

L.N. 43 of 2023**REGULATOR FOR ENERGY AND WATER SERVICES ACT
(CAP. 545)****Feed-in Tariffs Scheme (Electricity Generated
from Solar Photovoltaic Installations)
(Amendment) Regulations, 2023**

IN EXERCISE of the powers conferred by article 37 of the Regulator for Energy and Water Services Act, the Minister responsible for energy and water services after consultation with the Regulator, has made the following regulations:-

Citation and
commencement.

S.L. 545.27.

1. (1) The title of these regulations is the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) (Amendment) Regulations, 2023 and these regulations shall be read and construed as one with the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations, hereinafter referred to as "the principal regulations".

(2) These regulations shall be deemed to have come into force on 1st January 2023.

Amends
regulation 2 of
the principal
regulations.

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

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

" *de minimis aid*" means aid awarded in accordance with Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis aid*";

(b) the definition "distribution system operator" thereof shall be substituted by the following new definition:

S.L. 545.34. " "distribution system operator" shall have the same meaning as assigned to it in the Electricity Regulations;"

(c) the definition "the Minister" shall be substituted by the following new definition:

" "Minister" shall have the same meaning as assigned

to it in the Act;"

(d) the definition "operating aid" thereof shall be substituted by the following new definition:

S.L. 545.34. " "operating aid" means the difference between the feed-in tariffs under the Second Schedule and the proxy for the market price for electricity established by the Electricity Regulations;"

(e) the definition "proxy for the market price" thereof shall be substituted by the following new definition:

S.L. 545.34. " "proxy for the market price" shall have the same meaning as assigned to it in the Electricity Regulations;" and

(f) the definition "undertaking in difficulty" thereof shall be deleted.

3. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 3 of the principal regulations.

"Applicability. 3. These regulations shall apply to solar photovoltaic installations insofar as such solar photovoltaic installations are installed either in residential or domestic premises or in non-residential or institutional households, and which are to be connected to the distribution system, and which are so connected either directly or indirectly with the distribution system with the appropriate protective and metering equipment:

Provided that a feed-in tariff in accordance with these regulations may only be awarded to solar photovoltaic capacities of less than 40kWp."

4. Sub-regulation (6) of regulation 4 of the principal regulations shall be amended as follows:

Amends regulation 4 of the principal regulations.

(a) in paragraph (b) thereof, the words "the proxy for the market price established under the Fourth Schedule;" shall be substituted by the words "the proxy for the market price established under the Electricity Regulations;" and

S.L. 545.34.

(b) in paragraph (c) thereof, the words "the proxy for the market price established under the Fourth Schedule." shall be substituted by the words "the proxy for the market price established under the Electricity Regulations."

S.L. 545.34.

Amends
regulation 4A of
the principal
regulations.

S.L. 545.34.

5. In regulation 4A of the principal regulations, the words "the proxy for the market price established under the Fourth Schedule" shall be substituted by the words "the proxy for the market price established under the Electricity Regulations".

Amends
regulation 4C of
the principal
regulations.

6. In regulation 4C of the principal regulations, the words "paid to the installation operator." shall be substituted by the words "paid to the installation operator:" and immediately after there shall be added the following new proviso:

"Provided that this regulation shall only apply in cases where the original application for a feed-in tariff was approved with regard to a residential or domestic premises and subject to such premises being continually categorised for billing purposes as a residential or domestic premises throughout the duration of the guaranteed period of payment."

Amends
regulation 6 of
the principal
regulations.

S.L. 545.34.

7. In the proviso to regulation 6 of the principal regulations, the words "at the applicable electricity rate as established in the Fourth Schedule." shall be substituted by the words "at the applicable electricity rate as established in the Electricity Regulations."

Deletes
regulation 7 of
the principal
regulations.

8. Regulation 7 of the principal regulations shall be deleted.

Amends
regulation 9 of
the principal
regulations.

9. Regulation 9 of the principal regulations shall be amended as follows:

(a) in the second proviso to sub-regulation (1) thereof, the words "at the applicable rate for such electricity as at the time provided in the Fourth Schedule to these regulations." shall be substituted by the words "at the applicable rate for such electricity as at the time provided in the Electricity Regulations."; and

S.L. 545.34.

(b) in sub-regulation (3) thereof, the words "for such electricity at the rate established in the Fourth Schedule." shall be substituted by the words "for such electricity at the rate established in the Electricity Regulations."

S.L. 545.34.

Amends
regulation 12 of
the principal
regulations.

S.L. 545.34.

10. In sub-regulation (2) of regulation 12 of the principal regulations, the words "the proxy for the market price established under the Fourth Schedule." shall be substituted by the words "the proxy for the market price established under the Electricity Regulations."

11. In regulation 13 of the principal regulations, immediately after the words "tradable green certificate" there shall be added the words "or guarantees of origin certificate".

Amends regulation 13 of the principal regulations.

12. The First Schedule to the principal regulations shall be amended as follows:

Amends the First Schedule to the principal regulations.

(a) item 6 thereof shall be substituted by the following new item:

"6. The solar photovoltaic installation is commissioned and an application to connect the installation to the distribution system has been submitted to the distribution system operator not later than twelve (12) months from the date of approval of the FIT by the Regulator. In the case that the solar photovoltaic installation is not commissioned and an application to connect the installation to the distribution system is not submitted to the distribution system operator within the aforesaid twelve (12) months, the eligibility for a FIT shall be subject to the beneficiary of the FIT applying to the Regulator for an extension, which extension shall not be of more than:

(a) twenty-four (24) months, in the case of feed in tariff applications approved prior to the 1st January 2023;

(b) twelve (12) months in the case of feed in tariff applications approved after the 1st January 2023:

Provided that any such extension may be granted only once. The aforesaid extensions, irrespective of the date of application for the extension, shall be reckoned to commence as from the first day immediately following the end of the mentioned first twelve (12) month period allowed for the commissioning and submittal of the application for connection to the distribution system. The rate of the FIT which would be then applicable shall be that in force at the time of the submission of the application for said extension by the beneficiary or, if no such FIT has been established, the FIT originally allocated to the solar PV installation reduced by euro 0.005 per kWh."; and

(b) in item 9 thereof, the words "(e) type of aid and amount of public funding needed for the project. The applicant for a feed-in tariff must submit, together with the aforesaid written application, a non-refundable application fee of fifty euro

(€50) in the case of a solar photovoltaic installation in non-residential premises having a capacity equal or larger than 40kWp and less than 400kWp." shall be substituted by the words "(e) comprehensive declaration of the *de minimis* aid received by the applicant and as required by the application form."

Amends the
Second
Schedule to the
principal
regulations.

13. The Second Schedule to the principal regulations shall be amended as follows:

(a) in item 1 thereof, Table A shall be substituted by the following new Table:

"Table A: Caps and Feed-in Tariffs applicable for solar photovoltaic installations approved under the FIT scheme"			
FIT Scheme	Capacity of solar photovoltaic installation installed in any location	Feed-in Tariffs applicable between the 1st January 2023 and the 31st December 2023	Maximum units allocated per annum for FIT payment to PV systems approved under this FIT scheme between the 1st January 2023 and the 31st December 2023
	=>1kWp and <40kWp	15 cents per kWh	12.8 GWh per annum (8MWp)";

(b) in item 2 thereof, the words "Electricity Market Regulations (S.L. 545.13)" shall be substituted by the words "Electricity Regulations (S.L.545.34)"; and

(c) in paragraph (a) of item 4 thereof, the words "1st January 2022 until the 30th December 2022;" shall be substituted by the words "1st January 2023 until the 31st December 2023;".

Deletes the
Third and
Fourth Schedule
to the principal
regulations.

14. The Third Schedule and the Fourth Schedule to the principal regulations shall be deleted.