

Research RES LEGAL – Access to the grid

Country: Malta

1. Overview of access to the grid

Overview of access to the grid	Operators of renewable energy systems are entitled against the grid operator to priority connection to the grid and priority transmission of electricity from renewable sources. The contractual agreements concluded may give rise to a claim for the extension of the grid if this extension is required to connect a system to the grid.
Statutory provisions	<ul style="list-style-type: none">• Electricity Regulations 2004 (ER)• Promotion of Electricity produced from Renewable Energy Sources (PRESR)• Network Code (NC)
Connection to the grid	System operators are contractually entitled against grid operator Enemalta Corporation to the conclusion of an agreement of connection pursuant to the Network Code.
Usage of the grid	System operators are contractually entitled against the grid operator to priority dispatch of electricity from renewable sources.
Expansion of the grid	The grid operator is obliged to expand the grid if required (Reg. 13 (2) ER). Yet, system operators may not claim the expansion of the grid from the grid operator.

2. Basic information on legal sources

Name of legal source (original language)	Electricity Regulations 2004 (ER)	Promotion of Electricity produced from Renewable Energy Sources Regulations (PRESR)	Network Code (NC)
Name of legal source (full name)	Subsidiary Legislation 423.22, Electricity Regulations, 16th December, 2004, Legal Notice 511 of 2004, as amended by Legal Notice 17 of 2007.	Subsidiary Legislation 423.19. Promotion of Electricity produced from Renewable Energy Sources Regulations, 30th April, 2004, Legal Notice 186 of 2004.	The Network Code. Approved by the Malta Resources Authority. Version 1.2d. December 2007
Name of legal source (English)			
Abbreviated form	ER	PRESR	NC
Type of law	Regulations – authorised by Article 28 of the Malta Resources Authority Act	Regulations – authorised by Article 28 of the Malta Resources Authority Act	Administrative Regulation authorised by Reg. 13 (7) ER.
Document structure	Regulation, sub-regulation	Numbers	Parts (GR, DCC, DPC)
Entering into force	01/01/2006	30/04/2004	01/12/2007
Latest amendment	09/02/2007		
Future amendments			
Purpose	Regulating the electricity market in Malta.	These regulations aim to increase the proportion of renewable energy in total energy production in Malta.	The Network Code states the basic technical and operational conditions for the connection of systems to the grid with respect to both electricity producers and consumers.
Relation to renewable energy	The ER also applies to the connection of renewable energy systems.	The regulations aim to promote renewable energy only.	The Network Code also applies to the producers of electricity from renewable energy sources.

Link to full text of legal source (original language)			
Link to full text of legal source (English)	http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/423/22.pdf	http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/423/19.pdf	http://www.enemalta.com.mt/filebank/documents/Network%20Code%20EMC%20Approved%20%20December%202007.pdf

1. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Malta Resources Authority (MRA)	http://www.mra.org.mt/home.shtml		+356 212 206 19	enquiry(at)mra.org.mt
Enemalta Corporation – grid operator	http://www.enemalta.com.mt/page.asp?p=925&l=1		+356 212 246 00	customercare(at)enemalta.com.mt
Malta Intelligent Energy Management Agency (MIEMA) (in planning)	http://www.miema.org/site/	Jesmond Xuereb	+356 213 315 05	jesmond.xuereb(at)ftz.org.mt

2. Connection to the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> • ER • PRESR 	
Legal basis for a claim/addressees	<input type="checkbox"/> statutory basis <input checked="" type="checkbox"/> contractual basis	System operators are contractually entitled to connection to the grid (Reg. 17 (1) ER in connection with NC). The grid operator is obliged to enter into these contracts. The grid operator may refuse to enter into a connection agreement only under the conditions set out in the Electricity Regulations (Reg. 17 (2) ER).
	Entitled party	The persons entitled are the system operators (Reg. 17 (1) in connection with Reg. 2 ER).
	Obligated party	The obligated party is grid operator Enemalta Corporation (Reg. 17 (1) in connection with Reg. 13 (1) ER).
Priority to renewable energy (qualitative criteria)	<input checked="" type="checkbox"/> Priority to renewable energy <input type="checkbox"/> Non-discrimination	Operators of renewable energy systems are entitled to priority connection to the grid (Reg. 7 (1) PRESR).
Capacity limits		
Limitations/deadlines	The deadlines for the connection of a system to the grid depend on the terms and conditions of the contract.	
Arising/enforcement of a claim	A claim for connection to the grid arises on the date on which the connection agreement is concluded (Reg. 17 (1) ER).	
Funding		
	State	
	Consumers	
	Grid operator	
	System operator	The costs arising from the connection of a system to the grid are borne by the system operator. Quellenangabe löschen
	Distribution mechanism	The legal framework does not entitle the system operators to pass on the costs.

3. Usage of the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> • PRESR • ER 	
Legal basis for a claim/addressees	<input checked="" type="checkbox"/> statutory basis <input type="checkbox"/> contractual basis	System operators are statutorily entitled against the grid operator to use the grid (7 (1) PRESR).
	Entitled party	System operators are contractually entitled against the grid operator to use the grid (Reg. 7 (1) PRESR in connection with Reg. 2 ER).
	Obligated party	The obligated party is grid operator Enemalta Corporation (Reg. 17 (1) in connection with Reg. 13 (1) ER).
Priority to renewable energy (qualitative criteria)	<input checked="" type="checkbox"/> Priority to renewable energy <input type="checkbox"/> Non-discrimination	Electricity from renewable energy sources shall be granted priority transmission (Reg. 7 (1) PRESR).
Capacity limits	The grid operator is not obliged to grant priority dispatch where the security and reliability of the grid is at risk (Reg. 7 (1) PRESR). Where the grid operator has to shut down power stations due to capacity shortage, he has to avoid shutting down renewable energy systems wherever possible (Reg. 7 (1) PRESR).	
Limitations/deadlines	The regulations do not specify deadlines.	
Arising/enforcement of a claim	The claim arises as soon as electricity from renewable sources has been produced (Reg. 7 (1) PRESR).	
Funding		
	State	
	Consumers	
	Grid operator	The costs of use of the grid are borne by the grid operator.
	System operator	
	Distribution mechanism	Statutory law does not provide for a distribution mechanism.

4. Expansion of the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> • ER • PRESR • NC 	
Legal basis for a claim/addressees	<input type="checkbox"/> statutory basis <input checked="" type="checkbox"/> contractual basis	System operators are entitled to the expansion of the grid, if the expansion is necessary to guarantee the due execution of the connection of a system to the grid (Reg. 13 (2), (7) ER in connection with GR 1.2, DCC 1.4, DPC 2.1 NC).
	Entitled party	The persons entitled are the system operators (Reg. 2 ER in conjunction with GR 1.2 NC in conjunction with Reg 13 (2) in conjunction with DPC 1.2 NC).
	Obligated party	The obligated party is grid operator Enemalta Corporation (Reg. 17 (1) in connection with Reg. 13 (1) ER).
Priority to renewable energy (qualitative criteria)	<input checked="" type="checkbox"/> Priority to renewable energy <input type="checkbox"/> Non-discrimination	In pursuance of Reg. 7 (1) PRESR, electricity from renewable energy sources shall be given priority.
Capacity limits	Statutory law does not specify deadlines.	
Limitations/deadlines	The deadline for a grid expansion depends on possible authorising proceedings and the extent of the expansion (DPC 1.3 NC).	
Arising/enforcement of a claim	The claim for an expansion of the grid arises at the date of the conclusion of the connection agreement (Reg. 7 (1) PRESR in conjunction with GR 1.2 in conjunction with DCC 1.4 NC).	
Funding		
	State	
	Consumers	
	Grid operator	The competent authorities may require the grid operator to bear in full or in part the costs of the expansion of the grid (Reg. 7 (6) PRESR).
	System operator	
	Distribution mechanism	