shall include a practical assessment of successfully installing biomass boilers or stoves, heat pumps, shallow geothermal installations, solar photovoltaic or solar thermal installations.

6. The certification schemes or equivalent qualification schemes referred to in sub-regulation (3) of regulation 21 shall take due account of the following guidelines:

(a) Accredited training programmes should be offered to installers with work experience, who have undergone, or are undergoing, the following types of training:

(i) in the case of biomass boiler and stove installers: training as a plumber, pipe fitter, heating engineer or technician of sanitary and heating or cooling equipment as a pre-requisite;

(ii) in the case of heat pump installers: training as a plumber or refrigeration engineer and have basic electrical and plumbing skills (cutting pipe, soldering pipe joints, gluing pipe joints, lagging, sealing fittings, testing for leaks and installation of heating or cooling systems) as a prerequisite;

(iii) in the case of a solar photovoltaic or solar thermal installer: training as a plumber or electrician and have plumbing, electrical and roofing skills, including knowledge of soldering pipe joints, gluing pipe joints, sealing fittings, testing for plumbing leaks, ability to connect wiring, familiar with basic roof materials, flashing and sealing methods as a prerequisite; or

(iv) a vocational training scheme to provide an

installer with adequate skills corresponding to a three years education in the skills referred to in paragraphs (a), (b) or (c), including both classroom and workplace learning.

(b) The theoretical part of the biomass stove and boiler installer training should give an overview of the market situation of biomass and cover ecological aspects, biomass fuels, logistics, fire protection, related subsidies, combustion techniques, firing systems, optimal hydraulic solutions, cost and profitability comparison as well as the design, installation and maintenance of biomass boilers and stoves. The training should also provide good knowledge of any European standards for technology and biomass fuels, such as pellets, and biomass related national and Union law.

(c) The theoretical part of the heat pump installer training should give an overview of the market situation for heat pumps and cover geothermal resources and ground source temperatures of different regions, soil and rock identification for thermal conductivity, regulations on using geothermal resources, feasibility of using heat pumps in buildings and determining the most suitable heat pump system, and knowledge about their technical requirements, safety, air filtering, connection with the heat source and system layout. The training should also provide good knowledge of any European standards for heat pumps, and of relevant national and Union law. The installer should demonstrate the following key competences:

(i) a basic understanding of the physical and operation principles of a heat pump, including characteristics of the heat pump circle: context between low temperatures of the heat sink, high temperatures of the heat source, and the efficiency of the system, determination of the coefficient of performance and seasonal performance factor (SPF);

(ii) an understanding of the components and their function within a heat pump circle, including the compressor, expansion valve, evaporator, condenser, fixtures and fittings, lubricating oil, refrigerant, superheating and sub-cooling and cooling possibilities with heat pumps; and

(iii) the ability to choose and size the components in typical installation situations, including determining the typical values of the heat load of different buildings and for hot water production based on energy consumption,

determining the capacity of the heat pump on the heat load for hot water production, on the storage mass of the building and on interruptible current supply; determine the buffer tank component and its volume and integration of a second heating system.

(d) The theoretical part of the solar photovoltaic and solar thermal installer training should give an overview of the market situation of solar products and cost and profitability comparisons, and cover ecological aspects, components, characteristics and dimensioning of solar systems, selection of accurate systems and dimensioning of components, determination of the heat demand, fire protection, related subsidies, as well as the design, installation and maintenance of solar photovoltaic and solar thermal installations. The training should also provide good knowledge of any European standards for technology, and certification such as Solar Keymark, and related national and Union law. The installer should demonstrate the following key competences:

(i) the ability to work safely using the required tools and equipment and implementing safety codes and standards and to identify plumbing, electrical and other hazards associated with solar installations;

(ii) the ability to identify systems and their components specific to active and passive systems, including the mechanical design, and to determine the components' location and system layout and configuration;

(iii) the ability to determine the required installation area, orientation and tilt for the solar photovoltaic and solar water heater, taking account of shading, solar access, structural integrity, the appropriateness of the installation for the building or the climate and to identify different installation methods suitable for roof types and the balance of system equipment required for the installation; and

(iv) for solar photovoltaic systems in particular, the ability to adapt the electrical design, including determining design currents, selecting appropriate conductor types and ratings for each electrical circuit, determining appropriate size, ratings and locations for all associated equipment and subsystems and selecting an appropriate interconnection point.

(e) The installer certification should be time restricted, so that

a refresher seminar or event would be necessary for continued certification.

FIFTH SCHEDULE
(regulation 27)

Part A

Feedstocks for the production of biogas for transport and advanced biofuels, the contribution of which towards the minimum shares referred to in sub-regulations (1) and (4) of regulation may be considered to be twice their energy content:

(a) Algae if cultivated on land in ponds or photobioreactors;

(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under paragraph (a) of item 12 of Schedule 5 of the Waste Regulations; S.L. 549.63

(c) Biowaste as defined in regulation (4) of the Waste Regulations from private households subject to separate collection as defined in regulation 4 of the aforesaid regulations; S.L. 549.63

(d) Biomass fraction of industrial waste not fit for use in the food or feed chain, including material from retail and wholesale and the agro-food and fish and aquaculture industry, and excluding feedstocks listed in Part B of this Schedule;

(e) straw;

(f) animal manure and sewage sludge;

(g) palm oil mill effluent and empty palm fruit bunches;

(h) tall oil pitch;

(i) crude glycerine;

(j) bagasse;

(k) grape marcs and wine lees;

(l) nut shells;

(m) husks;

(n) cobs cleaned of kernels of corn;

(o) biomass fraction of wastes and residues from forestry and forest-based industries, namely, bark, branches, pre-commercial thinning, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin and tall oil;

(p) other non-food cellulosic material;

(q) other ligno-cellulosic material except saw logs and veneer logs.

Part B

Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the minimum share established in regulation 33 may be considered to be twice their energy content:

(a) used cooking oil;

(b) animal fats classified as categories 1 and 2 in accordance with Regulation (EC) No 1069/2009.

SIXTH SCHEDULE
Consequential amendments to other legislation

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Regulator for Energy and Water Services Act - Cap. 545	First Schedule	In the Maltese version, "Regolamenti dwar il-Promozzjoni ta' Enerġija minn Sorsi li Jiġġeddu (L.S. 545.11)"	"Regolamenti dwar il-Promozzjoni ta' Enerġija minn Sorsi Rinnovabbli (L.S. 545.11.)"
Biofuels and Bioliquids Market Regulations – S.L. 545.15	regulation 24	"Authorised biofuels and, or bioliquids operators producing or importing biofuel or bioliquids, whose biofuels and, or bioliquids are taken into account for the purposes of the requirements of regulations 3 and 4 of the Promotion of Energy from Renewable Sources Regulations"	"Authorised biofuels and, or bioliquids operators producing or importing biofuel or bioliquids, whose biofuels and, or bioliquids are taken into account for the purposes of the requirements laid down in the Promotion of Energy from Renewable Sources Regulations"
Assignment of Statutory Ministerial Responsibilities Act - Cap. 561	Schedule	In the Maltese version, "Regolamenti dwar il-Promozzjoni ta' Enerġija minn Sorsi li Jiġġeddu (L.S. 545.11)"	"Regolamenti dwar il-Promozzjoni ta' Enerġija minn Sorsi Rinnovabbli (L.S. 545.11.)"

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