

**L.N. _____ of 2023 REGULATOR FOR ENERGY AND WATER SERVICES ACT
(CAP. 545)**

Electricity Connection and Supply Regulations, 2023

IN EXERCISE of the powers conferred by article 37 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 Electricity Connection and Supply Regulations, 2023.

(2) These regulations establish the rules and conditions for the connection of customers to the distribution system for the generation of electricity, importing and, or exporting of electricity from or to the network and the supply of electricity to final customers.

Interpretation.

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

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

"agency agreement" means a contract whereby the distribution system operator appoints an agent to provide services in connection with specific location or premises, as specified in these regulations and in the relevant contract, for and on behalf of the distribution system operator;

"applicant" means a person who submits an application to the distribution system operator;

"application" means an application submitted to the distribution system operator as may be required from time to time for services provided by the distribution system operator, including for those stipulated in regulation 5(4);

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"authorised provider" shall have the same meaning as assigned to it in the Electrical Installations Regulations;

"building unit" means a building or part of a building, section, floor or apartment within a building which is designed or altered to be used separately and which has a separate connection to the network;

"bulk network connection" means a three phase connection to the network in excess of 60Amps per phase, provided through one (1) meter;

"CHP or cogeneration " means the simultaneous generation in one (1) process of thermal energy and electrical or mechanical energy;

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"commodatum agreement" means a gratuitous loan for use, for a specified time or purpose, subject to the obligation of the borrower to restore the thing itself as regulated by the relevant agreement and the Civil Code ;

"connection" or "network connection" means the connection of a customer to the distribution network for the purposes of importing electricity from and, or exporting electricity to the distribution network and, or the connection of a temporary installation:

Provided that a customer may be registered with the distribution system operator with respect to more than one(1) connection to the distribution network:

Provided further that each premises or temporary installation may only have one (1) connection to the distribution network;

"customer" means any person connected or entitled to be connected to the network by the distribution system operator and who imports electricity from and, or exports

electricity to the distribution network;

"day consumption" means the consumption registered between 06:00 hours and 22:00 hours of the same day;

"development" means a building or structure consisting of two (2) or more building units, provided that for the purpose of these regulations, one or more buildings or structures which are subject to more than one development planning applications shall be considered as a single development if the relevant buildings or structures are either physically internally interconnected with each other, at any level, or the distribution system operator determines that they form part of one project;

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"distribution system operator" shall have the same meaning as assigned to it in the Electricity Regulations and any function to be performed, decision to be taken, and, or discretion to be exercised by the distribution system operator in terms of these regulations, shall be performed, taken and, or exercised, as applicable, through such person or persons that the board of directors of the distribution system operator authorises for such purpose or purposes, and under such terms and conditions as the said board of directors deems appropriate. For the purposes of these regulations a reference to the distribution system operator shall also be construed, where required, as being a reference to any subsidiary or associated company of the distribution system operator, or to any other entity, however so described, duly authorised in writing by the distribution system operator to perform any of the functions that the distribution system operator may undertake in accordance with these regulations including, without limitation, a service provider and, or an agent acting under an agency agreement, in each case in relation to the relevant functions of the distribution system operator;

"domestic premises" means a premises which includes private dwellings with no persons registered with the distribution system operator as residing in them, such as secondary residence, or private garages, and common areas including roofs, stairs, terraces and gardens which are used solely for private dwellings;

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"electric vehicle" or "EV" shall have the same meaning as assigned to it in the Publicly Accessible Electric Vehicle Charging Infrastructure Regulations;

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"electrical installation" shall have the same meaning as assigned to it in the Electrical Installations Regulations;

"energy storage facility" shall have the same meaning as assigned to it in the Electricity Regulations;

"EN 50549" means the European standard covering the requirements for generating plants that are connected in parallel with the distribution network;

"EV meter" means an electricity meter installed or approved by the distribution system operator for the purpose of measuring the consumption of electricity for the charging of an EV;

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"generator" means a person or a body who generates electricity under licence or exemption or otherwise, in accordance with the Electricity Regulations;

"high voltage" or "HV" means voltage of nominal RMS value greater than 33kV in relation to alternating current between any conductor;

"HV contribution" means a contribution fee towards the high or medium voltage kVA capacity costs;;

"institutional households" shall include the following buildings:

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

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

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

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

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

(f) military institutions such as military barracks; and

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

"kV" means kilo Volt;

"kVA" means kilo Volt Ampere;

"kVAh" means kilo Volt Ampere hour;

"kW" means kilo Watt;

"kWh" means kilo Watt hour;

"low voltage" or "LV" means voltage of nominal RMS value equal or less than 1kV in relation to alternating current between any conductor;

"maximum demand in any period" means twice the greatest number of units supplied during any thirty (30) consecutive minutes during the year, or quarter of the year, as the case may be, as registered by the maximum demand indicator or register of the meter installed in such premises by the distribution system operator:

Provided that:

(a) where the seal of a maximum demand indicator of the meter is found broken or tampered with, the indicator shall be conclusively deemed to have registered the highest demand in kW or kVA, depending on the applicable tariff, which the meter is capable of registering; or

(b) where a maximum demand indicator or register of the meter is found to be defective, for reasons other than breaking or tampering, the maximum demand supplied made in any period during the last preceding year or, as the case may be, during the last preceding corresponding quarter, shall, unless it is

otherwise agreed between the distribution system operator and the customer, apply to the year or, as the case may be, to the quarter in relation to which such indicator or register is found to be defective, until the indicator or register is repaired or replaced by distribution system operator:

Provided further that, without prejudice to the other provisions of these regulations and for the purposes of this definition only, "year" means a period of approximately twelve consecutive months ending on such day not earlier than the 24th March and not later than the 7th April on which a reading is carried out;

"medium voltage" or "MV" means voltage of nominal RMS value greater than 1kV up to 33kV in relation to alternating current between any conductor;

"meter" means the electricity meter and any other associated equipment and wiring provided and installed, or approved, by the distribution system operator to register the electricity generated, and, or imported and, or exported by a customer and, where applicable, the maximum demand in the relevant premises or temporary installation;

"network" means the electricity distribution system;

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"network code" shall have the same meaning as assigned to it in regulation 29 of the Electricity Regulations;

"night consumption" means the consumption registered between 22.00 hours of one day and 06.00 hours of the following day;

"non-residential premises" means any premises which may be provided with a connection to the network and which is not a domestic premises or a residential premises;

"premises" means any site, area, land, development, building, structure, building unit, single building unit, institutional household, vehicle, installation and, or device, which may be connected to the network through a separate network connection for the purposes of import and, or export of electricity and includes, without limitation any residential premises, domestic premises and non-residential premises;

"primary residence" means the immovable property dwelling in which an individual habitually resides as his sole or principal place of abode, whether in Malta or elsewhere, as may be established by documentary evidence:

Provided that a dwelling shall not be considered as primary residences if the property is also predominantly used for commercial, industrial or manufacturing purposes or for any form of trade or profession;

"public charging station" means for the purpose of these regulations, an EV charging station located within a public road or public space where the demand relates only to EV charging;

"residential premises" means any premises used solely and regularly as a private dwelling where at least one (1) person is registered with the distribution system operator as residing in it, but does not include institutional households;

"reading" means a reading of the electricity generated, imported from and, or exported to the network and registered by a meter, by a person authorised by the distribution system operator to undertake the said readings, or through a remote reading mechanism, or in the manner indicated in the proviso to regulation 22(16);

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

"RES" means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogas;

"route length" means when referring to an extension with overhead lines or by underground cable, the horizontal distance from the nearest suitable low voltage connection point, or suitable substation, as the case may be, to the meter box along a cable and, or aerial line through a publicly accessible road or passageway;

"secondary residence" means any immovable property used solely for residential purposes, other than that which serves as an individual's primary residence;

"single building unit" means a premises consisting of an entire building or structure having a single connection to the network, excluding any other network connection for the export of electricity;

"smart meter" means an advanced electricity meter that stores data related to the consumption and export of electricity enabling two-way transfer of data through a network, primarily for monitoring and billing purposes;

"special readings of meters" means the reading of a meter made at the request of the customer;

"standard network connection" means any one of the following:

- (a) single phase network connections of 40 Amps;
- (b) three phase network connections of 40 Amps per phase; and
- (c) three phase network connections of 60 Amps per phase;

"suitable low voltage connection point" means an existing connection point on the low voltage network from where extensions can be connected using the standard materials used by the distribution system operator and which is the least-cost technically acceptable connection, wherever possible, which meets the requirements of the network code;

"suitable substation" means an existing non-dedicated substation where the peak load of the substation at the time of the application including the additional load shall not exceed seventy-five per cent (75%) of the transformer rating, as long as the transformer cannot be replaced by one with a larger rating;

"substation" means an enclosure housing the said equipment and, or apparatus for either transforming or converting energy to or from high voltage to low voltage, or vice versa, or for switching, controlling or regulating the energy at high voltage, and includes the equipment and apparatus therein;

"substation land" means the area over which a substation is built or the area which has been identified for a substation to be built on;

"temporary installation" means an electrical installation which is not of a permanent nature and which may include but is not limited to decorative street lighting, public entertainment facilities, outdoor mobile units, cranes and any construction sites.

Distribution system operator and duty to connect to the network.

3.(1) The distribution system operator shall, subject to compliance with these regulations and payment of the fee stipulated in section 1 of the Sixth Schedule, connect a premises to the distribution system through a network connection when requested to do so by any person who owns or administers or has under its control the premises, or a person who provides a declaration stating that the owner of such premises has granted due authorisation, to enable electricity to be imported from and, or exported to the network:

Provided that the distribution system operator may also connect a temporary installation to the network when requested to do so by means of the appropriate application procedures.

(2) The duty of the distribution system operator includes a duty to provide and maintain the connection as may be necessary to enable such connection to be used for the purposes for which it is required by the customer.

(3) The duties of the distribution system operator shall be subject to the provisions of these regulations.

Network connections.

4. The following connections shall be provided by the distribution system operator:

(a) standard network connection; or

- (b) bulk network connection.

Procedure for requesting a connection or alteration.

5. (1) Any person who owns or administers or has under its control a premises or temporary installation, or a person who provides a declaration stating that the owner of the said premises has granted due authorisation, or any person who requires to become a customer, may make a request to the distribution system operator for a network connection or for an alteration to an existing network connection. When a connection is requested to be made by the distribution system operator in pursuance of regulation 3, the customer shall submit an application to the distribution system operator.

(2) The application referred to in sub-regulation (1) shall be made in such form and manner, and shall contain, or be accompanied by, such information and documents as may be prescribed by the distribution system operator. The application shall also be accompanied by the applicable fee set out in the Sixth Schedule.

(3) The particulars contained in the application shall be subject to verification by the distribution system operator, following which the distribution system operator may:

- (a) request further information from the applicant in relation to the required connection; and

- (b) carry out an inspection of the temporary installation, premises and, or the electrical installation to which the application relates.

(4) A request for any service provided by the distribution system operator shall be submitted using the appropriate application form or other procedure established by the distribution system operator from time to time, which shall be completed in full and submitted to the distribution system operator in the manner so prescribed. Services provided by the distribution system operator that require the submission of an application form or such other procedure include the following:

- (a) a request for a new network connection; or
- (b) a request for an upgrade or a modification to an existing network connection (including a change of tariff and, or a transfer of account);
- (c) a request for temporary network connection of a temporary installation;
- (d) a request for a change of tariff;
- (e) a request for a change in number of persons;
- (f) a request for transfer of account;
- (g) a request for connection of distributed generators including those operating as a RES or cogeneration;
- (h) any other application which may be required from time to time for services provided by the distribution system operator:

Provided that a change from a single phase connection to a three phase connection, and vice versa, shall be deemed to be a new connection;

Provided further that where a customer already registered with the distribution system operator with respect of any premises or temporary installation requests a connection for a different premises and, or temporary installation, the said application shall be deemed to be an application for a new connection, even if such other premises and, or temporary installation were previously connected to the network by the distribution system operator.

(5) Houses, apartments, flats, factories, hotels, commercial outlets, offices and any other buildings which are physically internally interconnected shall be provided with only one (1) network connection unless otherwise authorised by the distribution system operator.

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(6) An application for a network connection or the upgrade of an existing network connection submitted to the distribution system operator shall be signed by an authorised provider holding the required authorisation for the type of electrical installation in accordance with the Electrical Installations Regulations:

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Provided that applications to connect electrical installations with a current rating equal to or greater than 300A on any phase, shall be signed by a warranted electrical engineer who is also the holder of an Authorisation B in accordance with the Electrical Installations Regulations.

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(7) The application to the distribution system operator shall include a declaration stating that the electrical installation has been inspected and tested in accordance with these regulations, the Electrical Installations Regulations, the network code, EN 50549 standard and all other applicable rules and technical procedures and that the relevant electrical installation is in conformity thereto.

(8) The distribution system operator shall verify the information contained in the application and the related documentation submitted in accordance with this regulation. Where an application is deemed by the distribution system operator to be incomplete, or fails to comply with the requirements of these regulations, or where the electrical installation subject of the application is found to be non-compliant with the requirements of these regulations, the application shall be rejected and referred back to the applicant, who shall be liable to the payment of a fee as stipulated in item 5 of the Sixth Schedule.

Request for deposit by way of security.

6. (1) The distribution system operator may require any customer who requests, or who has already been provided with, a connection, to provide a deposit by way of security for all amounts which may become due to the distribution system operator in connection with the supply of electricity to the customer. The deposit shall be in such amount as the distribution system operator considers appropriate in the circumstances.

(2) A deposit made in accordance with sub-regulation (1) shall be refunded to the depositor upon his ceasing to be a customer, provided that all amounts due to the distribution system operator in respect of the supply of electricity in connection with his account have been paid.

(3) The distribution system operator may, in lieu of requiring a deposit to be made in accordance with sub-regulation (1), require a customer to produce an undertaking by a third party acceptable to the distribution system operator to bind himself *in solidum* with the customer for the regular payments of all amounts that may become due to the distribution system operator in connection with the supply of electricity to the account of the said customer.

(4) If a person fails to provide any deposit or security required in accordance with this regulation, or the security or deposit given becomes invalid or insufficient, and the person fails to provide alternative or additional security, the distribution system operator may:

(a) if the connection has not been made, refuse to provide the connection as long as compliance is not achieved; or

(b) if the connection has been provided, suspend the connection or disconnect the connection in question.

Connection and metering for the charging of electric vehicles.

7. (1) A one-time installation fee as stipulated in item 1 of the Sixth Schedule shall be due with every application for:

(a) an additional single-phase meter for the charging of electric vehicles in any premises that is already provided with a single phase or three phase network connection; and

(b) an additional three phase meter for the charging of electric vehicles in a premises already provided with a three-phase network connection:

Provided that only one (1) additional meter for the charging of electric vehicles may be provided on any single phase or three phase consumption connection and account:

Provided further that the additional meter for the charging of electric vehicles installed as a supplementary meter of the main consumption meter and on an existing network connection shall be installed in close proximity of the consumption meter in a suitable location as may be determined by the distribution system operator.

(2) An application for a new electricity network connection or upgrade or modification of an existing network connection to a public charging station shall be provided in accordance with the applicable fees stipulated in item 1 of the Sixth Schedule.

(3) The installation from the EV meter, up to and including the EV charging point, shall be the sole responsibility of the customer and shall be compliant with any requirement of these regulations and with any other applicable regulations.

(4) Any electrical installation from the EV meter up to, and including the EV charging point shall be supplied from the same connection and account supplying the EV meter.

(5) Without prejudice to the foregoing, the distribution system operator may install

additional control equipment or other apparatus to the EV meter as it may deem appropriate.

(6) The electricity supplied through an EV meter shall only be used for EV charging purposes. Any other use of such electricity and, or the tampering with an EV meter shall constitute a breach of these regulations and the provisions of regulations 21(4) and 26 shall apply *mutatis mutandis*. In such circumstances, the distribution system operator shall also be entitled to suspension of supply to the relevant premises or temporary installation.

(7) In the case of private communal car parking or reserved private car spaces within the boundary of a development, the installation of an EV meter, as a supplementary meter of the main consumption meter of the premises or temporary installation, to supply an EV charging point on a residential or domestic account shall only be allowed where:

(a) the private communal car parking or reserved private car spaces shall have the same electrical source supplying the main consumption meter of the premises or temporary installation to which the residential or domestic account refers;

(b) the supplementary EV meter shall be installed in proximity to the main consumption meter of the respective premises or temporary installation;

(c) the electrical installation from the EV meter to the charging point shall not pose any obstruction or danger to third parties;

(d) proper labelling shall be affixed to the charging point, the EV meter and the electrical installation referred to in paragraph (c) to indicate that the EV charging installation is sourced from a different electricity meter than the communal meter supplying the common parts of the development and the common parking areas; and

(e) the electrical installation supplied from the EV meter shall be solely used for EV charging.

(8) In the case of private communal car parking or reserved private car spaces within the boundary of a development, and where the user of a private communal car parking area

or reserved private car space does not have a residential or domestic account and, or does not own or occupy a building unit within the said development, the installation of an EV meter to supply an EV charging point for private non-commercial purposes shall only be allowed where:

(a) the new EV meter shall have the same electricity source supplying the meters of the common parts of the private communal car parking area or reserved private car spaces and the distribution system operator determines that the said EV meters can be provided in accordance with these regulations:

Provided that the customer registered as the account holder for the connection to the common parts shall not be responsible for the connection to the EV charging point, and that the customer in whose name the EV meter is registered shall bear sole responsibility;

(b) the EV meter shall be installed in proximity to the consumption meters of the common parts;

(c) the electrical installation supplied from the EV meter shall not pose any obstruction or danger to third parties; and

(d) the electrical installation supplied from the EV meter shall be solely used for EV charging.

Network connection for single building units.

8. (1) New standard network connections or alteration to an existing standard connection not exceeding 60Amps on any phase shall be provided to the applicant in the case of a single building unit by the distribution system operator by extending the network infrastructure from the nearest suitable low voltage connection point or suitable substation, as determined by the distribution system operator, to the single building unit.

(2) Any civil works that may be required for the provision of the network connection, such as but not limited to trenching and laying of underground cables, shall be carried out by

the applicant:

- (a) in conformity with the specifications provided by the distribution system operator;
- (b) following approval by the distribution system operator; and
- (c) under the distribution system operator's supervision.

(3) Where the route length is beyond one hundred and fifty metres (150m) from the nearest suitable low voltage connection point or suitable substation, the applicant shall pay for the full cost of the low voltage extension, including any civil works which may be required, less the applicable connection fee stipulated in item 1 of the Sixth Schedule.

(4) Extensions beyond one hundred and fifty metres (150m) shall be made using the standard materials used by the distribution system operator, which shall be provided by the distribution system operator only if the voltage regulation is within the limits established in the network code. Where the voltage regulation goes beyond the limits established in the network code, a new substation shall be required for the network connection to the single building unit.

(5) When the low voltage extension referred to in this regulation has been fully financed by the applicant, the said applicant is entitled to a refund, in accordance with the mechanism published by the distribution system operator in advance, for every new connection provided by the distribution system operator to other customers through the utilisation of the same low voltage extension:

Provided that:

- (a) the entitlement to the said refund shall apply only up to ten (10) years from the commissioning date of the low voltage extension; and

(b) the maximum cumulative refund to which the relevant applicant is entitled shall not exceed sixty-five percent (65%) of the depreciated total amount paid by the said applicant for the low voltage extension.

Network connection for multiple customers within one(1) development.

9. (1) For the purposes of these regulations, multiple customers within one (1) development may consist of residential premises, non-residential premises, domestic premises, or a mixture of residential premises and, or non-residential premises and, or domestic premises, none of which require a bulk network connection. The connection fees payable per network connection up to 60 Amps as established in the Sixth Schedule shall be applicable in respect of each network connection to each building unit within a development with multiple customers.

(2) Where the number of connection units in a development with multiple customers does not exceed twelve (12), and where the route length does not exceed three hundred metres (300m) from the nearest suitable substation, the network connection may be extended from the nearest suitable low voltage connection point or suitable substation, as determined by the distribution system operator.

(3) Where the number of connection units in a development with multiple customers does not exceed twelve (12) and the route length is beyond three hundred metres (300m) from the nearest suitable low voltage connection point, the applicant/s shall pay for the full cost of the extension, including any civil works which may be required, less the applicable connection fee stipulated in item 1 of the Sixth Schedule.

(4) New network connections for developments with multiple customers shall be provided by the distribution system operator by extending the network infrastructure from the nearest suitable substation, as determined by the distribution system operator, to the development, if all of the following criteria are satisfied:

(a) the number of connection units is more than twelve (12) but does not exceed fifty (50);

(b) the route length from the nearest suitable substation does not exceed three hundred metres (300m);

(c) the product of the number of connection units and the route length in metres does not exceed six thousand and six hundred (6,600) connection unit metres;

(d) the peak load of the existing substation at the time of the application and the additional load estimated at the diversified load given in regulation 9(8), when taken into account in the aggregate, do not exceed seventy-five per cent (75%) of the transformer rating, as long as the transformer cannot be replaced by one with a larger capacity; and

(e) the development is within a building development zone:

Provided that when all the conditions in this regulation are satisfied the connection fees payable per network connection up to 60 Amps, as established in the Sixth Schedule, shall be applicable in respect of each network connection to each building unit within the development.

(5) Any civil works, such as but not limited to trenching and laying of cables, that may be required for the provision of a network connection pursuant to sub-regulation (4), and is other than bulk network connection, shall be carried out by the distribution system operator.

(6) Where the number of connection units in a development with multiple customers is more than twelve (12) and any one or more of the criteria in sub-regulation (4) are not satisfied, a new substation shall be required to provide the network connection to the relevant development with multiple customers, unless the distribution system operator determines, in its discretion, that a network connection extended from an existing substation, or another technical alternative, is adequate to:

(a) meet the total demand of the whole multiple customer development; and

(b) comply with the requirements of the network code.

(7) Where the number of connection units in a development with multiple customers is more than twelve (12) but less than twenty-two (22) and all criteria in sub-regulation (4) are satisfied the network connection may be extended by an underground cable or an overhead line at the discretion of the distribution system operator.

(8) The number of connection units and load in a multiple customer development shall be calculated using the following parameters:

(a) a single phase 40 Amps network connection is considered as one (1) connection unit;

(b) a three phase 40 Amps network connection is considered as equivalent to three (3) connection units;

(c) a three phase 60 Amps network connection is considered as four-and-a-half (4.5) connection units;

(d) an industrial and, or commercial building unit shall be considered as four-and-a-half (4.5) connection units even when the application is for a single phase 40 Amps network connection;

(e) a car garage or parking space of up to fifty square metres (50m²) shall be considered as one-half (0.5) connection units; and

(f) the diversified load for one (1) connection unit is taken as 16 Amps.

(9) A network connection within a multiple customer development shall be treated as a bulk network connection if it requires more than 60 Amps three phase.

(10) In the case of a multiple customer development that requires a mix of one or more bulk network connections and one or more standard network connection, the total current requested for the multiple customer development is computed as the sum of the bulk network connections current required and the number of building units multiplied by the diversified load as set out in sub-regulation (8). The network connection for the multiple customer development shall be rated according to the total current calculated and extended using the same criteria found in regulation 10.

Bulk network connection.

10. (1) A new bulk network connection shall be provided by the distribution system operator by extending the network infrastructure from the nearest suitable low voltage connection point or suitable substation on the network, as determined by the distribution system operator, when all the following criteria are satisfied:

(a) the amount required in Amps per phase multiplied by the distance in metres between the metering point on the applicant's premises and the low voltage panel in the nearest suitable substation shall not exceed 30,000 Amp metre with a maximum variation of + 10% on the distance element. For this purpose, the current requested shall consist of one of the following standard values: 100 Amps, 125 Amps, 160 Amps, 200 Amps, 250 Amps, 315 Amps, 355 Amps, 400 Amps, 450 Amps, 500 Amps;

(b) the route length in metres between the metering point on the applicant's premises and the low voltage panel in the nearest suitable substation does not exceed three hundred metres (300m) ; and

(c) the bulk network connection required does not exceed 500 Amps per phase.

(2) A bulk network connection shall not be extended from overhead lines or from underground cables which are themselves supplied from an overhead line.

(3) The full cost of the low voltage equipment and works, including the civil works, required for the provision of the bulk network connection to the applicant shall be charged to the applicant. In addition, a fee per kVA supplied, shall be paid by the applicant as HV

contribution as stipulated in item 9 of the Sixth Schedule and payment is to be effected in accordance with item 21 of the Sixth Schedule.

(4) The low voltage extension shall remain the property of the distribution system operator until the whole amount due in respect of the said low voltage extension has been paid. The customer in whose premises or temporary installation the low voltage extension has been installed shall be bound by a declaration in writing that neither the said customer, nor any successors in title, shall offer any opposition to the removal of the said low voltage extension by the distribution system operator in the event that the amounts due to the distribution system operator in respect of the low voltage extension, including interest thereon as calculated in accordance with regulation 20(4), are not settled in full and the distribution system operator determines that such removal is appropriate in the circumstances.

(5) The maximum variation of +10% on the distance element as referred to in regulation 10(1)(a) is calculated as stipulated in item 23 of the Sixth Schedule.

(6) If any one or more of the criteria in regulation 10(1) are not satisfied, the distribution system operator shall have the right to require a new substation for the provision of the bulk network connection in accordance with regulation 12.

Generating installations and energy storage facilities.

11. (1) Where an existing customer or new customer requires to connect a generation unit to the network or increase the capacity of an existing generation unit, an application shall be submitted to the distribution system operator in accordance with regulation 5 and in the said application the applicant shall indicate the type of RES.

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(2) The application submitted in accordance with sub-regulation (1), shall be accompanied by a copy of the licence and, or other relevant documentation issued by the Regulator for such purpose in accordance with the Electricity Regulations as applicable, and the applicable fee stipulated in item 1 of the Sixth Schedule.

(3) A RES or CHP generation unit or energy storage facility that is intended to be connected to the network shall be provided with automatic volt/var control and where the total continuous steady state AC rating does not exceed 4.6 kW on any phase there shall be no requirement for an authorisation and, or licence from the Regulator and the distribution system operator shall, subject to the requirements of the network code, connect the generator to the network and provide the necessary metering equipment once all applicable fees have been settled.

(4)(a) A RES or CHP generation unit or energy storage facility that is intended to be connected to the network shall be provided with automatic volt/var control and where the total continuous steady state AC rating exceeds 4.6 kW on any phase the customer shall request prior confirmation, in the established manner, from the distribution system operator that such capacity may be connected to the network: Provided that the distribution system operator may carry out a network connection study and depending on the findings of such study, may reject or accept the request:

Provided further that in the case of a rejection, the distribution system operator shall provide the applicant with a written justification for such rejection.

(b) Where a network connection study is required to be carried out in accordance with paragraph (a), the applicable fee specified in item 8 of the Sixth Schedule shall be due by the customer.

(c) Once the request for connection is approved by the distribution system operator, the customer shall submit an application for the required connection to the network;

(d) Where the network connection study in paragraph (b) results in a new connection or an upgrade of an existing connection being required to connect the generation capacity, regulation 8, 10 and 12 shall apply for the upgrade or for the new connection.

(e) The distribution system operator shall publish the procedure, including the relative timeframes, for the connection of RES generators, CHP and energy storage facilities to the network.

(5) An increase in capacity of an existing RES or CHP or energy storage facility shall be deemed to be a new application for the purposes of these regulations and such application shall be subject to the fees stipulated in item 2 of the Sixth Schedule.

Substations.

12. (1) Unless the distribution system operator determines otherwise, having regard to the particular circumstances of a case, and in accordance with objective criteria which are published in advance, a new substation shall be required in any one of the following circumstances:

(a) within any new development with multiple customers where the number of connection units is more than twelve (12), none of which requires a bulk network connection, when any one or more of the five (5) criteria set out in regulation 9(4) are not satisfied;

(b) for a bulk network connection, when any one or more of the criteria set out in regulation 10(1) are not satisfied;

(c) with respect to a single building unit, when there is no suitable low voltage connection point and no suitable substation in the vicinity from which it is technically possible to extend a network connection to the relevant single building unit.

(2) An applicant making a request for a connection requiring a new substation under regulations 12(1)(a) and, or (b) shall be bound to provide a suitable substation room within a

development.

(3) Substations shall be financed as follows:

(a) in the case of a development with multiple customers none of whom requires a bulk network connection and which development requires a substation pursuant to regulation 9(6), the distribution system operator shall:

(i) finance all costs relating to the civil works and, or any structural alterations; and

(ii) compensate the owner of the substation land for providing the substation land, where this is granted to the distribution system operator in full ownership:

Provided that all customers within the development with multiple customers shall pay the applicable fees for the connection of each building unit to the network:

Provided further that the distribution system operator shall however retain the right to extend network connections from the said substation to applicants outside the development wherein the substation is situated, without making any additional payment or compensation to the applicant;

(b) in the case of bulk network connections:

(i) by the applicant; or

(ii) by the applicant and the distribution system operator on a cost-sharing

basis where, at the time the substation is commissioned, the distribution system operator requires the utilisation of the substation to provide connections to third parties. In such a case the distribution system operator shall retain the right to extend network connections from the said substation to applicants outside the development wherein the substation is situated, without making any additional payment or compensation to the applicant;

(c) in the case of a network connection for a single building unit requiring a new substation, the substation shall be financed entirely by the applicant.

(4) The distribution system operator shall obtain title over the substation land in accordance with the criteria set out in regulation 13.

(5) Notwithstanding the title held by the distribution system operator over a substation and, or the substation land:

(a) the ownership of all the equipment and apparatus contained therein shall be and remain of the distribution system operator; and

(b) access to the substation shall be given at all times to personnel, officers and contractors of the distribution system operator.

(6) Where the distribution system operator and the applicant share the substation costs, the cost sharing shall be applied on a *pro rata* basis on the proportion of the kVA load used by each of them.

(7) Where the applicant provides the substation land and, or civil works and, or any structural alterations to the substation land, the applicant shall be compensated in accordance

with regulation 14.

(8) Where the owner provides the substation land and, or civil works and, or any structural alterations to the substation land, the owner shall be compensated in accordance with regulation 14.

(9) The amount of compensation to be paid by the distribution system operator for the relevant substation land shall be determined as follows:

(a) any compensation paid by the distribution system operator shall be added to the cost to connect and equip the relevant substation for the purpose of cost sharing under regulation 12(6), as the case may be;

(b) when the relevant substation has been totally financed by the applicant, the applicant shall be entitled to compensation at the rate specified in item 11 of the Sixth Schedule;

(c) when the relevant substation has been totally financed by the applicant, additional compensation as stipulated in item 10 of the Sixth Schedule shall also apply where the distribution system operator decides to extend low voltage connections to third parties from the relevant substation. The refund in accordance with this paragraph shall continue to apply only for up to ten (10) years from the commissioning date of the relative substation;

(d) when the substation has been financed on a cost-sharing basis by the applicant and the distribution system operator, the applicant shall not be entitled to any of the compensation referred to in paragraphs(b) and (c).

(10) Civil works maintenance within the substation land and the substation itself shall be carried out by the applicant or distribution system operator depending on the title held by the distribution system operator over a substation at any point in time. Where the distribution system operator holds the substation in full ownership it shall be responsible for civil works maintenance. Where the distribution system operator holds the substation by title of lease or

commodatum, the owner of the substation land shall be responsible for civil works maintenance.

(11) As long as the substation is used exclusively for the applicant, the energy consumption shall be measured from the high voltage or medium voltage and low voltage side where this is required and the difference between HV/MV meter reading and the sum of the individual low voltage meters readings, shall be paid by the applicant.

(12) Where the substation is used for persons other than the applicant alone, the energy consumption shall be measured on the low voltage side and the connection losses shall be calculated as set out in item 20 of the Sixth Schedule. The distribution system operator may require customers to enter into a loss-sharing agreement to regulate such matters.

(13) Extensions for network connections at 11kV or above shall be charged at cost in addition to a high voltage contribution for existing infrastructure use.

Distribution system operator title over substation land.

13. (1) The distribution system operator shall acquire the substation land on which a substation has been or is to be developed, in full ownership, under title of lease, or on commodatum, at its discretion, except where a specific title is required in terms of these regulations.

(2) Where the substation is to be used to extend one (1) or more connections to a person other than the owner of the substation land, the distribution system operator shall acquire the substation land by title of full ownership. Irrespective of the title which the distribution system operator originally acquires over a substation, where a substation is subsequently required or used to extend one (1) or more connections to a person other than the owner of the substation land, the distribution system operator shall, on demand made to the owner of the substation land, acquire the substation land by title of full ownership.

(3) Any substation land over which the distribution system operator does not hold any

title, as at the date of the entry into force of these regulations, shall be transferred to the distribution system operator either by absolute ownership, lease or commodatum in accordance with the requirements of this regulation, upon demand made by the distribution system operator to the owner of the substation land. In such cases, the value of the land shall be valued in accordance with regulation 14.

(4) The substation land acquired under title of lease or commodatum, in accordance with these regulations shall, where such substation land is no longer required by the distribution system operator, be transferred back to the owner subject to the cessation of the annual payment of rent or other recognised payment, as the case may be, and subject to the repossession of the substation equipment by the distribution system operator. No such rights shall subsist, where the substation land was acquired by distribution system operator by title of full ownership, in which case, the distribution system operator shall remain the absolute owner thereof, provided that the distribution system operator may elect to transfer ownership of the substation and the substation land (exclusive of any substation equipment) in exchange for fair compensation being paid to the distribution system operator.

Valuation of substation land.

14. (1) In those circumstances where the distribution system operator is required to compensate the owner of substation land for the transfer of such substation land in full ownership, the value of the relevant substation land shall be determined following a valuation made by a Perit in accordance with this regulation. If the valuation does not meet the requirements referred to in this regulation, the valuation shall be deemed invalid and shall be carried out again.

(2) Every valuation report made by a Perit appointed by the distribution system operator shall include the methodology used to estimate the value. During the preparation of the valuation report, the Perit may seek the aid of other experts in different areas, which aid shall then be indicated in the valuation report.

(3) The valuation report made by the Perit shall include the following information:

(a) the date of the valuation;

(b) the state of the property on the date of valuation;

(c) the method used to make such valuations; and

(d) the declaration of the Perit and also other experts involved in the valuation, stating that they do not have any conflict of interest as of the date of the valuation.

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(4) The fees of the Perit appointed externally by the distribution system operator shall be calculated in accordance with Tariff K of the Code of Organization and Civil Procedure:

Provided that the individual fees for each valuation shall not exceed the amount of two thousand and five hundred euro (€2,500) for each report.

(5) The fees of the Perit shall be borne by the distribution system operator.

Electrical installations.

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15. (1) Electrical installations intended to be connected to the network or any alterations, extensions or modifications on electrical installations already connected to the network shall be carried out and certified in accordance with the Electrical Installations Regulations.

(2) Effective balancing within a margin of ten per cent (10%) of the connected load shall be maintained on all electrical installations for lighting, power, heating and RES.

(3) Any connection that is found to be unsafe shall be suspended by the distribution system operator and shall only be reconnected to the network upon certification by an authorised provider that the electrical installation has been rendered safe. A reconnection fee as stipulated in item 15 of the Sixth Schedule shall apply.

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(4) Electrical installations, or parts thereof, duly connected to and, or forming part of the distribution system may be tested by the distribution system operator at any time and if such electrical installation is found to be non-conforming with any requirements of these regulations, the Electrical Installation Regulations, the network code or EN 50549, the connection may be suspended by the distribution system operator until the required alterations and repairs have been carried out at the customer's expense and duly certified by an authorised provider. This sub-regulation shall also apply to the network connections referred to in regulation 21(7).

(5) Unless the non-conforming or defective electrical installation is rendered compliant within one (1) month from the performance of the test referred to in sub-regulation (4), the customer shall be liable for the costs, which shall not be less than the fees established in the Sixth schedule, incurred by the distribution system operator in providing the connection, including any extension of its infrastructure.

(6) In the case of an electrical installation requiring re-testing, the customer shall be charged the costs of such tests in accordance with item 7 of the Sixth Schedule.

(7) Electrical equipment, appliances or machines above 1.5kW shall not be connected to the network unless the said equipment is equipped to operate at a power factor as stipulated in the network code.

Temporary installations.
S.L. 545.24.

16. (1) A temporary installation shall have means of disconnection and protection as stipulated in the Electrical Installations Regulations.

(2) Disconnection, protection and other necessary control equipment for temporary installations shall be housed within an insulated weatherproof enclosure (IP 54 or better) which shall also house the electricity meter and supply fuses installed by the distribution system operator. The applicant must make arrangements to have the insulated weatherproof enclosure installed close to the distribution system operator supply point and beyond reach. The customer shall be responsible for the wiring from the insulated weatherproof enclosure to the point of consumption and shall ensure that the wiring does not present any obstruction or danger to third parties.

(3) The distribution system operator shall be responsible to connect the input cable to the source of supply and to disconnect it again after the event for which the application was made. Incoming and outgoing cables must enter and leave respectively the enclosure from below and shall be glanded.

(4) Temporary service connections to temporary installations shall be provided for the duration and for the applicable fee as stipulated in item 4 of the Sixth Schedule.

Motors.

17. (1) The starting and accelerating current drawn from the line shall not exceed two-and-a-half times full-load current for motors rated 1.5kW to 7.5kW, and twice full-load current for motors rated 7.5kW to 30kW.

(2) It shall be at the discretion of the distribution system operator to specify the

current-limiting conditions under which a network connection shall be given for the purpose of running motors rated 30kW or more.

(3) Motor loads rated above 1.5kW shall be of the three phase type and shall be provided with means to limit the starting current unless this requirement is waived by the distribution system operator.

(4) Direct "across-the-line" starting shall not be allowed for three phase motors rated more than 1.5kW. The starting current of a single phase motor shall be subject to the approval of the distribution system operator.

(5) The provisions of sub-regulations (1) and (4) shall not apply where the distribution system operator is satisfied that the requirements may be waived.

Entry and access to premises.

18. (1) Any officer or other person authorised by the distribution system operator may at all reasonable times enter any premises for the purpose of:

- (a) installing new network connection;
- (b) modifying or repairing existing connection;
- (c) reading, testing, removing or replacing of meter;
- (d) inspecting, testing, disconnecting or removing any network connection or other electrical plant (including main fuses) owned by the distribution system operator;
- (e) carrying out inspections;
- (f) carrying out inspection of the premises for the purpose of ascertaining the load installed in the premises;
- (g) carrying out any other act as may be deemed necessary or desirable by the

distribution system operator, in the performance of its functions.

(2) The power of entry may not be exercised unless written notice of at least four (4) working days has been given to the owner or occupier of the premises. The said notification shall include the date, approximate time and purpose for the visit. It shall additionally contain the contact details of the representative of the distribution system operator.

(3) The customer may request the distribution system operator to reschedule the visit notified in sub-regulation (2):

Provided that the said request shall be made at least two (2) working days before the scheduled visit and failing which, the distribution system operator may, in its sole discretion, retain the original date and time indicated in the notice sent to the customer in sub-regulation (2):

Provided further that the new date shall not extend beyond seven (7) working days from the original date, unless the distribution system operator considers it, based on documentation or other evidence which demonstrates that the customer shall not be able to be present, appropriate to extend the date further. Notwithstanding the foregoing, in no instance may the customer request a rescheduling beyond the period of sixty (60) working days from the date of the original appointment.

(4) In the case of an emergency arising from faults in electrical installations entry may be made in accordance with sub-regulation (1) without the notice required in sub-regulation (2) but notice shall then be given as soon as possible after the occurrence of the emergency.

(5) Without prejudice to any other law, a person may only exercise a power of entry conferred by these Regulations on production of a duly authenticated document showing his

identity and his authority to act on behalf of the distribution system operator. To this effect, such person shall always carry and keep with him when visiting any premises an identification card issued by the distribution system operator. Customers may refuse access to any person who fails to produce such identification pass when visiting the premises.

Leased premises.

19. (1) The distribution system operator may require the lessor of a leased premises, to be bound *in solidum* with the lessee for the regular payment of all amounts that may become due to the distribution system operator.

(2) The lessor who, in accordance with sub-regulation (1) is bound *in solidum* with the lessee, shall be deemed to be the customer for the purposes of these regulations.

(3) Where a leased premises is occupied by two or more unrelated persons and is served by one (1) meter, the lessor shall be deemed to be the customer for the purposes of these regulations.

(4) A lessor who leases any premises supplied with electricity by the distribution system operator for a period exceeding three (3) months to persons not permanently resident in Malta, shall give written notice thereof to the distribution system operator. The notice shall contain the full name of the lessee, and the agreed period of the lease, and any other information as may reasonably be requested by the distribution system operator. Where the lessor fails to give the said notice, or the information contained in the notice is incorrect, the lessor shall, without prejudice to the provisions of sub-regulation (5), be liable *in solidum* with the lessee for any debt incurred by the lessee in connection with the supply of electricity to the premises.

(5) Where a premises supplied by the distribution system operator is leased to any person, either expressly or tacitly, by the week, by the month or for less than three (3) months, or where the premises is let for more than three (3) months but is only occupied by the tenant for a period less than three (3) months, the lessor shall be liable *in solidum* with the lessee for any debt incurred by the lessee in connection with the supply of electricity to the premises.

(6) For the purposes of regulation 6, the lessor of the premises shall be deemed to be the customer and the distribution system operator may require the relevant deposit and, or security from the lessor, unless otherwise agreed by the distribution system operator.

Customer accounts.

20. (1) Bills shall be issued to customers for such periods as the distribution system operator may determine either generally or with respect to specific customers or classes of customers.

(2) The distribution system operator may request provisional payment on account from any customer. The said provisional payments shall be calculated on the basis of:

(a) the estimated average daily consumption of the customer; or

(b) the estimated average daily consumption of customer of a similar class as that of the customer:

Provided that the interval between such requests for provisional payment may not be less than one (1) month and the distribution system operator, on a request made by a customer, may modify such requests for provisional payment in the light of the circumstances of the particular case.

(3) For the purposes of calculating any bill to be issued to request payments from a customer, fractions of less than one cent in the total amount due by the customer shall not be considered.

(4) Interest at the rate of zero point seven, five per cent (0.75%) per month, calculated daily, shall be charged to customers on all amounts due irrespective of the period to which the invoice refers if the amount indicated in such invoice is not settled within forty-five (45) days of the date specified therein:

Provided that for all amounts still due at the expiry of the aforementioned forty-five (45) days interest shall only be charged after the fifteenth day, for the final thirty (30) days of the said forty-five (45) day period, and thereafter, for each additional thirty (30) days or part thereof.

Non-payment of charges, suspension and disconnection.

21. (1) Where a customer has not, within the requisite period, paid all charges due by him to the distribution system operator in respect of the supply of electricity to any premises or temporary installation or the provision of an electricity meter, the distribution system operator may suspend the supply:

Provided that where the distribution system operator exercises its discretion to suspend supply to, and, or disconnect a customer, such discretion shall be exercised in accordance with the procedure published by the distribution system operator for such purpose, to complement the provisions of this regulation:

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Provided further that the distribution system operator shall not suspend supply of electricity to, nor disconnect, vulnerable customers where this is prohibited in terms of the Electricity Regulations.

(2) Where payment of the charges referred to in sub-regulation (1) are delayed for a period of more than three (3) months, the distribution system operator may disconnect the network connection and remove the meter.

(3) Where the connection to a premises or temporary installation is suspended pursuant to sub-regulation (1), the customer shall be required to pay a reconnection fee in accordance with item 15 of the Sixth Schedule in order for the connection to be reinstated. The distribution system operator shall reconnect the premises or temporary installation within twenty-four (24) hours from when payment is effected by the customer, except where this is not practical due to reasons outside the distribution system operator's control, such as inclement weather conditions.

(4) Where the distribution system operator is authorised by sub-regulation (2) to disconnect any premises or temporary installation or remove a meter, any officer or other person authorised by the distribution system operator may at all reasonable times enter the premises or other location where the temporary installation is situated for the purposes of disconnecting the premises or temporary installation or removing the meter:

Provided that the said power of entry may only be exercised if at least two (2) working days' notice has been given to the owner or occupier of the premises or other location.

(5) Whenever access to the premises or other location, for purposes of disconnection and removal of the meter pursuant to sub-regulations (2) and (4) is not possible either because of opposition offered from the customer, or due to the building or temporary installation unit being found inaccessible on more than one occasion, the distribution system operator shall be entitled to suspend the connection without any previous notice by disconnecting the electrical installation at the main source, whether this is located above or below ground and the distribution system operator may recover any expenses incurred in doing so from the customer.

(6) The powers of the distribution system operator under sub-regulations (1) and (2) may not be exercised with respect to any amount which is disputed by the customer in good faith, and unless written notice of not less than seven (7) days has been given to the owner or occupier of the premises or temporary installation of the distribution system operator's intention to exercise the said powers.

(7) Without prejudice to the other provisions of these regulations, where the network connection of any customer, and, or the use thereof, is deemed to be detrimental to the services rendered by the distribution system operator to other customers, including without limitation in case of fluctuations of voltage and generation of harmonics, such customer shall be required to install at its expense, the necessary corrective and, or protective equipment within the relevant premises or temporary installation and shall produce a test certificate as may be required by the distribution system operator. This sub-regulation shall also apply to the network connections to which the electrical installations referred to in regulation 15(4)

are connected.

Meters.

22. (1) The generation, electricity import from and, or export to the distribution network for billing purposes shall be measured by a meter (or metering equipment) provided and maintained in proper working order by the distribution system operator:

Provided that the distribution system operator shall approve the installation of meters by an agent acting on its behalf while retaining the right to test or request any tests to ensure the proper functioning of the said meters.

(2) Meters shall at all times remain the property of the distribution system operator.

(3) The meter shall be installed in the premises or temporary installation by the distribution system operator and shall be fixed in a location which is convenient and easy to access, and as close as reasonably practicable to the main entrance of the premises or development as may be determined by the distribution operator, which shall act reasonably.

(4) If the distribution system operator considers it necessary, safety measures shall be taken for the protection of the meter, which measures shall be at the customer's expense. Meters shall be enclosed in a wooden or earthed metal enclosure if placed indoors, or a suitable insulated weatherproof enclosure if placed outdoors. The meter installation height must not be less than zero point seven, five metres (0.75m) and not more than one point eight, five metres (1.85m) from the finished floor level. In developments with multiple customers, each meter shall be connected to the customer's building unit by separate and independent main supply cables. Meters shall be segregated by use of separate enclosures from any water meters:

Provided that the requirement for electricity meters to be segregated from any water meters shall, with respect to electricity meters installed before the date of entry of these regulations, be effective and enforceable twelve (12) months as from the date of entry into

force of these regulations.

(5) Pre-payment meters shall be installed at the discretion of the distribution system operator in lieu of the ordinary meters.

(6) Where a customer supplies, or allows the supply of, electricity passing through such customer's meter to another building unit and, or premises and, or location and, or in any other manner or for any other purpose outside the said customer's building unit, premises or location where the temporary installation or meter is located and intended for, or an area already supplied with electricity from another connection point or has physical access or intended to be used from a premises supplied electricity from another connection point, the distribution system operator may disconnect the network connection of the customer for such period as the distribution system operator may determine or until such situation is rectified:

Provided that this regulation shall not apply when such electricity supply is to and, or from:

(a) a private garage which is adjacent to the residential premises occupied by the said customer, whether or not it has direct access to and from such residential premises, and is used solely by the said customer, or persons residing in the residential premises, but no other person has a right, on payment, to make use of the same garage;

(b) outside areas authorised by the relevant competent authorities to be used for commercial purposes, and which are adjacent to the customer's premises, such as, but not limited to, outdoor seating areas forming part of a catering establishment, provided that extensions of supply from a premises to an area separated from that premises by a public road or third party private property shall not be allowed;

(c) electricity supply extended from a building unit hosting a ministry or

government department to EV charging points, authorised by the relevant competent authorities, located on public pavements;

(d) photovoltaic systems connected to meters in a building unit which is not internally physically connected to the roof hosting the photovoltaic system within the same building block;

(e) airconditioning outdoor units, water pressure pumps and other electrical equipment located on the roof area connected to meters in a building unit which is not internally physically connected to the roof hosting the equipment within the same building block:

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Provided further that in the above cases the electrical installation shall be compliant with the Electrical Installations Regulations.

(7) The distribution system operator may, in certain circumstances and for a specified period, upon the request of a customer, allow the supply of electricity through the customer's meter to one (1) or more premises and, or areas other than the customer's premises or temporary installation.

(8) The distribution system operator may, upon the request of a customer, provide supply other than through a meter in such circumstances as may be prescribed. The said arrangement shall be regulated by agreement between the customer and distribution system operator, on terms agreed by both parties.

(9) The distribution system operator may, at its discretion, give an unmetered supply to a customer pursuant to sub-regulation (8), subject to the following conditions:

- (a) the design load on each connection is at all times a constant load;
- (b) the cyclic loading and the fast fluctuating loads for each connection is in accordance with the Network Code or other standards established by the distribution system operator;
- (c) the distribution system operator may, from time to time, measure consumption to benchmark the system as a whole, and to test the accuracy of calculations for billing purposes;
- (d) the customer pays the distribution system operator, on a quarterly basis, an amount based on the calculated consumption:

Provided that the distribution system operator shall have the right at the end of each calendar year to adjust any calculation for that past calendar year made as aforesaid on the basis of any test carried out under paragraph (c) and to charge the customer accordingly.

Removal and tampering of meters.

(10) A fee as stipulated in item 3 of the Sixth Schedule shall be charged by the distribution system operator for the replacement or removal of a meter, when such meter shall have been removed or replaced at the request of the customer applying for its removal or replacement.

(11) A customer may, at any time, by submitting the appropriate application to the distribution system operator, request to have the connection to its premises or temporary installation disconnected and the meter registered on the customer's name removed:

Provided that customers shall remain responsible for the payment of the meter charge and any amounts due with respect to consumption of electricity registered by the meter

until such time as either the meter is removed from the premises or temporary installation, by the distribution system operator, or a declaration is made by the registered customer that the connection is not in use from such a date as shall be stated by the customer in the relevant application, and after the customer has paid any amounts that may be due under these regulations with respect to that connection.

(12) A customer at whose request a connection has been provided by the distribution system operator pursuant to these regulations shall, without prejudice to the payment of applicable fees in the Sixth Schedule, be required to pay to the distribution system operator the expenses reasonably incurred in providing the connection or undertaking the works required to provide the connection, where the customer either fails to accept the installation of the meter within a period of one week after written notification to the customer of the intention of the distribution system operator to install such meter, or requires disconnection of the installation and removal of the meter within a period of one (1) year from the date of connection.

(13) If a customer fails to give access to, or otherwise prevents, the distribution system operator from removing the meter, whether the meter is removed at the request of a customer or at the discretion of the distribution system operator, the said customer shall be liable for payment of meter charge until the date of its removal.

(14) Meters shall be sealed by the distribution system operator and such seals shall not be broken, damaged or tampered with in any way by the customer. The distribution system operator shall be entitled to charge a fee as stipulated in the Sixth Schedule if any meter or seal is found, upon inspection, to be damaged, tampered with or missing. Furthermore, the customer shall be required to pay supply charges based on an estimate of the previous consumption period.

Reading and testing of meters.
S.L. 545.34.

(15) Meters shall be read periodically by the distribution system operator in accordance with the Electricity Regulations.

(16) Where a customer, after being given reasonable notice, fails to provide access to a person authorised by the distribution system operator for purposes of reading of the meter, the distribution system operator, saving the provisions of regulations 18 and 21, shall continue to charge the customer the meter charge as applicable but shall not, in the absence of a reasonable explanation for such failure, credit the customer with any free consumption for periods during which the premises were not open for the taking of meter readings:

Provided that the customer may provide the readings to the distribution system operator for billing purposes, subject to the distribution system operator being granted access to the metering equipment to verify, and if required adjust, the readings provided by the customer.

(17) If the customer fails or refuses to provide access to his premises for purposes of reading the meter or to verify readings provided by him, or if access for the same purpose is rendered difficult or impossible by the customer, for a period exceeding two (2) months from the notice referred to in sub-regulation (16), the distribution system operator may suspend the relevant customer's connection.

(18) Special readings of meters may be taken on working days and non-working days at any time as the customer may require, and the fees applicable in item 14 of the Sixth Schedule shall be charged.

(19) The distribution system operator shall test the meter upon request by the customer, who may be present for such test. The distribution system operator shall give the customer a written notice of not less than two (2) working days by printed or electronic means of the date and approximate time of the test. The notice shall additionally contain the contact details of the representative of the distribution system operator. If the test is to be carried out in a location other than the customer's premises, the test location shall also be indicated in the notice.

(20) Save for manifest errors, the customer shall accept the result of the test as final and the consumption of electricity from the date of the request by the customer for the meter

reading up to the date on which the test is carried out, or the date of removal of the meter for purpose of testing, shall be calculated in accordance with the results of the test, and charged accordingly.

(21) Where the meter which is tested at the request of a customer is found to be working correctly, that is, within a limit of over or under two per cent (2%), the customer shall be liable to payment of the relevant fee as stipulated in item 13 of the Sixth Schedule.

(22) A customer shall notify in writing the distribution system operator immediately upon becoming aware that a meter is not working correctly. The distribution system operator shall as soon as practicable repair or replace the meter, and a record of the reading of the new meter at the time of its installation shall be given to the customer.

(23) The consumption of electricity in respect of the period between the reading immediately preceding the reading in relation to which the meter is found to be defective and the installation of a new meter or repair of the meter, as the case may be, shall be reckoned, in accordance with sub-regulations (24) or (25), as directed by the distribution system operator.

(24) Where the distribution system operator directs that the consumption referred to in sub-regulation (23) is to be reckoned in accordance with this sub-regulation, the said consumption shall be reckoned on the basis of the average daily rate of consumption:

- (a) during the corresponding period of the last preceding year; or
- (b) during the period between the two readings immediately preceding the reading in relation to which the meter was found to be working incorrectly; or
- (c) during the period between the date of the installation of the new meter or the repair of the meter, as the case may be, and a subsequent date to be determined by the distribution system operator.

(25) Where the distribution system operator directs that the consumption referred to in sub-regulation (23) is to be reckoned in accordance with this sub-regulation, the said consumption shall be reckoned on the basis of the average daily rate of consumption during the period between the date of installation of the meter which was found to be working incorrectly, or the date on which the customer became accountable with respect to the premises or temporary installation, whichever is the later, and the last day on which the meter was in working correctly, as may be determined by the distribution system operator:

Provided that in the case of a customer who has changed residence, where the distribution system operator directs that the consumption is to be reckoned in accordance with this sub-regulation, the average daily rate of consumption in respect of the corresponding period of the last preceding year at the place in respect of which such customer was last accountable prior to the change of residence, shall be the basis on which consumption shall be reckoned.

Main fuses.

23. (1) The main fuse shall be supplied and shall be placed in such position and location as may be determined by the distribution system operator.

(2) The main fuse box or busbar chamber shall be sealed by the distribution system operator. The distribution system operator shall be entitled to charge a fee as stipulated in Sixth Schedule if any fuse box is found, upon inspection, to be damaged, tampered with or missing.

(3) The main fuse box or busbar chamber shall at all times remain the property of the distribution system operator.

(4) Where the customer requires the distribution system operator to effect repairs consisting only in the replacement of one (1) or more fuses, or where the fault is due to the customer's internal electrical installation, a fee shall be charged in accordance with item 17 of the Sixth Schedule.

(5) Whenever access to the premises, for the removal of a main fuse is not possible either on account of opposition offered by the customer, or on account of the premises being found closed on more than one occasion, the distribution system operator may, after giving prior written notice by printed or electronic means to the customer, suspend the network connection by disconnecting the installation at the mains, whether overhead or underground. The distribution system operator shall be entitled to charge the customer for the costs of any works, including excavation works, carried out to enable the disconnection and removal of the main fuse.

Distribution and supply tariffs.

24. (1) The distribution system operator shall submit, for the approval of the Regulator, a set of tariffs for the connection to the distribution system, and distribution and supply of electricity in relation to any calendar year. The tariffs shall be such that they provide sufficient revenue to the distribution system operator and shall in particular:

(a) cover the costs of the distribution system operator, including operational, administrative and financial costs, incurred in connection with the generation, distribution and supply of electricity, and may include but not be limited to costs relating to operational asset impairment, non-recoverable tax and duties (excluding corporate tax on profits), and accumulated losses;

(b) be such as to allow the distribution system operator to meet periodic repayments on long-term indebtedness to the extent that any such repayment exceeds the provisions for depreciation;

(c) provide a reasonable return on equity; and

(d) be designed to promote end-use energy efficiency in the domestic and residential sector, as appropriate.

(2) Tariffs shall be applied to all customers on a non-discriminatory basis and the distribution system operator shall not exercise undue preference, or undue discrimination towards any person or class of persons similarly situated unless the distribution system operator, having regard to the place and time of connection, the quantity of energy supplied, the required load and power factor, the purpose for which the connection is intended and, or utilised, and any other relevant circumstance, deems it necessary to exercise preferential or discriminatory treatment.

(3) The distribution system operator shall together with the proposed tariffs, submit to the Regulator all necessary documentation in support of its proposals, including the methodologies underlying the calculation of the tariffs and any other information as the Regulator may reasonably request. Any requests from the Regulator for the submission of additional information shall be made within three (3) months from submission of the proposal by the distribution system operator.

(4) Any information submitted to the Regulator by the distribution system operator in accordance with this regulation shall be considered as confidential and economically sensitive and shall be handled accordingly.

(5) The Regulator shall either approve or reject the proposed tariffs and shall notify its decision to the distribution system operator within six (6) months from the date of submission of the proposal.

(6) Subject to sub-regulation (7), where the Regulator intends to reject the proposed tariffs, it shall notify the distribution system operator to this effect and shall give the distribution system operator an opportunity to make representations to the Regulator prior to making its decision.

(7) The Regulator may only reject the proposed tariffs where such tariffs fail to comply with the criteria established by sub-regulation (1). Any decision to reject shall clearly state the reasons for the rejection.

(8) Without prejudice to sub-regulation (9), where the proposed tariffs are rejected by the Regulator pursuant to sub-regulation (7), the distribution system operator shall take account of the reasons for rejection set out in the decision and re-submit the tariffs to the Regulator for approval.

(9) An appeal against the decision of the Regulator may be brought before the Administrative Review Tribunal by the distribution system operator within fifteen (15) days from notification of the decision to the distribution system operator. The said appeal may be brought on points of fact and law.

(10) In determining an appeal, the Administrative Review Tribunal shall, *inter alia*, take into account:

(a) the principles established in this regulation;

(b) the tariff structure proposed by the distribution system operator and any and all information provided to the Regulator in connection with such tariffs; and

(c) any relevant correspondence between the Regulator and the distribution system operator, and any legitimate expectation created by law, regulation, or by the Regulator in favour of the distribution system operator,

and may in whole or in part, confirm, annul or vary the decision appealed from, giving the reasons for its decision.

Variable tariffs.

(11) The distribution system operator may submit, for the approval of the Regulator, a methodology to be used for the calculation of tariffs other than those established by these regulations. Together with the proposal, the distribution system operator shall provide all relevant information in relation to the proposed methodology, including the intended uses of the tariff. Where the Regulator requires additional information from the distribution system operator, it shall make the request for such information within three (3) months from the submission of the proposal.

(12) Where the distribution system operator submits a proposal in accordance with sub-

regulation (11), the provisions of sub-regulations (4) to (10) shall apply.

Special agreements.

(13) The distribution system operator may enter into special agreements with one or more customers for the charging of rates and tariffs other than those established by these regulations.

(14) Where, in any special agreement, the rate or tariff to be charged is different from the tariffs established by these regulations or is not a variable rate or tariff calculated in accordance with a methodology approved by the Regulator in accordance with sub-regulations (11) and (12), the distribution system operator shall obtain prior approval of the methodology by the Regulator before entering into the special agreement.

Tariff categories.

(15) The supply of electricity to a residential, non-residential, and domestic premises shall be charged in accordance with the First Schedule, Second Schedule and Third Schedule, respectively.

(16) Notwithstanding the provisions of any other law, the distribution system operator shall, at any time and in its absolute discretion, having regard to the provisions of these regulations, determine whether a premises is to be deemed a residential premises, a non-residential premises or a domestic premises for the purposes of these regulations.

(17) A customer may submit an application to connect a one (1) or more premises to be used solely and regularly as private dwellings, as may be confirmed by documentary evidence, and register such units of residence as a domestic premises:

Provided that supply to the common parts of a development consisting entirely of

building units used exclusively for residential purposes may also be submitted for registration as domestic premises:

Provided further that, unless otherwise authorised by the distribution system operator, a customer shall only be entitled to register as a domestic premises one (1) primary residence, one (1) secondary residence and one (1) garage which does not exceed fifty (50) square meters in area and is used exclusively for private, non-commercial purposes:

Provided also that the distribution system operator may allow uninhabited premises intended for residential use to be registered as a domestic premises for a period of up to twelve (12) months, after which, if such premises remain uninhabited, they shall no longer be allowed to be registered as domestic premises.

(18) Customers may apply to the distribution system operator to register individuals having their primary residence in Malta on a residential premises service in relation to the said primary residence:

Provided that no individual shall be registered on more than one (1) residential premises service at the same time, and that no individual shall be registered on a garage or on the common parts of a development as a residential premises service.

(19) A premises which is not registered as a domestic premises or as a residential premises in accordance with this regulation, or in relation to which there is no application for registration as a domestic premises or a residential premises in terms of this regulation, shall be considered as a non-residential premises, unless determined otherwise by the distribution system operator.

(20) The following provisions shall apply with respect to the registration of persons on a premises classified as domestic premises or residential premises:

(a) customers shall furnish in writing to the distribution system operator, within such time as may be stipulated by the distribution system operator, any information together with any supporting documents which may be required for the purpose of such registration;

(b) customers shall notify the distribution system operator in writing of any change in the circumstances forming the basis on which the registration is made, and such notification is to be made by not later than one (1) month from the occurrence of such change in circumstances;

(c) any change in the number of persons registered on a domestic premises or on a residential premises shall be taken into account, for the purpose of such registration, from the date of the first periodic meter reading after the change in number of persons occurs or the date on which the distribution system operator is notified in writing of such change, at the discretion of the distribution system operator;

(d) a person residing in a premises may apply to the distribution system operator for a premises, other than that in which such person resides, to be registered as a domestic premises;

(e) an application shall be made in such form or procedure as may be prescribed by the distribution system operator from time to time, and which shall be completed in full and submitted to the distribution system operator in the manner so prescribed;

(f) every arrangement made in terms of this sub-regulation shall be valid until the 31st December of the year in which it was made or for which it was renewed, and it shall be deemed to have been renewed for the next following year, unless the customer, not later than the last day of November of the year in which the arrangement is in force, gives notice in writing to the distribution system operator that the customer does not want the said arrangement to be renewed.

(21) For the purposes of these regulations, the charging of electric vehicles for non-residential premises, metered separately, shall be billed in accordance with the Fourth Schedule.

(22) For the purposes of these regulations, the charging of electric vehicles in

residential premises and domestic premises, metered separately, shall be billed in accordance with the Fifth Schedule.

Agency agreements.

25. The distribution system operator may enter into an Agency Agreement with any person in terms of which the said person would be appointed as agent of the distribution system operator for purposes of carrying out, on behalf of the distribution system operator, the tasks prescribed in the Agency Agreement. The said tasks may include but shall not necessarily be limited to the installation and maintenance of cables and, or meters, meter testing, fault repairs, regular meter readings, collection of dues and transfer of dues to the distribution system operator.

Exemption from liability.

26. The officers and employees of the distribution system operator in the performance of their functions under the Act, these regulations or any other law, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the performance of their functions as aforesaid.

Offences.

27. (1) Where duly authorised representatives of the distribution system operator are reasonably satisfied that an electricity meter and, or any apparatus which is part of the electrical installation or connection, has been tampered with, or that a customer or a person has obtained an unlawful connection, or that a customer or a person is responsible for the theft of electricity, the distribution system operator shall have the right to access the meter and parts of the electrical installation or connection and:

(a) immediately suspend the connection to the meter, electrical installation or connection that was tampered with, or to the customer or person it determines has obtained the unlawful network connection or for the theft, until such time as the customer or person concerned settles all dues to the distribution system operator or, if such person disputes the allegation and, or the amount due as determined by the distribution system operator, until such time as the dispute is settled; and

(b) demand in writing from the customer or persons concerned payment of the amount which is calculated by the distribution system operator to be due to it for the supply of electricity obtained in the unlawful manner mentioned in this regulation, which amount shall be based on a maximum period of five (5) years, with interests calculated on the basis of the rate established by regulation 20(4), and interest shall continue to accrue until all dues are finally settled; and

(c) demand in writing from the customer or persons concerned the additional payment of a settlement charge for potential damages suffered by the distribution system operator equivalent to two hundred per cent (200%) of the amount due for the supply of electricity obtained in an unlawful manner; and

(d) demand in writing from the customer or persons concerned the charge due to the distribution system operator for the removal of the meter which has been tampered with and, where applicable, the re-installation of the meter.

(e) where duly authorised representatives of the distribution system operator are reasonably satisfied that an electricity meter has been tampered with through the indication stickers or the security alarm, an administration fee as established in item 18 of the Sixth Schedule shall be due by the customer.

(2) The distribution system operator shall not be obliged to restore the connection until such time as all amounts payable are settled by the customer or persons concerned or a written agreement acknowledging the amounts due to the distribution system operator and setting out a schedule for payment of such amounts, has been made with the distribution system operator. Where the amounts due to the distribution system operator are equal to, or in excess of five thousand euro (€5,000), the written agreement shall be in the form of a constitution of debt received before a notary public in Malta.

(3) The distribution system operator shall not be liable for any damages which may be incurred by the customer or persons concerned whilst undertaking any action required for removing the meter or other parts of the electrical installation, or any other action which is ancillary thereto.

(4) The findings in accordance with sub-regulation (1)(a) and the sums due to the distribution system operator in accordance with sub-regulation (1)(b), (c) and (d) shall be served in writing to the customer or to the person concerned either by registered mail or by judicial letter, and any customer or person wishing to contest the findings or any amount due may file a claim in accordance with Schedule IV to the Arbitration Act:

Provided that any criminal proceedings that may be instituted against the customer or person concerned shall be independent of the above-mentioned procedures.

(5) In case of a repeat offender in that the said person had been found by the distribution system operator on one previous occasion to be responsible for theft of electricity or of having obtained an unlawful supply of electricity in accordance with this regulation, the settlement charge to make good for any potential damages suffered by the distribution system operator shall amount to twice the charge which would have been due had the said offence been the first offence of such person.

(6) In the event that an offender is a repeat offender in that the said person had been found by the distribution system operator on at least two previous occasions to be responsible for theft of electricity or of having obtained an unlawful supply of electricity in accordance with this regulation, the settlement charge to make good for any potential damages suffered by the distribution system operator shall amount to the charge which would have been due had the said offence been the first offence multiplied by the number of times that the offender was found responsible for theft of electricity or of having obtained an unlawful supply of electricity as aforesaid.

(7) Without prejudice to regulation 27(1), in the event that a meter is found broken, the replacement cost detailed in item 19 of the Sixth Schedule shall be due by the customer.

(8) Any person who, without reasonable excuse refuses to allow access to any premises occupied by such person to an officer or other person authorised by the distribution system operator for any purpose set out in regulation 18(1), or hinders or obstructs an officer or other person so authorised in the performance of any act permitted by regulation 18(1),

shall be guilty of an offence against these regulations and shall be liable to a fine (*multa*) of not less than two hundred euro (€200) and not more than one thousand euro (€1,000) for each occasion on which refusal of access, hindrance and, or obstruction occurs.

Repeal and saving.S.L. 545.01.

28. The Electricity Supply Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

FIRST SCHEDULE

(regulation 24)

1. Maximum Consumption Tariffs

(1) The supply of electricity to a residential premises shall be billed, for any period as the distribution system operator may, from time to time determine, in accordance with the fees and tariffs shall not exceed the following:

(a) without prejudice to the other provisions of these regulations, the supply of electricity to residential premises shall be subject to an annual service fee of sixty-five euro (€65) for a single phase network connection, a fee of one hundred and forty euro (€140) for a 40A three phase network connection and a fee of one hundred and ninety-five euro (€195) for a 60A three phase network connection; and

(b) without prejudice to the other provisions of these regulations, the supply of electricity to a residential premises shall be subject to the following maximum consumption tariff, which may be billed on a *pro rata* basis. The said maximum consumption tariff shall be based on a cumulative consumption, which shall consist of the amounts derived from the cumulative application of each of the following thresholds, *per annum*:

€0.1047;

i. For every kWh of the first 2,000 kWh

- ii. For every kWh of the next 4,000 kWh €0.1298;
- iii. For every kWh of the next 4,000 kWh €0.1607;
- iv. For every kWh of the next 10,000 kWh €0.3420;
- v. For every kWh of the remaining consumption €0.6076.

(2) Without prejudice to the other provisions of these regulations a residential premises three phase network connection exceeding 60 Amps per phase shall also be subject to a maximum demand tariff at the rate of twenty-one euro and five cents (€21.05) per annum per kW of the maximum demand in any period during the year.

2. Methodology for Calculation of Tariffs for residential premises

(1) The distribution system operator shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the maximum consumption tariff in item (1)(b) of section 1 on a *pro rata* basis:

Provided that:

(a) the amount which is billed by the distribution system operator for a period of a calendar year shall not exceed the amounts derived from the application of the maximum tariff as established by the Regulator in accordance with regulation **24** and within the limits prescribed section 1 above; and

(b) the distribution system operator shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariff on a *pro rata* basis.

(2) Notwithstanding the provisions of item (1)(a) of section 2, and that the distribution system operator may adopt an adjustment mechanism to ensure compliance with the provisions of (1)(a) of section 2, any bill issued by a distribution system operator, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the distribution system operator, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item (1) of section 2, the distribution system operator shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the customer. Where the distribution system operator is unable to obtain the said reading of the actual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the customer.

(4) Where the supply of electricity to a residential premises is only provided for a part of a calendar year, the maximum consumption tariff shall be computed by applying the cumulative thresholds referred to in item (2) of section 1 proportionately to the days during which a Residential electricity is actually supplied by the distribution system operator, so that each of the units (kWh) referred to in item (2) of section 1 shall be divided by the number of days in a calendar year and applied accordingly to the days during which a residential premises service is actually provided.

(5) Without prejudice to the other provisions of these regulations, the supply of electricity to a residential premises, which is provided to the primary residence of an individual, shall be eligible for an eco-reduction of the amount due for consumption of electricity for the billing period in question, which shall be calculated in accordance with the following rates, on a *pro rata* basis of the relative billing period:

(a) where only one (1) individual is registered on a residential premises network connection, the customer shall be eligible for an eco-reduction of twenty-five per cent (25%) of all the amount due for consumption of electricity for the billing period in question if the consumption shall not exceed the *pro rata* equivalent consumption of two thousand kWh (2,000 kWh) *per annum*; or

(b) where more than one (1) individual is registered on a residential premises network connection, the customer shall be eligible for the following eco-reduction:

(i) where the consumption for the billing period in question does not exceed the *pro rata* equivalent of one thousand kWh (1,000 kWh) *per annum* per individual registered, an eco-reduction of twenty-five percent (25%) of all

the amount due for consumption of electricity for the period in question; or

(ii) where the consumption, for the billing period in question exceeds the *pro rata* equivalent of one thousand kWh (1,000 kWh) per annum per individual registered but does not exceed, nor is equal to, the *pro rata* equivalent consumption of one thousand seven hundred and fifty kWh (1,750 kWh) *per annum* per individual registered, an eco-reduction of twenty-five per cent (25%) for that part of the consumption which is the *pro rata* equivalent of one thousand kWh (1,000 kWh) *per annum* per individual registered and of fifteen per cent (15%) for the remainder which is the *pro rata* equivalent consumption of up to seven hundred and fifty kWh (750 kWh) *per annum* per individual registered for the period in question:

Provided that no one (1) individual shall be registered on more than one residential premises at the same time and that the eco-reduction shall only apply to the primary residence of an individual registered in accordance with regulation 24(15):

Provided further that an eco-reduction shall only be calculated on the basis of an actual reading of the consumption taken by a representative of the distribution system operator or by a customer reading provided to a representative of the distribution system operator through an established procedure, by the customer registered on the connection account, and notwithstanding the provisions of any other law, if an actual reading or a customer reading as defined in this proviso are not available for the billing period in question, the customer's eligibility for an eco-reduction on the relevant premises for that billing period shall be forfeited permanently.

(6) All the above rates are inclusive of Value Added Tax.

SECOND SCHEDULE
(regulation 24)

1. Maximum Consumption Tariffs

The supply of electricity to a non-residential premises shall be billed, for any period as the distribution system operator may from time to time determine, in accordance with fees and tariffs which shall not exceed the following:

(1) Without prejudice to the other provisions of these regulations the supply of electricity to a non-residential single phase network connection shall be subject to an annual service fee of one hundred and twenty euro (€120) and a non-residential three phase network connection shall be subject to an annual service fee of three hundred and sixty euro (€360).

(2) Without prejudice to the other provisions of these regulations, the supply of electricity to a non-residential premises shall be subject to one (1) of the following annual consumption tariffs which may be billed on a *pro rata* basis:

(a) Electricity consumption shall be metered in kWh and shall be billed at the following maximum tariffs:

- | | | |
|------|--------------------------------------|----------|
| i. | For every kWh of the first 2,000 kWh | €0.1215; |
| ii. | For every kWh of the next 4,000 kWh | €0.1275; |
| iii. | For every kWh of the next 4,000 kWh | €0.1373; |
| iv. | For every kWh of the next 10,000 kWh | €0.1485; |
| v. | For every kWh of the next 40,000 kWh | €0.1613; |
| vi. | For every kWh of the next 40,000 kWh | €0.1500; |

- vii. For every kWh of the next 900,000 kWh €0.1403;
- viii. For every kWh of the next 4,000,000 kWh €0.1275;
- ix. For every kWh of the remaining consumption €0.1080;

(b) A customer in a non-residential premises with a consumption exceeding 5,000,000kWh may apply to be billed at day and night kWh rates at the following maximum tariffs:

day consumption shall be subject to the following tariffs:

- €0.1230;
- i. For every kWh of the first 2,000 kWh
- ii. For every kWh of the next 4,000 kWh €0.1290;
- iii. For every kWh of the next 4,000 kWh €0.1388;
- iv. For every kWh of the next 10,000 kWh €0.1500;
- v. For every kWh of the next 40,000 kWh €0.1628;
- vi. For every kWh of the next 40,000 kWh €0.1515;
- vii. For every kWh of the next 900,000 kWh €0.1418;
- viii. For every kWh of the next 4,000,000 kWh €0.1290;
- ix. For every kWh of the remaining consumption €0.1095;

night consumption shall be subject to the following tariffs:

- | | | |
|-------|--------------------------------------------|----------|
| i. | For every kWh of the first 2,000 kWh | €0.0953; |
| ii. | For every kWh of the next 4,000 kWh | €0.1013; |
| iii. | For every kWh of the next 4,000 kWh | €0.1110; |
| iv. | For every kWh of the next 10,000 kWh | €0.1223; |
| v. | For every kWh of the next 40,000 kWh | €0.1350; |
| vi. | For every kWh of the next 40,000 kWh | €0.1238; |
| vii. | For every kWh of the next 900,000 kWh | €0.1140; |
| viii. | For every kWh of the next 4,000,000 kWh | €0.1013; |
| ix. | For every kWh of the remaining consumption | €0.0818; |

(c) A customer in a non-residential premises that is rated above 100 Amps per phase may apply to be meter and billed in kVAh at the following maximum tariffs:

- | | | |
|------|----------------------------------------|----------|
| i. | For every kVAh of the first 2,000 kVAh | €0.1118; |
| ii. | For every kVAh of the next 4,000 kVAh | €0.1170; |
| iii. | For every kVAh of the next 4,000 kVAh | €0.1260; |

iv.	For every kVAh of the next 10,000 kVAh	€0.1365;
v.	For every kVAh of the next 40,000 kVAh	€0.1485;
vi.	For every kVAh of the next 40,000 kVAh	€0.1380;
vii.	For every kVAh of the next 900,000 kVAh	€0.1290;
viii.	For every kVAh of the next 4,000,000 kVAh	€0.1170;
ix.	For every kVAh of the remaining consumption	€0.0990;

(d) A customer in a non-residential premises that is rated above 100 Amps per phase and has a consumption exceeding 5,500,000kVAh may apply to be billed at day and night kVAh rates at the following maximum tariffs:

day consumption shall be subject to the following tariffs:

i.	For every kVAh of the first 2,000 kVAh	€0.1113;
ii.	For every kVAh of the next 4,000 kVAh	€0.1185;
iii.	For every kVAh of the next 4,000 kVAh	€0.1275;
iv.	For every kVAh of the next 10,000 kVAh	€0.1380;
v.	For every kVAh of the next 40,000 kVAh	€0.1500;
vi.	For every kVAh of the next 40,000 kVAh	€0.1395;

- vii. For every kVAh of the next 900,000 kVAh €0.1305;
- viii. For every kVAh of the next 4,000,000 kVAh €0.1185;
- ix. For every kVAh of the remaining consumption €0.1005;

night consumption shall be subject to the following tariffs:

- i. For every kVAh of the first 2,000 kVAh €0.0855;
- ii. For every kVAh of the next 4,000 kVAh €0.0908;
- iii. For every kVAh of the next 4,000 kVAh €0.0998;
- iv. For every kVAh of the next 10,000 kVAh €0.1103;
- v. For every kVAh of the next 40,000 kVAh €0.1223;
- vi. For every kVAh of the next 40,000 kVAh €0.1118;
- vii. For every kVAh of the next 900,000 kVAh €0.1028;
- viii. For every kVAh of the next 4,000,000 kVAh €0.0908;
- ix. For every kVAh of the remaining consumption €0.0728.

(3) Without prejudice to the other provisions of these regulations, a non-residential premises three phase network connection exceeding 60 Amps per phase shall also be subject to a maximum demand tariff at the following annual cumulative consumption rates:

(a) where consumption does not exceed or is equal to 5,000,000kW, at a rate of twenty euro and fifty cents (€20.50) per kW of the maximum demand in any period during the year;

(b) where consumption does not exceed or is equal to 5,500,000kVA, at a rate of nineteen euro and twenty cents (€19.20) per kVA of the maximum demand in any period during the year;

(c) where consumption exceeds 5,000,000kW or 5,500,000kVA, at a rate of seventeen euro and twenty cents (€17.20) of the maximum demand in any period during the year.

(4) All the above rates are exclusive of Value Added Tax.

2. Methodology for the Calculation of Tariffs

(1) The distribution system operator shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the consumption tariffs for supply of electricity to a non-residential premises in item (2) of section 1 on a *pro rata* basis, such that the distribution system operator shall also be entitled to apportion the relative thresholds in each of the consumption tariffs referred to in item (2) of section 1 to specific billing periods throughout a year at its discretion, and apply such thresholds accordingly, on a *pro rata* basis:

Provided that the distribution system operator shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariffs on a *pro rata* basis.

(2) Any bill issued by the distribution system operator for supply of electricity to a non-residential premises, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the distribution system operator, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item (1) of section 2, the distribution system operator shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the customer. Where the distribution system operator is unable to obtain such a reading of the actual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the customer.

(4) Where supply of electricity to a non-residential premises is only provided for a part of a calendar year, the maximum consumption tariffs shall be computed by applying the cumulative thresholds referred to in item (2) of section 1 proportionately to the days during which supply of electricity to a non-residential premises is actually provided by the distribution system operator, such that each of the units (kWh or kVAh) referred to in item (2) of section 1 shall be divided by the number of days in a calendar year and applied accordingly to the applicable billing period during which supply of electricity to a non-residential premises is actually provided.

THIRD SCHEDULE
(regulation 24)

1. Maximum Consumption Tariffs

The supply of electricity to a domestic premises shall be billed, for any period as the distribution system operator may from time to time determine, in accordance with fees and tariffs which shall not exceed the following:

(1) Without prejudice to the other provisions of these regulations the supply of electricity to domestic premises shall be subject to the following maximum annual service fee:

(a) a fee of sixty-five euro (€65) for a single-phase network connection; and

(b) a fee of one hundred and ninety-five euro (€195) for a three-phase network connection.

(2) Without prejudice to the other provisions of these regulations a domestic premises network connection shall be subject to the following maximum consumption tariff which may be billed on a *pro rata* basis. The said maximum consumption tariff shall be based on a cumulative consumption, which shall consist of the amounts derived from the cumulative application of each of the following thresholds, per annum:

- | | | |
|------|--------------------------------------|----------|
| i. | For every kWh of the first 2,000 kWh | €0.1365; |
| ii. | For every kWh of the next 4,000 kWh | €0.1673; |
| iii. | For every kWh of the next 4,000 kWh | €0.2023; |
| iv. | For every kWh of the next 10,000 kWh | €0.4180; |

- v. For every kWh of the remaining consumption €0.6860.

(3) Without prejudice to the other provisions of these regulations a domestic premises three phase network connection exceeding 60 Amps per phase shall also be subject to a maximum demand tariff at the rate of twenty-one euro and five cents (€21.05) per annum per kW of the maximum demand in any period during the year.

- (4) All the above rates are inclusive of Value Added Tax.

2. Methodology for the Calculation of Tariffs

(1) The distribution system operator shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the consumption tariff in item (2) of section 1 on a *pro rata* basis:

Provided that:

(a) the amount which is billed by the distribution system operator for a period of a calendar year shall not exceed the amounts derived from the application of the maximum tariff as established by the Regulator in accordance with these regulations and within the limits prescribed in section 1; and

(b) the distribution system operator shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariff on a *pro rata* basis.

(2) Notwithstanding the provisions of item (1)(a) of section 2 and that the distribution system operator may adopt an adjustment mechanism to ensure compliance with the provisions of item (1)(a) of section 2, any bill issued by the distribution system operator, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the distribution system operator, notwithstanding that such bill may only refer to a part of a calendar year.

- (3) In order to give effect to the provisions of item(2) of section 2, the distribution

system operator shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the customer. Where the distribution system operator is unable to obtain the said reading of the actual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the customer.

(4) Where supply of electricity to a domestic premises is only provided for a part of a calendar year, the maximum consumption tariff shall be computed by applying the cumulative thresholds referred to in item (2) of section 1 proportionately to the days during which supply of electricity to a domestic premises is actually provided by the distribution system operator, such that each of the units (kWh) referred to in item (2) of section 1 shall be divided by the number of days in a calendar year and applied accordingly to the days during which supply of electricity to a domestic premises is actually provided.

FOURTH SCHEDULE

(regulation 24)

(1) Without prejudice to the other provisions of these regulations, a service for the charging of electric vehicles in a non-residential premises shall be subject to the payment of the following monthly fees:

(a) six euro (€6) per month service fee (VAT inclusive) in case of a single-phase network connection; and

(b) eight euro (€8) per month service fee (VAT inclusive) in case of a three-phase network connection.

In the case of public EV charging stations, the service fees and tariffs in the Second Schedule shall not apply and the service fees and tariffs in this Schedule shall apply instead.

(2) Without prejudice to the other provisions of these regulations, the consumption

for the charging of electric vehicles in a non-residential premises, as measured by the EV meter installed for such purpose, and during the time periods between midnight (00:00 a.m.) and five fifty-nine (05:59 a.m.) and between mid-day (12:00 p.m.) and fifteen fifty-nine (15:59 p.m.), and Sundays all day from mid-night (00:00 a.m.) to twenty-three, fifty-nine (23:59 p.m.) of the same day, shall be billed at the rate of zero point one, two, nine, eight per kWh (€0.1298/kWh), which is inclusive of VAT.

(3) The consumption of electricity for the charging of electric vehicles in a non-residential premises as measured by the EV meter outside the time periods between midnight (00:00 a.m.) and five fifty-nine (05:59 a.m.), between mid-day (12:00 p.m.) and fifteen fifty-nine (15:59 p.m.) and Sundays all day between mid-night (00:00 a.m.) to twenty-three fifty-nine (23:59 p.m.) of the same day, and as measured by the meter installed for such purpose, shall be billed at the rate of zero point one, four, eight, five per kWh (€0.1485/kWh), which is inclusive of VAT.

(4) Where the EV meter is installed as a supplementary meter to the main consumption meter supplying the premises, the consumption as measured by the EV meter shall be deducted for billing purposes from the consumption measured by the main consumption meter.

(5) In the case of public EV charging stations, only the service fees and the tariffs of this Schedule shall apply.

FIFTH SCHEDULE (regulation 24)

(1) Without prejudice to the other provisions of these regulations, a service for the charging of electric vehicles in a residential premises shall be subject to the payment of the following monthly service fees:

- (a) four euro (€4) per month in case of a single-phase EV meter installation;

and

(b) six euro (€6) per month in case of a three-phase EV meter installation.

(2) Without prejudice to the other provisions of these regulations, the consumption for the charging of electric vehicles in a residential premises, as measured by the meter installed for such purpose, and during the time periods between midnight (00:00 a.m.) and five fifty-nine (05:59 a.m.) and between midday (12:00 p.m.) and fifteen fifty-nine (15:59 p.m.) and Sundays all day between mid-night (00:00 a.m.) to twenty-three fifty-nine (23:59 p.m.) of the same day shall be billed at the rate of zero point one, two, nine, eight per kWh (€0.1298/kWh), which is inclusive of VAT.

Any consumption of electricity for the charging of electric vehicles in a residential premises, as measured outside the time periods between midnight (00:00 a.m.) and five fifty-nine (05:59 a.m.) and between midday (12:00 p.m.) and fifteen fifty-nine (15:59 p.m.) and Sundays all day between mid-night (00:00 a.m.) to twenty-three fifty-nine (23:59 p.m.) of the same day shall be added to the normal consumption of the residential premises service for the respective billing period and charged in accordance with the First Schedule.

The consumption measured during the time periods between midnight (00:00 a.m.) and five fifty-nine (05:59 a.m.) and between midday (12:00 p.m.) and fifteen fifty-nine (15:59 p.m.) and Sundays all day between mid-night (00:00 a.m.) to twenty-three fifty-nine (23:59 p.m.) of the same day by the EV meter installed as a supplementary meter to the main consumption meter supplying the premises, shall be deducted for billing purposes from the consumption measured by the main consumption meter.

SIXTH SCHEDULE

(1) The application fees for a new network connection are as follows:

Network connection for a single-phase network connection	€300
Network connection for a 40A three phase network connection	€600
Network connection for a 60A three phase network connection	€900
RES (PV, CHP, Wind Turbine) for single phase	€50
RES (PV, CHP, Wind Turbine) for three phase	€150
EV single phase charging connection in a residential and, or non-residential premises with an existing single or a three phase network connection	€50
EV three phase charging connection in a residential and, or non-residential premises with an existing three phase network connection	€80

(2) The application fees for the alteration of a connection are as follows:

Replacement of single phase with 40A three phase (addition)	€600 for every meter
Replacement of single phase with 60A three phase (addition)	€900 for every meter
Replacement of three phase with single phase (reduction)	€300 for every meter
Shifting of meter	€200 for every meter
Addition and shifting	€900 for every meter

Addition of PV panels on same single phase network connection	€50
Addition of PV panels on same three phase network connection	€150

(3) The application fee for the removal and, or the replacement of a network connection as requested by customer is fifty-five (€55).

(4) The fees for a temporary connection are as follows:

Type of temporary service connection		Application fee 1 month	Application fee 6 months	Deposit on consumption	Renewal of network connection 1 month	Renewal of network connection 6 months	Removal
Construction site	40A single phase		€250	€1,000		€120	
	40A three phase		€500	€1,500		€150	
	60A three phase or greater		€750	€2,500		€200	
Boathouse	40A single phase		€460	€500			€55
Other	40A single phase	€30	€180	€30	€30	€180	
	40A three phase	€40	€240	€40	€40	€240	
	60A three phase	€60	€360	€60	€60	€360	
	Greater than 60A three phase	€550	€3300	€450	€60	€360	

(5) The fees for non-compliant applications are as follows:

Application found non-compliant during vetting	€50
Application found non-compliant during the provision of network connection	€50

(6) A minimum fee of three hundred euro (€300) is charged for an installation that has been found defective and has not been rendered fit for connection to the network within one (1) month from date of first test.

(7) A fee of fifty euro (€50) is charged for each subsequent test after the first test when the installation was first found to be defective.

(8) The fees for a network connection study are as follows:

RES capacity	Fee for network connection study
>11kW and \leq 40kW	€0
>40kW and \leq 100kW	€150
> 100kW and \leq 500kW	€350
> 500kW and \leq 3.2MW	€750
> 3.2MW and \leq 8MW	€1,500
> 8MW and \leq 30MW	€2,500
> 30MW	by quotation

(9) The H.V. contribution is two hundred euro (€200) per kVA.

(10) Refund of H.V. contribution in the case of a substation fully financed by customer is two hundred euro (€200) per kVA extended to new applicants.

(11) The amount of compensation for substation land shall be determined in accordance with regulation 14.

(12) The fee for a missing meter is one thousand and five hundred euro (€1,500)

(13) The fee for testing of a meter wherein it is found to be registering correctly is seventy euro (€70)

(14) The fees for a special meter reading are as follows:

Reading between 7am and 5pm	€25
Reading between 5pm and 9pm	€50
Reading between 9pm and 7am	€100
Reading taken on non-working days	Above fees shall be doubled

The above fees shall be doubled for special reading falling (even if in part) on a Saturday, Sunday or public and, or national holiday in Malta.

(15) The fees for the reconnection to the network are as follows:

Reconnection to the network after suspension related to payments and refusal to replace meter	€140
Reconnection to the network following suspension due to safety	€70

(16) The fees for rescheduling an appointment related to a request for network connection are as follows:

Reschedule an appointment between 8am and 4pm on any day from Monday to Friday, not being a public holiday and not beyond the period of fifteen (15) working days of the first scheduled visit	€0
Reschedule an appointment between 4pm and 8pm on any day from Monday to Friday, not being a public holiday or between 8am and 4pm as long as appointment is not beyond the period of fifteen (15) working days of the first scheduled visit	€25
Reschedule an appointment between 8am and 4pm on a Sunday or public holiday, or beyond the period of fifteen (15) working days of the first scheduled visit	€50

(17) The fees for the repair consisting of the replacement of a fuse are as follows:

Fuse changing in customer premises	€25
Fuse changing more than once	€35
Fuse changing in substation	€35
Fault due to customer's internal installation	€50

(18) The administration fee for meter found tampered through the indication sticker or security alarm is one hundred and forty euro (€140)

(19) The replacement cost for a broken meter is as follows:

Single phase meter	€300
Three phase meter up to 100A	€900
L.V. three phase meter over 100A	€2,000
H.V. meter	€2,000

(20) HV and MV connection losses per LV side meter are calculated as zero point three, five per cent (0.35%) of the registered kWh units. (0.35% x kWh units).

(21) The cost of an installation and HV contribution to be carried out by the distribution system operator is to be paid as follows:

(a) estimates up to two thousand and five hundred euro (€2,500) shall be paid in full on contract;

(b) estimates above two thousand and five hundred euro (€2,500) shall be paid fifty per cent (50%) on contract and fifty per cent (50%) prior to energising of extension, subject to a minimum deposit of two thousand and five hundred euro (€2,500).

(22) Where the customer requests the distribution system operator to reschedule an appointment in any of the following instances:

(a) between 8.00 a.m. and 4.00 p.m. on any day from Monday to Friday, not being a public holiday and not beyond the period of fifteen (15) working days of the first scheduled visit, the distribution system operator shall not issue any charges;

(b) between 4.00 pm and 8.00 pm on any day from Monday to Friday not being a public holiday, or between 8.00 am and 4.00 pm on a Saturday, as long as the appointment is not beyond the period of fifteen working days of the first scheduled visit, the distribution system operator may issue a charge equivalent to an after hours fee of ten euro (€10); and, or

(c) between 8.00 a.m. to 4.00 pm on a Sunday or a public holiday, or beyond the period of fifteen working days of the first notified visit, the distribution system operator may issue a charge equivalent to an after hours fee of twenty-five euro (€25).

(23) The maximum variation of +10% on the distance element is calculated as follows:

Maximum allowed distance = $30,000 \text{ Am}$ divided by the requested fuse rating

If the actual measured distance divided by the maximum allowed distance is less or equal to 1.10, then the network connection is provided with the requested fuse rating.

If it is greater than 1.10, repeat calculations using the next lower fuse rating until the result is less or equal to 1.10.