

L.N. 3 of 2025

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

**Promotion of Energy from Renewable Sources (Amendment)
Regulations, 2025**

IN EXERCISE of the powers conferred by article 37(1) of the Regulator for Energy and Water Services Act, the Minister responsible for energy and water services, after consultation with the Minister responsible for the Planning Authority and with the Regulator for Energy and Water Services, has made the following regulations:-

Citation. **1.** The title of these regulations is the Promotion of Energy from Renewable Sources (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with the Promotion of Energy from Renewable Sources Regulations, hereinafter referred to as the "principal regulations".

S.L. 545.35.

Amends regulation 1 of the principal regulations. **2.** Immediately after sub-regulation (2) of regulation 1 of the principal regulations, there shall be added the following new sub-regulation:

"(3) These regulations furthermore transpose Article 1(1)(a)(1), Article 1(1)(c), and Article 1(7) and partially transpose Article 1(6) of Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652."

Amends regulation 2 of the principal regulations. **3.** Sub-regulation (2) of regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "energy from renewable sources" or "renewable energy" thereof shall be substituted by the following new definition:

""energy from renewable sources" or "renewable energy" means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass,

landfill gas, sewage treatment plant gas, and biogas;";

(b) the definition "Minister" shall be substituted by the following new definition:

"Minister" means the Minister responsible for energy and water services, provided that for the purposes of these regulations which regulate planning matters, it shall mean the Minister responsible for energy and water services in consultation with the Minister responsible for the Planning Authority;".

(c) the definition "relevant authority" shall be substituted by the following new definition:

"relevant authority" means any authority or license or permit-issuing or administrative body responsible for the issuing of authorisations, licenses or permits, or responsible for the formulation and publication of general binding rules, insofar as these authorisations, licenses, permits or rules may directly impact, or relate to any activity which may impact, the achievement of the objectives laid down by these regulations:

Provided that for the purpose of these regulations, the responsible relevant permitting authorities shall include but not be limited to:

Cap. 552. (a) the Planning Authority established in accordance with article 5 of the Development Planning Act, which shall be responsible to fulfil its obligations under the said Act; and

Cap. 545. (b) the Regulator for Energy and Water Services established in accordance with article 3 of the Regulator for Energy and Water Services Act, which shall be responsible to fulfil its obligations under the said Act;";

(d) immediately after the definition "renewable liquid and gaseous transport fuels of non-biological origin" thereof there shall be added the following new definition:

"renewables acceleration area" means a specific location or area, whether on land, sea or inland waters, which is designated as particularly suitable for the installation of renewable energy plants;";

(e) immediately after the definition "SME" thereof there

shall be added the following new definition:

""solar energy equipment" means equipment that converts energy from the sun into thermal or electrical energy, in particular solar thermal and solar photovoltaic equipment;"

(f) in the Maltese version only, the definition "tiġdid (repowering)" shall be deleted;

(g) in the Maltese version only, immediately after the definition "residwu" there shall be added the following new definition:

""repowering" tfisser it-tiġdid ta' impjanti tal-elettriku li jipproduċu l-enerġija rinnovabbli, inkluż is-sostituzzjoni sħiħa jew parzjali tal-installazzjonijiet jew tas-sistemi u t-tagħmir tal-operazzjoni għal finijiet tas-sostituzzjoni tal-kapaċità jew taż-żieda fl-effiċjenza jew fil-kapaċità tal-installazzjoni;"

Adds new regulation to the principal regulations.

4. Immediately after regulation 18 of the principal regulations there shall be added the following new regulation:

"Areas for grid and storage infrastructure necessary to integrate renewable energy into the electricity system.

18A. (1) One (1) or more plans may be adopted to designate dedicated infrastructure areas for the development of grid and storage projects that are necessary to integrate renewable energy into the electricity system, in cases where such development is not expected to have a significant environmental impact, such an impact can be duly mitigated or, where such mitigation is not possible, it is compensated for.

(2) The aim of the areas described in sub-regulation (1) shall be to support and complement the renewables acceleration areas.

(3) Those plans referred to in sub-regulation (1) shall:

(a) for grid projects, avoid Natura 2000 sites and areas designated under national protection schemes for nature and biodiversity conservation, unless there are no proportionate alternatives for their deployment, taking into account the objectives of the site;

(b) for storage projects, exclude Natura 2000 sites and areas designated under national protection schemes;

- (c) ensure synergies with the designation of renewables acceleration areas;
 - (d) be subject to a strategic environmental assessment pursuant to the Strategic Environmental Assessment Regulations and, where applicable, to an assessment pursuant to regulation 19 of the Flora, Fauna and Natural Habitats Protection Regulations; and
 - (e) establish appropriate and proportionate rules, including on proportionate mitigation measures which shall be adopted for the development of grid and storage projects in order to avoid adverse effects on the environment that may arise or, where it is not possible to avoid such effects, to significantly reduce them.
- (4) Grid and storage projects which are necessary to integrate renewable energy into the electricity system may, under justified circumstances, including where needed to accelerate the deployment of renewable energy in order to achieve the climate and renewable energy targets, be exempted from:
- (a) the environmental impact assessment pursuant to regulation 6(1) of the Environmental Impact Assessment Regulations;
 - (b) an assessment of the implications of the grid and storage projects for Natura 2000 sites pursuant to regulation 19 of the Flora, Fauna and Natural Habitats Protection Regulations; and
 - (c) the assessment of the implications of the grid and storage projects on species protection pursuant to regulations 24 and 25 of the Flora, Fauna and Natural Habitats Protection Regulations and regulation 4(1) of the Conservation of Wild Birds Regulations:

S.L. 549.46. Provided that such grid or storage projects are located in a dedicated infrastructure area designated in accordance with sub-regulation (1) and that these comply with the established rules, including on proportionate mitigation measures which shall be adopted in accordance with paragraph (e) of sub-regulation (3), by way of derogation from regulations 6(1) and 10(2) of the Environmental Impact Assessment Regulations and from items 3.4.1.1, 3.4.2.1 and 10.0.2.7 of Schedule I to the said regulations, and by way of derogation from regulation 19 of the Flora, Fauna and Natural Habitats Protection Regulations.

S.L. 549.44.

S.L. 549.61. (5) Where grid and storage projects are located in dedicated infrastructure areas and exempt from the assessments referred to in sub-regulation (4), they shall be subject to a screening process which shall be based on existing data from the strategic environmental assessment pursuant to the Strategic Environmental Assessment Regulations, provided that project applicants may be requested to provide additional available information.

S.L. 549.61. (6) The screening process referred to in sub-regulation (5) shall be finalised within thirty (30) days from its commencement and shall aim to identify if projects are highly likely to give rise to significant unforeseen adverse effects, in view of the environmental sensitivity of the geographical areas where they are located, which adverse effects were not identified during the environmental assessment of the plans designating dedicated infrastructure areas carried out pursuant to the Strategic Environmental Assessment Regulations and, where relevant, to the Flora, Fauna and Natural Habitats Protection Regulations.

S.L. 549.44.

(7) Where the screening process referred to in sub-regulation (5) identifies a project as being highly likely to give rise to significant unforeseen adverse effects as referred to in sub-regulation (6), appropriate and proportionate mitigation measures shall be applied, on the basis of existing data, to address those effects.

(8) Where it is not possible to apply the mitigation measures required in accordance with sub-regulation (7), the operator of the installation shall be required to adopt appropriate compensatory measures to address those effects which, if other proportionate compensatory measures are not available, may take the form of a monetary compensation for species protection programmes, in order to ensure or improve the conservation status of the species affected.

(9) Where the integration of renewable energy into the electricity system requires a project to reinforce the grid infrastructure, within or outside dedicated infrastructure areas, and such a project is subject to a screening process carried out pursuant to sub-regulation (5), or to a determination whether the project requires an environmental impact assessment, or an environmental impact assessment pursuant to regulation 10 of the Environmental Impact Assessment Regulations, such a screening process, determination or environmental impact assessment shall be limited to the potential impact arising from the change or extension compared to the original grid infrastructure."

S.L. 549.46.

5. Regulation 19 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 19 of the principal regulations.

"Organisation and main principles of the permit-granting procedure.

19. (1) The permit-granting procedure shall cover all relevant administrative permits to build, repower and operate renewable energy plants, including those combining different renewable energy sources, heat pumps and co-located energy storage, including power and thermal facilities, as well as assets necessary for the connection of such plants, heat pumps and storage to the grid and to integrate renewable energy into heating and cooling networks, including grid-connection permits and where required, environmental assessments.

(2) The permit-granting procedure shall comprise all administrative stages, from the acknowledgment of the completeness of the permit application in accordance with sub-regulation (3), up to the notification of the final decision on the outcome of the permit-granting procedure by the relevant competent authority or authorities.

(3) Every relevant authority which is responsible for the issuing of any administrative permit associated with renewable energy plants, shall acknowledge the completeness of the application or, if the applicant has not sent all the information required to process the application, shall request that the applicant submit a complete application without undue delay:

Provided that such acknowledgement or request as the case may be, shall be provided within thirty (30) days, for renewable energy plants located in renewables acceleration areas, and within forty-five (45) days, for renewable energy plants located outside renewables acceleration areas, from receipt of an application for a permit.

(4) The date of acknowledgement of the completeness of the application by the relevant authority shall indicate the commencement of the permit-granting procedure.

(5) An *ad hoc* set-up made up of the relevant permitting authorities of which the Regulator of energy services and the competent authority for development permitting shall be permanent members, shall act as a single contact point for the entire administrative permit-application and permit-granting procedure:

Provided that any other relevant permitting authority may be added to the set-up as required.

(6) The contact point designated in line with sub-regulation (5) shall, upon the request of the applicant, guide and facilitate the applicant during the entire administrative permit-application and permit-granting procedure and the applicant shall not be required to contact more than one (1) contact point during the entire procedure.

(7) The contact point designated in line with sub-regulation (5) shall guide the applicant through the administrative permit-application procedure, including the steps relating to the protection of the environment, in a transparent manner until the delivery of one or more decisions by the competent authorities at the end of the permit-granting procedure, provide the applicant with all necessary information and where appropriate, involve other administrative authorities.

(8) The contact point designated in line with sub-regulation (5) shall ensure that the deadlines for the permit-granting procedures set out in these regulations are met.

(9) All relevant authorities shall allow applicants to submit relevant documents digitally, provided that by the 21st November 2025, all permit-granting procedures referred to in sub-regulation (1) shall be carried out in electronic format.

(10) The contact point designated in line with sub-regulation (5) shall make available a manual of procedures for developers of renewable energy plants and shall provide such information online, addressing also distinctly small-scale renewable energy projects, renewables self-consumers projects and renewable energy communities.

(11) Should more than one (1) contact point be designated in line with sub-regulation (5), online information shall indicate the contact point relevant to the application in question.

(12) Every relevant authority shall ensure that applicants and the general public have easy access to simple procedures for the settlement of disputes concerning the permit-granting procedure and the issuance of permits to build and operate renewable energy plants, including where applicable, alternative dispute resolution mechanisms.

(13) Administrative and judicial appeals in the context of a project for the development of a renewable energy plant, the connection of such plant to the grid, and the assets necessary for the development of the energy infrastructure networks required to integrate energy from renewable sources into the energy system, including appeals related to environmental aspects, shall be ensured to be subject to the most expeditious administrative and judicial procedure that is available.

(14) Every relevant authority shall take into account the planned installed renewable energy generation capacity provided for in Malta's integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999 to ensure its staff complement is suitably qualified and to make any plans for upskilling and reskilling which may be deemed necessary.

(15) Except when it coincides with other administrative stages of the permit-granting procedure, the duration of the permit-granting procedure shall not include:

(a) the time during which the renewable energy plants, their grid connections and, with a view to ensuring grid stability, grid reliability and safety, the time during which the related necessary grid infrastructure, is being built or repowered;

(b) the time for the administrative stages necessary for significant upgrades to the grid required for ensuring grid stability, grid reliability and grid safety;

(c) the time for any judicial appeals and remedies, other proceedings before a court or tribunal and alternative dispute resolution mechanisms, including complaint procedures and non-judicial appeals and remedies.

(16) All relevant authorities shall make publicly available the decisions resulting from the permit-granting procedures."

Adds new regulations to the principal regulations.

6. Immediately after regulation 19 of the principal regulations, as substituted, there shall be added the following new regulations:

"Permit-granting procedure outside renewables acceleration areas.

19A. (1) The permit-granting procedure referred to in regulation 19(1) shall not exceed two (2) years for renewable energy projects located outside renewables acceleration areas provided that in the case of offshore renewable energy projects, the permit-granting procedure shall not exceed three (3) years.

(2) The timeframes referred to in sub-regulation (1) shall be subject to the project developer complying with reasonable timeframes established by each relevant authority for the submission of any required documentation, provided that, where duly justified on the grounds of extraordinary circumstances, including the extension of periods required for assessments in accordance with the applicable Union environmental legislation, any of those periods may be extended by up to six (6) months, and in such case the project developer shall be clearly informed of the extraordinary circumstances that justify such an extension.

S.L. 549.46.
S.L. 549.44.

(3) Where an environmental assessment is required pursuant to the Environmental Impact Assessment Regulations or the Flora, Fauna and Natural Habitats Protection Regulations as part of the permit granting procedure for renewable energy projects located outside renewables acceleration areas, it shall be carried out in a single procedure that combines all relevant assessments for the given renewable energy project, and the relevant authority, taking into account the information provided by the project developer, shall issue an opinion on the scope and level of detail of the information to be included by the project developer in the environmental impact assessment report, of which the scope shall not be subsequently extended.

S.L. 549.44.
S.L. 549.42.

(4) Where a renewable energy project has adopted the necessary mitigation measures, any killing or disturbance of the species protected in accordance with regulations 24 and 25 of the Flora, Fauna and Natural Habitats Protection Regulations and regulation 4(1) of the Conservation of Wild Birds Regulations shall not be considered to be deliberate.

S.L. 549.44.
S.L. 549.42.

(5) Where the mitigation measures to prevent as much as possible the killing or disturbance of species protected under the Flora, Fauna and Natural Habitats Protection Regulations and the Conservation of Wild Birds Regulations, or any mitigation measures adopted to prevent any other environmental impact, have not been widely tested as regards their effectiveness, their use may be allowed for one (1) or several pilot projects for a limited time period, provided that the effectiveness of such mitigation measures is closely monitored and appropriate steps are immediately taken if they do not prove to be effective.

(6) The permit-granting procedure shall not exceed twelve (12) months for land-based, or two (2) years for offshore projects of the following types when located outside renewables acceleration areas:

- (a) the repowering of renewable energy power plants;
- (b) new installations with an electrical capacity of less than one hundred and fifty kilowatts (150 kW);
- (c) co-located energy storage;
- (d) the connection to the grid for the projects described in paragraphs (a) to (c).

(7) The timeframes established in sub-regulation (6) shall include any environmental assessments which may be required by the relevant law and either one may, where duly justified on the grounds of extraordinary circumstances, be extended by up to (3) three months subject to the project developer being clearly informed of the extraordinary circumstances that justify such an extension.

Accelerating the permit-granting procedure for repowering.

19B. (1) Where the repowering of a renewable energy power plant does not result in an increase of the capacity of said renewable energy power plant beyond fifteen percent (15%), and without prejudice to any assessment of potential environmental impact required pursuant to sub-regulations (2) and (3), the applicable timeframe for granting connections to the transmission or distribution grid shall not exceed three (3) months following notification to the relevant authority unless there are justified safety concerns or there is technical incompatibility of the system components.

S.L. 549.46.

(2) Where the repowering of a renewable energy power plant is subject to a determination as to whether the project requires an environmental impact assessment, or to an environmental impact assessment pursuant to regulation 10 of the Environmental Impact Assessment Regulations, such a determination or environmental impact assessment shall be limited to the potential impact arising from a change or extension compared to the original project.

S.L. 549.46.

(3) Where the repowering of a solar installation does not entail the use of additional space and complies with the applicable environmental mitigation measures established for the original solar installation, the project shall be exempt from any applicable requirements to determine whether the project requires an environmental impact assessment, or the carrying out of an environmental impact assessment pursuant to regulation 10 of the Environmental Impact Assessment Regulations.

Permit-granting
procedure for the
installation of solar
energy equipment.

19C. (1) The relevant authorities shall ensure that the permit-granting procedure referred to in regulation 19 for the installation of solar energy equipment and co-located energy storage, including building-integrated solar installations, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three (3) months, provided that the primary aim of such artificial structures is not solar energy production or energy storage.

(2) Certain areas or structures may be excluded from the application of the timeframe established in sub-regulation (1) for the purpose of protecting cultural or historical heritage, national defence interests, or safety reasons.

S.L. 549.46.

(3) By way of derogation from regulation 10(2) of the Environmental Impact Assessment Regulations, and from items 3.1.2.1, 3.4.2.1 and 10.0.2.7, alone or in conjunction with item 13.0.1.1 of Schedule I to the said regulations, the installation of solar equipment referred to in sub-regulation (1) shall be exempt from the requirement, if applicable, to carry out a dedicated environmental impact assessment pursuant to regulation 6(1) of the said regulations.

(4) The relevant authorities shall ensure that the permit-granting procedure for the installation of solar energy equipment with a capacity of one hundred kilowatts (100 kW) or less, including for renewables self-consumers and renewable energy communities, shall not exceed one (1) month.

(5) In respect of the permit-granting procedure referred to in sub-regulation (4), the lack of reply by the relevant authorities or entities within the established deadline following the submission of a complete application shall result in the permit being considered as granted, provided that the capacity of the solar energy equipment does not exceed the existing capacity of the connection to the distribution grid.

(6) Where the application of the capacity threshold referred to in sub-regulation (4) leads to a significant administrative burden or to constraints to the operation of the electricity grid, a lower capacity threshold may be applied, which shall, in all cases, remain above ten point eight kilowatts (10.8 kW).

Permit-granting
procedure for the
installation of heat
pumps.

19D. (1) The relevant authorities shall ensure that any permit-granting procedure which may be applicable to the installation of heat pumps below fifty megawatts (50 MW) shall not exceed one (1) month, provided that in the case of ground source heat pumps, any applicable permit-granting procedure shall not exceed three (3) months.

(2) The relevant authorities shall ensure that connections to the transmission or distribution grid shall be permitted within two (2) weeks of the notification to the relevant entity for:

(a) heat pumps of up to twelve kilowatts (12 kW) electrical capacity; and

(b) heat pumps of up to fifty kilowatts (50 kW) electrical capacity installed by renewables self-consumers, provided that the electrical capacity of a renewables self-consumer's renewable electricity generation installation amounts to at least sixty percent (60%) of the electrical capacity of the heat pump.

(3) The timeframe laid down in sub-regulation (2) shall not be applicable where:

(a) there are justified safety concerns; or

(b) further works are required for grid connections; or

(c) there is technical incompatibility of the system components.

(4) Relevant authorities may exclude certain areas or structures from the application of sub-regulations (1) and (2) for the purpose of protecting cultural or historical heritage, national defence interests or safety reasons.

(5) Relevant authorities shall make all decisions resulting from the permit-granting procedure referred to in this regulation publicly available in accordance with any applicable laws.

Overriding public interest.

19E. (1) Until climate neutrality is achieved, the relevant authorities shall ensure that, in the permit-granting procedure, the planning, construction and operation of renewable energy plants, the connection of such plants to the grid, the related grid itself, and storage assets are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases for the purposes of regulation 19(2), regulation 19(3) and regulation 44(c) of the Flora, Fauna and Natural Habitats Protection Regulations, regulation 5(7) of the Water Policy Framework Regulations, and the dispositions of regulation 9(1)(a) to 9(1)(d) of the Conservation of Wild Birds Regulations.

S.L. 549.44.

S.L. 549.100.

S.L. 549.42.

(2) In duly justified and specific circumstances, the application of sub-regulation (1) may be restricted to certain parts of the Maltese territory, to certain types of technology or to projects with certain technical characteristics in accordance with the priorities set out in Malta's integrated national energy and climate plans submitted pursuant to Articles 3 and 14 of Regulation (EU) 2018/1999, subject to the Commission being informed of such restrictions, together with the reasons therefor."

7. In the Maltese version only of the principal regulations, the words "stallazzjoni" u "istallazzjoni", wherever they occur, shall be substituted by the word "installazzjoni" and the words "stallazzjonijiet" and "istallazzjonijiet", wherever they occur, shall be substituted by the word "installazzjonijiet".

General amendment to the principal regulations.

