



# Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Malta

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## Executive summary

This report about Malta covers rooftop and ground-mounted solar power.

Rooftop and ground-mounted solar power are impacted by administrative barriers to a different extent, with the ground-mounted PV being subject to much more barriers than rooftop PV. To an extent, that is caused by the fact that often, administrative procedure is somewhat simplified for smaller scale installations.

Site selection poses the greatest number of challenges to solar energy development in Malta. The limitations are imposed by environmental and spatial concerns, as Malta is a small, densely populated island with a multitude of competing land uses. Due to that, site selection for solar energy development is heavily regulated in Malta and there is a shortage of locations, especially for ground-mounted PV. This also drives up rental prices for the land where PV installations are allowed.

Electricity production licencing and administrative authorisation, where most permitting and spatial planning work is done, can be characterised as subject to a few administrative barriers. It should be noted, however, that the process for PV installations with capacity up to 16 Amps differs depending on whether there is a request for support or not, with the procedure being significantly more complicated for those seeking a feed-in tariff. The complexity of the authorisation processes at these process steps also depends on the project size and location (ground-mounted or rooftop).

Regarding the connection of an installation to the grid, it should be noted that grid connection costs are fully borne by the developer. That can sometimes pose a barrier, as the costs depend on the physical distance from grid and any infrastructural upgrades which would need to be carried out to connect to the nearest suitable connection point; in some cases, the grid connection can be too costly for the developer and thereby pose a barrier for solar energy deployment.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of rooftop PV and ground-mounted PV in Malta.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorisation	Grid connection permit	Corporate legal-fiscal	Other
PV ground-mounted	Moderate barriers identified	No barriers identified	Not relevant for target country	Moderate barriers identified	Moderate barriers identified	Not relevant for target country	Not relevant for target country
PV rooftop	Minor barriers identified	No barriers identified	Not relevant for target country	Moderate barriers identified	Moderate barriers identified	Not relevant for target country	Not relevant for target country

 No barriers identified	 Moderate barriers identified
 Minor barriers identified	 Not relevant for target country
 Severe barriers identified	 No projects implemented

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## 1. National RES targets and relevant RES technologies

Malta plans to increase its share of renewable energy technologies in its gross final energy consumption to 11.5% by 2030. In the electricity sector, the share of renewables is planned to rise to 11% by 2030 (Malta NECP, 2019). In comparison, as of 2019, the share of renewable energy in the final energy consumption was 8.5% and the share of renewables in the electricity sector was 8.04% (Eurostat, nrg\_ind\_ren).

Looking at the predicted shares for different renewable energy technologies and their growth potential for 2030, nearly all of the growth potential and the biggest increase foreseen is for solar energy. Both rooftop PV and brownfield sites for ground-mounted PV will continue to be given priority. A very small share of RES-E is also expected to come from waste-to-energy combined heat and power plants. However, the latter can be considered marginal and therefore will not be covered in this report (Malta NECP, 2019).

According to the Maltese NECP, under the 'with planned measures' scenario, solar energy is expected to reach 266 MWp by 2030 in comparison to 153.8 MW in 2019 (IRENA, n.d.). In order to do so, barriers in the country have to be reduced, keeping in mind that the biggest issue in Malta is land availability. Whereas easing administrative procedures as well as continuous financial support by the Government are necessary as well for meeting the set NECP target, the biggest barrier to RES development is and continues to be lack of space (Lauri, 2021).

However, renewable energy development cannot be done at the expense of sidelining existing regulations to facilitate sustainable planning or to ensure environmental and biodiversity protection – therefore, all attempts to ease administrative procedures for meeting national RES targets need to be mindful of that.

It should be noted that University of Malta is currently conducting different projects related to wind energy. Both micro-turbines as well as offshore floating wind are looked at, exploring the feasibility of their usage (Mule'Stagno, 2021). However, these remain just pilot projects for the time being. In the Maltese NECP, neither onshore nor offshore wind energy are included as a viable renewable technology option contributing to Malta's renewable energy objectives for the EU's 2030 target (NECP, 2019).

Figure 1 displays the annual deployment of solar PV between 2010 and 2019. The figure underlines that a constant deployment has taken place in the recent years, with a peak in 2014.

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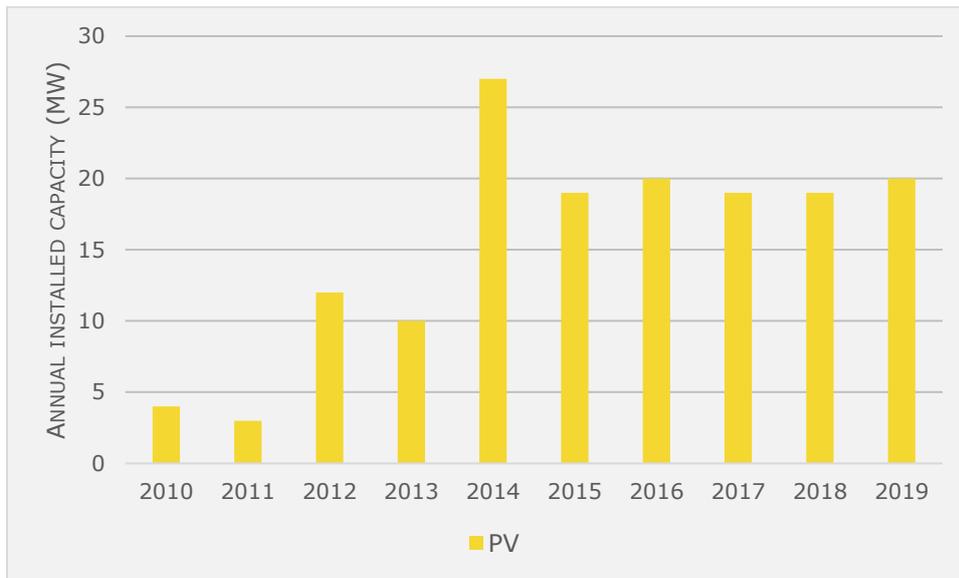


Figure 1: Annual installed capacity of PV 2010-2019 (source: EurObserv'ER)

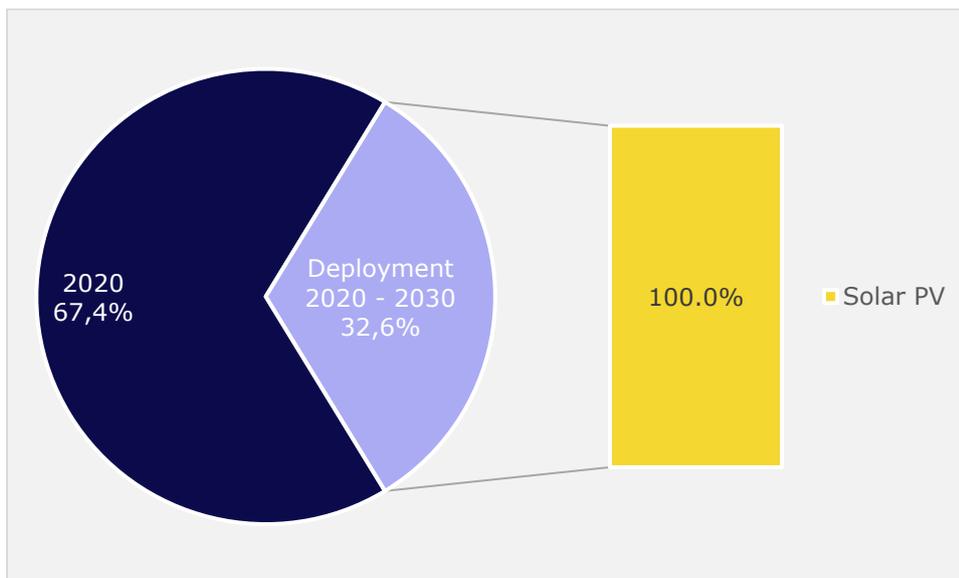


Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

## 2. Administrative and grid connection procedure

### 2.1. Relevant process steps

The first step towards the realisation of a solar PV project is choosing a suitable location for it. Site selection can pose an obstacle as lack of space is a serious issue in Malta due to the dense population and small size of the country. Naturally, the issue is especially prominent for ground-mounted PV, however, due to high population density even in the case of rooftop PV, site selection can increasingly be complicated in some instances due to shadowing. Following that, administrative authorisation procedure with the Planning Authority is needed. Planning authorisation is very simple when it comes to most rooftop PV projects and more complex for ground-mounted PV.

Following that, one proceeds to the Regulator for Energy and Water Services for a two-stage process, for obtaining a feed-in tariff confirmation as well as a notification or authorisation of electricity generation. After the initial authorisation by the Regulator (stage one), one proceeds to Enemalta (DSO) for processing an application for grid connection. After the approval ('No objection' document) from Enemalta, the second stage of authorisation at the Regulator follows for obtaining final confirmation of the feed-in tariff, obtaining regulatory clearance and obtaining an electricity generation licence (if that is needed). After that, one applies to Arms Ltd (subsidiary of Enemalta) to be finally connected to the grid. For installations not benefitting from the feed-in tariff, the procedure can be carried out in a single stage.

All in all, three main different authorities are involved in the process: The Planning Authority, the Regulator for Energy and Water Services (Regulator) and the DSO Enemalta (and its subsidiary, Arms Ltd).

### **2.1.1. Site selection**

#### **Process flow**

Site selection is the first step towards a renewable energy project in Malta and one that can in principle cause a number of obstacles, due to the small size and lack of sites for solar energy development.

Most PV installations are installed on rooftops, in which case, the site selection is in most cases trivial. As for large scale installations (ground mounted PV), these need to follow the Solar Farm Policy (published by the Planning Authority) and which guides development of PV installations towards specific brown field sites and away from green field or pristine sites (Lauri, 2017).

More precisely, the Solar Farm Policy of Malta, approved in October 2017, identifies preferred locations and exclusion zones for solar energy development. According to the Solar Farm Policy, preferred locations for solar farms (referring to installations with a footprint larger than 1000 square metres, usually unrelated to residential development) are the following:

- Large scale roof tops within appropriate zones
- Large open spaces within appropriate zones, where dual use of the site is reasonably feasible
- Areas specifically designated for development in strategic or subsidiary land use planning policies, including Areas of Containment (AoC's), garage industry sites and Small and Medium Enterprise (SME) sites
- Other sites within areas accommodating industrial activities, such as construction plants
- Officially disused landfills
- All quarries which are not located within, or partly within or adjacent to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and which are currently operational, inactive or disused.

Solar energy development is not allowed on the following areas:

- Open countryside
- Protected or scenic areas or other evidently sensitive locations (e.g., Scheduled areas and the natural coast)

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- Natura 2000 sites
- Sites where evidence shows that the site or part thereof was ever registered as agricultural land
- Steep sloping sites
- Garrigue (*xagħri*) and maquis
- Valleys
- Afforested areas
- Areas of Archaeological, Cultural or Scientific interest
- Ridge edges, or sites with considerable breaks of slope
- Sites where the intervention cannot be realistically accommodated without necessitating major-impact interventions such as: substantial removal of mature natural vegetation/trees, dismantling of old rubble walls (*ħitan tas-sejjeġħ*), reprofiling of terraced fields, or substantial topographic re-engineering works
- Sites where significant infrastructural works are required to connect the installation to the grid.

Overall, that means that there persists a lack of suitable sites for solar energy development. In words of a stakeholder, in essence, it is only possible to talk about three main areas for PV development: 1. Rooftops, 2. Quarries and 3. Places that could still be developed or built. The latter is virtually useless, as due to lack of space, people would rather build it for housing or for commercial activities instead of building PV. There is one loophole: greenhouses. As farmers are allowed to put PV panels on greenhouses or animal sheds, this scheme has been realised by PV energy developers in the recent years as a relatively untapped location for PV energy development, even up to 1 MW developments. It should be noted that the electricity generated can also be sold to the grid and does not solely have to be limited to self-consumption on the farm (Mule‘Stagno, 2021).

Due to space issues, a majority of PV installations in Malta are erected on residential houses by households. Currently, there is still potential for ca 50-100 MWp (possibly even more) to be installed on rooftops (Mule‘Stagno, 2021).

As site selection for PV installations is very much regulated in Malta, overall, the procedure can be described as transparent as there is little room for interpretation.

## Deadlines

There are no official deadlines for this process step.

## Detected barriers

**Space limitations impede especially large-scale RES development.** Due to Malta being a very small and densely populated country, there is lack of space for solar energy development. From the beginning of the support scheme for PV, it was designed in a way to support rooftop PV rather than ground-mounted PV (Public sector stakeholder, 2021). Allowed locations for solar energy development are very much limited by the Solar Farm Policy. That can be seen as one of the most severe barriers to solar energy development in the country, especially for large-scale installations (Mule‘Stagno, 2021).

**High rent prices of land (quarries).** Directly connected to the space limitations in the country, one area where solar energy development is allowed are quarries (currently operational, inactive or disused). Project developers normally rent quarries for PV development, however, due to lack of space the rent prices can be substantial. According

to a stakeholder, rent prices can be even 5-10 times higher in comparison to similar areas in mainland Europe (Mule'Stagno 2021). According to the Maltese NECP, disused quarries earmarked for solar farms are usually rented at rates in the region of EUR 5 per square metre per year. However, areas (incl. rooftops) within industrial zones can have much higher rental rates (NECP, 2019).

**Shadowing an increasing issue for rooftop PV development.** Due to growing population in Malta and lack of space, there is increased demand for accommodation and planning policies are encouraging redevelopment of two- or three-storey buildings into multi-storey apartment blocks (RNP, 2020). However, that can lead to an increase in the frequency and depth of shadowing of the rooftops, thereby reducing the number of buildings which otherwise could be considered suitable for rooftop PV, as higher housing in the neighbourhood might shadow its neighbours rooftops (Mule'Stagno, 2021).

### Identified good practice

No good practice related to this process step was identified.

## 2.1.2. Electricity production licence

### Process flow

The relevant authority for this process step is the Regulator for Energy and Water Services (REWS). Any electricity generation station in Malta has to comply with the Electricity Market Regulations S.L. 545. 13.

The electricity production regulatory permitting process in Malta for PV installations with capacities up to 16Amps/phase differs depending on whether there is a request for support and in the absence of a request for support it is a simpler one stage notification process. With support requested, the process takes place in two stages.

In the case of renewable energy installations with capacity larger than 16Amps per phase the process consists of two stages irrespective of whether support is involved. In the first stage the applicant is issued with an authorisation to construct which requires a no objection from the DSO and the second stage after construction the applicant requires a licence to generate electricity (REWS, n.d.b; REWS, n.d.e). *PV systems not benefitting from the feed-in tariff (FiT)*

The Electricity Market Regulations provide for the following procedure for electricity generation stations that are not intended to receive a financial support under the feed-in tariff (FiT) scheme:

1. Electricity generating stations equal or below 16 Amps per phase are to be notified to the Regulator - REWS (Notification)

In the notification, information and contact details from the owner, type of building and the exact address where the PV system is installed, are asked. In the second part, a warranted electrical engineer has to provide technical information about the PV installations, such as the maximum A.C. current, how the PV system will be connected (except in the case of off-grid), the maximum A.C. power in kW which will be generated by the system being applied for, etc. (REWS, n.d.b)

2. Electricity generating stations exceeding 16 Amps per phase require an authorisation prior to its construction and an electricity generation licence once such generating station has been constructed (Authorisation).

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Both the authorisation and the electricity generation licence are issued by REWS (REWS, n.d.b).

### *PV systems benefitting from the feed-in tariff (FiT)*

In case anyone wants to install a solar PV installation and also benefit from a FiT, the process is slightly longer and proceeds in two main stages. In the first stage the applicant is allocated a feed-in tariff. In the case of PV systems larger than 16Amps per phase the applicant is issued with an Authorisation (DSO details letter) and has to proceed to obtain a "No objection" from the DSO Enemalta. In all cases the applicant has to submit the Part 2 application to obtain final approval of the feed-in tariff. At Stage 2 PV systems larger than 16 Amps per phase would also be issued with a licence to generate electricity.

PV systems up to 16 Amps per phase do not require an authorisation/licence and a no objection from Enemalta and if no feed-in tariff is involved, PV systems up to 16 Amps/phase require only to notify the Regulator (REWS), which is a one stage procedure (REWS, n.d.c; REWS, n.d.e). The whole procedure at more length has been described in the section 2.1.3.

According to a stakeholder, the staffing of authority is sufficient (Lauri, 2021).

### **Deadlines**

No specific period for completion of the procedure is established by law. According to the REWS website, generally, applications are processed within 10 days provided that no clarifications and/or site inspection are required (REWS, n.d.b).

Furthermore, REWS has the right to submit a clarification request in case of an incomplete application for the electricity generation licence or notification of renewable energy generation station. In both cases, the application will be considered void if clarifications are not responded to within 10 working days from the date of REWS's clarification request (REWS, n.d.a; REWS n.d.d).

However, normally, the average time for the issue of a generation licence by the REWS is 5 days (Lauri, 2021).

### **Detected barriers**

No barriers related to this process step were identified.

### **Identified good practice**

No good practice related to this process was identified.

## **2.1.3. Administrative authorisation**

### **Process flow**

Under this section, two components of administrative authorisation have been described: (1) planning permitting at the Planning Authority and (2) authorisation to benefit from the feed-in tariff as well as obtain authorisation for electricity generation (as these two are combined) at REWS.

### ***(Spatial) planning***

The length and level of detail of the administrative authorisation process related to planning in Malta varies depending on both PV installation size and location, with a difference between ground-mounted PV and rooftop PV.

It is more likely that a ground-mounted system would need to undergo a more demanding permitting process unless it lies within an industrial zone (Lauri, 2021).

Overall, the competent authority for planning side of administrative authorisation is the Planning Authority of Malta. According to the stakeholders interviewed, normally, this step is not seen as a large barrier in terms of administrative burden (Mule'Stagno, 2021), which can be attributed to the fact that as preferred as well as forbidden site locations suitable for PV development have been already very clearly defined and there is little room for interpretation.

Solar Farms Policy 2017 indicates that solar panels can be installed under the development notification order (DNO) in the following situations, irrespective of the footprint they occupy:

- Any PV installation in industrial zones whether ground mounted or not;
- Any roof-mounted PV installation in the Development Zone (Lauri, 2021).

In comparison to other planning regulations, DNO is faster and simpler.

### **Rooftop PV**

Planning regulations for rooftop PV projects are easier than for PV ground-mounted. Overall, a person wanting to install a PV panel on the rooftop just has to comply with the guidance of the Planning Authority. In the case of an ODZ (Outside Development Zones) location, full development permit is required.

For rooftop PV, as indicated earlier, DNO application type at the Planning Authority is relevant. Generally, as placing of PV panels falls under the minor works category of the DNO, no form of notification to the Authority is needed. In the case of scheduled buildings or older buildings which have conservation value, certain height restrictions apply (Planning Authority, n.d.; Development Notification Order S.L. 552.08. 5(01), 5(03), Schedule 1)

The DNO of 2016 includes the condition that when located on scheduled buildings or buildings older than seventy-five years which the Authority deems to have conservation value, the permitted development has to be located within the envelope of the building or at roof level, not exceeding the height of the parapet wall, but not on top of a roof structure (Lauri, 2021).

Most houses in Malta have flat roofs and a so-called roof room. If one wants to install PV panels on the roof (which is usually covered by low lying walls from three sides), the panels are almost invisible from the street. However, if the PV panels are installed on the roof room, they are visible from the street, as there is no wall guarding them, therefore the rule is that PV panels at roof rooms have to be installed at a low angle (e.g., ca 5 degrees), which is a regulation from the Planning Authority (Mule'Stagno, 2021).

### **Ground-mounted PV**

For ground-mounted PV projects, Full Development Application (Full Process) needs to be submitted to the Planning Authority. This type of application is the most detailed planning process and includes a 30-day period during which the public can make a submission and become a registered objector. More so, the application is referred to 11 external

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consultees for feedback from their end. A full development application has to be determined within a maximum of a 100 days from the date of validation (Planning Authority, n.d).

*Benefitting from FiT and obtaining authorisation for electricity generation (Combined application)*

In case anyone wants to install a solar PV installation and also benefit from a FiT, the process is slightly longer than in the case of not applying for FiT and proceeds in two main stages:

*Stage I*

Anyone wishing to install a PV installation and benefit from FiT needs to apply to REWS before installing the PV installation. The application needs to be submitted before taking any commitments in relation to the purchase of the installation. One needs to submit an application *Part 1 PV operating aid*, which combines both the request for the allocation of FiT and the application for an authorisation/notification process required by Electricity Market Regulations S.L. 545.13.

Differentiation is made between systems rated up to 16 Amps per phase (smaller systems) and larger systems:

1. For smaller systems, the Part I of the process ends with issuing a 'FiT confirmation letter' confirming the allocation of a FiT by the REWS.
2. For larger systems, Part I ends with issuing an authorisation to install the PV installations, which includes a 'Details to DSO' letter. That means REWS issues Instructions and reference to DSO with an Authorisation with the provision that the DSO has no objection. Applicant has to apply at DSO (Enemalta Plc) for a 'No Objection' with a provided document of technical details. More details about that have been provided under section 2.1.4.

*Stage II*

After obtaining a 'No objection' confirmation from the DSO, the applicant can proceed to actually installing the PV installation (the 'No objection' confirmation is only required for larger installations, i.e., installations larger than 16 Amps per phase). Anyone allocated FiT through the Part I process has to apply again to REWS, using form entitled *Part 2 Operating Aid*. That is necessary for:

- Obtaining a final confirmation of the allocated FiT
- Obtaining a regulatory clearance
- Obtaining a licence to generate electricity, which is required for installations rated above 16 Amps per phase (REWS, n.d.c; REWS, n.d.e).

The authorisation of electricity generation licence for PV installations which are not intended to benefit from feed-in tariff has been described under the section 2.1.2 'Electricity Production Licence'.

According to a stakeholder, the staffing of authorities is enough (Lauri, 2021).

## **Deadlines**

As for planning, regarding Full Development Application which is required for ground-mounted PV projects, the application must be determined within a maximum of 100 days from the date of validation (Planning Authority, n.d.).

As for administrative authorisation for installations planned to benefit from FiT, no specific period for completion of the procedure by REWS is established by law. Generally, an application is processed within 10 days provided that no clarifications and/or site inspection are required (REWS, n.d.c).

## Detected barriers

**Two-stage procedure for installations intended to benefit from FiT.** The two-stage procedure for the approval of a feed-in tariff to REWS can be seen as an issue by some as it has led to higher complexity of the administrative procedure. Prior to 2015 (the entry into force of the State Aid guidelines), there was simplified, only one-stage procedure for small installations. However, now even smaller installations (those below 16 Amps per phase) have to go through the two-stage approval process. This barrier is only valid for installations benefitting from FiT (RNP 2020; Public sector stakeholder, 2021).

**Lack of transparency regarding feed-in tariffs schedule.** According to a stakeholder, large scale developers often complain about feed-in tariffs (aimed at installations below 1 MW). In that case, there is a fixed tariff and for a fixed period of time, the government has allocated a certain amount of money. If that amount runs out, the government has to allocate another tranche. However, in some case, the allocation of a new tranche can take months or weeks: in that case, the developer would have to wait for the feed-in tariff to be 'on' again. It would be advisable for the government to plan and announce the schedule more in advance (Mule'Stagno, 2021).

## Identified good practice

**Lack of conflicts between environmental NGOs and solar energy developers.** In Malta, unlike in some other European countries, there is lack of conflicts between environmentalists and solar energy developers. This can be attributed to two main factors. First, due to space limitation, locations where solar energy development in Malta is allowed, are already very limited, as explained in more detail under section 2.1.1. That means that it is almost impossible for solar energy development to take place in an area which would otherwise have environmental or biodiversity value. According to a stakeholder, the conflicts have been kept to a minimum given that installations were largely limited to rooftops and specific brown field sites in line with the solar farm policy (Lauri, 2021).

Second, environmental NGOs in Malta generally recognise the value that deployment of renewable energy brings in terms of reducing greenhouse gas emissions and are thereby supportive of it (Mule'Stagno, 2021).

**Simplified procedure for some PV installations.** PV installations in industrial zones and any rooftop PV installation within the Development Zone are subject to a simplified planning process (Lauri, 2021).

### 2.1.4. Grid connection permit

#### Process flow

In Malta, connecting a renewable energy generator to the grid is a process step very much intertwined with obtaining a written approval from REWS, which has been described at length under sections 2.1.2 and 2.1.3.

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After REWS has evaluated the Authorisation applications or the feed-in tariff form and has issued an authorisation to construct the installation (pending 'No objection' letter), the client submits information about the system to Enemalta (DSO).

For any system greater than 16 Amps per phase, a 'No objection' document from Enemalta is also needed. To provide this document, Enemalta will conduct a grid connection study. Cost for the grid connection study depends on the size of the installations. If the grid connection study is required, it is performed by the Network Planning and Operations of Enemalta. Generally, the grid connection study takes up to 10 working days. However, proposals for systems of very large generating capacity and/or situated in areas that are not well covered by the grid might need detailed studies that take longer than 10 working days. Then, Enemalta will provide necessary feedback and/or the 'No objection' document. Following that, the PV developer can turn again to REWS for the second stage of the authorisation process as described in section 2.1.2. (Enemalta, June 2018).

The minimum total duration of the processing time of application for grid connection at Enemalta, excluding client time, is 16 working days. The maximum total duration is 36 working days (with exceptions for installations which might need more detailed grid connection studies) (ibid.).

The process is simplified for small-scale devices as RES installations below 16 Amps per phase can skip the above phase of getting a 'No objection' document.

After REWS has issued a 'Regulatory clearance' with applicable FiT (Stage 2 of the energy generation licence procedure), the PV developer applies at Arms Ltd (subsidiary of Enemalta) for a PV meter or additional capacity and actual connection to the grid (ibid.).

### Deadlines

The minimum total duration of the processing time of application for grid connection at Enemalta, excluding client time, is 16 working days. The maximum total duration is 36 working days (with exceptions for installations which might need more detailed grid connection studies) (Enemalta, June 2018).

### Detected barriers

**Cost of network upgrades.** PV installations exceeding 16A/phase are required to request a study from the DSO to evaluate the influence of the generating system on the electricity grid. Following the grid connection study, the DSO will either approve the connection to the grid, or otherwise, the DSO will show the applicant alternative network upgrade requirements. The required additional cost for the network upgrades may sometimes make the project financially not viable. That means that whereas the grid study in itself is not a barrier, if new connection or network upgrade is required, that can in some instances pose a barrier to development, as these costs are borne by the developer (Lauri, 2021). For instance, the cost of constructing a substation were estimated by the stakeholders to be between EUR 50,000 and EUR 100,000 (Mule'Stagno, 2021; Public sector stakeholder, 2021). Building the grid cable to the nearest connection point can also be a significant financial burden for the developer. The DSO also sets out how building the cable needs to be done, e.g., setting out regulations for waterproofing etc, which adds to the cost. A stakeholder puts an estimate to building the cable at EUR 30,000-50,000 per 100 metres (Mule'Stagno, 2021). It is possible that the problem might worsen in the future.

**Maximum amount one can install on single phase limits development.** For grid stability, Enemalta sets the maximum capacity one can install. According to a stakeholder, on single phase, the maximum capacity is about 3.5-4 kWp. Many people could install more, however, to do so, they would have to get three phase electricity supply. In that case, the administrative fee can be nearly EUR 1000, plus the monthly electricity rent triples, which means that this is often not a financial option and one is limited to the upper limit one can export. However, this only poses an issue to larger houses (Mule'Stagno, 2021).

### Identified good practice

No good practice related to this process step was identified.

## 3. Use of IT systems

In Malta, digital platforms are used for handling documentation in some process steps described above, whereas in the case of some process steps all documentation has to be handled in paper.

The main digital platforms or websites used are as follows, described per authority:

### Regulator for Energy and Water Services

Normally, all documentation to REWS has to be submitted in paper.

An update from 25 February 2021 sets that due to the Covid-19 pandemic, a special email submission has been set up at REWS where the feed-in tariff application and related documentation has to be sent in scanned PDF format (REWS, February 2021). However, it is unclear for how long is the email submission foreseen.

### Planning Authority

The Planning Authority has an eApplications system<sup>1</sup> in place where applications can be submitted and all submissions must be made through that portal.

## 4. Complaint procedure

In Malta, the appeal process against administrative decisions related to the renewable energy project implementation follows the Administrative Justice Act. A person who wants to appeal an administrative decision can go to the Administrative Review Tribunal.

As for the more detailed procedure, according to article 490 of Administrative Justice Act, proceedings before the Administrative Review Tribunal are commenced by the filing of an appeal, which among other things contains the cause of the claim, the claim/s, statement of facts, as well as the remedy being requested, with costs against the public administration (section 15(2)).

Following that, the appeal is submitted to the public administration no later than 5 working days from its date of filing. Then, the public administration has to file the reply within 20 days from the date of receiving the appeal, unless it intends to admit the claim.

When the public administration intends to admit the claim, it has to file a note to that effect. Once the applicant declares, by means of a note filed within 20 days from receiving public administration's admission of claim, that s/he is satisfied with the

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<sup>1</sup> <https://eapps.pa.org.mt/Account/Login?ReturnUrl=%2fAccount%2fWelcome>

remedy granted by the public administration, the Administrative Review Tribunal abstains from taking further cognizance of the case. However, if the applicant is not satisfied with the remedy granted by the respondent, whether in full or in part, or if the public administration intends to contest the claim wholly and unconditionally, the public administration shall file a reasoned reply. In case of such contestation, the Tribunal appoints the case for hearing (art. 490 sec. 15 Administrative Justice Act).

The Tribunal is a first instance court. Any party to the proceedings before the Tribunal who feels aggrieved by a decision of the said Tribunal may appeal to the Court of Appeal sitting either in its superior or its inferior jurisdiction. The competent Court of Appeal for an appeal is set out in the Administrative Justice Act (art. 490 sec. 22).

The process is slightly different in the case of grid connection permit. As specified in the in the Dispute Resolution (Procedures) Regulations (S.L.545.30), if someone wants to issue a complaint against the DSO Enemalta, is it possible to submit it for a dispute resolution to REWS. An appeal from a decision of REWS made under the Dispute Resolution (Procedures) Regulations can be made to the Administrative Review tribunal (S.L.545.30, art. 7).

Generally, stakeholders were unable to comment on the effectiveness of the complaint procedure as appeal process against administrative decision related to renewable energy project implementation is very uncommon in Malta (Mule’Stagno, 2021; Public sector representative, 2021).

## 5. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in Malta.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	no	
National contact points and one-stop-shops	no	There is no one stop shop in Malta so far, but according to a stakeholder, they are currently organising all necessary procedures to one single platform. However, that is still in an administrative stage, with terms of reference for the platform being drafted (Public sector stakeholder, 2021).
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	yes	For smaller PV installations less than 16 Amps per phase, no 'No objection' document is needed from the DSO. That also means they are not subject to the grid connection study and thereby the procedure is simplified for them.
Pre-planning	yes	Suitable areas for solar energy development (as well as exclusion zones) have been specified in the Solar Farm Policy (see section 2.1.1. 'Site Selection').
Pre-application consultation	no	
Project acceptance measures	no	

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Measures to streamline litigation by third parties	no	
Other	no	

## 6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Malta.

*Table 3: Performance indicators to assess administrative and grid connection processes*

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	A few weeks (Mule’Stagno, 2021).
Process duration	<p>Process duration varies significantly between rooftop PV and ground-mounted PV. For rooftop PV, it can be a few weeks. For ground-mounted PV in the case of larger systems (500 kW and more), at least a year (Mule’Stagno, 2021).</p> <p>Normally, the average time for the issue of a generation licence by the REWS is 5 days. There are no statutory deadlines for the grid connection procedures. The average time for the DSO to connect PV systems with a capacity less than 41 kWp was 10.9 days. It should be noted that more than 98% of the PV systems newly connected to the distribution system during the year 2019 have a capacity of 41 kWp or less (Lauri, 2021).</p>
Project approval rates	Nearly all projects that are within the required (e.g., site selection) parameters, are approved (Mule’Stagno, 2021).
Costs of administrative processes	<p>Cost of administrative processes can vary according to the project size and location. Actual administrative costs are a few thousand euros. However, if a project requires a grid connection study, the cost of the study will be added to the administrative costs. In case the grid connection study sets that the fortification to the grid is required or, for instance, a substation needs to be constructed, the costs can be significantly higher. For instance, the cost of a substation was estimated by stakeholders at approx. EUR 50,000-100,000 (Mule’Stagno, 2021; Public sector stakeholder, 2021).</p> <p>In the case of applications for feed-in tariff for PV systems with capacity of 40 kWp or more, an application fee of EUR 50 is applicable. Otherwise, the REWS does not charge any fees related to the authorisation or licencing process (Lauri, 2021).</p>
Share of permits that are legally challenged	Stakeholders interviewed had no information as the share of permits legally challenged is very low, if at all done (Mule’Stagno, 2021; Public sector stakeholder, 2021).
Share of legal challenges that are overruled	N.A.
Stakeholder interests	N.A.

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