L.N. 94 of 2026

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

Guarantees of Origin of Electricity from High-Efficiency Cogeneration and of Energy from Renewable Energy Sources Regulations, 2026

IN EXERCISE of the powers conferred by articles 37 and 37A of the Regulator for Energy and Water Services Act, the Minister responsible for energy and water services, 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 Guarantees of Origin of Electricity from High-Efficiency Cogeneration and of Energy from Renewable Energy Sources Regulations, 2026.

(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 ensuring that the origin of electricity produced from high-efficiency cogeneration and the energy produced from renewable energy sources may be guaranteed in accordance with objective, transparent and non-discriminatory criteria. These regulations transpose:

(a) 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) amended by Article 1(9) of Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652; and

(b) Article 26(13) and Annex XII of Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast).

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Interpretation. Cap. 545. S.L. 545.33. S.L. 545.43.

2. (1) Unless otherwise required under these regulations, the terms defined in the Regulator for Energy and Water Services Act, in the Energy Efficiency Regulations and in the Promotion of Energy from Renewable Sources Regulations shall apply.

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

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

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

"final customer" means a natural or legal person who purchases energy for its 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 specific share or quantity of electricity was produced from high-efficiency cogeneration or that a specific share or quantity of energy was produced from renewable energy sources;

"guarantee of origin for electricity" means a guarantee of origin that relates to electricity produced from renewable sources;

"guarantee of origin for gas" means a guarantee of origin that relates to gas produced from renewable sources, including hydrogen produced from renewable 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 under which guarantee such third party is able to fulfil his obligations in relation to 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, including gaseous renewable fuels of non-biological origin such as hydrogen, upon compliance with the requirements of these regulations:

Provided that where electricity is generated from high-efficiency cogeneration using renewable sources, only one (1) 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.

Registration of account holders.

4. Any person who intends to apply for the issuance, transfer or cancellation of a guarantee of origin shall apply with the Regulator for the registration of an account in his name for this purpose in the manner and form required by the Regulator. The registration fees and the annual fees established in item 1 of the Third Schedule shall apply:

Provided that the registration process for installations of less than fifty kilowatts (50 kW) and renewable energy communities shall be simplified when compared to those of a larger capacity.

Validity of applications.

5. (1) Any person who intends to apply for the issuance, transfer or cancellation of a guarantee of origin shall apply with the Regulator in the manner and form required by the Regulator. The fees for the issuance, transfer or cancellation for each guarantee of origin established in item 2 of the Third Schedule shall apply.

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

(3) An application may not be made with the Regulator for the issuing of a guarantee of origin in respect of electricity or energy generated outside of Malta:

Provided that the Regulator may issue guarantees of origin in respect of renewable energy generated in any Exclusive Economic Zone declared by Malta in accordance with the Exclusive Economic Zone Act.

Cap. 625.

(4) An application for the issuance 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; and

(c) payment of the applicable fees established in terms of regulation 10.

(5) 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.

Determination and granting of guarantees of origin.

6. (1) A valid application shall be acknowledged in writing by the Regulator within fifteen (15) days from the date of the receipt of such application, by means of a receipt issued to the applicant.

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

(a) an application is received in accordance with regulation 5; and

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

(c) where it is satisfied that the energy in respect of 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 in respect of the electricity or energy referred to in the application.

(5) A guarantee of origin issued in respect of electricity produced from high-efficiency cogeneration and, or energy produced from renewable energy sources shall be issued with respect to each megawatt hour (1 MWh) of electricity or energy produced, and such megawatt hours shall be rounded to the nearest megawatt hour and shall not include energy being consumed for the plant's own use:

Provided that where appropriate, in the case of guarantees of origin issued in respect of the production of energy from renewable sources, the standard size may be divided to a fraction size which shall be a multiple of one watt hour (1Wh).

(6) A guarantee of origin:

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

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

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

(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) Guarantees of origin issued by the Regulator shall be issued, transferred and cancelled electronically, and shall be accurate, reliable and fraud-resistant in compliance with the standard CEN-EN 16325.

(10) The Regulator shall recognise guarantees of origin issued

by competent authorities of other Member States exclusively as proof of the elements referred to in sub-regulation (1) and sub-regulation (6) of regulation 11 with particular reference to the Second Schedule, provided that such guarantees of origin are issued in accordance with the laws of those Member States which are in conformity with the relevant European Union legislation. Any refusal by the Regulator to recognise a guarantee of origin shall be based on well-founded doubts about its accuracy, reliability or veracity or for reasons relating to the prevention of fraud and shall be based on objective, transparent and non-discriminatory criteria which shall be notified to the Commission together with reasoned grounds for such decision.

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

Applications for the transfer of guarantees of origin.

7. (1) A holder of a guarantee of origin may request the Regulator to transfer the guarantee of origin by means of an application in the form and manner required by the Regulator.

(2) An application for the transfer of a guarantee of origin shall be accompanied by the applicable fee and 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.

(3) When a valid transfer application of a guarantee of origin is received, the Regulator shall amend the register referred to in regulation 9 accordingly.

Revocation of guarantees of origin.

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

(a) the guarantee of origin is determined to be inaccurate;

(b) the information provided in accordance with regulation 5 is found to be incorrect in a material particular; and, or

(c) the guarantee of origin should not have been issued,

or was issued to the wrong person.

(2) The Regulator shall notify the holder of the existing guarantee of origin in writing of such revocation as soon as it is reasonably practicable.

(3) A revoked guarantee of origin shall be deemed to have never been issued and shall cease to have effect from the date of the notice referred to in sub-regulation (2).

Keeping of registers.

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

(a) details of applications received for the issuing of the guarantees of origin and also details of the guarantees of origin issued by the Regulator, including the dates when such guarantees of origin were issued;

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

(c) the energy 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 were produced; and

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

(2) The Regulator shall allocate a unique reference number to each guarantee of origin issued.

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

Application fees.

10. (1) Non-refundable fees listed in the Third Schedule, shall be payable to the Regulator for the issuing, transfer or cancellation of a guarantee of origin.

(2) The Regulator shall not be required to process an application for the issuing, transfer or cancellation of a guarantee of origin unless the applicable fees which apply in this regard are paid.

Use and cancellation of guarantees of origin.

11. (1) Guarantees of origin shall serve to:

(a) demonstrate 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; and

(b) enable producers of electricity from high-efficiency cogeneration to demonstrate, upon request, that the electricity sold is produced from high-efficiency cogeneration:

Provided that for the purpose of paragraph (a), a guarantee of origin shall remain valid for transactions for twelve (12) months after the production of the relevant energy unit.

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

(3) The Regulator shall include expired guarantees of origin for energy from renewable energy sources 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, or where a gas supplier supplying gas from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, is required to demonstrate to final consumers the share or quantity of energy from renewable sources in its energy mix for the purposes of Annex I to Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC, it shall do so by using guarantees of origin, except:

S.L. 545.34.

(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 undertakings shall cancel guarantees of origin at the latest six (6) months after the end of the validity of the guarantee of origin.

(8) The Regulator shall ensure that the guarantees of origin that are cancelled correspond to the relevant network characteristics when a customer consumes gas from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, as demonstrated in the commercial offer by the supplier.

(9) The Regulator shall ensure that the data on the residual energy mix is published on an annual basis.

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

12. The Regulator shall not issue any guarantee of origin in respect of renewable energy the production of which has received financial support from a support scheme, where such support scheme precludes the issuance of such guarantee of origin.

Repeal and saving. S.L. 545.36.

13. The Guarantees of Origin of Electricity from High-Efficiency Cogeneration and of Energy from Renewable Energy Sources Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

FIRST SCHEDULE
(regulation 5(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 (5) of regulation 5 is not the same person making the request, the name and address of the person signing the said statement.

3. Whether the person requesting the issuing of a guarantee of origin is the producer, or otherwise, 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 submitted.

5. The place where the electricity or energy in respect of which the guarantee of origin is being requested are 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

(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. Any 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; or

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

SECOND SCHEDULE
(regulation 6(6))

PART A – Information to be included on all guarantees of origin

1. The name and address, and if a company, the registration number of the person to whom the guarantee is issued, including an indication of whether it relates to electricity from high-efficiency cogeneration or to renewable energy where, if the latter it shall furthermore specify whether it relates to electricity, gas (including hydrogen) or heating and cooling.

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

3. The reference number assigned to the guarantee by the Regulator, along with an indication that the guarantee is issued by the Regulator.

4. The commencement and termination dates of the period to which the guarantee relates (the relevant period).

5. The production location, the plant name, if any, and the installation's operational commencement date.

6. Any further information as required by the Regulator to ensure accuracy or to confirm the production source.

PART B – Information specific to high-efficiency cogeneration guarantees of origin

1. The primary fuel source from which the electricity was produced, the quantity used to produce said electricity during the relevant period and the capacity (thermal and electrical) of the installation.

2. The quantity and the use of the heat generated together with the electricity during the relevant period.

3. The lower calorific value of the fuel source from which the electricity was produced.

4. The quantity of electricity from high-efficiency cogeneration which was generated over the relevant period and

exported to the grid.

5. The primary energy savings calculated on the basis of harmonised efficiency reference values.

6. The nominal electric and thermal efficiency of the plant.

7. Whether and to what extent the installation has benefitted from investment support.

8. Whether the electricity in question has benefitted in any other way from a national support scheme, and the type of support scheme.

PART C – Information specific to renewable energy guarantees of origin

1. The renewable energy source from which the energy was produced and the capacity of the installation.

2. The start and end dates of production, which may be specified:

(a) in the case of renewable gas, including gaseous renewable fuels of non-biological origin, and renewable heating and cooling, at an hourly or sub-hourly interval;

(b) for renewable electricity, in accordance with the imbalance settlement period as defined in Article 2(15) of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast).

3. The declared net capacities of the installation for each renewable energy source.

4. The total quantity of renewable energy produced over the relevant period.

5. A declaration that the installation has not benefitted from investment support and that the unit of energy has not benefitted in any other way from a national support scheme which specifically precludes the issuance of guarantees of origin of units of origin which receive operation support under such scheme.

THIRD SCHEDULE
(regulation 10)

1. Account fees

An account fee shall apply for the opening of an account with the Regulator for the issuance, transfer and cancellation of guarantees of origin. Such fee shall be payable to the Regulator prior to the opening of the account. Annual fees shall also apply for any such registered account.

The account fees shall be as follows:

(a) One-time account registration fee for producers:

(i) production plants with installed capacity less than fifty kilowatt-peak (50 kWp) or energy community: five euro (€5);

(ii) production plants with installed capacity equal to or greater than fifty kilowatt-peak (50 kWp): fifty euro cents per kilowatt-peak (€0.50/kWp) installed.

The same fees shall be applicable on an annual basis to the Regulator as from first (1st) January of the year following the account registration and for every year thereafter.

(b) One-time registration fee for registered account holders other than producers:

(i) accounts with annual certificate turnover less than fifty megawatt hour (50 MWh): five euro (€5);

(ii) accounts with annual certificate turnover equal to or greater than fifty megawatt hour (50 MWh) and less than five hundred megawatt hour (500 MWh): twenty-five euro (€25);

(iii) accounts with annual certificate turnover equal to or greater than five hundred megawatt hour (500 MWh): one hundred fifty euro (€150).

The same fees shall be applicable on an annual basis to the Regulator as from first (1st) January of the year following the account registration and for every year thereafter.

For the purposes of sub-item (b), "account holders other than producers’" means any person who is not a producer who transfers or

cancels guarantees of origin.

For the purposes of this Schedule, "annual certificate turnover" means the aggregate number of megawatt hour (MWh) represented by all guarantees of origin in respect of which an account holder is allowed to submit an application during the relevant year, including guarantees of origin issued, transferred and cancelled.

When an account holder who is also a producer receives guarantees of origin from another account holder or producer, the fees established in sub-item (b) shall also apply in addition to those in sub-item (a).

2. Fee per guarantee of origin

A fee of zero point zero two five euro per megawatt hour (€0.025/MWh) shall be payable to the Regulator in respect of the issuance, transfer and cancellation of each guarantee of origin. Such fee shall be due and payable upon submission of the relevant application and shall be remitted to the Regulator together with that application.

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