# SUBSIDIARY LEGISLATION 545.10

## ELECTRICITY TRANSIT (GRID REQUIREMENTS) REGULATIONS

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*LEGAL NOTICE 14 of 2003, as amended by Legal Notice 426 of 2007 and Acts XXXIV of 2014 and XXV of 2015.*

Citation and scope.

**1.** (1) The title of these regulations is the Electricity Transit (Grid Requirements) Regulations.

(2) (*a*) These regulations shall come into force on such date as the Minister responsible for resources and infrastructure may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

(*b*) A notice under paragraph (*a*) may make such transitory provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

(3) These regulations establish measures relating to the transit of electricity between high-voltage grids.

Interpretation.
*Amended by: XXV. 2015.41.*
Cap. 545.

**2.** In these regulations, unless the context otherwise requires:

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

"competent authority" means the Regulator for Energy and Water Services;

"electricity transit" means the transport of electricity through high voltage transmission grids (excluding distribution grids) situated in Malta and, or in a Member State of the European Union, and across at least one frontier between these States;

"electricity transit contract" means a contract providing for electricity transit between high voltage transmission grids;

"high voltage transmission grid", in the case of a grid situated in Malta or a Member State of the European Union, means a grid specified in the Schedule;

"entity" means a body responsible for the grids as specified in the Schedule;

"grid operator" means an entity responsible for operating a high voltage transmission grid in Malta;

"Minister" means the Minister responsible for resources.

Application.

**3.** These regulations shall apply where a request for the transit of electricity is made to a grid operator by another entity.

*Not yet in force.

Duties of the competent authority.

**4.** (1) The competent authority shall take the measures necessary to facilitate the transit of electricity between high-voltage grids in accordance with the conditions laid down in these regulations.

(2) The competent authority shall take the measures necessary to ensure that any entity under its jurisdiction referred to in the Schedule acts without delay and fulfils its obligations under regulation 5.

Obligations of the grid operator.

**5.** A grid operator that has received a request for the transit of electricity shall without delay:

(*a*) notify the competent authority, and any other person or entity which the competent authority may nominate, of the request;

(*b*) open negotiations on the conditions of the electricity transit requested;

(*c*) inform the competent authority, and any other person or authority nominated by the competent authority in terms of paragraph (*a*), of the conclusion of an electricity transit contract; and

(*d*) in the event that an electricity transit contract is not concluded within twelve months of receipt of the request for such transit, inform the competent authority and any other person or authority nominated by the competent authority in terms of paragraph (*a*), of the reasons for the failure of the negotiations to result in the conclusion of a electricity transit contract.

Contracts concerning the transit of electricity between transmission grids.

**6.** (1) Contracts involving transit of electricity between transmission grids shall be negotiated between the entities responsible for the relative grids, and for the quality of service provided and, where appropriate, with the entities responsible for importing and exporting electricity.

(2) The conditions of transit -

(*a*) shall be non-discriminatory and fair for all parties involved and shall not include unfair clauses or unjustified restrictions; and

(*b*) shall not endanger security of supply or quality of service, and in particular, shall take full account of the utilisation of reserve production and the most efficient operation of existing systems.

Conciliation.

**7.** The conditions to be included in an electricity transit contract shall, at the request of either the entity seeking electricity transit or the grid operator, be subject to conciliation by a body set up and chaired by the competent authority for this purpose. The competent authority shall establish the rules regulating the procedure before such body.

Compliance orders.
*Amended by: L.N. 426 of 2007.*

**8.** (1) Where the competent authority becomes aware, whether through carrying out an investigation or otherwise, that a grid operator has failed to comply with any of the obligations set in

regulations 5 and 6, it shall issue a compliance order to the grid operator involved ordering him to immediately comply with the provisions of the said regulation. Should the grid operator disobey such a compliance order, he shall, without prejudice to any other liability under these regulations, the Act or any other law, be guilty of an offence and be liable, on conviction, to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (€232.94) and not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) for each day during which the offence subsists:

Provided that the aggregate fines (*multa*) shall, on conviction, not exceed the amount of twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (€23,293.73).

(2) Any person who, when information with respect to these regulations is requested by the competent authority, knowingly or recklessly -

(*a*) gives any false, inaccurate or misleading information; or

(*b*) supplies incomplete information; or

(*c*) fails, without reasonable cause to supply information requested within the time given; or

(*d*) prevents or hinders any investigation; or

(*e*) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in any material respect,

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (€232.94) and not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37).

*Amended by:*
*XXXIV. 2014.17.*

SCHEDULE

List of entities and grids covered by these Regulations

| Country | Entity/Grid |
|---|---|
| Belgium | CPTE - Société pour la coordination de la production et du transport d'énergie électrique |
| Denmark | Eltra<br>Elkraft |
| Germany | Bayernwerk AG<br>Berliner Kraft- und Licht (Bewag)-AG<br>EnBW Transportnetze AG<br>Hamburgische Electricitäts-Werke AG (HEW)<br>PreussenElektra Aktiengesellschaft<br>RWE Energie AG<br>Vereinigte Elektrizitätswerke Westfalen AG (VEW)<br>VEAG Vereinigte Energiewerke AG |
| Greece | Public Power Corporation (PPC) |
| Spain | Spain Red Eléctrica de España, SA |
| France | Électricité de France |
| Ireland | Electricity Supply Board |
| Italy | Edison<br>Edison Termoelettrica Enel |
| Luxembourg | Cegedel<br>Sotel |
| Malta | Enemalta plc |
| The Netherlands | SEP |
| Austria | Österreichische Elektrizitätswirtschaft AG<br>Tiroler Wasserkraftwerke AG<br>Vorarlberger Kraftwerke AG<br>Vorarlberger Illwerke AG |

| | |
|---|---|
| Portugal | Rede Eléctrica Nacional SA (REN) |
| Finland | Suomen Kantaverkko Oyj (Finnish Power Grid PLC) |
| Sweden | Affarsverket svenska kraftnät |
| United Kingdom | National Grid Company<br>Scottish Power<br>Scottish Hydro-Electric<br>Northern Ireland Electricity |