RAJAH & TANN ASIA

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY

LAWYERS WHO KNOW ASIA

Infrastructure, Energy & Resources

Malaysia Announces Renewable Energy Programmes in Line with the National Energy Transition Roadmap

Introduction

Malaysia makes promising moves towards achieving net zero greenhouse gas emissions by 2050, in line with global roadmap goals which is in turn embedded in the National Energy Transition Roadmap ("**NETR**"). Minister in the Ministry of Energy Transition and Public Utilities, Datuk Seri Fadillah Yusof, recently announced a series of energy transition programmes and initiatives for 2024, which we will highlight in this Update.

Large Scale Solar (LSS) Programme Makes a Comeback After More Than Three Years

Large Scale Solar photovoltaic programme, or more commonly known as **"LSS**" in the industry, is a competitive bidding programme to drive down the Levelised Cost of Energy (LCOE) for the development of large scale solar photovoltaic plant, with the Energy Commission as the implementing agency for this scheme.

The LSS programme has now made a comeback for its 5th cycle after a long hiatus of more than three years. On 26 January 2024, the Government announced that it will soon open up the bids for the 5th LSS programme ("**LSS5**"), with a quota of up to 2GW. The last LSS programme was the 4th cycle which bidding closed in October 2020.

This announcement is in line with the National Energy Transition Roadmap published in August 2023 by the Ministry of Economy, which revised the target for installed renewable energy capacity in Malaysia from 40% in 2040 to 70% by 2050.

The Energy Commission aims to issue the request for proposal (RFP) documents from 1 April 2024.

The LSS5 looks to introduce a new category of floating solar with a quota of up to 500MW. A bidder will be able to bid for up to 500MW this round, which is a significant increase from the limit of 50MW in the 4^{th} LSS programme. The bidding limit is increased to ensure a developer selection process that is transparent and fair, as well as to obtain power generation tariff offers at the most competitive rates.

The extent to which foreign players can be involved in LSS5 remains to be seen. To recap, the 4th LSS programme was only open to locally-incorporated companies which are 100% owned by Malaysians or a company listed on Bursa Malaysia which has at least 75% local shareholding; while the 3rd LSS

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY



Infrastructure, Energy & Resources

programme allowed participation of bidders with foreign shareholding of up to 49%. It is estimated that engineering, procurement, construction and commissioning (EPCC) works from LSS5 alone will hit RM7 billion, with quota winners likely to be announced in the first half of 2025.

New Low Carbon Energy Generation Programme Announced

The Government has also announced a Low Carbon Energy Generation Programme ("LCEGP") with 400MW total quota, under the New Enhanced Dispatched Arrangement ("NEDA") mechanism. NEDA is a programme which allows non-Power Purchase Agreement ("PPA") / Service Level Agreement ("SLA") power generators (such as co-generators, renewable energy generators/producers, embedded generators and expired PPA/SLA generators) to sell energy to the Single Buyer by bidding their variable costs (fuel cost and operation and maintenance cost) against those stated in the PPAs and SLAs. NEDA is designed to enhance competition and cost efficiency of the Single Buyer market.

The LCEGP opens up opportunities for other low-carbon power generation, such as small hydro, biogas, biomass, hydrogen and the likes. Participation in the LCEGP will be on a "first come, first serve" basis and application can be made from 5 February 2024 on the official website of the Single Buyer.

Increased Net Energy Metering ("NEM") Quota From 5 February 2024

In addition to the above, the Government has also announced an additional quota of 400MW under the NEM programme from 5 February 2024 to 31 December 2024, with 100MW additional quota allocated to the NEM Rakyat (for household) and 300MW allocated to the NEM Nova (for commercial and industrial). The previous quota of 150MW for NEM Rakyat and 800MW for NEM Nova have almost been taken up.

The NEM programme allows the energy produced from the solar photovoltaic installation to be consumed first, and any excess will be exported to Tenaga Nasional Berhad (TNB) at prevailing displaced cost. The implementing agency for the NEM programme is the Sustainable Energy Development Authority (SEDA) Malaysia.

Concluding Words

The initiatives above are active steps towards achieving the goals outlined in the NETR launched in 2023, in particular to increase the country's installed renewable energy ("**RE**") capacity from 40% in 2035 to 70% by 2050.

The increased RE quota, new programmes and the expanded allowance for uptake are all steps greatly welcomed, given the high capital expenditure and potential risks of lower tariffs impacting returns.

RAJAH & TANN ASIA

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY



Infrastructure, Energy & Resources

However, it remains to be seen if the energy market, in particular RE projects, is to be liberalised to attract investors, foreign and new.

To view our previous updates on NETR, please refer to the following:

- Malaysia's National Energy Transition Roadmap: Part 1 (Flagship Catalyst Projects and Initiatives)
- Malaysia's National Energy Transition Roadmap: Part 2 (Roadmap in Full)

Should you require further information or any advice on the above or on any other matters pertaining to projects, energy and infrastructure, please feel free to reach out to any member of our team listed below.

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY

RAJAH & TANN ASIA

LAWYERS WHO KNOW ASIA

Contacts



Lim Siaw Wan Partner

T +603 2273 1919 M +6017 312 2517 <u>siawwan.lim</u> @christopherleeong.com



Chor Jack Partner

T +603 2267 2729 M +601 2216 0199 jack.chor @christopherleeong.com

Contribution Note

This Client Update is contributed by the Contact Partners listed above, with the assistance of **Chris Tan** (Senior Associate, Christopher & Lee Ong).

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY

RAJAH & TANN ASIA



Regional Contacts

R&T SOK & HENG | Cambodia

R&T Sok & Heng Law Office T +855 23 963 112 / 113 F +855 23 963 116 kh.rajahtannasia.com

RAJAH & TANN 立杰上海 SHANGHAI REPRESENTATIVE OFFICE | *China* **Rajah & Tann Singapore LLP Shanghai Representative Office** T +86 21 6120 8818 F +86 21 6120 8820 cn.rajahtannasia.com

ASSEGAF HAMZAH & PARTNERS | Indonesia Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800 F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550 F +62 31 5116 4560 www.ahp.co.id

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd. T +856 21 454 239 F +856 21 285 261 la.rajahtannasia.com

CHRISTOPHER & LEE ONG | Malaysia

Christopher & Lee Ong T +60 3 2273 1919 F +60 3 2273 8310 www.christopherleeong.com

RAJAH & TANN | Myanmar

Rajah & Tann Myanmar Company Limited T +95 1 9345 343 / +95 1 9345 346 F +95 1 9345 348 mm.rajahtannasia.com

GATMAYTAN YAP PATACSIL GUTIERREZ & PROTACIO (C&G LAW) | *Philippines* Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law) T +632 8894 0377 to 79 / +632 8894 4931 to 32 F +632 8552 1977 to 78 www.cagatlaw.com

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP T +65 6535 3600 sg.rajahtannasia.com

RAJAH & TANN | Thailand

R&T Asia (Thailand) Limited T +66 2 656 1991 F +66 2 656 0833 th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam* Rajah & Tann LCT Lawyers

Ho Chi Minh City Office T +84 28 3821 2382 / +84 28 3821 2673 F +84 28 3520 8206

Hanoi Office

T +84 24 3267 6127 F +84 24 3267 6128 www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

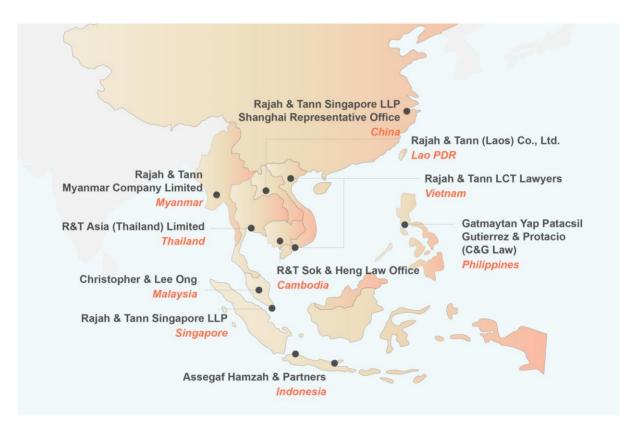
This update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this update.

RAJAH & TANN ASIA

CHRISTOPHER & LEE ONG Client Update: Malaysia 2024 JANUARY

LAWYERS WHO KNOW ASIA

Our Regional Presence



Christopher & Lee Ong is a full service Malaysian law firm with offices in Kuala Lumpur. It is strategically positioned to service clients in a range of contentious and non-contentious practice areas. The partners of Christopher & Lee Ong, who are Malaysian-qualified, have accumulated considerable experience over the years in the Malaysian market. They have a profound understanding of the local business culture and the legal system and are able to provide clients with an insightful and dynamic brand of legal advice.

Christopher & Lee Ong is part of Rajah & Tann Asia, a network of local law firms in Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by Christopher & Lee Ong and subject to copyright protection under the laws of Malaysia and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Christopher & Lee Ong.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business or operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Christopher & Lee Ong.