



GOVERNMENT OF MALTA

Government response to the Consultation on (*Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021*)

26th November 2021

*Ministry for Energy, Enterprise, and Sustainable Development
Quarry Wharf, Valletta*

This publication (excluding Logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. This material must be acknowledged as Government of Malta and the title of the publication specified.

Any queries regarding this publication should be sent at: onlineconsultations@gov.mt

Published by the Ministry of (*Ministry for Energy, Enterprise, and Sustainable Development*)

Contents

CONTENTS

Contents	3
Executive Summary	4
Introduction and overview	4
Responses to the consultation and process used to seek stakeholder views	5
Summary of responses and decisions.....	5
Implementation	10
Contact Details.....	11
Annex A: List of respondents (<i>optional</i>)	11

Executive Summary

Introduction and overview

1. A brief introduction about the subject.

The electrification of transportation is at the heart of the Government policy for decarbonisation of road transportation with various initiatives being taken to increase the uptake of such vehicles. The National policy for electric vehicles public charging infrastructure emphasises the importance of the

- availability of publicly accessible charging points for the transition to electric vehicles. The provisions of Directive 2014/94/EU related to electric vehicle charging are transposed by the Alternative Fuels Order (S.L.460.32) and the Electricity Regulations, 2021. The proposed Publicly Accessible Electric Vehicle Charging Infrastructure Regulations aim to provide a holistic framework for the operation of publicly accessible electric vehicle charging infrastructure. The aim is to regulate the publicly accessible charging infrastructure to ensure that the EV users are provided with the required level of service. The proposed regulations introduce
- the requirement of an authorisation issued by the Regulator for Energy and Water Services for the operation of publicly accessible charging infrastructure. Any person wishing to act as an operator of publicly accessible charging infrastructure would need to obtain this authorisation and then will be obliged to register each charging point once installed.
- provisions concerning the electrical safety of the infrastructure, grid connection, metering, pricing, price display and data exchange.
- provisions for ad hoc charging without the need of a contract, in line with Directive 2014/94/EU.
- provisions for the possibility of having in place contract-based charging arrangements, in line with the requirements of Directive 2014/94/EU.
- provisions for operators of publicly accessible charging points to offer roaming charging to users having a contract with other or different EV charging providers.

A public consultation on the proposed Publicly Accessible Electric Vehicle Charging Infrastructure Regulations was launched in August 2021 in conjunction with a public consultation on the National Policy for Electric Vehicle Public Charging Infrastructure.

2. The public consultation dates.

Include the objective and purpose of the public consultation.

On the 25 August 2021, the Ministry for Energy, Enterprise, and Sustainable Development launched a consultation on the proposed Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021. The objective and purpose of the consultation was to obtain the feedback of the general public on the proposed regulations.

3. This consultation sought views on:

On the proposed Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021.

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback? The total amount of responses. From whom you received the feedback.

The consultation closed on 22 September 2021. The consultation document and submissions were to be sent by email to chargingpillars.mesd@gov.mt. In total, there were 6 responses. These were received from across the industry including car dealers, electromobility technology providers and business associations. Responses were also received from the Environment and Resources Authority (ERA). A list of respondents can be found at Annex A

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

MESD held a public meeting to launch the consultation on 25th August 2021.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 6
- Total feedback received by individuals: 0
- Total feedback received by organisations: 6
- Total feedback received through email: 6
- Total feedback received through online form: not applicable
- Total feedback received by post: 0

7. Summary of responses and decisions

None of the 6 respondents were against the principles introduced by the regulations. The following is a summary of the responses received on a number of provisions of the proposed Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021:

i. Regulation 2-Scope

- One respondent commented that the rating of the charging points excluded from the scope in Regulation 2 should be aligned with the exclusions in the definition of “normal power recharging point”, in Regulation 3.

Assessment & decision

Definition of “normal power recharging point is the same definition in the Alternative Fuel Order (LN 413 of 2017). The exclusions in Regulation 2 have been aligned with this definition.

ii. Regulation 3-Definitions

- ERA suggested that the regulations should include in full the definition of Environment listed in the Environment Protection Act (Cap. 549).

Assessment & decision

A definition for environment which refers to the definition in Environment Protection Act Cap.(549) has been included in regulation 2. It is not prudent to reproduce the definition in the present act in the case this is changed in the future.

- One respondent commented that Regulation 3 defines “roaming charging” but the wording in the definition focuses on interoperability more than roaming charging itself. The result of this is that it is not clear what roaming charging refers to exactly

Assessment & decision

It is not deemed necessary enter into more details as to how roaming charging would operate since the objective of the regulations is to set the general principles to be followed by operators.

iii. Regulation 3- Authorisation to act as an operator of publicly accessible charging infrastructure.

- Two respondents suggested that the authorisation fees should be lower for ultra-fast chargers to encourage the uptake of these type of chargers.

Assessment & decision

This suggestion was not taken on board since the fees reflect the expected cost of regulating the sector and this cost does not change with the type of charging point. The fee is not expected to impact the choice of investment.

- One respondent commented that the six months timeframe for the granting of an authorisation appears too long.

Assessment & decision

Six months is the maximum timeframe for the issue of the authorisation, but if no problems are encountered in the processing of the application the timeframes are expected to be shorter. No changes are deemed necessary.

- One respondent that more clarity is needed on the authorization fee payment process

Assessment & decision

Any person wishing to act as an operator of publicly accessible charging infrastructure would obtain the authorisation and then will be obliged to register each charging point once installed. The authorisation term will be tied with the authorisation issue date and not with the date of registration of the individual charging point(s).

Sub-regulation 4(4) authorisation validity changed to 12 years to align with the 3 years renewal for charging points.

Regulation 4(9) has been amended to make it clear that a renewal application fee of 500 Euros

The fees applicable for the charging points registered after the date of the granting of the authorisation shall be calculated pro rata and in terms Any person wishing to act as an operator of publicly accessible charging infrastructure would obtain the authorisation and then will be obliged to register each charging point once installed. The authorisation term will be tied with the authorisation issue date and not with the date of registration of the individual charging point(s).

Sub-regulation 4(4) authorisation validity changed to 12 years to align with the 3 years renewal for charging points.

Regulation 4(9) has been amended to make it clear that a renewal application fee of 500 Euros

The fees applicable for the charging points registered after the date of the granting of the authorisation shall be calculated pro rata and in terms of the duration of the authorisation i.e., three years.

Sub-regulations 4(11) and 4(12) have been amended to provide more clarity.

Sub-regulation 4(12) has been amended to clarify that at the time of first registration authorisation fees for the charging points would be calculated pro rata so that authorisation term of the charging points will be tied with the authorisation issue date and not with the date of registration of the individual charging point(s).

iv. Regulation 5-Granting of an authorisation

- One respondent commented the Regulator should base all its decisions, be they in procedures for determining an application and in regulating authorised operators on justified, objective, transparent, non-discriminatory, and proportionate criteria. Regulation 5(2) is deemed to give a very wide leeway to the Regulator to consider matters, some of which are not within its area of competence or expertise. This makes the adoption of the suggested criteria in 5(1) above even more important

Assessment & decision

This is deemed to be a valid comment since it is not the role of the Regulator to ensure that requirements of other regulators are complied with, and in the application for an authorisation/renewal the applicant will be required to declare that he has/shall obtain all the necessary regulatory clearances and/or permits.

- ERA commented that in regulation 5(2) which concerns the criteria that the Regulator may consider when issuing the authorisation, the word may consider should be replaced by shall consider

Assessment & decision

It is deemed that the appropriate wording should be “may” given that there may be a situation where the Regulator may have to take heed of other competent regulators’ positions. However, this may not always be applicable. No change to the regulations.

- ERA recommended that with regard to the granting of authorisations there should be explicit provisions for the inclusion of any conditions that may be deemed appropriate in order to prevent or mitigate environmental impacts.

Assessment & decision

This is a siting issue which is not within the Regulator’s remit, as it will not decide the number and/or siting of charging pillars, this is a planning issue.

v. Regulation 11-Metering

- One respondent suggested that metering device inside the charging stations, should comply with Directive 2014/32/UE.

Assessment & decision

The Regulations require compliance with the local regulations that transpose this Directive 2014/32/UE instead and this is deemed to be appropriate.

vi. Regulation 12-Data exchange and supervision

- One respondent suggested the inclusion of certain standards for data exchange between the charging units and EV vehicles and charging units and back-end systems.

Assessment & decision

Following the comments from the stakeholders and also in line with the National Policy for Electric Vehicle Public Charging Infrastructure and in order to encourage harmonisation in the sector, sub-regulation 12(5) has been introduced obligating charging pillar operators to use Open Charge Point Protocol for communication between charging point back-end and charging point management system and the Open Charge Point Interface to enable EV charging services including roaming services.

- Two respondents commented that regulations should detail what is required from charging operators in terms of assistance/support to EV charging customers.

Assessment & decision

It is deemed that details concerning the level of service should be introduced as authorisation conditions and not in the regulations. No change in the regulations

vii. Regulation 13-Ad hoc charging

- One respondent suggested some webpage-based payment methods

Assessment & decision

Regulation 13 already provides for the use of web page-based payment however paragraph a of sub-regulation 13(1) now includes contactless card-based payment as a method of payment for ad hoc charging.

viii. Regulation 14- Charging on a contractual basis

- ERA recommended that there should be one centralized interoperability platform is set up instead of a platform for each operator.

Assessment & decision

This is something to aim for however it is deemed to be premature to include as an obligation in the regulations

- Two respondents commented that regulations emphasis that EV owner that are signed to a contract should be able to connect with any charging station not just with the one they are in contract. Clarity needs to be provided on questions such as who will pay for the service, who will oversee the customer data, how will the premium fee be shared with the operator if the user is on a contract and more.

Assessment & decision

EV owner that are signed to a contract would be able to connect with any charging station through the contract if the CPO provides for the possibility for a roaming arrangement. Otherwise, the EV owner may use the Ad Hoc charging option in accordance with regulation 12.

The fees for the use of the charging point (excluding the electricity component) are not regulated however it is understood that MCCAA would have competence to investigate abuse ex post. Regarding customer data charging pillar operators are bound by the provisions of GDPR

- One respondent commented that the operators of interoperability platforms should operate under an authorisation from the Regulator.

Assessment & decision

The regulations provide for authorisation of charging infrastructure operators only for the time being. This may be regulated in the future is so required.

ix. Regulation 15- Price Transparency

- One respondent commented that the provisions concerning the parameters that may be covered by the premium are too restrictive and that prices should be determined by the market. On the other hand, ERA suggested that the premium should be regulated since different premium rates could potentially cause an increase in travelling distance. Another respondent suggested that there should be preferential rates for Gozo. There were different opinions regarding the tariff components to be displayed to EV charging points users.

Assessment & decision

The main objective of sub-regulation 15(2) is to ensure that the electricity component (which is regulated) is clearly distinguished from any other charges and the premium to be charged by the CPO (excluding the electricity component) will not be regulated and shall beset by the market.

To also note regulation 5(3) of the Alternative fuels Order, 2017 5(3) The prices charged by the operators of recharging points accessible to the public shall be reasonable, easily and clearly comparable, transparent and non-discriminatory.

There is nothing in the regulations that imposes any type of cap on profits or excludes the possibility of the introduction of time differentiated tariffs or premia.

Sub-regulation 15(2) and 15(3) were amended to provide more clarity.

Regulation 16- Standards

- One respondent suggested the inclusion of another connector standard in the regulations.

Assessment & decision

The regulations set the minimum requirements and in line with the Alternative Fuels Order 2017. This does not hinder charging infrastructure operators from catering also for other types of connectors.

Additional feedback

- The regulations should include provisions concerning the quality of service to be provided by charging infrastructure operators and also Enemalta to charging infrastructure operators.

Assessment & decision

A Governing Committee on public charging infrastructure was set up, bringing together a number of stakeholders in the field, as highlighted in the policy paper.

- A fully charged vehicle, especially in touristic areas, should not be allowed to use the charging point and/or station as a parking space, thus fines should be introduced, along with proper notification. Consequently, to the later, a system needs to be created whereby in case of a rented vehicle the licence operator should not be held responsible for the fines

Assessment & decision

The Government is looking into the installation of CCTV cameras which will eliminate illegal parking in EV parking bays.

8. Your assessment and the Government's decision (list the Government's decisions).

Assessment and decisions are provided for each comment in section 7.

Implementation

9. When you intend to implement the decisions

Subject to Parliamentary approval, we intend to implement this decision in 2022

Contact Details

If you have any questions regarding this response, please contact: chargingpillars.mesd@gov.mt

Annex A: List of respondents

Organisation
Environment and Resources Authority (ERA)
Debono Group
The Malta Chamber
Gozo Business Chamber
Rent-A-Car Association (RACA)
Siemens