

**A.L. 422 tal-2010****ATT DWAR AWTORITÀ TA' MALTA DWAR IR-RIZORSI  
(KAP. 423)****Regolamenti ta' l-2010 dwar it-Tariffi *Feed-in* (Elettriku  
Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx)**

BIS-SAHHA tal-poteri mogħtijin bl-artikoli 28 u 32 tal-Att dwar Awtorità ta' Malta dwar ir-Rizorsi, il-Ministru għar-Rizorsi u Affarijiet Rurali, wara li kkonsulta lill-Awtorità ta' Malta dwar ir-Rizorsi, għamel dawn ir-regolamenti li ġejjin:-

**1.** (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2010 dwar it-Tariffi *Feed-in* (Elettriku Ġenerat minn Stallazzjonijiet Fotovoltajċi tax-Xemx). Titolu u għan.

(2) L-għan ta' dawn ir-regolamenti hu li tiġi stabbilita tariffa *feed-in* għall-elettriku ġenerat minn stallazzjonijiet fotovoltajċi tax-xemx u għalhekk li tippromwovi u tappoġġa l-ġenerazzjoni tal-elettriku minn sorsi ta' enerġija li jiġġeddu.

**2.** (1) Kemm il-darba r-rabta tal-kliem ma tkunx teħtieġ xort' oħra f' dawn ir-regolamenti, it-tifsiriet fl-Att għandhom ikunu japplikaw. Tifsiriet.

(2) F' dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort' oħra:

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

“l-Awtorità” tfisser l-Awtorità ta' Malta dwar ir-Rizorsi kif stabbilita fl-Att;

“data ta' sottomissjoni ” tfisser, fil-każ ta' stallazzjoni fotovoltajka tax-xemx imsemmija fir-regolament 4(1), id-data li fiha tkun giet rċevuta mill-Awtorità it-talba ta' parteċipazzjoni fl-iskema FIT u, fil-każ ta' stallazzjoni

fotovoltajka tax-xemx imsemmija fir-regolament 4(2), id-data meta avviż jew applikazzjoni għall-awtorizzazzjoni biex tinbena stallazzjoni fotovoltajka tax-xemx, skond kif ikun il-każ, ikunu ġew reċevuti mill-Awtorità ;

“distribuzzjoni” tfisser it-trasport tal-elettriku permezz ta’ sistemi ta’ distribuzzjoni ta’ vultaġġ għoli, medju u baxx fil-kuntest tat-twassil tiegħu għand il-konsumaturi imma ma tinkludix il-provvista;

“Djar Istituzzjonali” għandhom jinkludu l-bini li ġej:

(a) istituzzjonijiet li fihom tingħata kura tas-saħħa bħal bini li jintuza bħala sptar, dar tal-kura jew kull istituzzjoni li tippovdi kura medika jew kura minn infermiera;

(b) istituzzjonijiet għall-persuni rtirati, anzjani jew b’disabilità, inkluż bini użat bħala dar għall-persuni rtirati jew anzjani jew persuni li jkollhom xi disabilità;

(c) istituzzjonijiet edukattivi inkluż bini li jintuza bħala skola fejn jiġu alloġġati studenti jew għal għanijiet simili;

(d) istituzzjonijiet tal-kura inkluż bini li jintuza bħala orfanatrofju, djar tal-kenn, ċentri miftuħa għar-rifuġjati jew għal għanijiet simili;

(e) istituzzjonijiet reliġjużi inkluż bini li jintuza bħala kunvent, djar għall-irtir, jew għal għanijiet simili;

(f) istituzzjonijiet militari bħal kwartieri militari;

(g) istituzzjonijiet oħra inkluż bini użat bħala djar ta’ alloġġament, faċilitajiet penali jew korrettivi jew għal għanijiet simili;

“Enemalta” jew “il-Korporazzjoni” tfisser il-Korporazzjoni Enemalta stabbilita mill-Att dwar l-Enemalta;

“FIT” tfisser tariffa *feed-in*;

“fond domestiku” tfisser bini li jinkludi djar privati li huma registrati mal-Enemalta bħala li fihom ma jgħixux nies, bħat-tieni dar jew garaxxijiet privati u partijiet komuni inklużi bjut, turġien, terrazzini, ġonna ma’ binjiet li jintużaw biss bħala djar privati;

“fond mhux residenzjali” tfisser binja jew art użata kollha kemm hi jew primarjament biex fiha ssir attività ekonomika, iżda ma tinkludix kull bini bħal garaxxijiet privati jew partijiet komuni f’binjiet li jintużaw biss bħala djar privati;

“fond residenzjali” tfisser kull bini użat biss u b’mod regolari bħala dar privata u li fih tkun tabita mill-anqas persuna waħda imma ma jinkludix djar istituzzjonali;

“generazzjoni” tfisser il-produzzjoni tal-elettriku;

“ikkummissjonat” tfisser l-ewwel darba li stallazzjoni fotovoltajka tithaddem, wara li jiġi stabbilit li din tkun lesta mil-lat operattiv;

“kapaċità massima ta’ generazzjoni minn stallazzjoni fotovoltajka tax-xemx” tfisser il-kapaċità elettrika effettiva li l-istallazzjoni fotovoltajka tax-xemx tista’ teknikament tipproduċi waqt operazzjoni regolari mingħajr restrizzjonijiet ta’ ħin, irrispettivament mid-devjazzjonijiet ta’ perjodi qosra ta’ żmien;

“kW” tfisser kiloWatt;

“kWh” tfisser kiloWatt siegħa;

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

“operatur ta’ stallazzjoni” tfisser sid l-istallazzjoni fotovoltajka tax-xemx;

“perjodu ta’ ħlas garantit tat-tariffa *feed-in*” tfisser il-perjodu ta’ żmien li fih it-tariffa *feed-in* għall-elettriku kollu generat minn stallazzjoni fotovoltajka tax-xemx hija garantita;

“sistema ta’ distribuzzjoni” tfisser il-facilitajiet tekniċi kollha interkonnessi li jintużaw għat-twassil tal-elettriku għand il-konsumaturi finali;

“skema FIT” tfisser l-iskema annwali fejn ammont speċifiku ta’ elettriku generat minn stallazzjonijiet solari fotovoltajċi tax-xemx eliġibbli u esportat lejn is-sistema tad-distribuzzjoni jiġu mħallsa tariffa *feed-in* kif stabbilit skond dawn ir-regolamenti;

“*smart meters*” għandu jkollha l-istess tifsira bħal dik li hemm fir-Regolamenti fuq il-Provvista tal-Elettriku;

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“sorsi ta’ enerġija li jiġgeddu” tfisser sorsi ta’ enerġija li jiġgeddu li mhumiex fossili, jiġifieri r-riħ, ix-xemx, l-enerġija ġeotermika, il-mewġ, il-marea, l-idroenerġija, il-bijomassa, il-gass mill-miżbljet, il-gass mill-impjanti li jittrattaw id-drenagġ u l-bijogassijiet;

“spiza marginali għal kull unità” tfisser l-ispiza addizzjonali biex tiġi prodotta unità oħra kif stabbilit fir-Raba’ Skeda;

“stallazzjoni fotovoltajka tax-xemx” tfisser sistema fotovoltajka tax-xemx li tiġgenera esklużivament l-elettriku mir-radjazzjoni solari u tikkonsisti fl-aċċessorji kollha inklużi:

(a) sensiela jew sensiliet ta’ moduli fotovoltajċi li jiġbru u li jassorbu d-dawl tax-xemx għal konverzjoni f’elettriku;

(b) *inverter* jew *inverters*;

(c) bilanċ assoċjat ta’ komponenti tas-sistema, inkluża sistema ta’ fili, conduits, tqassim tal-elettriku (*switchgear*), tagħmir għall-protezzjoni, tagħmir ancillari u kull parti oħra mill-istallazzjoni li tkun neċessarja għall-produzzjoni u t-tqassim tal-elettriku sat-tagħmir tal-kejl provdut mill-Enemalta,

wara li l-imsemmija stallazzjoni fotovoltajka tax-xemx tkun approvata mill-Awtorità bħala li tissodisfa l-kriterji applikabbli speċifikati fl-Ewwel Skeda li tinsab ma’ dawn ir-regolamenti;

“tagħmir tal-kejl” tfisser il-*meters* tad-dawl provduti mill-Enemalta inklużi smart meters, kull transformer tal-vultaġġ u tal-kurrent u kull tagħmir assoċjat u sistema ta’ fili meħtieġa biex titkejjel il-kwantità ta’ elettriku provdut jew esportat;

“tlestija mil-lat operattiv” tfisser il-ħila li tiffunzjona skond id-disinn u l-ispeċifikazzjonijiet;

“tariffa *spill-off*” tfisser tariffa li għandha tithallas għal kull unità ta’ elettriku generata mill-operatur tal-istallazzjoni f’ecċess mill-konsum tiegħu stess u esportata lejn is-sistema tad-distribuzzjoni.

**3.** Dawn ir-regolamenti għandhom japplikaw għal kull stallazzjoni fotovoltajka tax-xemx li tiġġenera l-elettriku billi tuża esklużivament il-panelli fotovoltajċi tax-xemx u sakemm dik l-istallazzjoni fotovoltajka tax-xemx tkun installata jew f’fond residenzjali jew domestiku jew f’fond mhux residenzjali jew f’dar istituzzjonali u tkun konnessa mas-sistema tad-distribuzzjoni direttament jew indirettament bit-tagħmir xieraq ta’ protezzjoni u ta’ kejl:

Applikabbiltà.

Iżda dawn ir-regolamenti ma għandhomx ikunu japplikaw għal operaturi ta’ stallazzjoni li jistgħu jibbenefikaw minn għotja ta’ iktar minn 50% fuq l-investment inizjali tal-kapital, jew li jkunu qegħdin jibbenefikaw minn ftehim dwar proġett speċifiku ta’ tariffa *feed-in*, jew li jkunu qegħdin jibbenefikaw minn kull arrangament ieħor approvat mill-Awtorità.

**4.** (1) Fil-każ ta’ stallazzjoni fotovoltajka tax-xemx ikkummissjonata u konnessa mas-sistema tad-distribuzzjoni permezz tat-tagħmir xieraq ta’ kejl ipprovdut mill-Enemalta qabel ma jidhlu fis-seħħ dawn ir-regolamenti, l-operatur ta’ stallazzjoni jista’ jagħzel li:

Bejgħ ta’ elettriku generat minn stallazzjonijiet solari fotovoltajċi.

(a) jzomm l-arrangamenti netti ta’ kejl eżistenti mal-Enemalta u jithallas it-tariffa *spill-off* għal kull elettriku generat mill-istallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni mħallsa qabel ma jidhlu fis-seħħ dawn ir-regolamenti:

Iżda l-operatur ta’ stallazzjoni ma jkollux din l-għażla meta jkun għamel qbil ma’ l-Enemalta eżistenti qabel id-dhul fis-seħħ ta’ dawn ir-regolamenti li jkun jeħtieġu jaqleb mill-

arrangamenti netti ta' kejl eżistenti għal arrangament ta' tariffa *feed in* meta dan ikun stabbilit; jew

(b) jitlob lill-Awtorità:

(i) jew biex ibiegħ lill-Enemalta l-elettriku kollu generat mill-istallazzjoni fotovoltajka tax-xemx skond ir-regolament 6 ta' dawn ir-regolamenti;

(ii) jew biex jiġġenera l-elettriku primarjament għall-konsum tiegħu stess fil-bini fejn ikun hemm l-istallazzjoni fotovoltajka tax-xemx u jithallas it-tariffa *feed-in* skond ir-regolament 6 ta' dawn ir-regolamenti għal kull elettriku żejjed generat u esportat lejn is-sistema tad-distribuzzjoni.

(2) Fil-każ ta' kull stallazzjoni fotovoltajka tax-xemx ikkummissjonata wara d-dhul fis-seħħ ta' dawn ir-regolamenti u li tkun tissodisfa l-kriterji tal-eligibbiltà stabbiliti fl-Ewwel Skeda li tinsab ma' dawn ir-regolamenti, l-operatur tal-istallazzjoni jista':

(a) jew ibiegħ lill-Enemalta l-elettriku kollu generat mill-istallazzjoni fotovoltajka tax-xemx skond ir-regolament 6 ta' dawn ir-regolamenti;

(b) jew jiġġenera l-elettriku primarjament għall-konsum tiegħu nnifsu fil-bini fejn tinsab l-istallazzjoni fotovoltajka u jithallas it-tariffa *feed-in* skond ir-regolament 6 ta' dawn ir-regolamenti għal kull elettriku żejjed generat u esportat lejn is-sistema tad-distribuzzjoni.

(3) Meta operatur ta' stallazzjoni kif imsemmi fir-regolament 4(1) jagħżel waħda mill-alternattivi msemmija fir-regolament 4(1)(b), dak l-operatur ta' stallazzjoni ma jithalliex imur lura għall-arrangamenti ta' kejl nett kif provdut fir-regolament 4(1)(a).

(4) Kull nefqa li jgarrab operatur ta' stallazzjoni sabiex imur lura mill-arrangamenti ta' kejl nett eżistenti għall-arrangamenti msemmija fir-regolament 4(1)(b), għandu jagħmel tajjeb għaliha l-operatur ta' stallazzjoni.

(5) Minkejja d-dispożizzjonijiet tar-regolament 4(1)(a), operatur ta' stallazzjoni li jkollu l-istallazzjoni fotovoltajka tax-xemx tiegħu installata qabel ma jidhlu fis-seħħ dawn ir-

regolamenti, ma jistax iżomm l-arrangamenti eżistenti ta' kejl nett jekk il-kapaċità ta' l-istallazzjoni fotovoltajka tax-xemx tiżdied wara li jidhlu fis-sehħ dawn ir-regolamenti.

(6) L-operatur ta' stallazzjoni ma għandux ikun eliġibbli għat-tariffa *feed-in* jekk l-istallazzjoni fotovoltajka tax-xemx ma tkunx konformi mal-kriterji ta' eliġibbiltà stabbiliti permezz tal-Ewwel Skeda li tinsab ma' dawn ir-regolamenti u ma jkunx kiseb l-awtorizzazzjonijiet, il-liċenzi jew il-permessi meħtieġa mill-awtoritajiet kompetenti rilevanti u mill-Enemalta.

(7) Fil-każ li l-operatur ta' stallazzjoni jagħżel li juża l-elettriku generat mill-istallazzjoni fotovoltajka tax-xemx, l-Enemalta għandha tinstalla tagħmir ta' kejl li jkejjel l-elettriku kollu generat mill-istallazzjoni fotovoltajka tax-xemx mizjud mat-tagħmir ta' kejl li jkejjel l-ammont ta' elettriku importat jew esportat.

**5.** (1) It-tariffi *feed-in* għandhom ikunu dovuti minn meta l-operatur ta' stallazzjoni esklużivament jipproduċi l-elettriku għall-ewwel darba mill-istallazzjoni fotovoltajka tax-xemx u din tkun konnessa mas-sistema tad-distribuzzjoni kif provdut fir-regolament 3 jew, għal dawk l-istallazzjonijiet fotovoltajki tax-xemx ikkummissjonati qabel ma jidhlu fis-sehħ dawn ir-regolamenti u meta l-operatur ta' stallazzjoni jkun għażel xi arrangament skond ir-regolament 4(1)(b), mid-data li fiha l-Enemalta tagħmel il-modifiki neċessarji lill-konnessjoni tal-istallazzjoni li jkunu jippermettu l-arrangamenti fir-regolament 4(1)(b).

Bidu u perjodu għall-ħlas tat-tariffa *feed-in*.

(2) It-tariffi *feed-in* għandhom jithallsu għall-perjodu ta' ħlas garantit tat-tariffa *feed-in* imsemmija fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti skond il-lok applikabbli tal-istallazzjoni fotovoltajka tax-xemx u t-tip ta' bini li tkun installata fih.

(3) Fil-każ ta' stallazzjonijiet fotovoltajki tax-xemx li jkunu ikkummissjonati qabel ma jidhlu fis-sehħ dawn ir-regolamenti u meta l-operatur ta' stallazzjoni jagħżel li jbiegħ lill-Enemalta l-elettriku kollu generat mill-istallazzjoni fotovoltajka tax-xemx skond id-dispożizzjonijiet tar-regolament 4 (1)(b), il-perjodu ta' ħlas garantit tat-tariffa *feed-in* imsemmija fit-Tieni Skeda għandu jinkludi l-perjodu ta' żmien li matulu l-operatur ta' stallazzjoni jkun diġà ibbenefika mill-arrangamenti ta' kejl nett u ta' tariffi *spill-off* qabel ma jkunu daħlu fis-sehħ dawn ir-regolamenti:

Iżda fil-każ li l-operatur ta' stallazzjoni jespandi l-kapaċità eżistenti tal-istallazzjoni fotovoltajka, il-perjodu ta' ħlas garantit tat-tariffa *feed-in* applikabbli għall-istallazzjoni kollha wara li tkun saret dik l-espansjoni jitqies li jibda mid-data li fiha l-Enemalta tinstalla t-tagħmir ta' kejl sabiex tagħti lok għall-arrangament ta' kejl nett għall-istallazzjoni originali.

(4) Meta persuna, tibdel l-istallazzjoni fotovoltajka tax-xemx għal kollox jew f'parti minna, l-operatur ta' stallazzjoni ma għandux ikun intitolat li jibda' mill-ġdid jew li jestendi l-perjodu tal-ħlas garantit tat-tariffa *feed-in*.

(5) It-tariffa *feed-in* għandha tkun tapplika biss sa ammont li ma jaqbiżx l-ammont sħiħ ta' elettriku esportat lejn is-sistema tad-distribuzzjoni permezz tal-istallazzjoni fotovoltajka tax-xemx kif jiġi approvat mill-Awtorità.

Tariffa *Feed-In*.

**6.** It-tariffa *feed-in* li għandha tħallas l-Enemalta lill-operaturi ta' stallazzjoni għall-elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx skond ir-regolament 3 ta' dawn ir-regolamenti għandha tkun dik stabbilita fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti:

Iżda kull ammont ta' elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx u esportat lejn is-sistema tad-distribuzzjoni iktar mil-limiti bażiċi stabbiliti fit-Tieni Skeda għandu jithallas skond ir-rata ta' l-elettriku applikabbli stabbilita fir-Raba' Skeda li tinsab ma' dawn ir-regolamenti.

Ammont massimu ta' elettriku esportat fl-iskema FIT.

**7.** (1) L-ammont massimu ta' elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx u esportat lejn is-sistema tad-distribuzzjoni li għandu jkun eliġibbli biex tithallas tariffa *feed-in* għal kull skema annwali FIT u wara li jkunu daħlu fis-seħħ dawn ir-regolamenti għandu jkun dak stabbilit fit-Tielet Skeda ta' dawn ir-regolamenti.

(2) L-ammont massimu ta' elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx u esportat lejn is-sistema tad-distribuzzjoni stabbilit fit-Tielet Skeda għandu jkun magħmul minn elettriku generat u esportat lejn is-sistema tad-distribuzzjoni permezz ta':

(a) stallazzjonijiet fotovoltajċi tax-xemx approvati mill-Awtorità matul is-sena li fiha jkunu ġew stabbiliti l-limiti

bażiċi għall-elettriku generat u esportat lejn is-sistema tad-distribuzzjoni; u

(b) stallazzjonijiet fotovoltajċi tax-xemx approvati mill-Awtorità, ikkummissjonati qabel ma jidhlu fis-sehħ dawn ir-regolamenti, u meta l-operaturi ta' stallazzjoni matul is-sena li fiha jkunu ġew stabbiliti l-limiti bażiċi għall-elettriku generat u esportat għas-sistema tad-distribuzzjoni jkunu għażlu waħda mill-alternattivi msemmija fir-regolament 4(1)(b).

**8.** (1) L-Enemalta tista' tpaċi l-ammonti dovuti minn operatur ta' stallazzjoni għall-forniment ta' l-elettriku ma' l-ammonti dovuti lill-operatur ta' l-istallazzjoni biex jiġi għall-esportat l-elettriku lill-operatur taħt dawn ir-regolamenti:

Tpaċija tat-talbiet tal-ħlas.

Iżda dik it-tpaċija tkun biss permissibbli jekk dawn it-talbiet ma jkunux ikkontestati jew ikunu ċerti, likwidi u dovuti.

(2) Fejn l-ammonti dovuti lill-operatur ta' stallazzjoni biex jiġi esportat l-elettriku imsemmi fis-subregolament (1) ta' dan ir-regolament ikunu iżjed mill-ammonti dovuti mill-operatur ta' l-istallazzjoni għall-forniment ta' l-elettriku mill-Enemalta, il-Korporazzjoni għandha takkredita lill-operatur ta' stallazzjoni l-bilanċ dovut permezz ta' nota ta' kreditu:

Iżda li l-operatur ta' l-istallazzjoni jista' jitlob li jiħallas l-bilanċ dovut permezz ta' dik in-nota ta' kreditu wara li jkunu skadew erba' perjodi konsekuttivi koperti minn kontijiet għall-forniment ta' l-elettriku mill-Enemalta lill-operatur ta' l-istallazzjoni.

(3) Il-qari tal-*meter* għall-elettriku esportat għandu jsir bl-istess frekwenza bħal fil-qari tal-konsum tal-elettriku provdut mill-Enemalta.

**9.** (1) Wara li jiskadi l-perjodu tal-ħlas garantit tat-tariffa *feed-in*, l-operatur ta' stallazzjoni jista' jagħżel, u b'avviż bil-miktub lill-Enemalta, li jitlob lill-Korporazzjoni timmodifika kif neċessarju l-konnessjoni tal-istallazzjoni fotovoltajka tax-xemx mas-sistema tad-distribuzzjoni sabiex l-operatur ta' stallazzjoni jkun jista' juża l-elettriku generat mill-istallazzjoni fotovoltajka tax-xemx għall-użu tiegħu biss fi hdan il-bini u li jiġi kumpensat għal kull elettriku esportat skond ir-rata applikabbli tal-elettriku għal dak iż-żmien kif provdut fir-Raba' Skeda li tinsab ma'dawn ir-regolamenti u bla ħsara għar-regolament 4(7):

Bejgħ ta' elettriku wara li jiskadi l-perjodu ta' ħlas garantit tat-tariffa *feed-in*.

Iżda li l-Enemalta għandha tilqa' t-talba tal-operatur ta' stallazzjoni wara li tkun għamlet il-modifiki neċessarji lill-konnessjoni tal-istallazzjoni fotovoltajka tax-xemx mas-sistema tad-distribuzzjoni:

(2) Kull operatur ta' stallazzjoni li jagħżel dawn l-arrangamenti kif stabbilit fir-regolament 9(1) għandu jagħmel tajjeb għall-ispejjeż biex isiru l-modifiki neċessarji inkluzi dawk marbuta mal-meter u l-konnessjoni li tesigi l-Enemalta.

(3) Meta l-operatur ta' stallazzjoni ma jinfurmax lill-Enemalta sabiex din tagħmel il-modifika neċessarja lill-konnessjoni tal-istallazzjoni fotovoltajka tax-xemx kif provdut fir-regolament 9(1), l-Enemalta għandha tkompli tixtri l-elettriku kollu generat mill-istallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni, u għandha tirrimborża lill-operatur ta' stallazzjoni għal dak l-elettriku skond ir-rata stabbilita fir-Raba' Skeda li tinsab ma' dawn ir-regolamenti.

Obbligi ta' l-operaturi ta' stallazzjoni.

**10.** L-operaturi ta' stallazzjoni għandhom:

(a) jipprezentaw dik l-informazzjoni li l-Awtorità tista' b'mod raġonevoli titlob;

(b) jinfurmaw lill-Awtorità u lill-Enemalta b'dak il-mod u manjiera li din tista' raġonevolment teħtieġ, jekk l-istallazzjoni fotovoltajka tax-xemx tkunx inqalgħet minn mal-konnessjoni jew giet trasferita, mibjugħa jew b'xi mod ieħor modifikata hekk li tnaqqas il-prestazzjoni tagħha matul il-perjodu tal-ħlas garantit tat-tariffa *feed-in* kif stabbilit f'dawn ir-regolamenti;

(c) ikunu konformi f'kull waqt mad-dispożizzjonijiet li japplikaw tal-liġi, għoti ta' avviz, awtorizzazzjoni, kundizzjonijiet tal-liċenża u n-*Network Code* kif approvati mill-Awtorità;

(d) jagħmlu disponibbli lill-Enemalta u lill-Awtorità kull informazzjoni mitluba sabiex tigi registrata għall-finijiet ta' dawn ir-regolamenti.

Suċċessjoni u trasferabbiltà tal-obbligi u l-benefiċċji taht l-iskema FIT.

**11.** Meta operatur ta' stallazzjoni jmut, jew minħabba f'xi att jew grajja, jieqaf għal kollox milli jkun operatur ta' stallazzjoni, il-ħlas tat-tariffi *feed-in* għall-elettriku generat minn stallazzjoni

fotovoltajka tax-xemx skond dawn ir-regolamenti għall-perjodu tal-ħlas garantit tat-tariffa *feed-in* li jkun għad fadal, jista' jiġi trasferit lis-sid il-ġdid tal-istallazzjoni:

Iżda:

(a) l-operatur il-ġdid ta' stallazzjoni għandu jinforma lill-Enemalta u lill-Awtorità b'din il-bidla bħal proprjetarju fil-forma u l-manjiera stabbiliti minnhom, flimkien ma' kull prova dokumentarja u informazzjoni li jistgħu jistabbilixxu għal dawk l-għanijiet;

(b) l-operatur il-ġdid ta' stallazzjoni jieħu f'idejha l-obbligi kollha li kellu l-operatur preċedenti tal-istallazzjoni;

(ċ) l-Enemalta u l-Awtorità ma għandhomx iqisu lil dik il-persuna bħala operatur ġdid ta' stallazzjoni jekk dak l-operatur ta' stallazzjoni ma jkunx konformi ma' xi liġi, permess jew rekwizit ieħor b'rabta mal-istallazzjoni fotovoltajka tax-xemx .

**12.** Fil-każ ta' bdil fl-użu tal-bini matul il-perjodu tal-ħlas garantit tat-tariffa *feed-in* stabbilita b'dawn ir-regolamenti, it-tariffa applikabbli u l-perjodu tal-ħlas garantit tat-tariffa *feed-in* għandhom jinbidlu kif ikun meħtieġ:

Bdil fl-użu tal-bini.

Iżda f'każijiet bħal dawk, il-perjodu tal-ħlas garantit tat-tariffa *feed-in* għandu jinkludi ż-żmien li matulu l-operatur ta' stallazzjoni jkun diġà ibbenefika minn tariffa *feed-in*.

**13.** L-operaturi ta' stallazzjoni m'għandhom ikunu intitolati għal ebda ċertifikat ekoloġiku negozjabbli għall-elettriku generat mill-istallazzjoni fotovoltajka tax-xemx u li għalih tkun imħallsa it-tariffa *feed-in* jew fil-każ li l-operatur ta' stallazzjoni jgawdi minn arrangament ta' kejl nett b'tariffa spill-off jew benefiċċji minn xi arrangament li hemm provdut dwaru fir-regolament 9.

Ċertifikati ekoloġiċi negozjabbli.

**14.** Id-dispożizzjonijiet li jirrigwardaw l-aċċess, l-ispezzjoni, il-modifika u t-tbagħbis tat-tagħmir tal-metering li jinsabu fir-Regolamenti tal-1940 fuq il-Provvista ta' l-Elettriku, għandhom ikunu *mutatis mutandis* japplikaw għal operaturi ta' stallazzjonijiet fotovoltajċi tax-xemx bl-istess mod kif imsemmi f'dawn ir-regolamenti.

Aċċess, spezzjoni, eċċ. ta' tagħmir tal-metering.

N.G. 223 tal-1940.

## L-EWWEL SKEDA

### Regolament 4

#### Kriterji ta' Eligibbiltà sabiex tipparteċipa fl-iskema FIT

##### Kriterji ta' Eligibbiltà:

L-elettriku generat minn stallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni huwa eligibbli li jithallas skond ir-rata stabbilita tat-tariffa *feed-in* kif tinsab f'dawn ir-regolamenti bla ħsara għall-kriterji li ġejjin:

1. L-elettriku huwa esklużivament generat bl-użu ta' radjazzjoni tax-xemx mill-istallazzjonijiet fotovoltajki tax-xemx approvati mill-Awtorità.
2. L-elettriku generat mill-istallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni jkun fil-limiti bażiċi speċifikati fit-Tieni Skeda.
3. L-istallazzjoni fotovoltajka tax-xemx tkun ġiet approvata mill-Awtorità sabiex tipparteċipa fl-iskema FIT matul is-sena li għaliha tkun tapplika t-tariffa *feed-in* applikabbli. Fil-każ ta' stallazzjoni fotovoltajka tax-xemx msemija fir-regolament 4 (1), id-data ta' sottomissjoni ta' talba ta' parteċipazzjoni fl-iskema FIT għandha tiġi kunsidrata fid-deċiżjoni dwar l-eligibbiltà fl-iskema FIT. Fil-każ ta' stallazzjoni fotovoltajka tax-xemx imsemija fir-regolament 4 (2), id-data ta' sottomissjoni ta' avviż jew applikazzjoni għall-awtorizzazzjoni biex tinbena stallazzjoni fotovoltajka tax-xemx (kif ikun il-każ), għandha tiġi kunsidrata fid-deċiżjoni dwar l-eligibbiltà għall-iskema FIT.
4. Stallazzjoni fotovoltajka tax-xemx għandha titqies eligibbli biex tipparteċipa fl-iskema FIT jekk l-ammont propost għall-esportazzjoni lejn is-sistema tad-distribuzzjoni jkun jinkwadra fit-total massimu ta' elettriku generat minn stallazzjonijiet fotovoltajki tax-xemx eligibbli biex jibbenefikaw mill-iskema FIT għas-sena applikabbli kif stabbilit fir-regolament 7 ta' dawn ir-regolamenti u fit-

Tielet Skeda li tinsab ma' dawn ir-regolamenti. Il-partecipazzjoni fl-iskema FIT għandha tiġi stabbilita abbażi ta' min jiġi l-ewwel u kull kW installata għandha tkun attribwita 1600kWh ta' generazzjoni;

5. L-istallazzjoni fotovoltajka tax-xemx hija avżata lil jew awtorizzata mill-Awtorità skond kull liġi li tkun tapplika.
6. L-istallazzjoni fotovoltajka tax-xemx tiġi ikkummissjonata mill-anqas **12-il xahar** mid-data -
  - a. tan-notifika lill-Awtorità tal-istallazzjoni fotovoltajka tax-xemx , jew
  - b. ta' l-awtorizzazzjoni mogħtija mill-Awtorità sabiex tinbena stallazzjoni fotovoltajka tax-xemx .
7. L-operatur ta' stallazzjoni jkun f'kull hin konformi mal-obbligi stabbiliti f'dawn ir-regolamenti, in-*Network Code* u kull liġi oħra kollha li tkun tapplika.

## IT-TIENI SKEDA

### Regolamenti 3, 5, 6

**1. L-elettriku generat eskluzivament mill-istallazzjonijiet fotovoltajċi tax-xemx installati fuq fond residenzjali jew domestiku skond ir-regolament 3 u esportat lejn is-sistema tad-distribuzzjoni sa massimu ta' 4800kWh fis-sena;**

It-tariffa *feed-in* li għandha tithallas mill-Enemalta lil operatur ta' stallazzjoni għall-elettriku generat minn stallazzjonijiet fotovoltajċi tax-xemx approvati għall-iskema FIT fis-sena 2010 u installati f'fond residenzjali jew domestiku għandha tammonta għal:

**(a) 25 ċenteżmu għal kull kWh** għal perjodu ta' 8 snin tal-hlas garantit tat-tariffa *feed-in* għall-elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx li jinsabu f'Malta

**(b) 28 ċenteżmi għal kull kWh** għal perjodu ta' 8 snin tal-hlas garantit tat-tariffa *feed-in* għall-elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx li jinsabu f'Għawdex

**2. L-elettriku generat eskluzivament mill-istallazzjonijiet fotovoltajċi tax-xemx installati f'bini mhux residenzjali jew fi djar istituzzjonali skond ir-regolament 3 u esportat lejn is-sistema tad-distribuzzjoni sa massimu ta' 160,000kWh**

It-tariffa *feed-in* imħallsa mill-Enemalta lil operatur ta' stallazzjoni għall-elettriku generat mill-istallazzjonijiet fotovoltajċi tax-xemx approvati għall-iskema FIT fis-sena 2010 u installati fuq fond mhux residenzjali jew fuq djar istituzzjonali skond ir-regolament 3 għal perjodu ta' hlas garantit tat-tariffa *feed-in* ta' 7 snin għandu jammonta għal **20 ċenteżmu għal kull kWh**

## IT-TIELET SKEDA

## Regolament 7

Ammont massimu totali ta' elettriku ġenerat mill-istallazzjonijiet fotovoltajċi tax-xemx u esportat lejn is-sistema tad-distribuzzjoni eliġibbli biex jibbenefika mit-tariffa *feed-in*

Sena	Ammont massimu totali ta' elettriku ġenerat minn stallazzjonijiet fotovoltajċi tax-xemx u esportat lejn is-sistema tad-distribuzzjoni eliġibbli biex jibbenefika mill-iskema FIT
2010	12,000,000kWh

## IR-RABA' SKEDA

### Regolamenti 6,9

**Ir-rata tal-elettriku għal kull kWh applikabbli għall-elettriku generat mill-istallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni wara li jiskadi l-perjodu tal-hlas garantit tat-tariffa *feed-in* jew meta jinqabzu l-limiti bażiċi permessi għall-eligibbiltà taht l-iskema FIT**

Ir-rata tal-elettriku għal kull kWh imsemmija fir-regolamenti 6 u 9 li għandha tithallas mill-Enemalta lill-operatur ta' stallazzjoni għal kull elettriku generat mill-istallazzjoni fotovoltajka tax-xemx u esportat lejn is-sistema tad-distribuzzjoni għal kull sena wara l-perjodu tal-hlas garantit tat-tariffa *feed-in* imsemmija fit-Tieni Skeda jew f'kull waqt meta jinqabzu l-limiti bażiċi massimi mnizzla fit-Tieni Skeda għandha tammonta għall-ispiza marginali għal kull unità ta' elettriku li għandha g'gorr l-Enemalta għas-sena partikolari kif approvat mill-Awtorità.

L-Awtorità tista' tiddefinixxi liema spejjeż għandhom jitqiesu biex tiġi stabbilita l-ispiza marginali għal kull unità ta' elettriku li tagħmel tajjeb għaliha l-Enemalta.

L-ispiza marginali għal kull unità għas-sena 2010 ikun ta' hdax –il ċenteżmu (€0.11) għal kull kWh.

**L.N. 422 of 2010**

**MALTA RESOURCES AUTHORITY ACT  
(CAP. 423)**

**Feed-in Tariffs (Electricity Generated from Solar Photovoltaic  
Installations) Regulations, 2010**

BY virtue of the powers conferred by articles 28 and 32 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority has made the following regulations:-

**1.** (1) The title of these regulations is the Feed-in Tariffs (Electricity Generated from Solar Photovoltaic Installations) Regulations, 2010. Title and purpose.

(2) The purpose of these regulations is to establish a feed-in-tariff for electricity generated from solar photovoltaic installations and hence to promote and support the generation of electricity from renewable energy sources.

**2.** (1) Unless otherwise stated in these regulations, the definitions in the Act shall apply. Definitions.

(2) In these regulations, unless the context otherwise requires:

“the Act” means the Malta Resources Authority Act;

“the Authority” means the Malta Resources Authority as established by the Act;

“commissioned” means the first time a solar photovoltaic installation is put into operation, following the establishment of operational readiness;

“distribution” means the transport of electricity on high voltage, medium voltage and low voltage distribution systems with a view to its delivery to consumers, but not including supply;

“distribution system” means all the interconnected technical facilities used for conveying electricity to final customers;

“domestic premises” means premises which include private dwellings with no persons registered with Enemalta as residing in them such as second homes, or private garages and common areas including roofs, stairs, terraces, gardens to buildings which are used solely for private dwellings.

Cap. 272.

“Enemalta” or “the Corporation” means the Enemalta Corporation established by the Enemalta Corporation Act;

“FIT” means feed-in tariff;

“FIT scheme” means the annual scheme whereby a specific amount of electricity generated by eligible solar photovoltaic installations and exported to the distribution system are paid a feed-in tariff as established in terms of these regulations;

“generation” means the production of electricity;

“installation operator” means the owner of the solar photovoltaic installation;

“Institutional households” shall include the following premises:

(a) healthcare institutions such as premises used as a hospital, nursing home or as any institution providing medical or nursing care;

(b) institutions for retired, elderly or disabled persons, including premises used as a home for the retired or elderly persons or persons with any disability;

(c) educational institutions including premises used as a boarding school or for similar purposes;

(d) care institutions including premises used as orphanages, shelter homes, open centres for refugees or for similar purposes;

(e) religious institutions including premises used as convents, retreat houses, or for similar purposes;

(f) military institutions such as military barracks;

(g) other institutions including premises used as boarding houses, penal or correctional facilities or for similar purposes;

“kW” means kilo Watt;

“kWh” means kilo Watt hours;

“marginal cost per unit” means the additional cost of producing one more unit as prescribed in the Fourth Schedule;

“metering equipment” means the electricity meters provided by Enemalta including smart meters, any voltage and current transformers and any other associated equipment and wiring required to measure the quantity of electricity supplied or exported;

“the Minister” means the Minister responsible for resources;

“non-residential premises” means a building or plot of land which is used wholly or mainly for the purpose of conducting an economic activity, but does not include any building such as private garages or common areas to buildings which are used solely as private dwellings;

“operational readiness” means the capability to function in accordance with design and specifications;

“period of guaranteed payment of the feed-in tariff” means the period of time over which the feed-in tariff for all electricity generated from a solar photovoltaic installation is guaranteed;

“renewable energy sources” means renewable non-fossil energy sources, that is, wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

“residential premises” means any premises used solely and regularly as a private dwelling where at least one person resides but does not include institutional households;

“smart meters” shall have the same meaning as in the Electricity Supply Regulations;

“spill-off tariff” means the tariff to be paid for every unit generated by the installation operator in excess of own consumption and exported to the distribution system;

“solar photovoltaic installation” means a solar photovoltaic system that generates electricity exclusively from solar radiation and consisting of all accessories including:

(a) an array or arrays of photovoltaic modules that collect and absorb sunlight for conversion into electricity;

(b) an inverter or inverters;

(c) associated balance of system components, including wiring, conduits, switchgear, protection equipment, ancillary equipment and any other part of the installation necessary for the production and conveyance of electricity up to the metering equipment supplied by Enemalta,

after the said solar photovoltaic installation has been approved by the Authority as meeting the applicable criteria specified in the First Schedule to these regulations;

“submission date” means, in the case of a solar photovoltaic installation mentioned in regulation 4 (1) hereof, the date on which the request to participate in the FIT scheme is received by the Authority and, in the case of a solar photovoltaic installation mentioned in regulation 4 (2), the date when a notification or an application for an authorisation to construct a solar photovoltaic installation, as the case may be, is received by the Authority.

Applicability.

**3.** These regulations shall apply to any solar photovoltaic installation which generates electricity exclusively using solar photovoltaic panels and insofar as such solar photovoltaic installation is installed either in a residential or domestic premises or non-residential or institutional household and is connected to the distribution system either directly or indirectly with the appropriate protection and metering equipment:

Provided that these regulations shall not apply to installation operators who may benefit from more than 50% grant on the initial capital investment, or are benefiting from a project specific feed-in tariff agreement, or are benefiting from any other arrangement approved by the Authority.

4. (1) In the case of a solar photovoltaic installation commissioned and connected to the distribution system with the appropriate metering equipment provided by Enemalta prior to the entry into force of these regulations, the installation operator may opt either to:

Sale of electricity generated from solar photovoltaic installations.

(a) retain existing net metering arrangements with Enemalta and be paid the spill-off tariff for any electricity generated from the solar photovoltaic installation and exported to the distribution system paid prior to the entry into force of these regulations:

Provided that the installation operator may not avail himself of this option when an undertaking with Enemalta existing prior to the entry into force of these regulations requires him to switch over from existing net metering arrangements to a feed-in tariff arrangement once this is established; or

(b) request the Authority:

(i) either to sell all electricity generated by the solar photovoltaic installation to Enemalta in accordance with regulation 6 hereof,

(ii) or to generate electricity primarily for own consumption in the premises where the photovoltaic installation is located and to be paid the feed-in tariff in accordance with regulation 6 hereof for any excess electricity generated and exported to the distribution system.

(2) In the case of any solar photovoltaic installation commissioned after the entry into force of these regulations and satisfying the eligibility criteria established in the First Schedule to these regulations, the installation operator may:

(a) either sell all electricity generated by the solar photovoltaic installation to Enemalta in accordance with regulation 6 hereof;

(b) or generate electricity primarily for own consumption in the premises where the solar photovoltaic installation is located and be paid the feed-in tariff in accordance with regulation 6 hereof for any excess electricity generated and exported to the distribution system.

(3) Where an installation operator referred to in regulation 4(1) opts for either of the options in regulation 4(1)(b), such installation operator will not be permitted to revert to the net metering arrangements provided in regulation 4 (1) (a).

(4) Any expenses incurred by the installation operator for the reversion from the existing net metering arrangements to the arrangements in regulation 4(1) (b) shall be borne by the installation operator.

(5) Notwithstanding the provisions of regulation 4(1) (a), an installation operator whose solar photovoltaic installation has been installed prior to the entry into force of these regulations, may not retain existing net metering arrangements if the capacity of the solar photovoltaic installation is increased after the entry into force of these regulations.

(6) The installation operator shall not be eligible for the feed-in tariff unless the solar photovoltaic installation is compliant with the eligibility criteria established by the First Schedule to these regulations and he obtains the necessary authorisations, licences or permits from the relevant competent authorities and Enemalta.

(7) In the case where the installation operator opts to utilise the electricity generated by the solar photovoltaic installation, Enemalta shall install metering equipment to measure all the electricity generated by the solar photovoltaic installation in addition to the import/export metering equipment.

Commencement and duration of feed-in tariff payment.

**5.** (1) The feed-in tariffs shall be due from the time when the installation operator first produces electricity exclusively from the solar photovoltaic installation and is connected to the distribution system as provided in regulation 3 or, for those solar photovoltaic installations commissioned prior to the entry into force of these regulations and where the installation operator has opted for either of the arrangements in accordance with regulation 4 (1) (b), from the date of the necessary modifications to the installation connection effected by Enemalta which would permit the arrangements in regulation 4(1)(b).

(2) The feed-in tariffs shall be paid for the period of guaranteed payment of the feed-in tariff referred to in the Second Schedule to these regulations depending upon the applicable solar photovoltaic installation's location and the type of premises wherein it is installed.

(3) In the case of solar photovoltaic installations commissioned prior to the entry into force of these regulations and where the installation operator opts to sell all electricity generated from the solar photovoltaic installation to Enemalta in accordance with the provisions of regulation 4 (1) (b), the period of guaranteed payment of the feed in tariff referred to in the Second Schedule shall include the period of time during which the installation operator has already benefited from net metering and spill off tariff arrangements prior to the entry into force of these regulations:

Provided that in the case where the installation operator expands the existing capacity of the solar photovoltaic installation, the period of guaranteed payment of the feed-in tariff applicable for the entire installation after such expansion shall be considered as commencing from the date of installation of the metering equipment by Enemalta to enable the net metering arrangement for the original installation.

(4) Where any person replaces the solar photovoltaic installation in whole or in part, the installation operator shall not be entitled to the recommencement or extension of the period of guaranteed payment of the feed-in tariff.

(5) The feed-in tariff shall only be applicable up to the extent of and for the total amount of electricity exported to the distribution system by the solar photovoltaic installation as approved by the Authority.

**6.** The feed-in tariff to be paid by Enemalta to installation operators for electricity generated by solar photovoltaic installations in accordance with regulation 3 hereof shall be as established in the Second Schedule to these regulations: Feed in Tariff.

Provided that any electricity generated by the solar photovoltaic installations and exported to the distribution system in excess of the thresholds established in the Second Schedule shall be paid at the applicable electricity rate as established in the Fourth Schedule to these regulations.

Maximum electricity  
exported in FIT  
scheme.

7. (1) The total maximum electricity generated by solar photovoltaic installations and exported to the distribution system which shall be eligible to be paid the feed-in tariff for each annual FIT scheme and after the entry into force of these regulations shall be that established in the Third Schedule to these regulations.

(2) The maximum electricity generated by solar photovoltaic installations and exported to the distribution system established in the Third Schedule shall be composed of electricity generated and exported to the distribution system by:

(a) solar photovoltaic installations approved by the Authority during the year for which the thresholds for electricity generated and exported to the distribution has been established; and

(b) solar photovoltaic installations approved by the Authority, commissioned prior to the entry into force of these regulations, and where the installation operators during the year in which the thresholds for electricity generated and exported to the distribution has been established have opted for either of the options in regulation 4(1) (b).

Setting off payment  
claims.

8. (1) Enemalta may set off amounts due by an installation operator for the supply of electricity against amounts due to the installation operator for the exporting of electricity under these regulations:

Provided that such setting off shall only be permissible where the claims are undisputed or are certain, liquidated and due.

(2) Where the amounts due to the installation operator for the exporting of electricity referred to in subregulation 1 of this regulation are in excess of the amounts due by an installation operator for the supply of electricity by Enemalta, the Corporation shall credit the installation operator the balance due by means of a credit note:

Provided that the installation operator may request to be paid the balance due by means of such credit note after four consecutive billing periods for the supply of electricity by Enemalta to the installation operator have elapsed.

(3) Meter readings for the electricity exported shall be taken with the same frequency as the readings of consumption of electricity supplied by Enemalta.

9. (1) Following the expiry of the period of guaranteed payment of the feed-in tariff, the installation operator may opt and by written notice to Enemalta request the Corporation to effect the necessary modification to the solar photovoltaic installation connection to the distribution system to enable the installation operator to utilise the electricity generated from the solar photovoltaic installation for his own use within his premises and to be compensated for any exported electricity at the applicable rate for such electricity at the time as provided in the Fourth Schedule to these regulations and subject to regulation 4(7):

Sale of electricity after the expiry of the period of guaranteed payment of the feed-in tariff.

Provided that Enemalta shall accede to the installation operator's request after effecting the necessary modifications to the solar photovoltaic installation connection to the distribution system.

(2) Any installation operator who opts for such arrangements as established in regulation 9 (1) shall bear the costs of any modifications necessary including those related to the metering and connection required by Enemalta.

(3) Where the installation operator does not inform Enemalta to effect the necessary modification to the solar photovoltaic installation connection as provided in regulation 9 (1), Enemalta shall continue to purchase all the electricity generated by the solar photovoltaic installation and exported to the distribution system, and shall reimburse the installation operator for such electricity at the rate established in the Fourth Schedule to these regulations.

**10. Installation operators shall:**

Obligations of installation operators.

(a) submit such information as the Authority may reasonably require;

(b) inform the Authority and Enemalta, in the form and manner they may reasonable require, if the solar photovoltaic installation is disconnected or transferred, sold or in any form modified in such a way as to degrade its performance during the period of guaranteed payment of the feed-in tariff established in terms of these regulations;

(c) comply at all times with the provisions of the applicable legislation, notification, authorisation, licence conditions and Network Code as approved by the Authority;

(d) make available to Enemalta and to the Authority data required to be recorded for the purposes of these regulations.

Succession and transferability of obligations and benefits under the FIT scheme.

**11.** Where an installation operator is deceased, or by reason of any other act or event, permanently ceases to be the installation operator, payment of the feed-in tariffs for electricity generated by solar photovoltaic installation under these regulations for the remaining period of guaranteed payment of the feed-in tariff may be transferable to the new installation owner:

Provided that:

(a) the new installation operator informs Enemalta and the Authority of such change in ownership in such form and manner as they may establish, together with any documentary proof and information that they may establish for such purposes;

(b) the new installation operator takes over all obligations held by the previous installation operator;

(c) such person shall not be considered by Enemalta and the Authority as a new installation operator if such installation operator is not in compliance with any other law, permit or any requirement in relation to the solar photovoltaic installation.

Change of use of premises.

**12.** In the case of change of use of premises during the period of guaranteed payment of the feed-in tariff established by these regulations, the applicable tariff and the period of guaranteed payment of the feed-in tariff shall change accordingly:

Provided that in such cases the period of guaranteed payment of the feed-in tariff shall include the time for which the installation operator has already benefited from a feed in-tariff.

Tradeable green certificates.

**13.** Installation operators shall not be entitled to any tradable green certificate for electricity generated from the

solar photovoltaic installation and for which the feed-in tariff is paid or for which the installation operator enjoys a net metering arrangement with a spill-off tariff or benefits from any of the arrangements provided in regulation 9.

**14.** The provisions dealing with access, inspection, modification or tampering of meters found in the Electricity Supply Regulations, 1940 shall *mutatis mutandis* apply to solar photovoltaic installation operators in the same manner as provided for in those regulations.

Access, inspection,  
etc. of metering  
equipment.  
G.N. 223 of 1940.

## FIRST SCHEDULE

### Regulation 4

#### Eligibility Criteria to participate in FIT scheme

##### Eligibility Criteria:

The electricity generated by a solar photovoltaic installation and exported to the distribution system is eligible to be paid at the established feed-in tariff rate determined by these regulations subject to the following criteria being satisfied:

1. The electricity is exclusively generated using solar radiation from solar photovoltaic installations which are approved by the Authority.
2. The electricity generated by the solar photovoltaic installation and exported to the distribution system is within the thresholds specified in the Second Schedule.
3. The solar photovoltaic installation has been approved by the Authority for participation in the FIT scheme during the year for which the applicable feed-in tariff is established. In the case of a solar photovoltaic installation mentioned in regulation 4 (1), the submission date of a request to participate in the FIT scheme shall be considered in the determination of eligibility for the FIT scheme. In the case of a solar photovoltaic installation mentioned in regulation 4 (2), the submission date of the notification or application for authorisation (as applicable) shall be considered in the determination of eligibility for the FIT scheme.
4. A solar photovoltaic installation shall be considered as eligible for participation in the FIT scheme if the amount proposed for export to the distribution system may be accommodated within the total maximum of electricity generated by solar photovoltaic installations eligible to benefit from the FIT scheme for the applicable year as determined in regulation 7 hereof and in the Third Schedule to these

regulations. Participation to the FIT scheme shall be determined on a first-come first-served basis and each kW installed shall be attributed a generation of 1600kWh;

5. The solar photovoltaic installation is notified to or authorised by the Authority in accordance with any applicable legislation.
6. The solar photovoltaic installation is commissioned at least within **12 months** from the date of -
  - a. notification to the Authority of the solar photovoltaic installation, or
  - b. authorisation granted by the Authority to construct the solar photovoltaic installation.
7. The installation operator complies at all times with the obligations established in these regulations, the Network Code and all other applicable legislation.

## SECOND SCHEDULE

### Regulation 3, 5, 6

**1. Electricity generated exclusively by solar photovoltaic installations installed on residential or domestic premises in accordance with regulation 3 and exported to the distribution system up to a threshold of 4800kWh/annum;**

The feed-in tariff to be paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the year 2010 and installed on residential or domestic premises shall amount to:

**(a) 25 cents per kWh** for a period of guaranteed payment of the feed-in tariff of 8 years for electricity generated from solar photovoltaic installations located in **Malta**.

**(b) 28 cents per kWh** for a period of guaranteed payment of the feed-in tariff of 8 years for electricity generated from solar photovoltaic installations located in **Gozo**.

**2. Electricity generated exclusively by solar photovoltaic installations installed on non-residential premises or institutional households in accordance with regulation 3 and exported to the distribution system up to a threshold of 160,000kWh.**

The feed-in tariff paid by Enemalta to an installation operator for electricity generated from solar photovoltaic installations approved for the FIT scheme in the year 2010 and installed on non residential premises or institutional household premises in accordance with regulation 3 for a period of guaranteed payment of the feed-in tariff of 7 years shall amount to **20 cents per kWh**.

**THIRD SCHEDULE****Regulation 7**

**Total maximum electricity generated by solar photovoltaic installations and exported to the distribution system eligible to benefit from the feed-in tariff**

<b>Year</b>	<b>Total maximum electricity generated by solar photovoltaic installations and exported to the distribution system eligible to benefit from the FIT scheme</b>
2010	12,000,000kWh

## FOURTH SCHEDULE

### Regulations 6, 9

**Electricity rate per kWh applicable for electricity generated by the solar photovoltaic installation and exported to the distribution system after the expiry of the period of guaranteed payment of the feed in tariff or where the thresholds for the eligibility of the FIT are exceeded.**

The electricity rate per kWh referred to in regulations 6 and 9 that shall be paid by Enemalta to the installation operator for any electricity generated by the solar photovoltaic installation and exported to the distribution system for each year after period of guaranteed payment of the feed-in tariff referred to in the Second Schedule or at any time when in excess of the thresholds defined in the Second Schedule shall amount to the marginal cost per unit of electricity incurred by Enemalta for the particular year as approved by the Authority.

The Authority may define which cost items may be considered in the determination of the marginal cost per unit of electricity incurred by Enemalta.

The marginal cost per unit for the year 2010 shall be of eleven cents (€0.11) per kWh.

