

**L.N. 94 of 2020**

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

**Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) (Amendment) Regulations, 2020**

IN EXERCISE of the powers conferred by article 37 of the Regulator for Energy and Water Services Act, the Minister for Energy and Water Management, after consultation with the Regulator for Energy and Water Services, in agreement with the Minister for Finance and Financial Services, has made the following regulations:-

1. (1) The title of these regulations is the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) (Amendment) Regulations, 2020 and these regulations shall be read and construed as one with the Feed-in Tariffs Scheme (Electricity Generated from Solar Photovoltaic Installations) Regulations, hereinafter referred to as "the principal regulations".

Citation and commencement.  
S.L. 545. 27.

(2) These regulations shall come into force on the 1<sup>st</sup> January 2020.

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

Amends regulation 2 of the principal regulations.

(a) immediately after the definition "domestic premises", there shall be added the following new definition:

" "export of electricity" means in the case of a solar photovoltaic installation where the installation operator sells all electricity generated to the distribution system operator, the total electricity generated by the solar photovoltaic installation, and, in the case where the installation operator generates electricity primarily for own consumption in the premises where the solar photovoltaic system is located, the excess electricity generated by the solar photovoltaic installation but not consumed on site and which is injected into the distribution system;" and

(b) immediately after the definition "non-residential premises", there shall be added the following new definition:

" "operating aid" means the difference between the feed-in tariffs established by Table A of the Second

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Schedule and the proxy of the market price for electricity established by the Fourth Schedule to these regulations;"

Amends regulation 3 of the principal regulations.

**3.** In regulation 3 of the principal regulations, the words "1000kWp" shall be deleted and substituted by the words "400kWp".

Amends regulation 4 of the principal regulations.

**4.** In paragraph (b) of sub-regulation 2 of regulation 4 of the principal regulations, the words "exported to the distribution system." shall be substituted by the words "exported to the distribution system:" and immediately thereafter there shall be added the following new proviso:

"Provided that the installation operator may opt to switch between the two options established in paragraphs (a) and (b) at any time, subject to the provisions laid down in sub-regulation 4 of this regulation and regulation 9."

Amends regulation 6 of the principal regulations.

**5.** Regulation 6 of the principal regulation shall be amended as follows:

(a) in the first proviso thereof, the words "as established in the Fourth Schedule:" shall be substituted by the words "as established in the Fourth Schedule."; and

(b) the second and third provisos thereof shall be deleted.

Amends regulation 9 of the principal regulations.

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

(a) sub-regulation (1) thereof shall be substituted by the following sub-regulation:

"(1) The installation operator may opt and by written notice to the distribution system operator request a change between the two options established in sub-regulation (2) of regulation 4:

Provided that, the distribution system operator may require the carrying out of any necessary modifications to the solar photovoltaic installation connection to the distribution system before accepting such a request:

Provided further that, following the expiry of the period of guaranteed payment of the feed-in tariff, the installation operator shall be compensated for any exported electricity at the applicable rate for such electricity as at the time provided in the Fourth Schedule to these regulations.";

(b) in sub-regulation (3) thereof, the words "Where the installation operator does not inform the distribution system operator to effect the necessary modification to the solar photovoltaic installation connection" shall be substituted by the words "Where, at the expiry of the period of guaranteed payment of the feed-in tariff, the installation operator of a solar photovoltaic installation does not request the distribution system operator to effect a change in option"; and

(c) sub-regulation (4) thereof shall be substituted by the following sub-regulation:

"(4) A solar photovoltaic installation that has benefited from a feed-in tariff shall not benefit from any new feed-in tariff after the expiry of the period of guaranteed payment of such feed-in tariff."

7. Regulation 12 of the principal regulations shall be amended as follows:

Amends regulation 12 of the principal regulations.

(a) sub-regulation (1) shall be amended as follows:

(i) in paragraph (e) thereof, the words "of feed-in tariff option" shall be deleted and immediately after the words "or vice-versa" there shall be added the words "as provided for in regulation 9"; and

(ii) immediately after paragraph (e) thereof, the words "the feed-in tariff shall remain as originally approved by the Regulator and in accordance with the feed-in tariff scheme in force during the year when the solar photovoltaic installation was first approved as a feed-in tariff." shall be substituted by the words "any applicable feed-in tariff shall remain as originally approved by the Regulator and in accordance with the feed-in tariff scheme in force during the year when the solar photovoltaic installation was first approved a feed-in tariff.";

(b) sub-regulation (3) thereof shall be amended as follows:

(i) in the Maltese version thereof the words "fis-subregolamenti (1) u (2)" shall be substituted by the words "fis-subregolament (1)";

(ii) the words "for the payment of the feed-in tariff" shall be deleted;

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(iii) the words "the necessary action." shall be substituted by the words "the necessary action:", and immediately thereafter, there shall be added the following proviso:

"Provided that, if the distribution system operator requires the carrying out of any modifications to the solar photovoltaic installation connection to the distribution system such changes shall become applicable from the date of the first meter reading taken after such modifications have been made."; and

(c) in sub-regulation (5) thereof, the words "and which was approved as a feed-in tariff" shall be replaced by the words "and which was approved a feed-in tariff".

Amends the First Schedule to the principal regulations.

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

(a) in item 6 thereof, the words "The rate of the FIT which would be then applicable shall be that in force at the time of the submission of the application for such extension by the beneficiary." shall be substituted by the words "The rate of the FIT which would be then applicable shall be that in force at the time of the submission of the application for such extension by the beneficiary, or, if no such FIT has been established, the FIT originally allocated to the solar PV installation reduced by Euro 0.005 per kWh."; and

(b) immediately after paragraph (e) of item 9 thereof, there shall be added the following paragraph:

"The applicant for a feed-in tariff must submit, together with the aforesaid written application, a non-refundable application fee of fifty euro (€50) in the case of a solar photovoltaic installation in non-residential premises having a capacity equal or larger than 40kWp and less than 400kWp."

Amends the Second Schedule to the principal regulations.

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

(a) item 1 thereof shall be amended as follows:

(i) in paragraph (d), the words "of twenty (20) years;" shall be substituted by the words "of twenty (20) years; and";

(ii) paragraph (e) thereof shall be substituted by the following paragraph:

"(e) where the installation, and, or the photovoltaic panels and, or its inverter have not previously been used for the generation of electricity"; and

(iii) in the paragraph immediately following paragraph (e) thereof, the words "each feed-in tariff as established in Table A as follows:" shall be substituted by the words "each feed-in tariff as established in Table A:", and immediately thereafter there shall be added the following proviso:

"Provided that any investment aid previously received for the solar photovoltaic installation shall be deducted from the payment of the operating aid which forms part of the feed-in tariff established in Table A:";

(iv) Table A shall be substituted by the following Table:

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Table A: Caps and Feed-in Tariffs applicable for solar photovoltaic installations approved under the FIT scheme			
FIT Scheme	Capacity of solar photovoltaic installation installed in any location	Feed-in Tariffs applicable between the 2nd January 2020 and 30th June 2020.	Maximum units allocated per annum for FIT payment to PV systems approved for FIT payment to PV systems approved under this FIT scheme between the 2nd January 2020 and 30th June 2020.
(a)	=>1kWp u <40kWp	15.5 cents per kWh	6,4 GWh per annum (4MWp)

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(b)	=>40kW p u <40kWp	14.0 cents per kWh	8 GWh per annum (5MWp)
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"; and

(v) the words "\*Valid applications for a feed-in tariff received by the 30<sup>th</sup> November 2018 and accepted by the Regulator over and above the available capacity until the 31<sup>st</sup> December 2018, shall be allocated support under this scheme but at the feed in tariff rates applicable on the 30<sup>th</sup> November 2018." shall be substituted by the words "Valid applications for the allocation of a feed-in tariff for capacities between 1kWp and less than 40kWp up to a maximum of 8.5MWp and for capacities between 40kWp and less than 1MWp up to a maximum of 32MWp respectively, received by the 17th December 2019, and accepted by the Regulator shall be allocated support at the feed-in tariff rates, and under the terms and conditions applicable on the 30th December 2019.";

(b) item 4 thereof shall be amended as follows:

(i) in paragraph (a), the words "from the 2<sup>nd</sup> January 2019 and the 30<sup>th</sup> December 2019" shall be substituted by the words "from the 2<sup>nd</sup> January 2020 until the 30<sup>th</sup> December 2020"; and

(ii) in the paragraph immediately following paragraph (d) the words "shall amount to 16.5 cents per kWh for a period of guaranteed payment of the feed-in tariff of six (6) years" shall be substituted by the words "shall amount to 10.5 cents per kWh for a period of guaranteed payment of the feed-in tariff of twenty (20) years".