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Prim Ministru

.....
Ministru għall-Energija, l-
Intrapriża u l-Iżvilupp
Sostenibbli

.....
President
Regolatur għas-Servizzi
tal-Energija u l-Ilma

A.L. tal-2021

ATT DWAR IR-REGOLATUR GĦAS-SERVIZZI

TAL-ENERĠIJA U L-ILMA

(KAP. 545)

**Regolamenti tal-2021 dwar l-Infrastruttura għall-Iċċargjar tal-Vetturi Elettriċi Aċċessibbli
għall-Pubbliku**

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 37(1) tal-Att dwar
ir-Regolatur għas-Servizzi tal-Energija u l-Ilma, il Ministru għall-Energija,
l-Intrapriża u l-Iżvilupp Sostenibbli, wara konsultazzjoni mar-Regolatur
għas-Servizzi tal-Energija u l-Ilma,
għamel dawn ir-regolamenti li ġejjin:-

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2021 dwar l-Infrastruttura għall-Iċċargjar tal-Vetturi Elettriċi Aċċessibbli għall-Pubbliku.

Għan.

2. Dawn ir-Regolamenti għandhom japplikaw għall-infrastruttura tal-iċċargjar tal-vetturi elettriċi aċċessibbli għall-pubbliku, esklużi apparat tal-iċċargjar mingħajr fili jew ta' induzzjoni, apparat għall-iskambju tal-batterija u infrastrutturi ddedikati esklussivament għall-iċċargjar ta' karożzi tal-linja u kowċis, kif ukoll dawk il-punti tal-iċċargjar li l-qawwa massima tal-iċċargjar tagħhom ma taqbiżx t-3 kW.

Tifsiriet.

Kap.545.

3. (1) Kemm-il darba ma jìgix stabbilit mod ieħor f'dawn ir-regolamenti, għandhom japplikaw it-tifsiriet fl-Att dwar ir-Regolatur għas-Servizzi tal-Energija u l-Ilma.

(2) F'dawn ir-regolamenti, sakemm il-kuntest ma jitlobx mod ieħor:

"aċċess għall-iċċarġjar" tfisser il-proċedura li tippermetti li vettura tkun imqabnda mal-infrastruttura tal-iċċarġjar u t-trasferiment tal-enerġija meħtieġa għall-iċċarġjar;

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"l-Att" tfisser l-Att dwar ir-Regolatur għas-Servizzi tal-Energija u l-Ilma;

"iċċarġjar bir-*roaming*" tfisser l-għażla tal-utent li meta jkollu kuntratt ma' operatur tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku partikolari biex juża l-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku ta' operatur ieħor mingħajr ma jkollu kuntratt ma' dak l-operatur u billi jkollu aċċess għal servizzi ta' iċċarġjar u ta' ħlas permezz ta' pjattaforma ta' interoperabilità;

"infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku" tfisser it-tagħmir kollu, bħal *circuits* tal-provvista elettrika, stazzjonijiet tal-iċċarġjar jew punti tal-iċċarġjar, tagħmir għall-kontroll u l-immaniġġjar, u apparat li jippermetti b'mod partikolari t-trasmissjoni tad-dejta, superviżjoni, kontroll u ħlas, li huma meħtieġa għall-iċċarġjar;

"operatur tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku" jew "operatur" tfisser persuna fiżika jew ġuridika li tipprovdi servizzi tal-iċċarġjar tal-vetturi elettrici lill-utenti u li tkun responsabbli għall-manutenzjoni teknika tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku, li tiżgura d-disponibbiltà u l-operat tal-punti tal-iċċarġjar ġestiti minn dik il-persuna, tissorveljahom u tikkontrollahom, kif ukoll tipprovdi d-dejta meħtieġa għal pjattaformi elettroniċi għall-monitoraġġ u l-kontroll ta' infrastrutturi rikarikabbli meta jkun meħtieġ li jagħmlu dan;

"pjattaforma ta' interoperabilità" tfisser pjattaforma ta' *software* li permezz tagħha żewġ operaturi tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku jikkontribwixxu għall-iskjerament tar-*roaming* billi jiffaċilitaw, jiżguraw u jottimizzaw l-iskambji tad-dejta u s-servizzi tal-ħlas bejn operaturi tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku;

"provvidur awtorizzat" tfisser id-detentur ta' awtorizzazzjoni maħruġa mir-Regolatur taħt dawn ir-regolamenti li tippermetti lil dik il-persuna biex taġixxi bħala operatur ta' infrastruttura ta' iċċarġjar aċċessibbli għall-pubbliku;

"punt tal-iċċarġjar" tfisser *interface* assoċjat ma' spazju għall-parkeġġ li jagħmilha possibbli li vettura elettrika waħda tiġi iċċarġjata mill-ġdid kull darba;

"punt tal-iċċarġjar aċċessibbli għall-pubbliku" tfisser punt tal-iċċarġjar, li jipprovdi aċċess mhux diskriminatorju mal-Unjoni kollha għall-utenti. Aċċess mhux diskriminatorju jista'

jinkludi termini differenti ta' awtentikazzjoni, użu u ħlas. B'mod partikolari, dawn li ġejjin għandhom jitqiesu bħala punti ta' ċċarġjar aċċessibbli għall-pubbliku:

(a) punt tal-iċċarġjar li l-ispazju tal-parkeġġ tiegħu huwa fizikament aċċessibbli għall-pubbliku, inkluż fejn l-aċċess għall-ispazju tal-parkeġġ huwa suġġett għal awtorizzazzjoni u / jew il-ħlas ta' miżata ta' aċċess;

(b) punt tal-iċċarġjar abbinat ma' sistema ta' karożzi kondivizi u aċċessibbli għal partijiet terzi, inkluż bil-ħlas għas-servizz tal-iċċarġjar;

Dawn li ġejjin m'għandhomx jitqiesu bħala punti ta' ċċarġjar aċċessibbli għall-pubbliku:

(a) punt tal-iċċarġjar installat f'bini residenzjali privat jew f'binja esterna ta' bini residenzjali privat u riservat esklussivament għar-residenti;

(b) punt tal-iċċarġjar assenjat esklussivament għall-iċċarġjar tal-vetturi fis-servizz fl-istess entità u installat f'kumpartiment dipendenti fuq din l-entità;

(c) punt tal-iċċarġjar installat f'*workshop* ta' manutenzjoni jew tiswija mhux aċċessibbli għall-pubbliku;

"punt tal-iċċarġjar ta' qawwa għolja" tfisser punt tal-iċċarġjar li jippermetti t-trasferiment ta' elettriku għal vettura elettrika b'qawwa ta' aktar minn 22kW;

"punt tal-iċċarġjar tal-enerġija normali" tfisser punt tal-iċċarġjar li jippermetti t-trasferiment tal-elettriku għal vettura elettrika b'qawwa inqas minn jew daqs 22kW, esklużi apparat b'qawwa inqas minn jew daqs 3.7 kW, li huma installati fid-djar privati jew li l-iskop primarju tagħhom mhuwex li jiċċarġjaw vetturi elettrici, u li mhumiex aċċessibbli għall-pubbliku;

"utent" tfisser l-utent aħħari li jeħtieġ li jiċċarġja vettura elettrika permezz ta' punt ta' ċċarġjar aċċessibbli għall-pubbliku;

"vettura elettrika" jew "VE" tfisser vettura bil-mutur mgħammra bi *powertrain* li jkun fiha mill-inqas magna elettrika waħda mhux periferali bħala konvertitur tal-enerġija b'sistema ta' ħażna tal-enerġija elettrika li terga' tiċċarġja u li tista' tiġi ċċarġjata esternament;

B'mod partikolari, vetturi elettrici jinkludu karożzi, kif ukoll muturi, *mopeds* u roti elettrici tal-kategoriji li ġejjin:

(a) "vettura purament elettrika" tfisser vettura mgħammra b'sistema ta' sewqan, li tinkludi esklussivament muturi elettrici bħala konvertituri tal-enerġija u sistemi elettrici esklussivament rikarikabbli bħala sistemi ta' ħażna tal-enerġija;

(b) "vettura elettrika ibrida għall-iċċarġjar estern" tfisser kategorija ta' vettura elettrika ibrida li tista' tiġi ċċarġjata minn sors estern;

(c) "vettura ibrida taċ-ċellula tal-fjuwil" tfisser vettura taċ-ċellula tal-fjuwil mgħammra b'sistema ta' trasmissjoni ta' enerġija li tinkludi mill-inqas sistema waħda ta' ħażna ta' karburant u mill-inqas sistema waħda ta' ħażna elettrika rikarikabbli bħala sistema ta' ħażna elettrika;

(d) "ċiklizmu assistit (rota elettrica)" tfisser rota mgħammra b'mutur elettriku awżiljarju ta' qawwa nominali massima ta' inqas minn jew ugwali għal 250W u li l-qawwa tal-magna tiegħa meta r-rota tilhaq 'l-25 kilometru fis-siegħa;

Awtorizzazzjoni biex taġixxi bħala operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku.

4. (1) Għandha tkun meħtieġa awtorizzazzjoni biex persuna taġixxi bħala operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku.

(2) L-awtorizzazzjonijiet għandhom jinħarġu mir-Regolatur fir-rigward tal-eżekuzzjoni tal-operazzjonijiet, l-attivitajiet u l-prattiċi msemmija f'dawn ir-regolamenti u dawn għandhom jinkludu l-pattijiet u l-kondizzjonijiet għall-eżekuzzjoni ta' dawn l-operazzjonijiet, l-attivitajiet u l-prattiċi.

(3) Awtorizzazzjoni maħruġa mir-Regolatur għandha tkun bil-miktub u, sakemm ma tiġix ikkanċellata, sospiza jew revokata skond xi kondizzjoni imsemmija fiha jew skont dawn r-regolamenti, jew taħt kull liġi oħra, din għandha tibqa' fis-seħħ għal dak il-perjodu ta' żmien skond ma jiġi speċifikat fl-awtorizzazzjoni.

(4) L-awtorizzazzjonijiet sakemm ma jiġux revokati għandhom ikunu validi għal perjodu ta' għaxar (10) snin.

(5) Awtorizzazzjoni maħruġa mir-Regolatur taħt dawn ir-regolamenti m'għandhiex teżenta lill-provditur awtorizzat mir-rekwiżit li jikseb kwalunkwe awtorizzazzjoni jew permess ieħor kif jista' jkun meħtieġ taħt xi liġi oħra.

(6) Kull persuna li tixtieq taġixxi bħala operatur ta' infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għandha tissottometti applikazzjoni bil-miktub lir-Regolatur f'dik il-forma u manjiera li r-Regolatur jista' jippreskrivi. Għandu jithallas dritt ta' applikazzjoni li ma jithallasx lura ta' ħames mitt (500) euro lir-Regolatur mal-applikazzjoni għal awtorizzazzjoni.

(7) Ir-Regolatur għandu jistabbilixxi l-proċedura tiegħu għall-finijiet tad-determinazzjoni ta' applikazzjoni għall-ħruġ ta' awtorizzazzjoni biex persuna taġixxi bħala operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku.

(8) Ir-Regolatur għandu jikkomunika lill-applikant bil-miktub fi żmien raġonevoli, li m'għandux ikun ta' aktar minn sitt (6) xhur mid-data tal-irċevuta ta' applikazzjoni valida, kwalunkwe deċiżjoni meħuda dwar applikazzjoni għal awtorizzazzjoni jew applikazzjoni għat-tigdid ta' awtorizzazzjoni jew kwalunkwe raġuni valida li timpedixxi lir-Regolatur biex jasal għal deċiżjoni bħal din.

(9) Malli tiskadi, l-awtorizzazzjoni tista' tiġġedded, u applikazzjoni għat-tigdid ta' awtorizzazzjoni għandha tiġi sottomessa bil-miktub lir-Regolatur f'dik il-forma u manjiera li jista' jeħtieġ ir-Regolatur, sitt (6) xhur qabel id-data li fiha tiskadi l-awtorizzazzjoni.

(10) Ir-Regolatur jista' jimmodifika, jemenda, jissostitwixxi, iżid jew iħassar kwalunkwe kundizzjoni ta' awtorizzazzjoni fl-awtorizzazzjoni mġedda u jżid kundizzjonijiet speċifiċi

rilevanti għal kull awtorizzazzjoni individwali kif ir-Regolatur iqis li huwa raġonevolment ġustifikat fiċ-ċirkostanzi.

(11) L-ewwel dritt ta' awtorizzazzjoni għandu jithallas mill-provditur awtorizzat fi żmien tletin (30) jum mill-għoti tal-awtorizzazzjoni u wara kull sena fl-anniversarju tal-għoti ta' tali awtorizzazzjoni jew kwalunkwe data oħra li r-Regolatur jista' raġonevolment jistabbilixxi.

(12) L-ammont tad-dritt ta' awtorizzazzjoni għal kull punt ta' ċċarġjar għandu jkun ta' ħamsa u sebgħin (75) euro u għandu jithallas lir-Regolatur kull tliet (3) snin.

(13) Jekk xi dritt ta' awtorizzazzjoni pagabbli taħt is-subregolament (12) ma jithallasx fi żmien tletin (30) jum mid-data li minnha jkun dovut il-ħlas tad-dritt ta' awtorizzazzjoni, ir-Regolatur għandu wara li jiskadi dak iż-żmien jikkomunika mal-provditur awtorizzat, li d-dritt tal-awtorizzazzjoni tiegħu ma jkunx tħallas u b'hekk jinfurmah dwar in-nuqqas tiegħu li jhallas t-tali dritt.

(14) Ir-Regolatur għandu jitqies li kkonforma mas-subregolament (13) jekk dik il-komunikazzjoni tintbagħat bil-posta rreġistrata, fl-indirizz tas-soltu jew tal-aħħar magħruf tal-provditur awtorizzat li d-dritt tal-awtorizzazzjoni tiegħu ma jkunx hekk tħallas.

(15) Jekk xi dritt ta' awtorizzazzjoni msemmi fis-subregolament (14) ma jithallasx fi żmien tletin (30) jum wara d-data li fiha l-komunikazzjoni msemmija hawn tkun intbagħtet bil-posta rreġistrata, l-awtorizzazzjoni li tirreferi għaliha ma tibqax fis-seħħ, u jekk il-persuna li lilha ngħatat tixtieq terġa' tagixxi bħala operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku hija għandha tkun meħtieġa tapplika għal awtorizzazzjoni ġdida.

(16) Meta jikkunsidra kwalunkwe applikazzjoni bħal din, ir-Regolatur jista' jqis in-nuqqas preċedenti tal-applikant li jhallas id-dritt tal-awtorizzazzjoni u ta' kwalunkwe spjegazzjoni rigward dak in-nuqqas li l-applikant jista' jissottometti lir-Regolatur.

(17) Ir-Regolatur għandu jkollu s-setgħa li jinkludi f'awtorizzazzjoni maħruġa taħt dawn ir-regolamenti kwalunkwe kondizzjonijiet li r-Regolatur iqis meħtieġa jew xierqa.

(18) L-awtorizzazzjoni għandu jkollha sett minimu ta' kondizzjonijiet ġenerali:

Izda li kondizzjonijiet speċjali jistgħu jkunu mehmuża ma' kull awtorizzazzjoni maħruġa taħt dawn ir-regolamenti.

(19) Il-provditur awtorizzat għandu f'kull ħin jikkonforma ma' dawn ir-regolamenti u mal-kondizzjonijiet tal-awtorizzazzjoni.

(20) Il-kondizzjonijiet inklużi f'awtorizzazzjoni jista' jkun fihom, izda mhux neċessarjament ikunu limitati għal, dispożizzjonijiet dwar:

(a) l-għotja u t-terminu tal-awtorizzazzjoni;

(b) is-sospensjoni, il-varjazzjoni u l-kundizzjonijiet tat-trasferiment tal-awtorizzazzjoni;

(c) rekwiżiti ta' konformità għal kundizzjonijiet, direzzjonijiet, ittri ta' ġestjoni, *standards*, linji gwida, kodiċijiet ta' prattika jew regoli mogħtija mir-Regolatur jew kif jista' jkun stabbilit bil-liġi;

(d) l-obbligi tal-provditur awtorizzat inklużi iżda mhux limitati għal obbligi ta' servizz tal-konsumatur;

(e) protezzjoni tal-konsumaturi;

(f) monitoraġġ u reġistrazzjoni tal-operazzjonijiet awtorizzati;

(g) rappurtar, verifika u sottomissjoni ta' informazzjoni lir-Regolatur;

(h) spezzjoni, teħid ta' kopji u teħid ta' estratti minn kotba u rekords miżmuma mill-provditur awtorizzat u t-twettiq ta' kejl u testijiet fir-rigward ta' kwalunkwe faċilità, assi jew impjant awtorizzati;

(i) valutazzjoni u verifika ta' operazzjonijiet, attivitajiet u prattici u l-konformità tagħhom mal-kondizzjonijiet tal-awtorizzazzjoni; u

(j) regolament ta' kumpaniji sussidjarji u, jew kumpaniji li jeżegwixxu parti mill-operazzjonijiet regolati, attivitajiet u prattici.

(21) Kull persuna mogħtija awtorizzazzjoni taħt dawn ir-regolamenti għandha:

(a) tikkonforma ma' kwalunkwe direzzjoni mogħtija mir-Regolatur dwar dawk il-kwistjonijiet li huma speċifikati fl-awtorizzazzjoni jew huma ta' deskrizzjoni hekk speċifikata;

(b) teżegwixxi l-operazzjonijiet, l-attivitajiet u l-prattiki regolati skont dawn il-kundizzjonijiet tal-awtorizzazzjoni;

(c) taġixxi skont kwalunkwe rekwizit kif speċifikat fl-awtorizzazzjoni jew li huma ta' deskrizzjoni hekk speċifikata; u

(d) tikkonforma mad-deċizzjonijiet jew l-istruzzjonijiet maħruġa mir-Regolatur.

(22) Il-provditur awtorizzat għandu jinforma lir-Regolatur bi kwalunkwe tibdil relatat mal-attività tiegħu li jirriżulta fil-kundizzjonijiet għall-awtorizzazzjoni tiegħu li ma jibqgħux jiġu sodisfatti u l-ħolqien ta' sussidjarji li l-attivitajiet tagħhom jaqgħu fl-ambitu tal-awtorizzazzjoni u, jew l-iskema ta' awtorizzazzjoni.

Għoti ta' awtorizzazzjoni.

5. (1) Ir-Regolatur għandu jadotta kundizzjonijiet ġusti, oġġettivi u trasparenti relatati mal-għoti ta' awtorizzazzjoni f'termini tal-prinċipji tal-ġustizzja naturali.

(2) Fit-teħid ta' deċizzjoni rigward l-għotja, ħruġ, emenda jew tiġdid jew kwalunkwe kwistjoni oħra li għandha x'taqsam ma' awtorizzazzjoni maħruġa taħt dawn ir-regolamenti, ir-Regolatur jista' jieħu kont ta' dan li ġej:

(a) konformità mill-applikant mal-permessi u l-awtorizzazzjonijiet l-oħra rilevanti kollha, ikunu kif ikunu deskritti maħruġa minn kwalunkwe regolatur pubbliku ieħor;

(b) il-kapaċità tal-applikant li jiżgura kundizzjonijiet ta' sikurezza, fil-kuntest tal-awtorizzazzjoni li għaliha saret applikazzjoni;

(c) integrità privata u professjonali tal-applikant;

- (d) il-protezzjoni tas-saħħa u s-sigurtà tal-impjegati;
- (e) il-protezzjoni tal-ambjent;
- (f) rekord ta' konformità ma' dawn ir-regolamenti u kull liġi oħra rilevanti mill-persuna li dwarha għandha tittieħed id-deċiżjoni;
- (g) l-adeqwatezza tal-faċilità li għandha tiġi awtorizzata jew il-faċilità awtorizzata skont il-każ fir-rigward tas-sikurezza, saħħa, sigurtà, sustanzi perikolużi, ambjent, użu tal-art u ħtiġijiet ta' ppjanar;
- (h) il-ħtieġa għal faċilitajiet u servizzi li għandhom jiġu pprovduti lill-klijenti fil-faċilità kkonċernata u l-punt safejn l-interessi tal-klijenti għandhom jiġu moqdiya;
- (i) l-interess pubbliku b'mod ġenerali.

Raġunijiet għal rifjut għal awtorizzazzjoni.

6. Ir-Regolatur għandu jkollu d-dritt li jirrifjuta talba għall-ħruġ ta' awtorizzazzjoni jew, jekk inħarġet awtorizzazzjoni, talba għat-tiġdid ta' awtorizzazzjoni, għar-raġuni li:

- (a) ir-Regolatur iqis li t-talba ma tissodisfax wieħed jew aktar mill-kriterji msemmija fir-regolament 5(2) ta' dawn ir-regolamenti; jew
- (b) l-applikazzjoni ma tinkludix l-informazzjoni kollha mitluba mir-Regolatur fil-formola tal-applikazzjoni jew kwalunkwe informazzjoni addizzjonali oħra li r-Regolatur jista' jitlob mingħand l-applikant għall-iskop li tiġi determinata applikazzjoni għall-awtorizzazzjoni; jew
- (ċ) l-applikazzjoni ma tkunx akkumpanjata minn tali dritt ta' applikazzjoni kif speċifikat skond dawn ir-regolamenti:

Izda li kull deċiżjoni meħuda mir-Regolatur, inkluż ir-rifjut jew l-irtirar ta' awtorizzazzjoni, għandha tkun kompletament motivata u għandha tkun miftuħa għal kontestazzjoni quddiem it-Tribunal ta' Revizjoni Amministrattiva:

Izda ukoll li f'każ li r-Regolatur jonqos li jinforma lill-applikant dwar kwalunkwe deċiżjoni meħuda dwar aċċess għal attività ta' servizz jew l-eżerċizzju tagħha, inkluż ir-rifjut jew l-irtirar ta' awtorizzazzjoni, m'għandux ifisser b'xi mod, li r-Regolatur ikun taċitament ta t-tali awtorizzazzjoni u li l-applikant ingħata awtomatikament aċċess għal attività ta' servizz jew l-eżerċizzju tagħha.

Sospensjoni, revoka jew kancellazzjoni ta' awtorizzazzjoni.

7. Ir-Regolatur jista', fi kwalunkwe żmien matul il-perjodu li għalih tkun valida awtorizzazzjoni, jordna s-sospensjoni, ir-revoka jew il-kancellazzjoni tagħha meta r-Regolatur ikun sodisfatt li:

- (a) id-detentur tal-awtorizzazzjoni jkun naqas jew qed jonqos milli jikkonforma ma' kwalunkwe kundizzjoni tal-awtorizzazzjoni jew ma' dawn ir-regolamenti; jew
- (b) id-detentur tal-awtorizzazzjoni m'għandux l-awtorizzazzjonijiet, il-permessi u l-awtorizzazzjonijiet rilevanti l-oħra kollha ikunu kif ikun deskritti hekk li huma meħtieġa minn kwalunkwe regolatur pubbliku ieħor jew dipartiment tal-Gvern; jew

- (c) id-detentur tal-awtorizzazzjoni qed jikser kwalunkwe ħtieġa imposta mil-ligi; jew
- (d) id-detentur tal-awtorizzazzjoni jonqos milli jikkonforma ma' kwalunkwe direttiva mogħtija mir-Regolatur; jew
- (e) kwalunkwe informazzjoni sottomessa fl-applikazzjoni għal awtorizzazzjoni jew l-applikazzjoni għat-tigdid ta' awtorizzazzjoni u li għaliha nħarġet jew ġiet imġedda l-awtorizzazzjoni, skont il-każ, hija ddeterminata bħala falza; jew
- (f) jekk id-detentur tal-awtorizzazzjoni ma jissodisfa l-ebda kriterju fir-rigward ta' wieħed jew aktar mill-kriterji msemmija fir-regolament 5 (2):

Iżda li fl-eżerċizzju tas-setgħat għal sospensjoni, revoka jew kancellazzjoni ta' awtorizzazzjonijiet, ir-Regolatur jista' jqis in-natura tan-nuqqas, jew il-fatt li d-detentur tal-awtorizzazzjoni qed jieħu l-passi xierqa li r-Regolatur iqis li huma meħtieġa biex jikkonforma mal-kundizzjonijiet tal-awtorizzazzjoni, dawn ir-regolamenti jew kwalunkwe rekwiżit ieħor li r-Regolatur jista' jqis rilevanti.

Tmiem ta' awtorizzazzjoni.

8. (1) Meta d-detentur ta' awtorizzazzjoni maħruġa taħt dawn ir-regolamenti, jiddeċiedi li jissospendi jew itemm l-awtorizzazzjoni tiegħu, dak id-detentur għandu jinnotifika minnufih lir-Regolatur fil-forma preskritta mir-Regolatur, biex jinnotifika tali terminazzjoni jew sospensjoni.

(2) Wara għarfien mir-Regolatur lid-detentur ta' awtorizzazzjoni tan-notifika msemmija fis-subregolament (1), l-awtorizzazzjoni għandha titqies li ma baqgħetx fis-seħħ u b'effett immedjat mid-data ta' tali rikonoxximent dak id-detentur għandu jitqies li mhuwiex awtorizzat.

(3) Minkejja kull avviż għat-terminazzjoni jew is-sospensjoni ta' awtorizzazzjoni, id-detentur tal-awtorizzazzjoni għandu jibqa' responsabbli għall-ħlas ta' kwalunkwe miżata dovuta lir-Regolatur.

Trasferiment ta' awtorizzazzjoni.

9. (1) Awtorizzazzjoni maħruġa mir-Regolatur taħt dawn ir-regolamenti m'għandhiex tkun trasferita validament *inter vivos* lil xi persuna oħra sakemm:

(a) min jittrasferixxi jinforma bil-miktub lir-Regolatur b'tali forma u mod li għandu jippreskrivi r-Regolatur;

(b) ir-Regolatur huwa sodisfatt li mill-inqas l-istess kriterji kif elenkati fir-regolament 5(2) huma mħarsa;

(c) it-trasferiment huwa sugġett għall-kondizzjonijiet preskritti fl-awtorizzazzjoni; u

(d) ir-Regolatur japprova bil-miktub it-trasferiment tal-awtorizzazzjoni.

(2) Awtorizzazzjoni maħruġa mir-Regolatur taħt dawn ir-regolamenti m'għandhiex tkun trasmessa validament *causa mortis* lil xi persuna oħra sakemm:

(a) min jittrasferixxi jinforma bil-miktub lir-Regolatur b'dik il-forma u mod kif ir-Regolatur għandu jippreskrivi;

(b) ir-Regolatur huwa sodisfatt li mill-inqas l-istess kriterji kif elenkati fir-regolament 5 (2) huma mħarsa;

(c) it-trasferiment huwa soġġett għall-kondizzjonijiet preskritti fl-awtorizzazzjoni; u

(d) ir-Regolatur japprova bil-miktub it-trasferiment tal-awtorizzazzjoni:

l-żda li awtorizzazzjoni maħruġa skond dawn ir-regolamenti għandha tkun dritt indiviżibbli:

l-żda wkoll li fil-każ li r-Regolatur japprova t-trasferiment tal-awtorizzazzjoni kif intqal qabel, it-trasferiment għandu jkollu effett retrospettiv mid-data tal-mewt tad-*decujus*.

(3) Fejn il-provditur awtorizzat huwa korp ġuridiku jew kwalunkwe korp ieħor ta' persuni, bidla fil-kontroll tas-sjieda jew tal-ġestjoni ta' dak il-korp għandha titqies li tkun ekwivalenti għat-trasferiment tal-awtorizzazzjoni u għandha tkun soġġetta għall-approvazzjoni tar-Regolatur. Għall-iskop ta' dan is-subregolament, trasferiment fil-kontroll tas-sjieda ta' korp ġuridiku jew korp ieħor ta' persuni għandu jitqies li jseħħ fi kwalunkwe każ fejn trasferiment tal-kapital, ishma, stokks jew drittijiet oħra mizmuma fil-korp ġuridiku jew korp ieħor ta' persuni jwassal għal bidla fil-persuna li jkollha l-interess ta' kontroll f'dak il-korp.

Konnessjoni mal-grilja.

L.S. 545.01.

10. (1) L-operatur ta' infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għandu japplika għal servizz ta' konnessjoni tal-elettriku kif stabbilit fir-Regolamenti Fuq Il-Provvista ta' L-Elettriku u għandu jkun soġġett għall-imposti applikabbli u t-tariffi tal-konsum stabbiliti fihom.

L.S. 545.24.

(2) L-installazzjoni tal-wajers elettrici użata biex tforni l-elettriku lil infrastruttura ta' iċċarġjar aċċessibbli għall-pubbliku għandha tkun konformi mar-Regolamenti dwar L-Installazzjonijiet Elettrici u għandha titwettaq minn provditur awtorizzat li jkollu l-awtorizzazzjoni xierqa skont ir-Regolamenti Dwar L-Installazzjonijiet Elettrici.

Kejl.

11. (1) L-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għandu jkollha apparat ta' kejl u kontroll installat biex jikkontrolla u jimmaniġġja l-iċċarġjar.

L.S. 454.15.

(2) It-tagħmir tal-kejl tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għandu jkun konformi mar-Regolamenti Dwar Strumenti ta' Kejl.

Skambju ta' dejta.

12. (1) Kull punt tal-iċċarġjar aċċessibbli għall-pubbliku għandu jkun irregiŋtrat fuq reġistru nazzjonali tal-infrastruttura għall-iċċarġjar tal-vetturi elettrici aċċessibbli għall-pubbliku. Ir-Regolatur għandu jassenja identifikatur uniku għal kull punt tal-iċċarġjar.

(2) Minbarra l-identifikatur tal-punt tal-iċċarġjar, l-informazzjoni meħtieġa għall-aċċess għall-iċċarġjar u l-metodi operattivi, kif ukoll numru tat-telefon jew buttuna tas-sejha konnessa jew kwalunkwe mezz ieħor ekwivalenti biex tilhaq l-operatur f'każijiet ta' funzjonament ħażin għandhom ikunu disponibbli fil-vicinanza immedjata tal-punt tal-iċċarġjar aċċessibbli għall-pubbliku.

(3) Dejta relatata mal-post ġeografiku u l-karatteristiċi tekniċi ta' punti ta' iċċarġjar aċċessibbli għall-pubbliku għandha tkun aċċessibbli fuq bażi miftuħa għall-utenti kollha b'mod mhux diskriminatorju. L-operatur għandu jieħu l-miżuri xierqa biex jiżgura li din id-dejta tiġi aġġornata kontinwament, issir pubblika u għandu jippermetti l-użu mill-ġdid bla ħlas ta' din id-dejta.

(4) L-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għandu jkollha sistema ta' superviżjoni li tippermetti l-iskambju tad-dejta ma' kull punt tal-iċċarġjar kif ukoll monitoraġġ f'ħin reali tal-istat tal-infrastruttura tal-iċċarġjar, u li jirreġistra l-parametri essenzjali tal-użu tas-servizz, inklużi dawk li jikkonċernaw l-enerġija mogħtija.

Iċċarġjar ad hoc.

13. (1) L-operatur għandu jieħu l-miżuri xierqa biex jiggarantixxi, taħt kondizzjonijiet mhux diskriminatorji, aċċess għall-imposti u, fejn applikabbli, għall-ħlas relatat, lil kwalunkwe utent li jitlobha mingħajr l-obbligu li jidhol f'kuntratt ma' tali operatur .

Iżda l-obbligu huwa prezunt li ġie sodisfatt billi jippermetti ħlas *ad hoc* u ħlas relatat mingħajr il-ħtieġa għar-reġistrazzjoni jew l-awtentikazzjoni tal-utent bl-ebda mod u permezz ta':

(a) sistema komuni ta' ħlas ibbażata fuq il-kard jew metodu ta' ħlas fi flus kontanti fil-vicinanza immedjata tal-punt tal-iċċarġjar; u, jew

(b) sistema ta' ħlas komuni bbażata fuq l-internet.

ħlas fuq bażi kuntrattwali.

14. (1) Mingħajr preġudizzju għar-regolament 13, operatur jista' joffri servizzi ta' iċċarġjar ta' vetturi elettrici lill-utenti fuq bażi kuntrattwali, inkluż f'isem u għan-nom ta' operatori oħra. L-operaturi li joffru servizz ta' iċċarġjar fuq bażi kuntrattwali f'isem operatori oħra jistgħu jipprovdu dan is-servizz permezz ta' konnessjoni diġitali tal-infrastruttura ta' iċċarġjar aċċessibbli għall-pubbliku għal pjattaforma ta' interoperabilità, kemm jekk immanigġjata mill-istess operatur ta' infrastruttura ta' iċċarġjar aċċessibbli għall-pubbliku jew minn partijiet terzi.

(2) Il-pjattaforma tal-interoperabilità għandha toffri servizz ta' intermedjazzjoni universali bejn il-funzjonijiet ta' operatur ta' infrastruttura ta' iċċarġjar aċċessibbli għall-pubbliku, li tiżgura l-iskambji tad-dejta meħtieġa għall-iċċarġjar bir-*roaming* u servizzi assoċjati bħal sejba u prenotazzjoni ta' punti ta' iċċarġjar, meta dawn jiġu offruti mill-operaturi ikkonċernati.

(3) Il-pjattaforma tal-interoperabilità għandha tinkludi l-miżuri xierqa biex tagħmel is-servizz ta' intermedjazzjoni aċċessibbli għal operaturi oħra ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku li l-attività tagħhom teħtieġ interazzjoni ma' operaturi ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku jew utenti.

(4) Il-pjattaforma tal-interoperabilità għandha tinkludi l-miżuri xierqa biex tistabbilixxi relazzjonijiet ma' pjattaformi oħra ta' interoperabilità sabiex l-abbonat ta' operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku jkun jista' jiġi konness ma' waħda minn dawn il-pjattaformi, u biex ikollu aċċess għall-infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku ta' operaturi konnessi ma' pjattaformi oħra.

(5) Il-pjattaforma tal-interoperabilità u l-interfaċċja tagħha għall-utenti m'għandhomx jikkummerċjalizzaw l-ebda servizz lill-konsumaturi finali, ħlief f'isem operatur ta' mobbiltà li miegħu jkun daħal f'kuntratt għal dan il-għan.

(6) Il-pjattaforma ta' interoperabilità m'għandhiex, minhabba l-organizzazzjoni jew l-attività tagħha, tikkonferixxi jew tikkontribwixxi biex tagħti vantaġġ lil operatur partikolari ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku.

Trasparenza tal-Prezz.

15. (1) Il-prezz għal kull kWh ta' elettriku kkunsinnat minn punt ta' ċċarġjar aċċessibbli għall-pubbliku għandu jkun kif stabbilit fir-Regolamenti Fuq Il-Provvista ta' l-Elettriku u l-operatur ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku m'għandux jagħmel profitt mill-bejgħ mill-ġdid tal-elettriku.

(2) Il-prezz li għandu jithallas lill-utenti ta' infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku għall-użu tas-servizz tal-iċċarġjar (eskluz il-komponent tal-elettriku) għandu jkun iddeterminat mill-operatur. L-operatur jista' jżid primjum għal kull kWh għas-servizz tal-iċċarġjar mat-tariffa regolata kif stabbilit fir-Regolamenti Fuq Il-Provvista ta' l-Elettriku. Dan il-primjum għandu jitqies li jkopri l-ispiża tal-installazzjoni, il-manutenzjoni u l-immanigġjar tal-punt tal-iċċarġjar u kwalunkwe pjattaforma tas-*software* u profitt raġonevoli.

(3) Fuq kull punt ta' ċċarġjar aċċessibbli għall-pubbliku, il-karatteristiċi tekniċi u t-tqassim tal-komponenti tal-prezz għandhom ikunu indikati b'mod ċar. Il-prezz applikabbli tal-elettriku għal kull kWh għandu jkun indikat separatament mill-komponenti l-oħra tal-prezz.

Standards.

16. (1) Punt ta' ċċarġjar normali li huwa wkoll punt ta' ċċarġjar aċċessibbli għall-pubbliku għandu jkun mġammar b'mill-inqas sokit tat-Tip 2 jew konnettur tat-tip 2, kif deskritt fl-istandard EN 62196-2.

(2) Punt ta' ċċarġjar ta' qawwa għolja ta' kurrent dirett li huwa wkoll punt ta' ċċarġjar aċċessibbli għall-pubbliku għandu jkun mġammar b'mill-inqas konnettur wieħed tat-Tip Combo2 kif deskritt fl-istandard EN 62196-3.

(3) Punt ta' ċċarġjar ta' qawwa għolja ta' kurrent alternanti li huwa wkoll punt ta' ċċarġjar aċċessibbli għall-pubbliku għandu jkun mgħammar b'mill-inqas konnettur wieħed tat-Tip 2 kif deskritt fl-istandard EN 62196-2.

(4) Punt tal-iċċarġjar aċċessibbli għall-pubbliku riżervat għal vetturi elettrici tal-Kategorija L sa 3.7kVA għandu jkun mgħammar b'mill-inqas waħda minn dawn li ġejjin:

(a) sokits jew konnetturi tal-vettura tat-Tip 3a kif deskritt fl-istandard EN 62196-2 (għall-iċċarġjar tal-Mod 3);

(b) sokits u konnetturi konformi mal-IEC 60884 (għall-iċċarġjar Mode 1 jew Mode 2).

(5) Is-sokits tal-iċċarġjar għandu jkollhom xaters tas-sigurtà.

Manutenzjoni ta' infrastruttura ta' ċċarġjar aċċessibbli għall-pubbliku.

17. L-operatur għandu jkun responsabbli għaż-żamma tal-infrastruttura tal-iċċarġjar aċċessibbli għall-pubbliku fi stat tajjeb u sigur ta' tħaddim, u biex jiżgura li ssir manutenzjoni regolari.

Reati.

18. (1) Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' dawn ir-regolamenti jew ta' kundizzjoni ta' awtorizzazzjoni jew ta' awtorizzazzjoni jew approvazzjoni maħruġa taħthom, tkun ħatja ta' reat, u għandha, meta tinsab ħatja, tehel multa ta' mhux aktar minn disgħa u sittin elf euro (€ 69,000) jew għal elf u tliet mitt euro (€ 1,300) għal kull jum li matulu r-reat jipersisti.

(2) Kull persuna li, meta informazzjoni dwar dawn ir-regolamenti tkun mitluba jew meħtieġa mir-Regolatur, xjentement jew b'mod negligenti:

(a) tagħti kwalunkwe informazzjoni falza, mhux eżatta jew qarrieqa; jew

(b) tipprovdi informazzjoni mhux kompluta; jew

(c) tonqos, mingħajr raġuni raġonevoli, milli tipprovdi l-informazzjoni mitluba fiż-żmien mogħti; jew

(d) tipprevjeni jew tfixkel kwalunkwe investigazzjoni; jew

(e) tipproduci jew tforni, jew tikkawża jew xjentement tippermetti li tiġi prodotta jew fornita, kull dokument jew informazzjoni li taf li huma foloz f'kull rigward materjali,

għandha tkun ħatja ta' reat, u tista', meta tinsab ħatja, tehel multa ta' mhux inqas minn elf euro (€ 1,000) u ta' mhux aktar minn sittin elf euro (€ 60,000) għal kull jum li matulu n-nuqqas ta' konformità jkompli.

(3) Minkejja kull dispożizzjoni oħra ta' dawn ir-regolamenti, fejn kwalunkwe persuna tonqos milli tikkonforma mad-disposizzjonijiet ta' dawn ir-regolamenti jew ta' kundizzjoni ta' awtorizzazzjoni għal perjodu li ma jaqbiżx it-tliet (3) xhur, ir-Regolatur jista' jirrevoka t-tali awtorizzazzjoni.

Multi amministrattivi.

19. (1) Ir-Regolatur jista' jimponi multa amministrattiva fuq kull persuna li tikser xi disposizzjoni ta' dawn ir-regolamenti jew li tonqos milli tikkonforma ma' xi direttiva jew deċizzjoni mogħtija mir-Regolatur biex tiżgura konformità ma' dawn ir-regolamenti.

(2) Multa amministrattiva imposta taħt is-subregolament (1) m'għandhiex taqbeż 'il-mitt elf euro (€ 100,000) għal kull kontravvenzjoni u, jew sitt mitt euro (€600) għal kull jum ta' nuqqas ta' konformità, mid-data ta' d-deċizzjoni mogħtija mir-Regolatur.

Appelli.

Kap. 490.

20. It-Tribunal ta' Revizjoni Amministrattiva mwaqqaf bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva għandu jkun kompetenti biex jisma' u jiddetermina appelli minn deċizzjonijiet tar-Regolatur magħmula taħt dawn ir-regolamenti. Sakemm il-liġi ma tipprovdix mod ieħor, appell minn deċizzjoni tar-Regolatur magħmul taħt dawn ir-regolamenti għandu jkun quddiem it-Tribunal ta' Revizjoni Amministrattiva skond l-artikolu 32 tal-Att.

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Prime Minister

Minister for Energy,
Enterprise and Sustainable
Development

.....

Regulator for Energy and
Water Services

L.N. _____ of 2021

REGULATOR FOR ENERGY AND WATER SERVICES ACT

(CAP. 545)

Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021

IN EXERCISE of the powers conferred by article 37(1) of the
Regulator for Energy and Water Services Act, the Minister for Energy,
Enterprise and Sustainable Development after consultation with the
Regulator for Energy and Water Services, has made the following
regulations:-

Title.

1. The title of these regulations is the Publicly Accessible Electric Vehicle Charging Infrastructure Regulations, 2021.

Scope.

2. These Regulations shall apply to publicly accessible electric vehicle charging infrastructure, excluding wireless or induction charging devices, battery exchange devices and infrastructures devoted exclusively to the recharging of buses and coaches, as well as those charging points whose maximum charging power does not exceed 3 kW.

Definitions.

3. (1) Unless otherwise stated in these regulations, the definitions in the Act shall apply.

(2) In these regulations, unless the context otherwise requires:

"access to charging" means the procedure which allows a vehicle to be connected to charging infrastructure and the transfer of the energy required for charging;

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

"authorised provider" means the holder of an authorisation issued by the Regulator under these regulations permitting such person to act as an operator of publicly accessible charging infrastructure;

"charging point" means an interface associated with a parking space which makes it possible to recharge a single electric vehicle at a time;

"electric vehicle" or 'EV' means a motor vehicle equipped with a powertrain containing at least one non-peripheral electric machine as energy converter with an electric rechargeable energy storage system and which can be recharged externally;

In particular, electric vehicles includes cars, as well as motorcycles, mopeds and electric bicycles of the following categories:

(a) "purely electric vehicle" means a vehicle equipped with a drive system, which includes exclusively electric motors as energy converters and exclusively electric rechargeable systems as energy storage systems;

(b) "hybrid electric vehicle for external charging" means a category of hybrid electric vehicle that can be charged from an external source;

(c) "hybrid fuel cell vehicle" means a fuel cell vehicle equipped with a power transmission system comprising at least one fuel storage system and at least one rechargeable electrical storage system as an electrical storage system;

(d) "assisted cycling (electric bicycle)" means a bicycle fitted with an auxiliary electric motor of a maximum rated power of less than or equal to 250W and whose engine power stops when the bicycle reaches 25 kilometres per hour;

"high-power recharging point" means a recharging point that allows for a transfer of electricity to an electric vehicle with a power of more than 22kW;

"interoperability platform" means a software platform by means of which two or more publicly accessible charging infrastructure operators contribute to the deployment of roaming charging by facilitating, securing and optimising data exchanges and payment services between publicly accessible charging infrastructure operators;

"normal power recharging point" means a recharging point that allows for a transfer of electricity to an electric vehicle with a power less than or equal to 22 kW, excluding devices with

a power less than or equal to 3.7 kW, which are installed in private households or the primary purpose of which is not recharging electric vehicles, and which are not accessible to the public;

“publicly accessible charging infrastructure” means all equipment, such as electrical supply circuits, charging stations or charging points, control and management equipment, and devices allowing in particular the transmission of data, supervision, control and payment, which are necessary for recharging;

“publicly accessible charging infrastructure operator” or “operator” means a natural or legal person that provides electric vehicle charging services to users and who is responsible for the technical maintenance of the publicly accessible charging infrastructure, of ensuring the availability and operation of the recharging points managed by that person, supervising and controlling it, as well as providing the necessary data to electronic platforms for the monitoring and control of rechargeable infrastructures when required to do so;

“publicly accessible charging point” means a charging point, which provides Union-wide non-discriminatory access to users. Non-discriminatory access may include different terms of authentication, use and payment. In particular, the following shall be deemed to be publicly accessible charging points:

(a) a charging point whose parking space is physically accessible to the public, including where access to the parking space is subject to an authorization and/or the payment of an access fee;

(b) a charging point attached to a shared car system and accessible to third parties, including on payment of the charging service;

The following shall not be considered to be publicly accessible charging points:

(a) a charging point installed in a private residential building or in an outbuilding of a private residential building and exclusively reserved for residents;

(b) a charging point assigned exclusively to charging vehicles in service within the same entity and installed in an enclosure dependent on this entity;

(c) a charging point installed in a maintenance or repair workshop not accessible to the public;

"roaming charging" means the user's option when having a contract with a particular publicly accessible charging infrastructure operator to use the publicly accessible charging infrastructure of a different operator without having a contract with that operator and by having access to charging and payment services through an interoperability platform;

“user” means the end-user requiring to charge an electric vehicle through a publicly accessible charging point.

Authorisation to act as an operator of publicly accessible charging infrastructure.

4. (1) An authorisation shall be required for a person to act as an operator of publicly accessible charging infrastructure.

(2) Authorisations shall be issued by the Regulator in respect of the execution of the operations, activities and practices referred to in these regulations and shall include the terms and conditions for the execution of such operations, activities and practices.

(3) An authorisation issued by the Regulator shall be in writing and, unless cancelled, suspended or revoked in accordance with any condition contained in it or in accordance with these regulations or with any other law, shall continue in force for such period of time as may be specified in the authorisation.

(4) Authorisations unless revoked shall be valid for a period of ten (10) years.

(5) An authorisation issued by the Regulator under these regulations shall not exempt the authorised provider from the requirement of obtaining any other authorisation or permit as may be required under any other law.

(6) Any person who wishes to act as an operator of publicly accessible charging infrastructure shall submit an application in writing to the Regulator in such form and manner as the Regulator may prescribe. A non-refundable application fee of five hundred (500) euro shall be paid to the Regulator with the application for an authorisation.

(7) The Regulator shall establish its procedure for the purposes of determining an application for the issue of an authorisation for a person to act as an operator of publicly accessible charging infrastructure.

(8) The Regulator shall communicate to the applicant in writing within a reasonable time, which shall not be of more than six (6) months from the date of receipt of a valid application, any decision taken concerning an application for an authorisation or an application for the renewal of an authorisation or any valid reason impeding the Regulator to reach such a decision.

(9) Upon expiry, an authorisation may be renewed, and an application for the renewal of an authorisation shall have to be submitted in writing to the Regulator in such form and manner as the Regulator may require, six(6) months prior to the date on which the authorisation expires.

(10) The Regulator may modify, amend, replace, add or delete any authorisation condition in the renewed authorisation and add specific conditions relevant to each individual authorisation as the Regulator considers to be reasonably justified in the circumstances.

(11) The first authorisation fee shall be paid by the authorised provider within thirty (30) days from the granting of an authorisation and thereafter every year on the anniversary of the grant of such authorisation or any other date as the Regulator may reasonably establish.

(12) The amount of the authorisation fee per charging point shall be of seventy-five (75) euro and shall be paid to the Regulator every three (3) years.

(13) If any authorisation fee payable under sub-regulation (12) is not paid within thirty (30) days as from the date from which the payment of the authorisation fee is due, the Regulator shall after the lapse of such time communicate to the authorised provider, whose authorisation fee has not been so paid informing him about his failure to pay such fee.

(14) The Regulator shall be deemed to have complied with sub-regulation (13) if such communication is sent by registered post, to the usual or last known address of the authorised provider whose authorisation fee has not been so paid.

(15) If any authorisation fee mentioned in sub-regulation (14) is not paid within thirty days after the date on which the communication therein mentioned has been sent by registered post, the authorisation to which it refers shall cease to be in force, and if the person to whom it was granted wishes again to act as an operator of publicly accessible charging infrastructure he shall then be required to apply for a new authorisation.

(16) In considering any such application, the Regulator may take into consideration the previous failure of the applicant to pay the authorisation fee and of any explanation regarding that failure which the applicant may submit to the Regulator.

(17) The Regulator shall have the power to include in an authorisation issued under these regulations any such conditions as the Regulator considers requisite or suitable.

(18) The authorisation shall have a minimum set of general conditions:

Provided that special conditions may be attached to any authorisation issued under these regulations.

(19) The authorised provider shall at all times comply with these regulations and with the conditions of an authorisation.

(20) The conditions included in an authorisation may contain, but not necessarily be limited to, provisions regarding:

(a) the grant and term of the authorisation;

(b) suspension, variation and transfer conditions of the authorisation;

(c) compliance requirements to conditions, directions, management letters, standards, guidelines, codes of practice or rules given by the Regulator or as may be established at law;

(d) the obligations of the authorised provider including but not limited to customer service obligations;

- (e) protection of consumers;
- (f) monitoring and recording of the authorised operations;
- (g) reporting, auditing and submission of information to the Regulator;
- (h) inspection, making copies and taking extracts from books and records held by the authorised provider and the carrying out of measurements and tests in relation to any authorised facility, assets or plant;
- (i) assessment and auditing of operations, activities and practices and their compliance to authorisation conditions; and
- (j) regulation of subsidiary companies and, or companies executing part of the regulated operations, activities and practices.

(21) Any person granted an authorisation under these regulations shall:

- (a) comply with any direction given by the Regulator as to such matters as are specified in the authorisation or are of a description so specified;
- (b) execute the regulated operations, activities and practices in accordance with such authorisation conditions;
- (c) act in accordance with any requirements as are specified in the authorisation or are of a description so specified; and
- (d) comply with the decisions or directions issued by the Regulator.

(22) The authorised provider shall inform the Regulator of any changes relating to his activity which result in the conditions for his authorisation no longer being met and the creation of subsidiaries whose activities fall within the scope of the authorisation and, or the authorisation scheme.

Granting of an authorisation.

5. (1) The Regulator shall adopt fair, objective and transparent conditions relating to the granting of an authorisation in terms of the principles of natural justice.

(2) In taking a decision in respect of the grant, issue, amendment or renewal or any other matter pertaining to an authorisation issued under these regulations, the Regulator may take account of the following:

(a) compliance by the applicant with all other relevant permits and authorisations, however so described issued by any other public Regulator;

(b) the capability of the applicant to ensure safety conditions, in the context of the authorisation being applied for;

(c) private and professional integrity of the applicant;

(d) protection of the health and safety of employees;

(e) protection of the environment;

(f) record of compliance with these regulations and any other relevant laws by the person with regard to whom the decision shall be made;

(g) suitability of the facility to be authorised or the authorised facility as the case may be and, with regard to safety, health, security, hazardous substances, environment, land use and planning requirements;

(h) the need for facilities and services to be provided for customers at the facility concerned and the extent to which the interests of customers shall be served;

(i) the public interest in general.

Grounds of refusal for an authorisation.

6. The Regulator shall have the right to refuse a request for the issue of an authorisation or, if an authorisation has been issued, a request for the renewal of an authorisation, on the grounds that:

(a) the Regulator considers that the request does not meet one or more of the criteria referred to in regulation 5(2) of these regulations; or

(b) the application does not contain all such information requested by the Regulator in the application form or any other additional information that the Regulator may request from the applicant for the purpose of determining an application for the authorisation; or

(c) the application is not accompanied by such application fee as specified in accordance with these regulations:

Provided that any decision taken by the Regulator, including refusal or withdrawal of an authorisation, shall be fully reasoned and shall be open to challenge before the Administrative review Tribunal:

Provided further that in case of failure by the Regulator to inform the applicant regarding any decision taken concerning access to a service activity or the exercise thereof, including refusal or withdrawal of an authorisation, shall not mean in any manner whatsoever,

that the Regulator has tacitly granted such authorisation and that the applicant has automatically been granted access to a service activity or the exercise thereof.

Suspension, revocation or cancellation of an authorisation.

7. The Regulator may, at any time in the course of the period for which an authorisation is valid, order its suspension, revocation or cancellation where the Regulator is satisfied that:

(a) the holder of the authorisation has failed or is failing to comply with any condition of the authorisation or with these regulations; or

(b) the holder of the authorisation does not possess all other relevant authorisations, permits and authorisations however so described that are required by any other public Regulator or Government department; or

(c) the holder of the authorisation is contravening any requirement imposed by law; or

(d) the holder of the authorisation fails to comply with any directive given by the Regulator;
or

(e) any information submitted in the application for a authorisation or the application for renewal of a authorisation and for which the authorisation has been issued or renewed, as the case may be, is determined to be false; or

(f) if the holder of the authorisation does not meet any criteria in respect to one or more of the criteria referred to in regulation 5(2):

Provided that in exercising the powers for suspension, revocation or cancellation of authorisations, the Regulator may take into account the nature of the failure, or the fact that the holder of the authorisation is taking the appropriate steps which the Regulator considers to be necessary in order to comply with the conditions of the authorisation, these regulations or any other requirement that the Regulator may deem relevant.

Termination of authorisation.

8. (1) When the holder of an authorisation issued under these regulations, decides either to suspend or terminate his authorisation, such holder shall promptly notify the Regulator in the form prescribed by the Regulator, to notify such a termination or suspension.

(2) Upon acknowledgment by the Regulator to the holder of an authorisation of the notification mentioned in sub-regulation (1), the authorisation shall be considered to have ceased to be in force and with immediate effect from the date of such acknowledgment such holder shall be deemed to be unauthorised.

(3) Notwithstanding any notice for the termination or suspension of an authorisation, the holder of the authorisation shall remain liable for the payment of any fee due to the Regulator.

Transfer of authorisation.

9. (1) A authorisation issued by the Regulator under these regulations shall not be validly transferred *inter vivos* to any other person unless:

(a) the transferor informs in writing the Regulator in such form and manner as the Regulator shall prescribe;

(b) the Regulator is satisfied that at least the same criteria as listed in regulation 5(2) are complied with;

(c) the transfer is subject to the conditions prescribed in the authorisation; and

(d) the Regulator approves in writing the transfer of the authorisation.

(2) A authorisation issued by the Regulator under these regulations shall not be validly transmitted *causa mortis* to any other person unless:

(a) the transferor informs in writing the Regulator in such form and manner as the Regulator shall prescribe;

(b) the Regulator is satisfied that at least the same criteria as listed in regulation 5(2) are complied with;

(c) the transfer is subject to the conditions prescribed in the authorisation; and

(d) the Regulator approves in writing the transfer of the authorisation:

Provided that an authorisation issued in terms of these regulations shall be an indivisible right:

Provided further that in the event that the Regulator approves the transfer of the authorisation as aforesaid, the transfer shall have retrospective effect from the date of the death of the *decujus*.

(3) Where the authorised provider is a body corporate or any other body of persons, a change in the control of the ownership or management of that body shall be deemed to be equivalent to the transfer of the authorisation and shall be subject to the approval of the Regulator. For the purpose of this sub-regulation, a transfer in the control of the ownership of a body corporate or other body of persons shall be deemed to occur in any case where a transfer of the capital, shares, stocks or other rights held in the body corporate or other body of persons leads to a change in the person holding the controlling interest therein.

Grid Connection.

S.L. 545.01.

10. (1) An operator of publicly accessible charging infrastructure shall apply for an electricity connection service as established in the Electricity Supply Regulations and shall be subject to the applicable charges and consumption tariffs established therein.

S.L. 545.24.

(2) The electrical wiring installation used to supply electricity to publicly accessible charging infrastructure shall comply with the Electrical Installations Regulations and shall be carried out by an authorised provider holding the appropriate authorisation in terms of the Electricity Installation Regulations.

Metering.

11. (1) All publicly accessible charging infrastructure shall have metering and control devices installed to control and manage charging.

S.L.454.15.

(2) The metering equipment of the publicly accessible charging infrastructure shall be compliant with the Measuring Instruments Regulations.

Data exchange.

12. (1) Each publicly accessible charging point shall be registered on a national register of publicly accessible charging infrastructure for electric vehicles. The Regulator shall assign a unique identifier to each charging point.

(2) In addition to the charging point identifier, the information necessary for access to charging and the operating methods, as well as a telephone number or a connected call button or any other equivalent means to reach the operator in cases of malfunction shall be available in the immediate vicinity of the publicly accessible charging point.

(3) Data relating to the geographical location and technical characteristics of publicly accessible charging points shall be accessible on an open basis to all users in a non-discriminatory manner. The operator shall take the appropriate measures to ensure that this data is constantly updated, made public and shall allow the free reuse of this data.

(4) Publicly accessible charging infrastructure shall have a supervision system that allows data exchange with each charging point as well as real-time monitoring of the state of charging infrastructure, and which records the essential parameters of the use of the service, including those concerning the energy delivered.

Ad hoc charging.

13. (1) The operator shall take the appropriate measures to guarantee, under non-discriminatory conditions, access to charging and, where applicable, the related payment, to any user who requests it without the obligation to enter into a contract with such operator.

This obligation is presumed to be satisfied by allowing *ad hoc* charging and related payment without the need for the user's registration or authentication in any way and by means of:

(a) a common card-based payment system or cash payment method in the immediate vicinity of the charging point; and, or

(b) a common web-based payment system.

Charging on a contractual basis.

14. (1) Without prejudice to regulation 13, an operator may offer electric vehicle charging services to users on a contractual basis, including in the name and on behalf of other operators. Operators offering a charging service on a contractual basis on behalf of other operators may provide this service through a digital connection of the publicly accessible charging infrastructure to an interoperability platform, whether managed by the same operator of publicly accessible charging infrastructure or by third parties.

(2) The interoperability platform shall offer a universal intermediation service between the functions of an operator of publicly accessible charging infrastructure, ensuring the data exchanges required for roaming charging and associated services such as finding and booking charging points, when they are offered by the operators concerned.

(3) The interoperability platform shall include the appropriate measures to make its intermediation service accessible to other operators of publicly accessible charging infrastructure whose activity requires interaction with operators of publicly accessible charging infrastructure or users.

(4) An interoperability platform shall include the appropriate measures to establish relationships with other interoperability platforms in order to allow the subscriber of an operator of publicly accessible charging infrastructure to be connected to one of these platforms, and to access the publicly accessible charging infrastructure of operators connected to other platforms.

(5) An interoperability platform and its interface to users shall not market any service to end consumers, except on behalf of a mobility operator with whom it has entered into a contract for this purpose.

(6) An interoperability platform shall not, because of its organization or its activity, confer or contribute to confer an advantage on a particular operator of publicly accessible charging infrastructure.

Price Transparency.

15. (1) The price per kWh of electricity delivered from a publicly accessible charging point shall be as established in the Electricity Supply Regulations and the operator of publicly accessible charging infrastructure shall make no profit on the resale of electricity.

(2) The price to be charged to users of publicly accessible charging infrastructure for the use of the recharging service (excluding the electricity component) shall be determined by the operator. The operator may add a premium per kWh for the charging service to the regulated tariff as established in the Electricity Supply Regulations. This premium shall be deemed to cover the cost of installation, maintenance and management of the charging point and any software platform and a reasonable profit.

(3) On each publicly accessible charging point, the technical characteristics and a breakdown of the price components shall be clearly indicated. The applicable price of electricity per kWh shall be indicated separately from the other price components.

Standards.

16. (1) A normal charging point which is also a publicly accessible charging point shall be equipped with at least a Type 2 socket outlet or a type 2 connector, as described in standard EN 62196-2.

(2) A direct current high-power charging point which is also a publicly accessible charging point shall be equipped with at least one Combo2 Type connector as described in standard EN 62196-3.

(3) An alternating current high-power charging point which is also a publicly accessible charging point shall be equipped with at least one Type 2 connector as described in standard EN 62196-2.

(4) A publicly accessible charging point reserved for L-Category electric vehicles up to 3.7kVA shall be equipped with at least one of the following:

(a) socket-outlets or vehicle connectors of Type 3a as described in standard EN 62196-2 (for Mode 3 charging);

(b) socket-outlets and connectors compliant with IEC 60884 (for Mode 1 or Mode 2 charging).

(5) Charging socket outlets shall have safety shutters.

Maintenance of publicly accessible charging infrastructure.

17. The operator shall be responsible for maintaining the publicly accessible charging infrastructure in a good and safe working order, and for ensuring that regular maintenance is carried out.

Offences.

18. (1) Any person who contravenes any of the provisions of these regulations or of an authorisation condition or of an authorisation or approval issued thereunder, shall be guilty of an offence, and shall, on conviction, be liable to a fine (multa) of not more than sixty-nine thousand euro (€69,000) or for one thousand and three hundred euro (€1,300) for each day during which the offence persists.

(2) Any person who, when information with respect to these regulations is requested or required by the Regulator, knowingly or negligently:

(a) gives any false, inaccurate or misleading information; or

(b) supplies incomplete information; or

(c) fails, without reasonable cause, to supply information requested within the time given; or

(d) prevents or hinders any investigation; or

(e) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in any material respect,

shall be guilty of an offence, and shall, on conviction, be liable to a fine (multa) of not less than one thousand euro (€1,000) and of not more than sixty thousand euro (€60,000) for each day during which the failure to comply subsists.

(3) Notwithstanding any other provision of these regulations, where any person fails to comply with the provisions of these regulations or of an authorisation condition for a period not exceeding three (3) months, the Regulator may revoke such an authorisation.

Administrative fines.

19. (1) The Regulator may impose an administrative fine upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Regulator in ensuring compliance with these regulations.

(2) An administrative fine imposed under sub-regulation (1) shall not exceed one hundred thousand euro (€100,000) for each contravention and, or six hundred euro (€600) for each day of non-compliance, from the date of the decision given by the Regulator.

Appeals.

Cap. 490.

20. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall be competent to hear and determine appeals from decisions of the Regulator

made under these regulations. Unless otherwise provided by law, an appeal from a decision of the Regulator made under these regulations shall lie to the Administrative Review Tribunal in accordance with article 32 of the Act.