

A.L. 14 ta' l-2003

**ATT TA' L-2000 DWAR AWTORITÀ TA' MALTA
DWAR IR-RIŻORSI
(ATT NRU. XXV TA' L-2000)**

**Regolamenti ta' l-2003 dwar it-Trasmissjoni
ta' l-Elettriku (Htiġiet tal-Grilja)**

BIS-SAHHA tas-setghat moghtija bl-artiklu 28 ta' l-Att ta' l-2000 dwar Awtorità ta' Malta dwar ir-Riżorsi, il-Ministru ghar-Riżorsi u Infrastruttura, wara konsultazzoni ma' l-Awtorità ta' Malta dwar ir-Riżorsi, ghamel ir-regolamenti li ġejjin:-

1. (1) It-titlu ta' dawn ir-regolamenti hu r-Regolamenti ta' l-2003 dwar it-Trasmissjoni ta' l-Elettriku (Htiġiet tal-Grilja). Titlu, bidu fis-sehh u skop.

(2) (a) Dawn ir-regolamenti ghandhom jidhlu fis-sehh f' dik id-data li l-Ministru responsibbli ghar-riżorsi u l-infrastruttura jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistgħu jiġu hekk appuntati għal finijiet differenti u għal disposizzjonijiet differenti ta' dawn ir-regolamenti.

(b) Avviż taht il-paragrafu (a) ta' dan is-subregolament jista' jagħmel dawk id-disposizzjonijiet transitorji li l-Ministru jidhirlu li jkunu mehtieġa jew spedjenti f'konnessjoni mad-disposizzjonijiet li jidhlu fis-sehh b'dan il-mod.

(3) Dawn ir-regolamenti jistabbilixxu miżuri li ghandhom x'jaqsmu mat-trasmissjoni ta' elettriku bejn grilji ta' vultaġġ għoli.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma Tifsir. tkunx tehtieġ xort'ohra:-

“l-Att” tfisser l-Att ta' l-2000 dwar l-Awtorità ta' Malta dwar ir-Riżorsi;

“awtorità kompetenti” tfisser l-Awtorità ta' Malta dwar ir-Riżorsi;

“trasmissjoni ta’ elettriku” tfisser it-trasmissjoni ta’ elettriku permezz ta’ grilji ta’ trasmissjoni ta’ vultaġġ għoli (eskluzi grilji ta’ distribuzzjoni) sitwati f’Malta u, jew fi Stat Membru ta’ l-Unjoni Ewropea, u li jaqsmu mill-inqas fruntiera wahda bejn daww l-Istati.

“kuntratt għall-mogħdija ta’ elettriku” tfisser kuntratt li jipprova għall-mogħdija ta’ elettriku bejn grilji ta’ trasmissjoni ta’ vultaġġ għoli;

“grilja ta’ trasmissjoni ta’ vultaġġ għoli”, fil-każ ta’ grilja sitwata f’Malta jew fi Stat Membru ta’ l-Unjoni Ewropea, tfisser grilja speċifikata fl-Iskeda li tinsab ma’ dawn ir-regolamenti;

“enti” tfisser korp responsabbli għall-grilji kif speċifikat fl-Iskeda li tinsab ma’ dawn ir-regolamenti;

“operatur ta’ grilja” tfisser entità responsabbli għat-thaddim ta’ grilja ta’ trasmissjoni ta’ vultaġġ għoli f’Malta;

“Ministru” tfisser il-Ministru responsabbli għar-rizorsi;

Applikazzjoni.

3. Dawn ir-regolamenti għandhom japplikaw meta talba għat-trasmissjoni ta’ elettriku ssir lill-operatur minn xi enti oħra.

Dmirijiet ta’ l-awtorità kompetenti.

4. (1) L-awtorità kompetenti għandha tiegħu daww il-miżuri neċessarji biex tiffacilita t-trasmissjoni ta’ elettriku bejn grilji ta’ vultaġġ għoli skond il-kondizzjonijiet imniżzla f’ dawn ir-regolamenti.

(2) L-awtorità kompetenti għandha tiegħu daww il-miżuri neċessarji biex tiżgura li kull entità taħt il-ġurisdizzjoni tagħha msemmija fl-Iskeda li tinsab ma’ dawn ir-regolamenti taġixxi bla dewmien u twettaq l-obbligi tagħha taħt ir-regolament 5 ta’ dawn ir-regolamenti.

Obbligi ta’ l-operatur ta’ grilja.

5. Operatur ta’ grilja li jkun irċieva talba għat-trasmissjoni ta’ l-elettriku għandu bla dewmien:

(a) jgħarraf lill-awtorità kompetenti, u lil kull persuna jew entità oħra li l-awtorità kompetenti tista’ tinnomina, bit-talba;

(b) jibda negozjati fuq il-kondizzjonijiet tat-trasmissjoni ta’ l-elettriku mitlub;

(ċ) jgħarraf lill-awtorità kompetenti, u lil kull persuna jew awtorità oħra nominata mill-awtorità kompetenti skond ma hemm fil-paragrafu (a), bl-għemil ta’ kuntratt għat-trasmissjoni ta’ l-elettriku; u

(d) fil-każ li kuntratt ghat-trasmissjoni ta' l-elettriku ma jkunx sar fi żmien tnax-il xahar minn meta jirċievi talba ghat-trasmissjoni, jgħarraf lill-awtorità kompetenti u lil kull persuna jew awtorità oħra nominata mill-awtorità kompetenti skond ma hemm fil-paragrafu (a), bir-raġunijiet għaliex in-negozjati jkunu fallaw u ma wasslux biex isir kuntratt ghat-trasmissjoni ta' l-elettriku.

6. (1) Kuntratti li jinvolvu t-trasmissjoni ta' l-elettriku bejn grilji ta' trasmissjoni għandhom jigu negozjati bejn entijiet responsabbli għall-grilji relattivi, u fir-rigward tal-kwalità tas-servizz ipprovdut, u kull fejn meħtieġ, ma' l-entijiet responsabbli għall-importazzjoni u l-esportazzjoni ta' l-elettriku.

Kuntratti dwar it-trasmissjoni ta' l-elettriku bejn grilji ta' trasmissjoni.

(2) Il-kondizzjonijiet ta' kuntratt ghat-trasmissjoni ta' l-elettriku -

(a) m'għandhomx ikunu diskriminatorji u għandhom ikunu ġusti mal-partijiet kollha involuti u m'għandhomx jinkludu klawnsoli inġusti jew restrizzjonijiet mhux ġustifikati; u

(b) m'għandhomx jipperikolaw is-sigurtà tal-provvisti jew il-kwalità tas-servizz, u b'mod partikolari, għandhom iqisu għal kollox l-utilizzazzjoni tal-produzzjoni ta' riserva u l-aktar operat effiċjenti tas-sistemi eżistenti.

7. Il-kondizzjonijiet li għandhom ikunu inklużi f'kuntratt ghat-trasmissjoni ta' l-elettriku għandhom, wara talba jew ta' l-enti li tkun talbet it-trasmissjoni ta' l-elettriku jew ta' l-operatur ta' grilja, ikunu soġġetti għal konċiljazzjoni minn korp imwaqqaf u presjedut mill-awtorità kompetenti għal dak l-iskop. L-awtorità kompetenti għandha tistabbilixxi r-regoli li jirregolaw il-proċedura quddiem dak il-korp.

Konċiljazzjoni.

8. (1) Meta l-awtorità kompetenti ssir taf, kemm jekk billi tagħmel investigazzjoni kemm b'xi mod iehor, li operatur ta' grilja naqas milli jikkonforma ma' xi wiehed mill-obbligi mnizzlin fir-regolamenti 5 u 6 ta' dawn ir-regolamenti, hi għandha tohroġ ordni ta' konformità lill-operatur ta' grilja involut u tordnal biex minnufih jikkonforma ruhu mad-disposizzjonijiet tar-regolament imsemmi. Jekk l-operatur ta' grilja ma jobdix dik l-ordni ta' konformità, ikun, bla preġudizzju għal kull responsabbiltà oħra taht dawn ir-regolamenti, l-Att jew xi liġi oħra, hati ta' reat u jista' jehel, meta jinsab hati, multa ta' mhux inqas minn mitt lira u mhux iżjed minn elf lira għal kull ġurnata li r-reat jibqa' għaddej:

Ordnijiet ta' konformità.

Iżda l-ammont ta' multi aggregati m'għandux, meta jinsab hati, jaqbzu l-għaxart elef lira.

(2) Kull persuna li, meta tintalab mill-awtorità kompetenti informazzjoni fir-rigward ta' dawn ir-regolamenti, xjentement jew bla kont:

(a) taghti informazzjoni falza, mhux korretta jew qarrieqa; jew

(b) tonqos milli taghti informazzjoni shiha; jew

(ċ) tonqos, bla kawża raġonevoli, milli taghti informazzjoni mitluba fiż-żmien mogħti biex tinghata fih, jew

(d) tfixkel jew tostakola xi investigazzjoni; jew

(e) tipproduci jew tforni, jew tordna jew xjentement tippermetti li jkun prodott jew fornut, xi dokument jew informazzjoni li taf li tkun falza f'xi rigward materjali,

tkun hatja ta' reat u tista', meta tinsab hatja, tehel multa ta' mhux inqas minn mitt lira u mhux iżjed minn elf lira.

SKEDA

Lista ta' entijiet u grilji koperti b'dawn ir-Regolamenti

Pajjiż	Entità/Grilja
Il-Belġju	CPTE – Société pour la coordination de la production et du transport d'énergie électrique
Id-Danimarka	Eltra Elkraft
Il-Ġermanja	Bayernwerk AG Berliner Kraft- und Licht (Bewag)-AG EnBW Transportnetze AG Hamburgische Electricitäts-Werke AG (HEW) PreussenElektra Aktiengesellschaft RWE Energie AG Vereinigte Elektrizitätswerke Westfalen AG (VEW) VEAG Vereinigte Energiewerke AG
Il-Greċja	Public Power Corporation (PPC)
Spanja	Spain Red Eléctrica de España, SA
Franza	Électricité de France
L-Irlanda	Electricity Supply Board
L-Italja	Edison Edison Termoelettrica Enel
Il-Lussemburgu	Cegedel Sotel
Malta	Enemalta Corporation
L-Olanda	SEP
L-Awstrija	Österreichische Elektrizitätswirtschaft AG Tiroler Wasserkraftwerke AG Vorarlberger Kraftwerke AG Vorarlberger Illwerke AG
Il-Portugall	Rede Eléctrica Nacional SA (REN)

B 194

Il-Finlandja Suomen Kantaverkko Oyj (Finnish Power Grid PLC)

L-Isvezja Affärsverket svenska kraftnät

Ir-Renju Unit National Grid Company
Scottish Power
Scottish Hydro-Electric
Northern Ireland Electricity

L.N. 14 of 2003

**MALTA RESOURCES AUTHORITY ACT, 2000
(ACT NO. XXV OF 2000)**

Electricity Transit (Grid Requirements) Regulations, 2003

BY virtue of the powers conferred by Article 28 of the Malta Resources Authority Act, 2000, the Minister for Resources and Infrastructure, after consultation with the Malta Resources Authority, has made the following regulations:–

1. (1) The title of these regulations is the Electricity Transit (Grid Requirements) Regulations, 2003. Title,
commencement and
scope

(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) of this sub-regulation 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.

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

“the Act” means the Malta Resources Authority Act, 2000;

“competent authority” means the Malta Resources Authority;

“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 to these regulations;

“entity” means a body responsible for the grids as specified in the Schedule to these regulations;

“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.

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 to these regulations acts without delay and fulfills its obligations under regulation 5 of these regulations.

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.

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. Conciliation.

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 of these regulations, 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 one hundred liri and not more than one thousand liri for each day during which the offence subsists: Compliance orders.

Provided that the aggregate fines (*multa*) shall, on conviction, not exceed the amount of ten thousand liri.

(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 one hundred liri and not more than one thousand liri.

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 Elkraft
Germany	Bayernwerk AG Berliner Kraft- und Licht (Bewag)-AG EnBW Transportnetze AG Hamburgische Electricitäts-Werke AG (HEW) PreussenElektra Aktiengesellschaft RWE Energie AG Vereinigte Elektrizitätswerke Westfalen AG (VEW) VEAG Vereinigte Energiewerke AG
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B 200

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