

Research RES LEGAL – Grid access

Country: Poland

1. Overview of access to the grid

Overview of access to the grid	Grid operators are obliged to connect renewable energy systems to their grids without discriminating against certain system operators. Furthermore, grid operators must give electricity from renewable sources priority of transmission. Grid operators are also obliged to expand their grids in line with the general provisions of energy law. However, system operators are not entitled to the expansion of the grid.
Grid connection	Grid operators are obliged to enter into agreements with the operators of renewable energy systems. However, they must apply objective rules to ensure equal treatment of all system operators. The cost of connecting a system to the grid shall be borne by the system operator. Systems that generate electricity from renewable energy sources whose capacity does not exceed 5 MW are subject to reduced connection charges (art. 7 par. 8 no. 3 Energy Law Act).
Use of the grid	The grid operators are obliged to transmit electricity from renewable sources at a priority. The grid may be used as set out in the connection agreement. The minimum content of a connection agreement is set out in statute law. The costs of use of the grid are added to the electricity prices. Thus, the consumers bear these costs through the electricity prices (art. 45 par. 1 no. 2 Energy Law Act).
Grid expansion	Grid operators are obliged to expand their grids according to the general provisions of energy law (art. 9c par. 2 no. 4; art. 9 c par. 3 no. 3 Energy Law Act). However, system operators are not entitled to the expansion of the grid. There are no specific regulations on the distribution of the costs of grid expansion.
Statutory provisions	Prawo energetyczne (Energy Law Act)

2. Basic information on legal sources

Name of legal source (original language)	Ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne		
Name of legal source (full name)			
Name of legal source (English)	Act as of 10th May 1997, Energy Law Act		
Abbreviated form	Energy Law Act		
Entry into force	10/04/1997		
Last amended on	08/01/2010		
Future amendments			
Purpose	Regulating the energy market and the national energy policy, see art. 1.		
Relation to renewable energy	The Act also applies to renewable electricity generation.		
Link to full text of legal source (original language)	http://www.ure.gov.pl/download.php?s=1&id=1373		
Link to full text of legal source (English)	http://www.mg.gov.pl/NR/rdonlyres/FEF39A92-841A-4D24-AE9D-D6E0A2469100/13609/PE_6092005_Energy_Law_Act.doc Please note: The English translation does not provide information on the latest amendment of the Act.		

3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Urząd Regulacji Energetyki (URE) – Energy Regulatory Office	http://www.ure.gov.pl/portal/en		+48 22 661 61 07	ure@ure.gov.pl
Ministerstwo Gospodarki (MG) – Ministry of Economy	http://www.mg.gov.pl/		+ 48 22 693 50 00	mg@mg.gov.pl
Polskie Sieci Elektroenergetyczne. PSE Operator S.A. – Polish Transmission System Operator	http://www.pse-operator.pl/index.php?lang_id=2		+48 22 242 26 00	http://www.pse-operator.pl/index.php?dzid=38

4. Grid connection

Abbreviated form of legal sources	Energy Law Act	
Overview	Where a system operator and a grid operator have concluded a connection agreement, the system operator may demand from the grid operator that his system is connected to the grid. The grid operator is obliged to enter into an agreement with every system operator that is interested in being connected and whose connection is technically and economically feasible (art. 7 par. 1 Energy Law Act). The system operator must meet the grid operator's connection requirements (art. 7 par. 1 Energy Law Act).	
Procedure	Procedure	<ul style="list-style-type: none"> - Application. The applicant requests the connection requirements to be specified (art. 7 par. 3a Energy Law Act). - Connection requirements. The grid operator is obliged to notify the system operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law Act). - Advance payment. An operator of a system with a capacity of more than 1 kV is obliged to make an advance payment of 30 PLN (approx. 7.7 €) per kW of installed capacity to the grid operator. This payment must be made within seven days after the system operator has requested the connection requirements to be set (art. 7 par. 8a and 8c Energy Law Act). The advance payment must not exceed the total cost of connection and must not exceed 3 m PLN (approx. 770,000 €) (art. 7 par. 8b Energy Law Act). - Connection agreement. The grid operator enters into a connection agreement with the system operator. The grid operator is obliged to enter into such an agreement if the connection of the system in question is technically and economically feasible (art. 7 par. 1 Energy Law Act). If the grid operator refuses to enter into an agreement with an applicant, he has to inform regulatory authority URE and the applicant in writing and without undue delay about the reasons for his refusal (art. 7 par. 1 Energy Law Act). Disputes are resolved by the URE (art. 8 par. 1 Energy Law Act). Where the grid operator refuses to enter into a connection agreement for reasons of insufficient economic conditions, the grid operator and the system operator may agree on a connection fee other than the usual fee (art. 7 par. 9 Energy Law Act).
	Deadlines	<p>Statute law does not usually specify deadlines regarding the connection of systems to the grid. However, according to statute law a grid connection agreement must contain the date of connection and provisions regarding delays in connection (art. 7 par. 2 Energy Law Act).</p> <p>There is only one statutory deadline, which requires the grid operator to notify</p>

		<p>the system operator of the connection requirements within a certain period of time. The notification deadline depends on the voltage level at which the system is to be connected. The deadline is:</p> <ul style="list-style-type: none"> - 30 days after the advance payment was made where a system is connected at a voltage level of up to 1 kV. - 150 days after the advance payment was made where a system is connected at a voltage level of more than 1 kV (art. 7 par. 8g Energy Law Act).
	Obligation to provide information	The grid operator is obliged to notify the system operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law Act).
Priority to renewable energy (qualitative criteria)	<input type="checkbox"/> Priority to renewable energy <input checked="" type="checkbox"/> Non-discrimination	The grid operator is obliged to connect systems without discriminating against certain system operators (art. 7 par. 1 Energy Law Act). Renewable energy is not given priority.
Capacity limits (quantitative criteria)		
Funding		
	State	
	Consumers	
	Grid operator	
	System operator	The cost of connecting a system to the grid is borne by the system operator. The connection charges are equal to the actual cost of connection. Operators of renewable energy systems whose capacity does not exceed 5 MW only need to pay 50% of this cost (art. 7 par. 8 no. 3 Energy Law Act).
	Distribution mechanism	

5. Use of the grid

Abbreviated form of legal sources	Energy Law Act	
Overview	The grid may be used as set out in the connection agreement (art. 5 par. 1 Energy Law Act). The grid operators are obliged to transmit electricity from renewable sources at a priority (art. 9c par. 6 Energy Law Act).	
Procedure	Procedure	After a system has been connected, the grid operator and the system operator conclude a transmission agreement (art. 5 par. 1 Energy Law Act). Certain contents of the transmission agreement are set out in statute law (art. 5 par. 2 no. 2 Energy Law Act). If the grid operator refuses to enter into the agreement, the URE shall decide on the matter (art. 8 par. 1 Energy Law Act).
	Deadlines	
	Obligation to provide information	
Priority to renewable energy (qualitative criteria)	(x) Priority to renewable energy () Non-discrimination	Grid operators are obliged to transmit electricity generated from renewable energy sources at a priority. In doing so, they have to make sure that the national grid network remains reliable and secure (art. 9c par. 6 Energy Law Act).
Grid stability	The transmission of electricity shall not put the security of energy supply or the reliability and security of the national grid network at risk (art. 9c par. 6 Energy Law Act). The transmission grid operator and the distribution grid operator may manage the generating systems as long as they ensure equal treatment of the grid users (art. 9c par. 2 no. 6) and par. 3 no. 5) Energy Law Act).	
Funding	There are no special provisions on the costs and the distribution of the costs of grid use by electricity from renewable sources. The costs of use of the grids by electricity from renewable sources shall be calculated in pursuance of the general provisions of energy law (art. 45 par. 1 no. 2) Energy Law Act).	
	State	
	Consumers	The costs of use of the grid are borne by the consumers through the electricity prices (art. 45 par. 1 no. 2 in connection with art. 3 no. 21 Energy Law Act).
	Grid operator	
	System operator	
	Distribution mechanism	When calculating the price for electricity, the grid operators take into account the costs arising from the fulfilment of their obligations (art. 45 par. 1 no. 2 in connection with art. 3 no. 21 Energy Law Act).

6. Grid expansion

Abbreviated form of legal sources	Energy Law Act	
Overview	The grid operator is obliged to make sure that the construction and expansion of the grid is implemented and financed. This obligation also applies where the connection of a system requires the grid to be expanded (art. 7 par. 5 Energy Law Act). However, this general obligation does not entitle the system operators to the expansion of the grid.	
Procedure for system operators	Procedure	
	Enforcement of claims	
	Deadlines	
	Obligation to provide information	
Incentives for grid expansion		
Funding	There are no special regulations on the distribution of the cost of a grid expansion. The cost of a grid expansion is determined in pursuance of the general provisions of art. 45 par.1 no.2 of the Energy Law Act.	
	State	
	Consumers	
	Grid operator	
	System operator	
	Distribution mechanism	
Grid studies		