

L.N. 71 of 2013

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Feed-in Tariffs (Electricity Generated from Solar Photovoltaic Installations) (Amendment) Regulations, 2013

IN exercise of the powers conferred by article 28(1) of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:-

1. The title of these regulations is the Feed-in Tariffs (Electricity Generated from Solar Photovoltaic Installations) (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Feed-in Tariffs (Electricity Generated from Solar Photovoltaic Installations) Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 423.46

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) immediately after the definition "the Act" there shall be added the following new definition:

" "annual threshold" means the cap in kWh or kVAh for the payment of the feed-in tariff for the period of time commencing on the 1st January and ending on the 31st December of each year;"

(b) immediately after the definition "the Authority" there shall be added the following new definition:

" "change of use of premises" means the change in the classification of a premises in terms of these regulations whether domestic or residential or non-residential or institutional household;"

(c) immediately after the definition "commissioned" there shall be added the following new definition:

" "DC" means direct current;"

(d) immediately after the definition "generation" there shall be added the following new definition:

" "ground-mounted" means installed on a supporting structure directly above ground, or integrated or fixed to a structure, such as a tent, greenhouse, glasshouse, canopy or other similar structure but does not include any structure installed on the roof of a building;"

(e) immediately after the definition "institutional households" there shall be added the following new definition:

" "kVAh" means kilo Volt Ampere hour;"

(f) immediately after the definition "the Minister" there shall be added the following new definition:

" "net metering arrangement" means the arrangement in place prior to the entry into force of these regulations where the units exported to the grid are deducted from the units imported from the distribution system for the calculation of the electricity bill;"

(g) immediately after the new definition "residential premises" there shall be added the following new definition:

" "roof-mounted" means installed on the roof of a building and for the purposes of this definition "roof" shall also include a supporting structure permanently installed or attached to the roof of a building, but which shall exclude any supporting structure integrated or fixed to a structure, such as tent, canopies or other similar structures;"

(h) immediately after the new definition "roof-mounted" there shall be added the following new definition:

" "scheduled" means in accordance with the scheduled program of ARMS Limited for the taking of periodic electricity meter readings;" and

(i) in the definition "spill-off tariff", immediately after the words "distribution system" there shall be added the words "from a solar photovoltaic installation when the billing is done on a net metering arrangement;"

Amends
regulation 3 of
the principal
regulations.

3. The proviso to regulation 3 of the principal regulations shall be substituted by the following:

"Provided that these regulations shall not apply to installation operators who are proposed to benefit from a project

specific feed-in tariff agreement, or have benefitted from any other arrangement approved by the Authority."

4. Regulation 4 of the principal regulations shall be amended as follows:

Amends
regulation 4 of
the principal
regulations.

(a) sub-regulations (8) and (9) thereof shall be deleted and sub-regulations (10) and (11) shall be renumbered as sub-regulations (8) and (9) respectively; and

(b) in sub-regulation (9) thereof, as renumbered, for the words "owner of the installations" there shall be substituted the words "installation operator".

5. Regulation 5 of the principal regulations shall be amended as follows:

Amends
regulation 5 of
the principal
regulations.

(a) in sub-regulation (1) thereof, for the words "The feed-in tariffs shall be due from the time when the installation operator first produces electricity exclusively from the solar photovoltaic installation and is connected to the distribution system as provided in regulation 3 or," there shall be substituted the words "The feed-in tariffs shall be due from the time when the solar photovoltaic installation is first connected to the distribution system as provided in regulation 3 and produces electricity exclusively from the solar photovoltaic installation and, or"; and

(b) in sub-regulation (5) thereof, immediately after the words "by the Authority" there shall be added the words "and as measured by the Enemalta metering equipment".

6. In regulation 6 thereof, for the words "shall be as established in the Second Schedule:" there shall be substituted the words "shall be as established in the Second Schedule," and immediately thereafter there shall be added the words "The feed-in tariffs shall be deemed to be inclusive of any compensation for loss of revenue arising from any planned and unplanned interruption which impedes the export of electricity from the solar photovoltaic installation to the distribution system:".

Amends
regulation 6 of
the principal
regulations.

7. Regulation 8 of the principal regulations shall be amended as follows:

Amends
regulation 8 of
the principal
regulations.

(a) in the proviso to sub-regulation (1) thereof, for the words "and due." there shall be substituted the words "and due:", and immediately thereafter there shall be added the following new proviso:

"Provided further that in the case of solar photovoltaic installations with an installed capacity of more than 100kWp, such set off shall only apply by agreement of both Enemalta and the installation operator.";

(b) in sub-regulation (2) thereof, immediately after the word "Where" there shall be added the words "a set-off arrangement between the installation operator and Enemalta is in place and"; and in the proviso to sub-regulation (2), immediately, after the word "consecutive", there shall be added the word "scheduled"; and

(c) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) Where the installation capacity is larger than 100kWp and no set-off agreement exists between the installation operator and Enemalta and the amounts due to the installation operator for the exporting of electricity are in excess of the amounts due by an installation operator for the supply of electricity by Enemalta, the Corporation shall credit the installation operator the balance due, which shall be paid to the installation operator within sixty days from the scheduled reading of the metering equipment:

Provided that Enemalta shall carry out the reading of the metering equipment within intervals of at least two months, to be reckoned as from the date of the first reading of the metering equipment.".

Substitutes
regulation 12 of
the principal
regulations.

8. Regulation 12 of the principal regulations shall be substituted by the following new regulation:

"12. (1) In the case of modifications relevant to the solar photovoltaic installation arising from -

(a) change of use of the premises where the solar photovoltaic installation is located;

(b) change of account holder;

(c) transfer of solar photovoltaic installation to another different premises with same use;

(d) transfer of solar photovoltaic installation to another different premises with different use;

(e) change of feed-in tariff option from "sell all

electricity generated" to "generate electricity primarily for own use" or vice versa;

(f) change in location of solar photovoltaic installation from roof-mounted to ground-mounted or vice versa in the case of solar photovoltaic installations benefitting from the feed-in tariffs in items 4 to 7 of the Second Schedule,

the feed-in tariff shall change as applicable and in accordance with the feed-in tariff scheme in force during the year when the solar photovoltaic installation was first approved a feed-in tariff:

Provided that when the change occurs during the period of guaranteed payment of the feed-in tariff, such period shall include the time for which the installation operator has already benefited from a feed in-tariff.

(2) Subject to the satisfaction of the eligibility criteria established in the First Schedule, in the case where an installation operator increases the generation capacity of a solar photovoltaic installation which is connected to the distribution system, the feed-in tariff to be paid by Enemalta shall be that which is applicable during the year when such increased capacity is notified to or authorised by the Authority, and such feed-in tariff shall be payable in respect of the whole solar photovoltaic installation as increased in capacity:

Provided that in such cases the period for guaranteed payment of the feed-in tariff shall include the time for which the installation operator has already benefited from a feed in-tariff:

Provided further that where the installation operator has benefited from a grant on any part of the solar photovoltaic installation, the whole solar photovoltaic installation shall be deemed as benefitting from the grant for the purpose of determining the feed-in tariff applicable for the whole solar photovoltaic installation.

(3) The changes listed in sub-regulations (1) and (2) shall become applicable for the payment of the feed-in tariff from the date of the first meter reading taken after the date of submission of an application to Enemalta to approve and take the necessary action:

Provided that during the first year of applicability for the

payment of the feed-in tariff the change shall be taken into consideration on a *pro rata* basis."

Substitutes the
Second
Schedule to the
principal
regulations.

9. The Second Schedule to the principal regulations shall be substituted by the following new Schedule:

"SECOND SCHEDULE

(Regulations 3, 5, 6)

In the case of electricity generated exclusively from solar photovoltaic installations approved for the FIT scheme in any of the years 2010, 2011 and 2012, which solar photovoltaic installation is installed on residential or domestic premises in accordance with regulation 3 and sold to Enemalta up to an annual threshold calculated as kWp multiplied by 1600kWh, (provided that the product of such calculation shall not exceed 4800kWh per annum), the feed-in tariff to be paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in any of the years 2010, 2011 and 2012 and installed on residential or domestic premises shall amount to:

(a) 25 cents per kWh for a period of guaranteed payment of the feed-in tariff of 8 years for electricity generated from solar photovoltaic installations located in Malta;

(b) 28 cents per kWh for a period of guaranteed payment of the feed-in tariff of 8 years for electricity generated from solar photovoltaic installations located in Gozo.

2. In the case of electricity generated exclusively by solar photovoltaic installations approved for the FIT scheme in any of the years 2010, 2011 and 2012 and installed on non-residential premises or institutional households in accordance with regulation 3 and sold to Enemalta up to an annual threshold calculated as kWp multiplied by 1600kWh, (provided that the product of such calculation shall not exceed 160,000kWh per annum), the feed-in tariff paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in any of the years 2010, 2011 and 2012 and installed on non-residential premises or institutional household premises in accordance with regulation 3 for a period of guaranteed payment of the feed-in tariff of 7 years shall amount to 20 cents per kWh.

3. In the case of electricity generated exclusively by solar photovoltaic installations -

(a) approved for the FIT scheme in the first six months of the year 2013; and

(b) installed on non-residential premises or institutional households in accordance with regulation 3; and

(c) exported to the distribution system up to an annual threshold calculated as kWp multiplied by 1600kWh; and

(d) where the installation operator benefits from a grant of not more than 50% of the initial capital investment with regard to the solar photovoltaic installation,

the feed-in tariff to be paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the first six months of the year 2013 and installed on non-residential or institutional households premises shall amount to 17 cents per kWh for a period of guaranteed payment of the feed-in tariff of 7 years for electricity generated from solar photovoltaic installations located in Malta and Gozo.

4. In the case of electricity generated exclusively from solar photovoltaic installations -

(a) approved for the FIT scheme in the first six months of the year 2013; and

(b) installed on any type of premises in accordance with regulation 3; and

(c) exported to the distribution system up to an annual threshold calculated as kWp multiplied by 1600kWh; and

(d) roof-mounted and with an installed capacity of less than 1000 kW; and

(e) where an application to benefit the solar photovoltaic installation with a grant has not been made or the solar photovoltaic installation has not benefited from a grant on the initial capital investment,

the feed-in tariff to be paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the first six months of the year 2013 shall amount to 18 cents per kWh for a period of guaranteed payment of the feed-in tariff of 20 years for electricity generated from solar photovoltaic installations located in Malta and Gozo.

5. In the case of electricity generated exclusively from solar photovoltaic installations -

(a) approved for the FIT scheme approved in the first six months of the year 2013; and

(b) installed on any type of premises in accordance with regulation 3; and

(c) exported to the distribution system up to an annual threshold calculated as kWp multiplied by 1600kWh; and

(d) ground-mounted and with an installed capacity of less than 1000kWp; and

(e) where an application to benefit the solar photovoltaic installation with a grant has not been made or the solar photovoltaic installation has not benefited from a grant on the initial capital investment,

the feed-in tariff to be paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the first six months of the year 2013 shall amount to 17 cents per kWh for a period of guaranteed payment of the feed-in tariff of 20 years for electricity generated from solar photovoltaic installations located in Malta and Gozo.

6. In the case of electricity generated exclusively by solar photovoltaic installations -

(a) approved for the FIT scheme in the first six months of the year 2013; and

(b) installed on any type of premises in accordance with regulation 3; and

(c) exported to the distribution system up to an annual threshold calculated as kWp multiplied by

1600kWh; and

(d) roof-mounted and with an installed capacity of 1000 kWp or more; and

(e) where an application to benefit the solar photovoltaic installation with a grant has not been made or the solar photovoltaic installation has not benefited from a grant on the initial capital investment,

the feed-in tariff paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the in the first six months of the year 2013 shall amount to 17 cents per kWh for a period of guaranteed payment of the feed-in tariff of 20 years.

7. In the case of electricity generated exclusively by solar photovoltaic installations -

(a) approved for the FIT scheme in the first six months of the year 2013; and

(b) installed on any type of premises in accordance with regulation 3; and

(c) exported to the distribution system up to an annual threshold calculated as kWp multiplied by 1600kWh; and

(d) ground-mounted and with an installed capacity of 1000 kWp or more; and

(e) where an application to benefit the solar photovoltaic installation with a grant has not been made or the solar photovoltaic installation has not benefited from a grant on the initial capital investment,

the feed-in tariff paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the in the first six months of the year 2013 shall amount to 16 cents per kWh for a period of guaranteed payment of the feed-in tariff of 20 years.

8. For the purposes of the First Schedule and this Schedule, "kWp" shall mean the total DC peak power of an array or arrays of photovoltaic modules as specified in the notification or authorisation application submitted to the Authority for its approval under the Electricity Market Regulations (S.L. 423.22).

9. Electricity sold to Enemalta and measured in kVAh shall be paid at the applicable feed-in tariff as that applied for electricity sold to Enemalta and measured in kWh."

Substitutes the Third Schedule to the principal regulations.

10. The Third Schedule to the principal regulations shall be substituted by the following new Schedule:

"THIRD SCHEDULE

(Regulation 7)

Total maximum electricity that may be generated and sold to Enemalta from solar photovoltaic installations approved to benefit from the FIT scheme in the specific year shall be:

2010	12,000,000kWh
2011	24,000,000 kWh plus any unallocated units remaining from 2010
2012	any unallocated units remaining from 2011
2013	56,000,000 plus any unallocated units remaining from 2012
2014	56,000,000 plus any unallocated units remaining from 2013

".

Amends the Fourth Schedule to the principal regulations.

11. In the Fourth Schedule to the principal regulations, for the words "for the year 2011 and 2012", there shall be substituted the words "for the year 2011, 2012 and 2013".

