

FEEDBACK BY THE MALTA CHAMBER

Recast EU Energy Efficiency Directive – Transposition Considerations

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1. Strategic Position

The Malta Chamber notes the overall objectives of the Recast Energy Efficiency Directive, particularly the transition towards a consumption-based approach which more effectively targets energy-intensive operations. This shift is considered more appropriate than the previous enterprise-size criterion, as it aligns obligations with actual energy use and potential efficiency gains.

That said, the delayed transposition at national level introduces a degree of uncertainty which is already affecting business preparedness. With compliance deadlines approaching, there is a risk that obligations will be imposed without sufficient lead time, ultimately undermining both compliance and the quality of implementation. A clear and operationally feasible framework is therefore essential without any further delay.

2. Definition of “Enterprise”

The Malta Chamber supports the approach indicated by EWA to apply thresholds at the level of legal entity, understood in this context as the individual company rather than the wider corporate group structure. This clarification is critical to ensuring proportionality in the application of obligations. Applying thresholds at group level would risk capturing entities with relatively low energy consumption simply due to their corporate structure, rather than their operational footprint. This would lead to disproportionate compliance requirements and dilute the Directive’s focus on high-impact energy users. A legal entity-based approach ensures that obligations are better aligned with actual consumption patterns at company level, while also maintaining fairness across different business models and organisational structures.

3. Administrative Burden and Reporting

A key point raised during previous discussions with EWA relate to the potential expansion of administrative obligations beyond what is strictly required under the Directive. The Malta Chamber is clear that national transposition must not introduce any additional reporting requirements, particularly in relation to energy consumption data, beyond those explicitly mandated at EU level. Where relevant data is already available through existing mechanisms, these should be fully leveraged, and under no circumstances should businesses be required to submit duplicate information. Any form of additional or parallel reporting framework would be considered disproportionate and unnecessary. Such an approach would not contribute to improved energy efficiency outcomes and would instead divert resources away from implementation and investment, placing an unjustified compliance burden on businesses.

4. Implementation Timeline

The missed transposition deadline has effectively compressed the timeline available for compliance given that the first audit obligations are in October 2026. This is a significant concern, particularly for enterprises that were not previously captured under the Directive



and are now newly in scope. Energy audits are not administrative exercises, they require detailed data gathering, technical analysis, and in many cases coordination with external auditors. Expecting companies to undertake this process within a shortened timeframe is likely to prove unrealistic. Without adequate preparation time, there is a risk that audits will become a box-ticking exercise rather than a meaningful tool for identifying efficiency improvements. Consideration should therefore be given to how this compressed timeline can be addressed in a practical manner.

5. Conclusion

The Malta Chamber reiterates that the success of the Recast Directive's implementation will depend heavily on how it is transposed at national level. In particular, it is essential to maintain a proportionate approach through the application of thresholds at legal entity level, to avoid introducing unnecessary administrative burdens, and to address the practical challenges arising from the current implementation timeline whilst also supporting and helping the companies that fall within scope to get in line (particularly since the delay in transposition eats away at the time that companies have to adapt).

In this context and given the delays experienced in the national transposition process, it is important that stakeholders are fully engaged ahead of the finalisation of the Legal Notice through a structured consultation process. This is key to ensuring that the framework is operationally workable, robust, and reflective of on-the-ground business realities.

Ensuring clarity, proportionality, and feasibility at this stage will be key to achieving both strong compliance and tangible energy efficiency outcomes.



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