

SUBSIDIARY LEGISLATION 545.36

**GUARANTEES OF ORIGIN OF ELECTRICITY FROM
HIGH-EFFICIENCY COGENERATION AND OF
ENERGY FROM RENEWABLE ENERGY SOURCES
REGULATIONS***

28th December, 2021

LEGAL NOTICE 504 of 2021.

1. (1) The title of these regulations is the Guarantees of Origin of Electricity from High-Efficiency Cogeneration and of Energy from Renewable Energy Sources Regulations. Citation and scope.

(2) The scope of these regulations is to establish a regulatory framework for the issuing of guarantees of origin for electricity produced from high-efficiency cogeneration and, or energy produced from renewable energy sources and, for the purposes of providing to final consumers the share or quantity of energy from renewable sources in an energy supplier's energy mix and in the energy supplied to consumers under contracts marketed with reference to the consumption of energy from renewable sources, and to ensure that the origin of energy produced from renewable energy sources can be guaranteed in accordance with objective, transparent and non-discriminatory criteria. These regulations transpose Article 19 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).

2. (1) Unless otherwise required under these regulations, the definitions prescribed under the Regulator for Energy and Water Services Act, the Energy Efficiency Regulations, and the Promotion of Energy from Renewable Sources Regulations shall apply. Interpretation.
Cap. 545.
S.L. 545. 33.
S.L. 545.35.

(2) For the purposes of these regulations, and unless the context otherwise requires:

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

"energy producer" shall have the same meaning as assigned to it in the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations; S.L. 545.37.

"energy supplier" shall have the same meaning as that assigned to it in the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations; S.L. 545.37.

*These regulations have been repealed by Legal Notice 94 of 2026.

*GUARANTEES OF ORIGIN OF ELECTRICITY FROM
HIGH-EFFICIENCY COGENERATION AND OF ENERGY
FROM RENEWABLE ENERGY SOURCES*

"final customer" means a natural or legal person who purchases energy for own use;

"guarantee of origin" means an electronic document issued by the Regulator which has the sole function of providing evidence to a final customer that a given share or quantity of electricity was produced from high-efficiency cogeneration or that a given share or quantity of energy was produced from renewable energy sources;

"guarantee of origin holder" means the person in favour of whom the guarantee of origin is issued or the person to whom it is transferred;

"Minister" means the Minister responsible for energy;

"Regulator" means the Regulator for Energy and Water Services as established by article 3 of the Act;

"residual energy mix" means the total annual energy mix for Malta, excluding the share covered by cancelled guarantees of origin;

"statement of entitlement" means a statement made to the Regulator in respect of the electricity, or energy which is the subject of the application for the issue of a guarantee of origin;

"third party" means any natural or legal person, in favour of whom a guarantee of origin has been transferred by the guarantee of origin holder, issued to the latter in relation to electricity produced from high-efficiency cogeneration and, or to energy from renewable energy sources according to these regulations, and in terms of which such third party is able to fulfil his obligations as regards production and, or supply of electricity produced from high-efficiency cogeneration or that produced from renewable energy sources.

Powers of the
Regulator.

3. (1) The Regulator shall issue guarantees of origin to producers of electricity from high-efficiency cogeneration and, or to producers of energy from renewable energy sources, upon compliance with the requirements of these regulations:

Provided that where electricity is generated from high-efficiency cogeneration using renewable sources, only one guarantee of origin specifying both characteristics may be issued.

(2) The Regulator shall supervise the issuance, transfer and cancellation of guarantees of origin.

(3) The Regulator shall have non-overlapping geographical

responsibilities, and shall be independent of production, trade and supply activities.

4. (1) An application for the issuing of a guarantee of origin shall cover a period of at least four (4) months. Validity of applications.

(2) No application may be made with the Regulator for the issuing of a guarantee of origin in respect of electricity or energy generated outside Malta.

(3) An application for the issuing of a guarantee of origin shall not be considered valid unless the Regulator is provided with:

(a) all the information listed in the First Schedule;

(b) a statement of entitlement submitted by the applicant; and

(c) payment of the application fee for the issuing of the guarantee of origin to be made payable to the Regulator in terms of regulation 10.

(4) A statement of entitlement shall include the following:

(a) a declaration that the producer of electricity or energy is entitled to the issuing of a guarantee of origin; and

(b) a declaration that such person has never submitted and does not intend to submit a request for the issuing of a guarantee of origin to any other person or authority outside Malta with respect to the electricity or energy which is the subject of the application.

5. (1) The Regulator shall acknowledge in writing, to the applicant, by means of a receipt issued in respect of a valid application within fifteen (15) days from the date of the receipt of such application. Determination and granting of guarantees of origin.

(2) The Regulator shall issue a guarantee of origin in respect of electricity produced from high-efficiency cogeneration and, or to producers of energy produced from renewable energy sources having regard to the following:

(a) an application received in accordance with regulation 4; and

(b) where it is satisfied that the electricity about which the application is being made is duly produced from high-efficiency cogeneration; or

(c) where it is satisfied that the energy about which

the application is being made is duly produced from renewable energy sources.

(3) A guarantee of origin shall be issued to the person submitting the application or to such other person as may be indicated in the application.

(4) The guarantee of origin shall only be issued with regard to the electricity or energy to which the request being made in the application refers to.

(5) A guarantee of origin issued in relation to electricity produced from high-efficiency cogeneration and, or energy produced from renewable energy sources shall be issued with respect to each megawatt hour (MWh) of electricity or energy produced and such megawatt hours shall be rounded up to the nearest megawatt hour and shall not include energy being consumed for the plant's own use.

(6) A guarantee of origin:

(a) shall contain all the information listed in the Second Schedule; and

(b) may contain such other related information as the Regulator may deem fit and appropriate to include;

Provided that simplified information may be specified on guarantees of origin from installations of less than fifty kilowatts (50kW).

(7) Where a guarantee of origin has been issued in terms of these regulations and has not at any time been revoked, the Regulator shall not issue another guarantee of origin with respect to the same electricity or energy for which the guarantee of origin has already been issued.

(8) The Regulator may set a minimum capacity limit when considering the energy unit of guarantees of origin.

(9) The Regulator shall put in place appropriate mechanisms to ensure that guarantees of origin shall be issued, transferred and cancelled electronically, and are accurate, reliable and fraud-resistant and shall ensure that the requirements imposed are compliant with the standard CEN-EN 16325.

(10) The Regulator shall recognise guarantees of origin issued by competent authorities in other Member States exclusively as proof of the elements referred to in sub-regulation (2) of regulation 1 and sub-regulation (6) with particular reference to the Second Schedule, provided that such guarantees of origin are issued in accordance with

laws within those Member States which are in conformity with the relevant European Union legislation. The Regulator may refuse to recognise a guarantee of origin only when it has well-founded doubts about its accuracy, reliability or veracity or for reasons relating to the prevention of fraud and such refusal must be based on objective, transparent and non-discriminatory criteria. The Regulator shall notify the Commission of such a refusal and shall give reasoned grounds for its decision.

(11) The Regulator shall not recognise guarantees of origins issued by a third country except where the Union has concluded an agreement with that third country on mutual recognition of guarantees of origin issued in the Union and compatible guarantees of origin systems established in that third country, and only where there is direct import or export of energy.

6. (1) A holder of a guarantee of origin may request the Regulator by means of an application submitted to the Regulator to replace the guarantee of origin if:

Applications for replacement of guarantees of origin.

(a) the holder of the of the guarantee of origin believes that the guarantee of origin contains inaccurate information; and

(b) the application is made in writing to the Regulator within twenty-one (21) days from the date of issue of the guarantee of origin.

(2) An application for the replacement of a guarantee of origin shall contain the following information:

(a) statement of the particulars of the guarantee of origin that the holder believes are inaccurate; and

(b) provision of all necessary information in support of that request.

(3) The Regulator shall within forty (40) working days from the date of the receipt of the application, decide whether a replacement or otherwise shall take place with regard to the guarantee of origin, taking into consideration the information submitted to it in this regard, and in doing so the Regulator shall give reasons for its decisions:

Provided that the Regulator may where it deems it necessary, revoke the guarantee of origin in terms of regulation 8:

Provided further that in either case mentioned in sub-regulation (3), failure on the part of the Regulator to give reasons for decisions shall not mean, in any manner whatsoever, that a replacement of the existing guarantee of origin or the issuing of a new

guarantee of origin has been tacitly granted by the Regulator.

(4) The Regulator may extend the forty (40) working day period referred to in sub-regulation (3) for a further period of forty (40) working days and in doing so the Regulator shall inform the applicant in writing of such extended period.

(5) If the Regulator decides to issue a replacement for the guarantee of origin it shall do so as soon as possible. The Regulator shall inform the holder as soon as possible by means of a written notice if it decides not to replace the guarantee of origin.

Applications for
the transfer of
guarantees of
origin.

7. (1) If a guarantee of origin holder no longer operates the plant to which such guarantee relates, such holder may request the Regulator to transfer the guarantee of origin to the person who operates that plant by means of an application.

(2) An application for the transfer of a guarantee of origin shall be valid if it contains the following:

(a) the details of the guarantee of origin in terms of which an application for transfer is being made; and

(b) the details of the existing holder of the guarantee of origin and of the person in favour of whom the application for transfer of the guarantee of origin is being made; and

(c) satisfactory evidence of the matters referred to in sub-regulation (1):

Provided that such application shall be accompanied by the application fee applicable for the transfer of the guarantee of origin.

(3) The Regulator shall upon the receipt of a valid application for the transfer of a guarantee of origin, amend the register referred to in regulation 9.

Revocation of
guarantees of
origin.

8. (1) The Regulator shall revoke a guarantee of origin where:

(a) it decides that the guarantee of origin is inaccurate;

(b) it is satisfied that the information provided under regulation 4 is incorrect in a material particular; and, or

(c) it is otherwise satisfied that the guarantee of origin should not have been issued, is inaccurate, or was issued to the wrong person.

(2) Where the Regulator revokes a guarantee of origin, it shall as soon as it is reasonably practicable, inform the holder of the existing guarantee of origin in writing of such revocation.

(3) A guarantee of origin which has been revoked by the Regulator under paragraph (a) of sub-regulation (1) shall be treated as if it has never been issued and for the purpose of paragraphs (b) and (c) of sub-regulation (1), it shall cease to have effect from the date when the information referred to in sub-regulation (2) is given by the Regulator.

9. (1) The Regulator shall maintain a register, which may be in electronic format, and which shall contain the following:

Keeping of registers.

(a) details of the application received for the issuing of the guarantee of origin and also details of the guarantee of origin issued by the Regulator, including the date when such guarantee of origin was issued;

(b) details of the guarantee of origin holder including details of transfers of the guarantee of origin, if any;

(c) the energy source or sources from which the electricity or energy is being produced and to which the guarantee of origin relates;

(d) the place whereby the electricity or energy to which the guarantee of origin relates was produced; and

(e) a list of those guarantees of origin which have been revoked in terms of regulation 8 including the date when such have been revoked.

(2) The Regulator shall, when issuing guarantees of origin, allocate a unique reference number to each.

(3) The register shall be conclusive as regards whether a guarantee of origin subsists and as to the person who is the registered holder thereof.

10. (1) A non-refundable fee as established in the Third Schedule shall be payable to the Regulator by the applicant together with his application for the issuing, replacement or transfer of a guarantee of origin.

Application fees.

(2) The Regulator shall not be required to process an application for the issuing, replacement or transfer of a guarantee of origin unless the application fee which applies in this regard is paid.

*GUARANTEES OF ORIGIN OF ELECTRICITY FROM
HIGH-EFFICIENCY COGENERATION AND OF ENERGY
FROM RENEWABLE ENERGY SOURCES*

8

[S.L. 545.36]

Use and
cancellation of
guarantee of
origin.

11. (1) For the purposes of demonstrating to final customers the share or quantity of energy from renewable sources in an energy supplier's energy mix and in the energy supplied to consumers under contracts marketed with reference to the consumption of energy from renewable sources, a guarantee of origin shall be valid for twelve (12) months after the production of the relevant energy unit.

(2) All guarantees of origin issued in terms of these regulations for energy from renewable energy sources that have not been cancelled, expire at the latest eighteen (18) months after the production of the energy unit.

(3) Expired guarantees of origin for energy from renewable energy sources shall be included by the Regulator in the calculation of Malta's residual energy mix.

(4) Where an electricity supplier is required to demonstrate the share or quantity of energy from renewable sources in its energy mix for the purposes of item 5 of the First Schedule to the Electricity Regulations, it shall do so by using guarantees of origin, except:

(a) as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix; or

(b) where no guarantee of origin is issued by the Regulator as provided in regulation 12.

(5) In making their disclosures regarding their energy mix, suppliers may also make use of guarantees of origin to demonstrate the quantity of electricity produced from high-efficiency cogeneration.

(6) Suppliers shall use the information contained in guarantees of origin to demonstrate compliance with the requirements of any Union-wide green label adopted with a view to promoting the use of renewable energy coming from new installations.

(7) For the purposes of disclosure referred to in sub-regulations (4) to (6), energy companies shall cancel guarantees of origin at the latest six (6) months after the end of the validity of the guarantee of origin.

12. The Regulator shall not issue any guarantee of origin to a producer of energy from renewable energy sources that receives financial support from a support scheme.

Guarantees of
origin for energy
from renewable
energy sources that
receive financial
support.

**FIRST SCHEDULE
(Regulation 4(3))**

Information to be submitted with an application for the issuing of a guarantee of origin:

1. The name and address, and if a company, the registration number, of the person requesting the issuing of the guarantee of origin.

2. Where the person signing a statement of entitlement required under sub-regulation (4) of regulation 4 is not the same person making the request, the name and address of the person signing the statement.

3. Whether or not the person requesting the issuing of a guarantee of origin is the producer of the electricity or energy in respect of which the guarantee of origin is being requested, the name and address, and if a company, the registration number of the producer.

4. The commencement and termination of the period covered by the guarantee of origin for which an application is made.

5. The place where the electricity or energy in respect of which the guarantee of origin is being requested is produced, the name, if any, of the type of plant generating and, or producing the electricity or the energy, and the date on which the installation became operational.

6. The quantity of electricity or energy in respect of which the guarantee of origin is being requested, together with the total quantity of electricity or energy being produced by the plant during the period covered by the application.

7. Where electricity in respect of which an application for the issuing of a guarantee of origin is being submitted, was produced from a high-efficiency cogeneration:

(a) the information relating to the plant in relation to the First and Second Schedules to the Energy Efficiency Regulations;

(b) the primary source of fuel from which the electricity was produced;

(c) the heat to power ratio of the plant; and

*GUARANTEES OF ORIGIN OF ELECTRICITY FROM
HIGH-EFFICIENCY COGENERATION AND OF ENERGY
FROM RENEWABLE ENERGY SOURCES*

(d) the amount of useful heat being utilised during the period for which the application is being submitted.

8. Where energy in respect of which an application for the issuing of a guarantee of origin is being submitted was produced from renewable energy sources:

(a) the energy source from which the energy was produced; and

(b) the declared net capacities of the installation, with respect to each source of energy from which the energy was produced.

9. Such further information as the Regulator may, in particular circumstances, reasonably require:

(a) for the purpose of ensuring the accuracy of the information required under items 1 to 8 hereof; or

(b) to enable the Regulator to be satisfied that any electricity produced is from high-efficiency cogeneration or that any energy produced is from renewable energy sources.

SECOND SCHEDULE
(Regulation 5(6))

Information to be contained in a guarantee of origin:

1. The name and address, and if a company, the registration number of the person to whom the guarantee of origin has been issued and whether it relates to electricity, gas (including hydrogen), or heating or cooling.

2. The date of issue of the guarantee of origin.

3. The reference number given to the guarantee of origin issued by the Regulator and an indication that the guarantee is being issued by the Maltese Regulator for Energy and Water Services.

4. The commencement and the termination dates of the period to which the guarantee of origin relates.

5. The place where the electricity or energy in respect of which the guarantee of origin being requested was produced, the name of the plant, if any, and the date on which the installation became operational.

6. The total quantity of electricity or energy over the period

to which the guarantee of origin relates.

7. The energy source or sources from which the electricity or energy was produced.

8. The declared net capacities of the installation with respect to each source of energy from which the electricity or energy was produced.

9. In the case of electricity produced from high-efficiency cogeneration:

(a) the lower calorific value of the source of fuel from which the electricity was produced;

(b) the use of the heat generated together with the electricity produced during the period for which the guarantee of origin was issued;

(c) the quantity of electricity from high-efficiency cogeneration calculated in terms of the First Schedule to the Energy Efficiency Regulations;

(d) the primary energy savings calculated in terms of paragraph (b) of the Second Schedule to the Energy Efficiency Regulations;

(e) the amount of heat utilised during the period to which the guarantee of origin relates;

(f) the quantity of fuel from which the electricity was produced;

(g) the power efficiency achieved;

(h) the achieved overall efficiency;

(i) the total quantity of electricity generated over the period to which the guarantee of origin refers.

10. In the case of a guarantee of origin issued in respect of energy produced from installations of renewable energy sources, a declaration that the installation has not benefited from investment support and that the unit of energy has not benefited in any other way from a national support scheme.

THIRD SCHEDULE
(Regulation 10)

Application fees payable

1. Application for the issuing of a guarantee of origin:

The applicable fee for applying for the issuing of a guarantee of origin is of one hundred and seventy-five euro (€175).

2. Application for the replacement of a guarantee of origin:

The applicable fee for applying for the replacement of a guarantee of origin where the replacement is required owing to a failure on the part of the applicant is of eighty-five euro (€85).

3. Application for the transfer of a guarantee of origin:

The applicable fee for applying for the transfer of a guarantee of origin is of twenty-five euro (€25).
