



# Renewable energy policy database and support – RES-LEGAL EUROPE

## National profile: Poland

Client: DG Energy

Contact author: Anna Pobłocka, [policy@eclareon.com](mailto:policy@eclareon.com)

Berlin, 4 June 2012





**eclareon GmbH**

Luisenstraße 41  
10117 Berlin  
Germany  
Phone : +49 30 246 86 90  
Fax: +49 30 246 286 94  
[www.eclareon.com](http://www.eclareon.com)



**Öko-Institut**

P.O. Box 1771  
79017 Freiburg  
Germany  
Phone : +49 761 45295-30  
Fax: +49 761 45295-88  
[www.oeko.de](http://www.oeko.de)



**ECN**

P.O. Box 1  
1755 ZG Petten  
The Netherlands  
Phone : +31-224-564450  
Fax: +31-224-568486  
[www.ecn.nl](http://www.ecn.nl)





## TABLE OF CONTENTS

<b>RES-E SUPPORT SCHEMES .....</b>	<b>4</b>
<i>Summary of support schemes .....</i>	<i>4</i>
<i>Basic information on legal sources .....</i>	<i>6</i>
<i>Further information .....</i>	<i>11</i>
<i>Support schemes .....</i>	<i>13</i>
<b>RES-E GRID ISSUES.....</b>	<b>23</b>
<i>Overview.....</i>	<i>23</i>
<i>Basic information on legal sources .....</i>	<i>24</i>
<i>Further information .....</i>	<i>26</i>
<i>Grid issues.....</i>	<i>27</i>
<b>RES-H&amp;C SUPPORT SCHEMES .....</b>	<b>35</b>
<i>Summary of support schemes .....</i>	<i>35</i>
<i>Basic information on legal sources .....</i>	<i>36</i>
<i>Further information .....</i>	<i>40</i>
<i>Support schemes .....</i>	<i>41</i>
<b>RES-T SUPPORT SCHEMES .....</b>	<b>50</b>
<i>Summary of support schemes .....</i>	<i>50</i>
<i>Basic information on legal sources .....</i>	<i>51</i>
<i>Further information .....</i>	<i>53</i>
<i>Support schemes .....</i>	<i>54</i>
<b>POLICIES.....</b>	<b>57</b>
<i>Summary of policies .....</i>	<i>57</i>
<i>Basic information on legal sources .....</i>	<i>58</i>
<i>Further information .....</i>	<i>60</i>
<i>Policy categories.....</i>	<i>61</i>



## RES-E support schemes

### Summary of support schemes

<b>Overview</b>	In the Republic of Poland, electricity from renewable sources is promoted mainly through a quota system. Electricity suppliers are obliged to acquire a certain number of so-called "certificates of origin", which are issued to the producers of electricity from renewable sources. Furthermore, electricity from renewable sources is supported through loans and tax relief.
<b>Summary of support system</b>	<ul style="list-style-type: none"> <li>• <b>Quota system.</b> In Poland, the main incentive for renewable energy use is a quota system in terms of a quota obligation, which is combined with a certificate trading system. The Energy Law obliges electricity generators and suppliers that provide electricity to customers in Poland to fulfil a specified quota of certificates of origin/ green certificates. These certificates are awarded to the producers of electricity from renewable sources.</li> <li>• <b>Loans.</b> The National Fund for Environmental Protection and Water Management grants low-interest loans to renewable energy and CHP projects.</li> <li>• <b>Tax incentives.</b> Producers of electricity from renewable sources are exempt from the tax on the sale and consumption of electricity.</li> </ul>
<b>Technologies</b>	In general, all technologies are eligible for promotion.
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>• Energy Law (Prawo energetyczne – general energy law)</li> <li>• Order of 14/08/2008 (Rozporządzenie Ministra Gospodarki z dnia 14 sierpnia 2008 r. – order on the quota obligation)</li> <li>• Environmental Protection Act (Prawo ochrony środowiska – law on environmental protection in general)</li> <li>• NOG (Zasady udzielania dofinansowania – administrative regulation on the allocation of grants)</li> <li>• Priority Programme for RES (Program Priorytetowy – application conditions for loans for renewable energy)</li> </ul>



## RES-LEGAL EUROPE – National Profile Poland



	<ul style="list-style-type: none"><li>• Tax Act (Ustawa o podatku akcyzowym – general tax law)</li></ul>
--	--



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne	Rozporządzenie Ministra Gospodarki z dnia 14 sierpnia 2008 r. w sprawie szczegółowego zakresu obowiązków uzyskania i przedstawienia do umorzenia świadectw pochodzenia, uiszczenia opłaty zastępczej, zakupu energii elektrycznej i ciepła wytworzonych w odnawialnych źródłach energii oraz obowiązku potwierdzania danych dotyczących ilości energii elektrycznej wytworzonej w odnawialnym źródle energii	Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska
<b>Full name</b>			
<b>Name (English)</b>	Act of 10 April 1997, Energy Law	Order of the Polish Minister of Economy of 14 August 2008 establishing detailed provisions on the Order of the Polish Minister of Economy as of 14th August 2008 establishing detailed provisions on the obligation to acquire certificates of origin and submit them for collection, the obligation to pay a compensation fee, the obligation to purchase electric energy and heat generated from renewable energy sources, and the obligation to prove that the amount of energy generated and the source of energy used have been	Environmental Protection Act



## RES-LEGAL EUROPE – National Profile Poland



		accurately reported	
<b>Abbreviated form</b>	Energy Law	Order of 14/08/2008	Environmental Protection Act
<b>Entry into force</b>	10.04.1997	14.08.2008	27.04.2001
<b>Last amended on</b>	03.05.2012	23.02.2010	13.04.2012
<b>Future amendments</b>		A new law on electricity from renewable sources is planned to be enacted in 2011.	
<b>Purpose</b>	Regulating the Polish energy market and setting guidelines for national energy policy, see art. 1.	Establishing detailed provisions on the promotion of renewable energy sources through a quota and price control as set out in art. 9a of the Energy Law.	The act implements several European directives regarding environmental protection (see art. 1 Environmental Protection Act).
<b>Relevance for renewable energy</b>	The act also applies to renewable electricity generation.	This order promotes renewable energy only.	Art. 400 ff. of the Environmental Protection Act provide rules on the granting of loans by the National Fund for Environmental Protection and Water Management. These loans may also be granted to projects involving the use of renewable energy sources.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ure.gov.pl/portal/pl/25/17/Ustawa_z_dnia_10_kwietnia_1997_r_Prawo_energetyczne.html">http://www.ure.gov.pl/portal/pl/25/17/Ustawa_z_dnia_10_kwietnia_1997_r_Prawo_energetyczne.html</a>	<a href="http://www.mq.gov.pl/NR/rdonlyres/93212343-8CEF-4ADA-ABAF-1D426EC0D675/47786/RozporzadzenieOZE.pdf">http://www.mq.gov.pl/NR/rdonlyres/93212343-8CEF-4ADA-ABAF-1D426EC0D675/47786/RozporzadzenieOZE.pdf</a>	<a href="http://isip.sejm.gov.pl/Download.jsessionid=F709B8A70E4BBEE3B069C24F7241FF57?id=WDU20080250150&amp;type=3">http://isip.sejm.gov.pl/Download.jsessionid=F709B8A70E4BBEE3B069C24F7241FF57?id=WDU20080250150&amp;type=3</a>



## RES-LEGAL EUROPE – National Profile Poland



<b>Link to full text of legal source (English)</b>	<a href="http://www.mq.gov.pl/NR/rdonlyres/FEF39A92-841A-4D24-AE9D-D6E0A2469100/13609/PE_6092005_Energy_Law_Act.doc">http://www.mq.gov.pl/NR/rdonlyres/FEF39A92-841A-4D24-AE9D-D6E0A2469100/13609/PE_6092005_Energy_Law_Act.doc</a>	<a href="http://www.res-legal.de/fileadmin/translations/Polen_Verordnung_14.08.2008.pdf">http://www.res-legal.de/fileadmin/translations/Polen_Verordnung_14.08.2008.pdf</a>	
--	---	---	--





## RES-LEGAL EUROPE – National Profile Poland



<b>Name of legal source (original language)</b>	Zasady udzielania dofinansowania ze srodkow Narodowego Funduszu Ochrony Srodowiska i gospodarki wodnej	Program priorytetowy. Program dla przedsiwziec w zakresie odnawialnych zrodel energii i obiektow wysokosprawnej kogeneracji – Czesc 1	Ustawa z dnia 6 grudnia 2008 r. o podatku akcyzowym
<b>Full name</b>			
<b>Name (English)</b>	Basic Principles for the Allocation of Grants from the National Fund for Environmental Protection and Water Management	Priority programme. Programme for Investments in Renewable Energy and Combined Heat and Power – Part 1	Tax Act
<b>Abbreviated form</b>	NOG	Priority Programme RES	Tax Act
<b>Entry into force</b>	21.12.2009	01.01.2011	01.03.2009
<b>Last amended on</b>	12.04.2011		01.01.2011
<b>Future amendments</b>			
<b>Purpose</b>	Setting up conditions for the granting of loans and subsidies by the National Fund for Environmental Protection and Water Management.	This regulation sets up conditions for the granting of loans and subsidies by the National Fund for Environmental Protection and Water Management.	The Tax Act establishes provisions on the levying of consumption taxes including the consumption tax on electricity.
<b>Relevance for renewable energy</b>	Projects that promote the market access of renewable energy are eligible for loans and subsidies from the Fund.	The regulation promotes renewable energy only.	Renewable energy is exempt from the tax.



## RES-LEGAL EUROPE – National Profile Poland



Link to full text of legal source (original language)	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/23/1/5/zasady_udzielania_dofinansowania_2011.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/23/1/5/zasady_udzielania_dofinansowania_2011.pdf</a>	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/630/1/5/110101_oze1_programe_prioritetowy.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/630/1/5/110101_oze1_programe_prioritetowy.pdf</a>	<a href="http://www.mf.gov.pl/files/podatki/podatki/tek_akcyzowy/dzu-108-poz-626-tj_ustawy_o_podatku_akcyzowym.pdf">http://www.mf.gov.pl/files/podatki/podatki/tek_akcyzowy/dzu-108-poz-626-tj_ustawy_o_podatku_akcyzowym.pdf</a>
Link to full text of legal source (English)			



### Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Ministerstwo Gospodarki (MG) – Ministry of Economy	<a href="http://www.mg.gov.pl/">http://www.mg.gov.pl/</a>		+ 48 22 693 50 00	<a href="mailto:mg@mg.gov.pl">mg@mg.gov.pl</a>
Ministerstwo Środowiska (MOS) – Ministry of the Environment	<a href="http://www.mos.gov.pl">http://www.mos.gov.pl</a>		+48 22 57 92 900	<a href="mailto:info@mos.gov.pl">info@mos.gov.pl</a>
Urząd Regulacji Energetyki (URE) – Energy Regulatory Office	<a href="http://www.ure.gov.pl">http://www.ure.gov.pl</a>		+48 22 661 61 07	<a href="mailto:ure@ure.gov.pl">ure@ure.gov.pl</a>
Krajowa Agencja Poszanowania Energii S.A. (KAPE) – National Energy Conservation Agency	<a href="http://www.kape.gov.pl">http://www.kape.gov.pl</a>		+48 22 825 86 92	<a href="mailto:kape@kape.gov.pl">kape@kape.gov.pl</a>
Instytut Paliw i Energii Odnawialnej (IPiEO) – Institute for Fuels and Renewable Energy	<a href="http://www.ipieo.pl/start.html">http://www.ipieo.pl/start.html</a>		+48 22 5100 200	<a href="mailto:instytut@ipieo.pl">instytut@ipieo.pl</a>
Narodowy Fundusz Ochrony Środowiska i Gospodarki	<a href="http://www.nfosigw.gov.pl/">http://www.nfosigw.gov.pl/</a>		+ 48 22 45 90 100	<a href="mailto:fundusz@nfosigw.gov.pl">fundusz@nfosigw.gov.pl</a>



## RES-LEGAL EUROPE – National Profile Poland



Wodnej (NFOSiGW) – National Fund for Environmental Protection and Water Management				
---	--	--	--	--



### Support schemes

#### Loan (National Fund for Environmental Protection and Water Management - RES)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Environmental Protection Act</li> <li>• NOG</li> <li>• Priority Programme RES</li> </ul>	
<b>Summary</b>	<p>The National Fund for Environmental Protection and Water Management grants low-interest loans to CHP and renewable energy projects.</p> <p>The loans are awarded through calls for proposals from January 2009 to December 2012. Calls are published on the website of the Fund (<a href="http://www.nfosigw.gov.pl">www.nfosigw.gov.pl</a>).</p> <p>The loan programme may not be received on top of other incentives granted by the Fund (7.3 Priority Programme RES).</p>	
<b>Eligible technologies</b>	<b>General information</b>	According to the current Priority Programme, the following technologies are eligible for the soft loan scheme (7.5 Priority Programme RES):
	<b>Wind energy</b>	Plants with a capacity of up to 10 MW are eligible (7.5 Priority Programme RES).
	<b>Solar energy</b>	
	<b>Geothermal energy</b>	
	<b>Biogas</b>	Eligible (7.5 Priority Programme RES)
	<b>Hydro-power</b>	Plants with a capacity of up to 5 MW are eligible (7.5 Priority Programme RES)



## RES-LEGAL EUROPE – National Profile Poland



		Programme RES).
	<b>Biomass</b>	
<b>Amount</b>	<p>The total budget for the support programme for renewable energy and combined heat and power for 2009-2012 is PLN 1.4 bn (€ 333.6 m) (3 Priority Programme RES).</p> <p>The amount of loan may be PLN 4 m to 50 m (€ 1-12 m) but must not exceed 75% of the project costs (7.3 No. 2 and 5 letter d) Priority Programme RES). The investment must exceed PLN 10 m (€ 2.4 m) (7.3 No. 1 Priority Programme RES).</p> <p>Up to 50% of the loan may not need to be repaid (7.3 No. 6 letter c) Priority Programme RES).</p>	
<b>Addressees</b>	All natural persons and legal entities that invest in an eligible project are eligible (7.4 Priority Programme RES).	
<b>Procedure</b>	<b>Process flow</b>	<p><b>Application.</b> Interested companies have to apply for a loan (§ 3 par. 1 NOG).</p> <p><b>Selection procedure.</b> Applications are examined and selected by the National Fund for Environmental Protection and Water Management (§ 4 par. 3 NOG).</p> <p><b>Subsidy contract.</b> The loan is granted on the day on which the subsidy contract is signed (§ 4 par. 3 NOG).</p>
	<b>Competent authority</b>	The authority in charge of granting loans is the National Fund for Environmental Protection and Water Management (§ 1 NOG).
<b>Flexibility mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	



## RES-LEGAL EUROPE – National Profile Poland



	<b>Consumers</b>	The costs of the loan scheme are borne by the end consumers of electricity.
	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	The means provided by the National Fund to promote renewable energy are made up of compensation and penalty fees paid by electricity producers and suppliers that fail to satisfy their quota obligation. These fees are passed on to the end users (art. 401 par. 7 no. 4 in conjunction with art. 401c par. 5 Environmental Protection Act).



### Quota system

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Energy Law</li> <li>• Order of 14/08/2008</li> </ul>	
<b>Summary</b>	<p>The Energy Law obliges electricity generators and electricity suppliers to meet a certain quota of green certificates (certificates of origin) (art. 9a par. 1 no. 1 Energy Law). As an alternative, the companies may pay a fee (art. 9a par. 1 no. 2 Energy Law). Satisfying neither of these obligations carries a penalty (art. 56 par. 1 no. 1a) Energy Law). Electricity producers may also sell their electricity on the market or offer it to an electricity supplier at last year's market price.</p> <p>Electricity generators subject to the quota system may receive grants and subsidies.</p>	
	<b>General information</b>	In general, all technologies are eligible (§ 4 par. 1 Order of 14/08/2008).
	<b>Wind energy</b>	Eligible.
	<b>Solar energy</b>	Eligible.
	<b>Geothermal energy</b>	Eligible.
	<b>Biogas</b>	Eligible.
	<b>Hydro-power</b>	Eligible.
	<b>Biomass</b>	<p>Eligible, if the following requirements are met:</p> <ul style="list-style-type: none"> <li>• In plants whose capacity exceeds 5 MW, the amount of biomass shall exceed a certain percentage if substances</li> </ul>





## RES-LEGAL EUROPE – National Profile Poland



		<p>other than biomass are co-fired (§ 4 par. 2 Order of 14/08/2008).</p> <ul style="list-style-type: none"><li>In plants whose capacity exceeds 20 MW and which fire biomass only, a certain percentage of the biomass shall be of a certain origin (§ 4 par. 4 Order of 14/08/2008).</li></ul>														
Amount	Amount of quota and period of application	<p>The quota is a percentage of the total annual amount of electricity sold (§ 3 Order of 14/08/2008). The quota has been fixed until 2017 and amounts to:</p> <table><tr><th>Year</th><th>Quota</th></tr><tr><td>2012</td><td>10.4%</td></tr><tr><td>2013</td><td>10.9%</td></tr><tr><td>2014</td><td>11.4%</td></tr><tr><td>2015</td><td>11.9%</td></tr><tr><td>2016</td><td>12.4%</td></tr><tr><td>2017</td><td>12.9%</td></tr></table>	Year	Quota	2012	10.4%	2013	10.9%	2014	11.4%	2015	11.9%	2016	12.4%	2017	12.9%
	Year	Quota														
	2012	10.4%														
2013	10.9%															
2014	11.4%															
2015	11.9%															
2016	12.4%															
2017	12.9%															
	Adjustment of quotas	<p>The quota may change due to amendments in legislation. The person in charge of energy legislation is the Minister of Economy (art. 9a par. 9 no. 5 Energy Law).</p>														
	Number of certificates according to technology	<p>The quota does not depend on the technology used, and each technology is eligible for the same amount of certificates for the same</p>														



## RES-LEGAL EUROPE – National Profile Poland



		amount of energy.
	<b>Minimum price per certificate</b>	There is no minimum price per certificate.
	<b>Fees and penalty charges</b>	<p><b>Payment of a fee.</b> The quota obligation may also be fulfilled by paying a fee (art. 9 a par. 1 no. 2 Energy Law). Every year, the amount of fee is calculated according to a statutorily set formula and published (art. 9a par. 2-4 Energy Law).</p> <p><b>Penalty charges.</b> If a generator fails to present certificates of origin or does not pay the fee, regulatory authority URE charges a penalty (art. 56 par. 1 no. 1a) and par. 2 no. 1) Energy Law). The amount of penalty must exceed a certain amount (art. 56 par. 2a no. 1) Energy Law).</p>
	<b>Yearly Average Certificate Price</b>	Average certificate price for 2010: PLN 274.49 (approx. € 63.58)
<b>Eligibility period</b>		
<b>International applicability</b>	<b>International certificate trade</b>	The Act does not stipulate that certificates can be traded on an international basis.
	<b>Flexibility Mechanism</b>	
<b>Addressees</b>	<p>Energy companies producing or selling electricity to end users are obliged to comply with the quota obligation (art. 9a par. 1a Energy Law).</p> <p>Furthermore, electricity suppliers licensed to supply electricity to households that have not chosen a supplier are obliged to purchase electricity from renewable sources from producers within their area of service at a fixed price (art. 9a par. 6 Energy Law). The fixed price is the mean electricity price of the previous year. It is calculated by the regulatory authority (art. 9a par.</p>	



	6 in conjunction with § 23 par. 2 no. 18 b) Energy Law).	
Procedure	Process flow	<p><b>Submission of certificates of origin/ green certificates.</b> In order to provide evidence for the fulfilment of the quota, companies shall present certificates of origin/ green certificates (art. 9a par. 1 no. 1, art. 9e Energy Law). The regulatory authority awards these certificates for electricity from renewable energy to the plant operators (art. 9e par. 3 Energy Law). Certificates of origin are transferable (art. 9e par. 6 Energy Law) and may either be acquired by generating electricity from renewable energy or purchased from other producers.</p> <p><b>Payment of a fee.</b> The quota obligation may also be fulfilled by paying a fee (art. 9 a par. 1 no. 2 Energy Law).</p> <p><b>Penalty charge.</b> If a company fails to present certificates of origin/ green certificates or does not pay the fee, regulatory authority URE charges a penalty (art. 56 par. 1 no. 1a) Energy Law).</p>
	Competent authority	Regulatory authority URE monitors compliance with the quota obligation (art. 23 par. 2 no. 4 Energy Law).
Distribution of costs	State	
	Consumers	The costs of the quota system are borne by the consumers (§ 15 Order of 14/08/2008).
	Plant operator	



## RES-LEGAL EUROPE – National Profile Poland



	<b>Grid operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	The costs of purchasing certificates of origin/green certificates and of paying the fee are included in the electricity price and thus equally distributed among the final consumers (§ 15 par. 1 Order of 14/08/2008). The costs that may be passed on to the final consumers are limited in amount (§ 15 par. 2 Order of 14/08/2008).



### Tax regulation mechanisms

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>Tax Act</li> </ul>	
<b>Summary</b>	<p>In Poland, a tax is levied on the sale of electricity to end users and its consumption (art. 9 Tax Act). Electricity from renewable sources is exempt from consumption tax (art. 30 par. 1 Tax Act).</p>	
<b>Eligible technologies</b>	<b>General information</b>	All renewable electricity generation technologies are eligible for tax exemption (art. 30 par. 1 Tax Act).
	<b>Wind energy</b>	Eligible.
	<b>Solar energy</b>	Eligible.
	<b>Geothermal energy</b>	Eligible.
	<b>Biogas</b>	Eligible.
	<b>Hydro-power</b>	Eligible.
	<b>Biomass</b>	Eligible.
<b>Amount</b>	<p>The amount of subsidy is equal to the amount of taxes entitled persons are exempt from. At the moment, the consumption tax on electricity amounts to PLN 20 (approx. € 5) per MW/h (art. 89 par. 3 Tax Act).</p>	
<b>Addressees</b>	<p>Electricity from renewable sources is exempt from consumption tax. Both generators and suppliers of electricity are exempt from paying tax on all renewable electricity sold to end users or consumed (art. 30 par. 1 in conjunction with art. 9 par. 1 Tax Act).</p>	



## RES-LEGAL EUROPE – National Profile Poland



Procedure	Process flow	<p><b>Tax collection.</b> The tax is collected when the electricity is supplied to the end user or when it is consumed (art. 11 Tax Act).</p> <p><b>Certificates issued by URE.</b> Regulatory authority URE issues certificates to electricity vendors that comply with their quota obligation (see quota system).</p> <p><b>Exemption from tax.</b> Generators and suppliers become exempt from the tax when they submit their certificates to the competent authority (art. 30 par. 1 Tax Act).</p>
	Competent authority	The competent authority is the customs office (art. 14 Tax Act).
Flexibility Mechanism		
Distribution of costs	State	The costs of tax relief are borne by the state (art. 1 par. 2 Tax Act).
	Consumers	
	Plant operator	
	Grid operator	
	European Union	
	Distribution mechanism	



## RES-E grid issues

### Overview

<b>Overview of grid issues</b>	Grid operators are obliged to connect renewable energy plants to their grids without discriminating against certain (groups of) plant operators. Furthermore, grid operators must give electricity from renewable sources priority of transmission. Grid operators are also obliged to develop their grids in line with the general provisions of energy law. However, plant operators are not entitled to the development of the grid.
<b>Connection to the grid</b>	Grid operators are obliged to enter into agreements with the operators of renewable energy plants. However, they must apply objective rules to ensure equal treatment of all plant operators. The cost of connecting a plant to the grid shall be borne by the plant operator. Plants 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).
<b>Use of the grid</b>	The grid operators are obliged to give electricity from renewable sources priority of transmission. 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 electricity prices (art. 45 par. 1 no. 2 Energy Law).
<b>Grid development</b>	Grid operators are obliged to develop 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). However, plant operators are not entitled to the development of the grid. There are no specific regulations on the distribution of the costs of grid development.
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>• Prawo energetyczne (Energy Law)</li> </ul>



### Basic information on legal sources

<b>Name of legal source</b> (original language)	Act as 10 April 1997, Energy Law		
<b>Full name</b>			
<b>Name (English)</b>	Ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne		
<b>Abbreviated form</b>	Energy Law		
<b>Entry into force</b>	10.04.1997		
<b>Last amended on</b>	03.05.2012		
<b>Future amendments</b>			
<b>Purpose</b>	Regulating the Polish energy market and setting guidelines for national energy policy, see art. 1.		
<b>Relevance for renewable energy</b>	The Act also applies to renewable electricity generation.		
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ure.gov.pl/portal/pl/25/17/Ustawa_z_dnia_10_kwietnia_1997_r_Prawo">http://www.ure.gov.pl/portal/pl/25/17/Ustawa_z_dnia_10_kwietnia_1997_r_Prawo</a>		





## RES-LEGAL EUROPE – National Profile Poland



	<a href="#"><i>energetyczne.html</i></a>		
Link to full text of legal source (English)	<a href="http://www.mq.gov.pl/NR/rdonlyres/FEF39A92-841A-4D24-AE9D-D6E0A2469100/13609/PE_6092005_Energy_Law_Act.doc"><i>http://www.mq.gov.pl/NR/rdonlyres/FEF39A92-841A-4D24-AE9D-D6E0A2469100/13609/PE_6092005_Energy_Law_Act.doc</i></a>		



## RES-LEGAL EUROPE – National Profile Poland



### Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Urząd Regulacji Energetyki (URE) – Energy Regulatory Office	<a href="http://www.ure.gov.pl">http://www.ure.gov.pl</a>		+48 22 661 61 07	<a href="mailto:ure@ure.gov.pl">ure@ure.gov.pl</a>
Ministerstwo Gospodarki (MG) – Ministry of Economy	<a href="http://www.mg.gov.pl/">http://www.mg.gov.pl/</a>		+ 48 22 693 50 00	<a href="mailto:mg@mg.gov.pl">mg@mg.gov.pl</a>
Polskie Sieci Elektroenergetyczne. PSE Operator S.A. – Polish Transmission System Operator	<a href="http://www.pse-operator.pl">http://www.pse-operator.pl</a>	Sławomir Smoktunowicz	+48 22 242 22 57	<a href="mailto:slawomir.smoktunowicz@pse-operator.pl">slawomir.smoktunowicz@pse-operator.pl</a>



## Grid issues

### Connection to the grid

Abbreviated form of legal sources	<ul style="list-style-type: none"> <li>Energy Law</li> </ul>		
Overview	<p>Where a plant operator and a grid operator have concluded a connection agreement, the plant operator may demand from the grid operator that his plant is connected to the grid. The grid operator is obliged to enter into an agreement with every plant operator that is interested in being connected and whose connection is technically and economically feasible (art. 7 par. 1 Energy Law). The plant operator must meet the grid operator's connection requirements (art. 7 par. 1 Energy Law Act).</p>		
Procedure	<table border="1"> <tr> <td data-bbox="600 619 1070 1299">Process flow</td><td data-bbox="1070 619 2047 1299"> <ul style="list-style-type: none"> <li><b>Application.</b> The applicant requests the connection requirements to be specified (art. 7 par. 3a Energy Law).</li> <li><b>Connection requirements.</b> The grid operator is obliged to notify the plant operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law). Connection requirements are applicable for two years from the date of receipt. During this period, the grid operator has to make sure that grid capacity is sufficient to connect the plant to the grid (art. 7 par. 8i Energy Law).</li> <li><b>Advance payment.</b> An operator of a plant with a capacity of more than 1 kV is obliged to make an advance payment of PLN 30 (approx. € 7.7) per kW of installed capacity to the grid operator. This payment must be made within fourteen days after the system operator has requested the connection requirements to be set (art. 7 par. 8a and 8c Energy Law). The advance payment must not exceed the total costs of connection and must not exceed PLN 3 m (approx. € 770,000) (art. 7 par. 8b Energy Law).</li> <li><b>Connection agreement.</b> The grid operator enters into a connection agreement with the plant operator. The grid operator is obliged to enter into such an agreement if the connection of the plant in question is technically and</li> </ul> </td></tr> </table>	Process flow	<ul style="list-style-type: none"> <li><b>Application.</b> The applicant requests the connection requirements to be specified (art. 7 par. 3a Energy Law).</li> <li><b>Connection requirements.</b> The grid operator is obliged to notify the plant operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law). Connection requirements are applicable for two years from the date of receipt. During this period, the grid operator has to make sure that grid capacity is sufficient to connect the plant to the grid (art. 7 par. 8i Energy Law).</li> <li><b>Advance payment.</b> An operator of a plant with a capacity of more than 1 kV is obliged to make an advance payment of PLN 30 (approx. € 7.7) per kW of installed capacity to the grid operator. This payment must be made within fourteen days after the system operator has requested the connection requirements to be set (art. 7 par. 8a and 8c Energy Law). The advance payment must not exceed the total costs of connection and must not exceed PLN 3 m (approx. € 770,000) (art. 7 par. 8b Energy Law).</li> <li><b>Connection agreement.</b> The grid operator enters into a connection agreement with the plant operator. The grid operator is obliged to enter into such an agreement if the connection of the plant in question is technically and</li> </ul>
Process flow	<ul style="list-style-type: none"> <li><b>Application.</b> The applicant requests the connection requirements to be specified (art. 7 par. 3a Energy Law).</li> <li><b>Connection requirements.</b> The grid operator is obliged to notify the plant operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law). Connection requirements are applicable for two years from the date of receipt. During this period, the grid operator has to make sure that grid capacity is sufficient to connect the plant to the grid (art. 7 par. 8i Energy Law).</li> <li><b>Advance payment.</b> An operator of a plant with a capacity of more than 1 kV is obliged to make an advance payment of PLN 30 (approx. € 7.7) per kW of installed capacity to the grid operator. This payment must be made within fourteen days after the system operator has requested the connection requirements to be set (art. 7 par. 8a and 8c Energy Law). The advance payment must not exceed the total costs of connection and must not exceed PLN 3 m (approx. € 770,000) (art. 7 par. 8b Energy Law).</li> <li><b>Connection agreement.</b> The grid operator enters into a connection agreement with the plant operator. The grid operator is obliged to enter into such an agreement if the connection of the plant in question is technically and</li> </ul>		



		<p>economically feasible (art. 7 par. 1 Energy Law). 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). Disputes are resolved by the URE (art. 8 par. 1 Energy Law). Where the grid operator refuses to enter into a connection agreement for reasons of insufficient economic conditions, the grid operator and the plant operator may agree on a connection fee other than the usual fee (art. 7 par. 9 Energy Law).</p>
	<b>Deadlines</b>	<p>Statute law does not usually specify deadlines regarding the connection of plants 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).</p> <p>Apart from that, the law specifies a deadline, which requires the grid operator to notify the plant operator of the connection requirements within a certain period of time. The notification deadline depends on the voltage level at which the plant is to be connected. The deadline is:</p> <ul style="list-style-type: none"> <li>• 30 days after the advance payment was made where a plant is connected at a voltage level of up to 1 kV.</li> <li>• 150 days after the advance payment was made where a plant is connected at a voltage level of more than 1 kV (art. 7 par. 8g Energy Law).</li> </ul>
	<b>Obligation to inform</b>	<p>The grid operator is obliged to notify the plant operator of the connection requirements within a certain period of time (art. 7 par. 8g Energy Law).</p> <p>The operator of a grid with a voltage level of more than 1 kV is obliged to gather and compile information on:</p> <p>1) every applicant for connection to the grid , the connection point, entry capacity, type</p>



## RES-LEGAL EUROPE – National Profile Poland



		<p>of installation, date of issue of the connection requirements, start date of the connection agreement and of electricity supply,</p> <p>2) the total amount of available transmission capacity, as well as planned changes to this capacity in the next 5 years from the date of their publication.</p> <p>This information shall be updated at least four times a year and be published on the grid operator's website (art. 7 par. 8l Energy Law).</p>
<b>Priority to renewable energy</b>  <b>(qualitative criteria)</b>	<p>( ) Priority to renewable energy</p> <p>(X) Non-discrimination</p>	<p>The grid operator is obliged to connect plants without discriminating against certain (groups of) plant operators (art. 7 par. 1 Energy Law). Renewable energy is not given priority.</p>
<b>Capacity limits</b>  <b>(quantitative criteria)</b>		
<b>Distribution of costs</b>		
	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	
	<b>Plant operator</b>	<p>The costs of connecting a plant to the grid are borne by the plant operator. The connection charges are equal to the actual connection costs. Operators of renewable energy plants whose capacity does not exceed 5 MW only need to pay 50% of these costs (art. 7 par. 8 no. 3 Energy Law).</p>
	<b>European Union</b>	



	Distribution mechanism	
--	------------------------	--



### Use of the grid

<b>Abbreviated form of legal sources</b>	<ul style="list-style-type: none"> <li>Energy Law</li> </ul>	
<b>Overview</b>	The grid may be used as set out in the connection agreement (art. 5 par. 1 Energy Law). The grid operators are obliged to give electricity from renewable sources priority of transmission (art. 9c par. 6 Energy Law).	
<b>Procedure</b>	<b>Process flow</b>	After a plant has been connected, the grid operator and the plant operator conclude a transmission agreement (art. 5 par. 1 Energy Law). Certain contents of the transmission agreement are set out in statute law (art. 5 par. 2 no. 2 Energy Law). If the grid operator refuses to enter into the agreement, the URE shall decide on the matter (art. 8 par. 1 Energy Law).
	<b>Deadlines</b>	
	<b>Obligation to inform</b>	
<b>Priority to renewable energy</b>  <b>(qualitative criteria)</b>	(X) Priority to renewable energy  ( ) Non-discrimination	Grid operators are obliged to give electricity generated from renewable energy sources priority of transmission. In doing so, they have to make sure that the national grid network remains reliable and secure (art. 9c par. 6 Energy Law).
<b>Curtailement</b>	<p>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).</p> <p>The transmission grid operator and the distribution grid operator may manage generating plants that have an installed capacity of at least 50 MW and are connected to a grid with a voltage level of at least 110 kV as long as they ensure equal treatment of all grid users (art. 9c par. 2 no. 6) and par. 3 no. 5) Energy Law).</p>	



## RES-LEGAL EUROPE – National Profile Poland



<b>Distribution of costs</b>	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).	
	<b>State</b>	
	<b>Consumers</b>	The costs of use of the grid are borne by the consumers through electricity prices (art. 45 par. 1 no. 2 in conjunction with art. 3 no. 21 Energy Law).
	<b>Grid operator</b>	
	<b>Plant operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	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 conjunction with art. 3 no. 21 Energy Law).





### Grid development

Abbreviated form of legal source	<ul style="list-style-type: none"> <li>Energy Law</li> </ul>	
Overview	<p>The grid operator is obliged to make sure that the construction and development of the grid is implemented and well funded. This obligation also applies where the connection of a plant requires the grid to be developed (art. 7 par. 5 Energy Law). However, this general obligation does not entitle the plant operators to the development of the grid.</p>	
Procedure	Process flow	
	Enforcement of claims	
	Deadlines	
	Obligation to inform	
Regulatory incentives for grid expansion and innovation		
Distribution of costs	<p>There are no special regulations on the distribution of the cost of a grid development. The costs of grid development are determined in pursuance of the general provisions of art. 45 par.1 no.2 of the Energy Law.</p>	
	State	
	Consumers	
	Grid operator	



## RES-LEGAL EUROPE – National Profile Poland



	<b>Plant operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	
<b>Grid studies</b>	<p>The grid operators must devise plans for the development of their grids, taking into account the current and future demand for energy (art. 16 par. 1 Energy Law). These plans shall outline the development of the grids for a timeframe of at least 5 years, and forecast the security of electricity supply for no less than 15 years (art. 16 par. 2a Energy Law). These plans have to be approved by the regulatory authority URE (art. 16 par. 6 Energy Law). The grid operators shall review the plans every 3 years (art. 16 par. 8 Energy Law).</p> <p>The Plan for high-voltage grids and additional information are available at the website of the Polish transmission system operator: <a href="http://www.pse-operator.pl/index.php?dzid=79&amp;did=22">http://www.pse-operator.pl/index.php?dzid=79&amp;did=22</a></p>	



## RES-H&C support schemes

### Summary of support schemes

Overview	In Poland, heat generated from renewable energy sources is supported through three different programmes, two subsidy and one loan scheme.
Summary of support schemes	<ul style="list-style-type: none"> <li>• <b>Subsidies.</b> There are two subsidy schemes for heat from renewable energy sources. One was launched by a state-owned bank, the other one by the National Fund for Environmental Protection and Water Management. The former supports refurbishment works which, among others, may include the installation of RES technologies for heat generation. The subsidy from the National Fund supports the purchase and installation of solar collectors.</li> <li>• <b>Loan.</b> The National Fund for Environmental Protection and Water Management grants low-interest loans to projects in the field of renewable energy sources and CHP.</li> </ul>
Technologies	In general, all technologies are eligible for support.
Statutory provisions	<ul style="list-style-type: none"> <li>• Environmental Protection Act (Prawo ochrony srodowiska – law on environmental protection in general)</li> <li>• Act on Thermo-Modernisation (Ustawa o wspieraniu termomodernizacji i remontów - Act on Support for Thermo-Modernisation and Refurbishments)</li> <li>• NOG (Zasady udzielania dofinansowania – administrative regulation on the allocation of grants)</li> <li>• Priority Programme for RES (Program Priorytetowy dla przedsięwzięć w zakresie odnawialnych źródeł Część 1– application conditions for loans for renewable energy – Part 1)</li> <li>• Priority Programme RES Solar (Program Priorytetowy dla przedsięwzięć w zakresie odnawialnych źródeł Część 3– application conditions for loans for renewable energy – Part 3)</li> </ul>



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Program priorytetowy. Program dla przedsięwzięć w zakresie odnawialnych źródeł energii i obiektów wysokosprawnej kogeneracji – Część 3	Zasady udzielania dofinansowania ze środków Narodowego Funduszu Ochrony Środowiska i gospodarki wodnej	Program priorytetowy. Program dla przedsięwzięć w zakresie odnawialnych źródeł energii i obiektów wysokosprawnej kogeneracji – Część 1
<b>Full name</b>			
<b>Name (English)</b>	Priority Programme. Programme for Investments in Renewable Energy and Combined Heat and Power – Part 3	Basic Principles for the Allocation of Grants from the National Fund for Environmental Protection and Water Management	Priority Programme. Programme for Investments in Renewable Energy and Combined Heat and Power – Part 1
<b>Abbreviated form</b>	Priority Programme RES Solar	NOG	Priority Programme RES
<b>Entry into force</b>	21.12.2011	21.12.2009	01.01.2011
<b>Last amended on</b>		12.04.2011	
<b>Future amendments</b>			
<b>Purpose</b>	This regulation sets up conditions for the granting of loans and subsidies by the National Fund for Environmental Protection and Water Management.	Setting up conditions for the granting of loans and subsidies by the National Fund for Environmental Protection and Water Management.	This regulation sets up conditions for the granting of loans and subsidies by the National Fund for Environmental Protection and Water Management.



## RES-LEGAL EUROPE – National Profile Poland



<b>Relevance for renewable energy</b>	The regulation promotes solar installations only.	Projects that promote the market access of renewable energy are eligible for loans and subsidies from the Fund.	The regulation promotes renewable energy only.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/539/1/15/programe_prioritetowy_oze3_21.12.2011.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/539/1/15/programe_prioritetowy_oze3_21.12.2011.pdf</a>	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/23/1/5/zasady_udzielania_dofinansowania_2011.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/23/1/5/zasady_udzielania_dofinansowania_2011.pdf</a>	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/630/1/5/110101_oze1_program_prioritetowy.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/630/1/5/110101_oze1_program_prioritetowy.pdf</a>
<b>Link to full text of legal source (English)</b>			



## RES-LEGAL EUROPE – National Profile Poland



<b>Name of legal source (original language)</b>	Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska	Ustawa z dnia 21 listopada 2008 r. o wspieraniu termomodernizacji i remontów	
<b>Full name</b>			
<b>Name (English)</b>	Environmental Protection Act	Act of 21 November 2008 on Support for Thermo-Modernisation and Refurbishments	
<b>Abbreviated form</b>	Environmental Protection Act	Act on Thermo-Modernisation	
<b>Entry into force</b>	27.04.2001	19.03.2009	
<b>Last amended on</b>	13.04.2012	01.07.2011	
<b>Future amendments</b>			
<b>Purpose</b>	The act implements several European directives regarding environmental protection (see art. 1 Environmental Protection Act).	The act sets up rules for the award of grants for refurbishment works.	
<b>Relevance for renewable energy</b>	Art. 400 ff. of the Environmental Protection Act provide rules on the granting of loans by the National Fund for Environmental Protection and Water	Thermo-modernisation grants are also available for the installation of RES plants for heat generation in buildings.	



## RES-LEGAL EUROPE – National Profile Poland



	Management. These loans may also be granted to projects involving the use of renewable energy sources.		
Link to full text of legal source (original language)	<a href="http://isip.sejm.gov.pl/Download;jsessionid=F709B8A70E4BBEE3B069C24F7241FF57?id=WDU20080250150&amp;type=3">http://isip.sejm.gov.pl/Download;jsessionid=F709B8A70E4BBEE3B069C24F7241FF57?id=WDU20080250150&amp;type=3</a>	<a href="http://isap.sejm.gov.pl/Download;jsessionid=DB8406BC9FA03D6B067357DE86C5C3B6?id=WDU20082231459&amp;type=3">http://isap.sejm.gov.pl/Download;jsessionid=DB8406BC9FA03D6B067357DE86C5C3B6?id=WDU20082231459&amp;type=3</a>	
Link to full text of legal source (English)			



### Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Ministerstwo Gospodarki (MG) – Ministry of Economy	<a href="http://www.mg.gov.pl/">http://www.mg.gov.pl/</a>		+ 48 22 693 50 00	<a href="mailto:mg@mg.gov.pl">mg@mg.gov.pl</a>
Ministerstwo Środowiska (MOS) – Ministry of the Environment	<a href="http://www.mos.gov.pl/">http://www.mos.gov.pl/</a>		+48 22 57 92 900	<a href="mailto:info@mos.gov.pl">info@mos.gov.pl</a>
Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej (NFOŚiGW) – National Fund for Environmental Protection and Water Management	<a href="http://www.nfosigw.gov.pl/">http://www.nfosigw.gov.pl/</a>		+ 48 22 45 90 100	<a href="mailto:fundusz@nfosigw.gov.pl">fundusz@nfosigw.gov.pl</a>





## Support schemes

### Subsidy (Thermo-modernisation grants)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>Act on Thermo-Modernisation</li> </ul>	
<b>Summary</b>	<p>The thermo-modernisation grant scheme supports building renovations which increase energy efficiency or the use of renewable energy sources for heating purposes. Loaners may receive grants to pay off part of the loan taken out to implement such measures.</p> <p>Eligible measures shall reduce a building's annual energy demand, annual energy loss or annual costs of heat production or replace existing heat generation plants with renewable or high-efficiency CHP plants (art. 3 par. 4 Act on Thermo-Modernisation).</p>	
<b>Eligible technologies</b>	<b>General information</b>	In general, all renewable energy sources used in heat generation are eligible (art. 3 par. 4 Act on Thermo-Modernisation).
	<b>Aerothermal</b>	Eligible
	<b>Hydrothermal</b>	Eligible
	<b>Biogas</b>	Eligible
	<b>Biomass</b>	Eligible
	<b>Geothermal energy</b>	Eligible
	<b>Solar Thermal</b>	Eligible
<b>Amount</b>	<p>The amount of grant is equal to 20% of the loan received for the implementation of thermo-modernisation undertakings. However, the subsidy may not exceed 16% of the total costs of the modernisation work and may not exceed twice the</p>	



## RES-LEGAL EUROPE – National Profile Poland



	amount of the anticipated annual savings in energy costs, which were identified through an energy audit (art 5 Act on Thermo-Modernisation).	
<b>Addressees</b>	The owner or manager of the building in which refurbishment works are conducted (art. 6 par. 1 in conjunction with art. 2 no. 1 Act on Thermo-Modernisation).	
<b>Procedure</b>	<b>Process flow</b>	<ul style="list-style-type: none"> <li>• <b>Application.</b> The investor submits an application for a subsidy to the BGK (Bank Gospodarstwa Krajowego) via the lending bank (art. 12 par. 2 Act on Thermo-Modernisation).</li> <li>• <b>Credit agreement.</b> The lending bank passes the application and the credit agreement to the BGK (art. 12 par. 3 Act on Thermo-Modernisation).</li> <li>• <b>Decision.</b> The BGK examines the applications for subsidies in the order in which they were received. The BGK informs both the investor and the lending bank on the decision of whether or not a subsidy has been granted. If the decision is positive, the BGK also specifies the amount of the subsidy (art. 17 Act on Thermo-Modernisation).</li> <li>• <b>Subsidy transfer.</b> The BGK transfers the grant to the lending bank only if the works have been conducted in accordance with the project plan and have been completed by the date specified in the loan agreement (art. 19 par. 1 Act on Thermo-Modernisation). The lending bank uses the grant to cover part of the loan taken out by the investor (art. 19 par. 2 Act on Thermo-Modernisation).</li> </ul>
	<b>Competent authority</b>	Grants are awarded by BGK (Bank Gospodarstwa Krajowego – Polish state-owned bank) and financed from the Fund for Thermo-Modernisation and Refurbishments (art. 12 par. 1 Act on Thermo-Modernisation).



Flexibility mechanism		
Distribution of costs	State	The costs of the thermo-modernisation subsidy are financed from the national budget (art. 24 Act on Thermo-Modernisation).
	Consumers	
	Plant operator	
	Grid operator	
	European Union	
	Distribution mechanism	


Subsidy (National Fund for Environmental Protection and Water Management - Solar)

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> <li>• Environmental Protection Act</li> <li>• Priority Programme RES Solar</li> </ul>	
Summary	<p>The National Fund for Environmental Protection and Water Management grants subsidies to cover part of a loan taken out to purchase and install solar collectors.</p> <p>The collectors must be installed by an expert who has been certified according to the requirements specified in Appendix II of the Priority Programme RES Solar.</p>	
Eligible technologies	General information	Only solar thermal installations are eligible for this programme (7.5 Priority Programme Solar).
	Aerothermal	
	Hydrothermal	
	Biogas	
	Biomass	
	Geothermal energy	
	Solar Thermal	<p>Eligibility covers the purchase and installation of solar collectors for the supply of hot water or heat in buildings used for residential purposes (7.5 Priority Programme Solar).</p> <p>The solar collector has to be purchased from a certified supplier (9 par. 2 Priority Programme Solar).</p>



## RES-LEGAL EUROPE – National Profile Poland



<b>Amount</b>	<p>The overall budget for this programme is PLN 285.6 m (€ 65.37 m) (3 Priority Programme RES Solar).</p> <p>The subsidy shall cover 45% of the loan (7.2 Priority Programme Solar).</p> <p>Taken together, the amount of a loan and the subsidy granted may cover up to 100% of the eligible costs, provided that these costs do not exceed PLN 2,500 (€ 572.28) per m<sup>2</sup> of the total area of the solar thermal installation (7.3 no. 3 Priority Programme Solar).</p>	
<b>Addressees</b>	<p>Eligible entities:</p> <ul style="list-style-type: none"> <li>• natural persons entitled to manage an existing residential building or a building under construction</li> <li>• housing associations installing solar thermal installations on multi-dwelling buildings (7.4 Priority Programme RES Solar).</li> </ul>	
<b>Procedure</b>	<b>Process flow</b>	<ul style="list-style-type: none"> <li>• <b>Application.</b> The investor submits an application for a loan and for a subsidy to a lending bank that has signed a co-operation contract with the National Fund (7.3 no. 7 Priority Programme Solar).</li> <li>• <b>Granting of the loan.</b> The lending bank may grant a loan within the financial limits agreed with the National Fund (7.3 no. 1 Priority Programme Solar).</li> <li>• <b>Subsidy transfer.</b> The National Fund transfers the subsidy after the lending bank has confirmed that the project has been completed and the intended environmental effect has been achieved (7.3 no. 8 Priority Programme Solar).</li> </ul>
	<b>Competent authority</b>	The National Fund for Environmental Protection and Water Management
<b>Flexibility mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	



## RES-LEGAL EUROPE – National Profile Poland



	<b>Consumers</b>	The costs of the subsidy scheme are borne by the end consumers of electricity.
	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	The means provided by the National Fund to promote renewable energy are made up of compensation and penalty fees paid by electricity producers and suppliers that have failed to meet their quota obligations. The costs of these fees are passed on to the end users (art. 401 par. 7 no. 4 in conjunction with art. 401c par. 5 Environmental Protection Act).



## RES-LEGAL EUROPE – National Profile Poland



### Loan (National Fund for Environmental Protection and Water Management - RES)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Environmental Protection Act</li> <li>• NOG</li> <li>• Priority Programme RES</li> </ul>	
<b>Summary</b>	<p>The National Fund for Environmental Protection and Water Management grants low-interest loans to renewable energy and CHP projects.</p> <p>The loans are awarded through calls for proposals from January 2009 to December 2012. The calls are published on the website of the Fund (<a href="http://www.nfosigw.gov.pl">www.nfosigw.gov.pl</a>).</p> <p>The loans may not be received on top of other incentives granted by the Fund (7.3 Priority Programme RES).</p>	
<b>Eligible technologies</b>	<b>General information</b>	According to the current Priority Programme, the following technologies are eligible for the soft-loan scheme (7.5 Priority Programme RES):
	<b>Aerothermal</b>	
	<b>Hydrothermal</b>	
	<b>Biogas</b>	Eligible (7.5 Priority Programme RES)
	<b>Biomass</b>	Only plants with a capacity of up to 20 MW are eligible (7.5 Priority Programme RES).
	<b>Geothermal energy</b>	Eligible (7.5 Priority Programme RES)



## RES-LEGAL EUROPE – National Profile Poland



	<b>Solar Thermal</b>	
<b>Amount</b>	<p>The total budget for the support programme for renewable energy and combined heat and power for 2009-2012 is PLN 1.4 bn (€ 333.6 m) (3 Priority Programme RES).</p> <p>The amount of loan may be PLN 4 m to 50 m (€ 1-12 m) but must not exceed 75% of the project costs (7.3 no. 2 and 5 letter d) Priority Programme RES). The investment must exceed PLN 10 m (€ 2.4 m) (7.3 no. 1 Priority Programme RES).</p> <p>Up to 50% of the loan may not need to be repaid (7.3 no. 6 letter c) Priority Programme RES).</p>	
<b>Addressees</b>	All natural persons and legal entities conducting eligible projects are eligible for loans (7.4 Priority Programme RES).	
<b>Procedure</b>	<b>Process flow</b>	<p><b>Application.</b> Interested companies have to apply for a loan (§ 3 par. 1 NOG).</p> <p><b>Selection procedure.</b> Applications are examined and chosen by the National Fund for Environmental Protection and Water Management (§ 4 par. 3 NOG).</p> <p><b>Subsidy contract.</b> The loan is granted on the day on which the subsidy contract is signed (§ 4 par. 3 NOG).</p>
	<b>Competent authority</b>	The authority in charge of granting loans is the National Fund for Environmental Protection and Water Management (§ 1 NOG).
<b>Flexibility mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	
	<b>Consumers</b>	The costs of the loan scheme are borne by the end consumers of electricity.





## RES-LEGAL EUROPE – National Profile Poland



	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	The means provided by the National Fund to promote renewable energy are made up of compensation and penalty fees paid by electricity producers and suppliers that have failed to meet their quota obligations. The costs of these fees are passed on to the end users (art. 401 par. 7 no. 4 in conjunction with art. 401c par. 5 Environmental Protection Act).



## RES-T support schemes

### Summary of support schemes

Overview	In Poland, renewable energy in transport is promoted through a biofuels quota obligation.
Summary of support schemes	<b>Biofuels quota obligation.</b> The producers, importers and suppliers of fuels are obliged to meet an annual quota of biofuels in the total amount of liquid fuels produced/supplied/imported. The obligation levels are determined every three years for a period of 6 years by the Council of Ministers.
Technologies	The biofuels quota obligation applies to biofuels and biohydrogen.
Statutory provisions	<ul style="list-style-type: none"> <li>Act on Biocomponents and Liquid Biofuels (Ustawa z dnia 25 sierpnia 2006 r. o biokomponentach i biopaliwach ciekłych – Act of 25 August 2006 on Biocomponents and Liquid Biofuels)</li> <li>Regulation on the National Indicative Targets (Rozporządzenie Rady Ministrów z dnia 15 czerwca 2007 r. w sprawie Narodowych Celów Wskaźnikowych na lata 2008-2013 – Regulation of 15 June 2007 on the National Indicative Targets for 2008-2013)</li> </ul>



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Ustawa z dnia 25 sierpnia 2006 r. o biokomponentach i biopaliwach ciekłych	Rozporządzenie Rady Ministrów z dnia 15 czerwca 2007 r. w sprawie Narodowych Celów Wskaźnikowych na lata 2008-2013	
<b>Full name</b>			
<b>Name (English)</b>	Act of 25 August 2006 on Biocomponents and Liquid Biofuels	Regulation of 15 June 2007 on the National Indicative Targets for 2008-2013	
<b>Abbreviated form</b>	Act on Biocomponents and Liquid Biofuels	Regulation on the National Indicative Targets	
<b>Entry into force</b>	01.01.2007	25.06.2007	
<b>Last amended on</b>	30.10.2011		
<b>Future amendments</b>			
<b>Purpose</b>	The act sets out rules on the production and trade of biocomponents and liquid biofuels and on the implementation of the national indicative targets.	The regulation sets out the quota obligations for the years 2008 – 2013.	
<b>Relevance for renewable energy</b>	The Act on Biocomponents and Liquid Biofuels introduced the obligation to produce or supply a certain proportion of transport fuels	This regulation promotes renewable energy only.	



## RES-LEGAL EUROPE – National Profile Poland



	from bio-components.		
Link to full text of legal source (original language)	<a href="http://isap.sejm.gov.pl/Download;jsessionid=33399B524222EF498227DA6D5736A356?id=WDU20061691199&amp;type=3">http://isap.sejm.gov.pl/Download;jsessionid=33399B524222EF498227DA6D5736A356?id=WDU20061691199&amp;type=3</a>	<a href="http://isap.sejm.gov.pl/Download?id=WDU20071100757&amp;type=2">http://isap.sejm.gov.pl/Download?id=WDU20071100757&amp;type=2</a>	
Link to full text of legal source (English)			



## RES-LEGAL EUROPE – National Profile Poland



### Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Ministerstwo Gospodarki (MG) – Ministry of Economy	<a href="http://www.mg.gov.pl/">http://www.mg.gov.pl/</a>		+ 48 22 693 50 00	<a href="mailto:mg@mg.gov.pl">mg@mg.gov.pl</a>



### Support schemes

#### Biofuel quota (National Indicative Target )

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Act on Biocomponents and Liquid Biofuels</li> <li>• Regulation on the National Indicative Targets</li> </ul>	
<b>Summary</b>	<p>The Act on Biocomponets and Liquid Biofuels obliges producers, importers and suppliers of fuels to meet a defined quota of biofuels. The act introduces the national indicative targets (NCW), i.e. annual minimum percentages of biofuels and other renewable fuels in the total amount of liquid fuels. The NCW levels are determined every three years for a period of 6 years by the Council of Ministers.</p>	
<b>Promoted technologies</b>	<b>General information</b>	<p>The obligation applies to biofuels and biohydrogen only (art. 2 par. 1 no. 11 Act on Biocomponents and Liquid Biofuels).</p> <p>Biocomponents supplied or used to produce fuels must meet quality requirements as evidenced by certification from accredited certification bodies (art. 22 par. 1 Act on Biocomponents and Liquid Biofuels).</p>
	<b>Biofuels</b>	<p>The following biocomponents are eligible:</p> <ul style="list-style-type: none"> <li>• bioethanol</li> <li>• biomethanol</li> <li>• ester</li> <li>• dimethyl ether</li> <li>• pure vegetable oil</li> <li>• synthetic hydrocarbons (art. 2 par. 1 no. 3 Act on Biocomponents and Liquid Biofuels).</li> </ul>



## RES-LEGAL EUROPE – National Profile Poland



	Electricity	
	Hydrogen	Biohydrogen is eligible (art. 2 par. 1 no. 11 Act on Biocomponents and Liquid Biofuels).
Amount	Amount of quota and period of application	<p>The obliged companies have to ensure that biofuels make up a certain percentage of the company's total annual sale or consumption of fuel (art. 23 par. 1 Act on Biocomponents and Liquid Biofuels). The following amount quotas have been set for the period from 2008 to 2013 (§ 1 Regulation on the National Indicative Targets):</p> <ul style="list-style-type: none"> <li>• 2008 - 3.45%</li> <li>• 2009 - 4.60%</li> <li>• 2010 - 5.75%</li> <li>• 2011 - 6.20%</li> <li>• 2012 - 6.65%</li> <li>• 2013 - 7.10%</li> </ul>
	Adjustment of quotas	<p>Every 3 years by 15 June, the Council of Ministers shall determine, by regulation, the National Indicative Targets for the next six years, taking into account the technical manufacturing conditions (art. 24 par. 1 Act on Biocomponents and Liquid Biofuels).</p> <p>The Council of Ministers may, by regulation, lower the amount of quota obligation in the event of extraordinary market events leading to the changing conditions of supply of agricultural raw materials or biomass (art. 24 par. 2 Act on Biocomponents and Liquid Biofuels).</p>
	Fees and penalty charges	If an obliged company fails to fulfil the quota, it will be punished with a fine (art. 33 par. 1 no. 5 Act on Biocomponents and Liquid Biofuels).



## RES-LEGAL EUROPE – National Profile Poland



		The amount of the fine is calculated with a formula described in art. 33 par. 5 Act on Biocomponents and Liquid Biofuels).
<b>Addressees</b>	All companies which produce, import, supply or use fuels for their own purposes are obliged to meet the biofuels quota (art. 23 par. 1 in conjunction with art. 2 par. 1 no. 25 Act on Biocomponents and Liquid Biofuels).	
<b>Procedure</b>	<b>Procedure</b>	The obliged company sends an annual report to the president of the Energy Regulatory Office within 90 days after the end of the calendar year as evidence for the fulfillment of the obligation (art. 30b par. 1 Act on Biocomponents and Liquid Biofuels).
	<b>Competent authority</b>	Energy Regulatory Office (Urząd Regulacji Energetyki)
<b>Flexibility Mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	
	<b>Consumers</b>	The costs are borne by the consumers.
	<b>European Union</b>	
	<b>Others</b>	
	<b>Distribution mechanism</b>	





## Policies

### Summary of policies

<b>Overview</b>	In Poland, there are only two policy programmes related to renewable energy plants: A certification programme for installers of energy equipment, which also applies to RES installers, and a certification scheme for solar thermal installations.
<b>Summary of policies</b>	<ul style="list-style-type: none"><li>• <b>Training programme for installers.</b> This qualification scheme applies to persons operating and installing energy equipment, installations and networks, including installations using renewable energy sources.</li><li>• <b>Certification scheme for solar thermal installations.</b> The certificate confirms compliance with specific technical and quality standards.</li></ul>
<b>Statutory provisions</b>	<ul style="list-style-type: none"><li>• Regulation on the Qualifications of Operators and Installers</li><li>• Priority Programme RES Solar (Program Priorytetowy dla przedsięwzięć w zakresie odnawialnych źródeł Część 3— application requirements for loans for renewable energy projects – Part 3)</li></ul>



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Rozporządzenie Ministra Gospodarki, Pracy i Polityki Społecznej z dnia 28 kwietnia 2003 r. w sprawie szczegółowych zasad stwierdzania posiadania kwalifikacji przez osoby zajmujące się eksploatacją urządzeń, instalacji i sieci	Program priorytetowy. Program dla przedsięwzięć w zakresie odnawialnych źródeł energii i obiektów wysokosprawnej kogeneracji – Część 3	
<b>Full name</b>			
<b>Name (English)</b>	Regulation of the Minister of Economy, Labour and Social Policy of 28 April 2003 on the Exact Method of Verifying the Qualifications Held by Persons Operating Energy Generation Equipment, Installations and Networks	Priority Programme.  Programme for Investments in Renewable Energy and Combined Heat and Power – Part 3	
<b>Abbreviated form</b>	Regulation on the Qualifications of Operators and Installers	Priority Programme RES Solar	
<b>Entry into force</b>	21.06.2003	21.12.2011	
<b>Last amended on</b>	02.08.2005		
<b>Future amendments</b>			
<b>Purpose</b>	This regulation specifies requirements for the training and certification of operators and	This regulation sets up conditions for the granting of loans and subsidies by the	



## RES-LEGAL EUROPE – National Profile Poland



	installers of energy devices.	National Fund for Environmental Protection and Water Management.	
<b>Relevance for renewable energy</b>	This regulation also applies to RES installations.	This regulation promotes solar installations only.	
<b>Link to full text of legal source (original language)</b>	<a href="http://isap.sejm.gov.pl/Download.jsessionid=2390181D70D0ABEFEF3BCFC7D48D30D3?id=WDU20030890828&amp;type=2">http://isap.sejm.gov.pl/Download.jsessionid=2390181D70D0ABEFEF3BCFC7D48D30D3?id=WDU20030890828&amp;type=2</a>	<a href="http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/539/1/15/program-priorytetowy_oze3_21.12.2011.pdf">http://www.nfosiqw.gov.pl/download/qfx/nfosiqw/pl/nfoopisy/539/1/15/program-priorytetowy_oze3_21.12.2011.pdf</a>	
<b>Link to full text of legal source (English)</b>			



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
<b>Ministerstwo Gospodarki (MG) – Ministry of Economy</b>	<a href="http://www.mg.gov.pl/">http://www.mg.gov.pl/</a>		+ 48 22 693 50 00	<a href="mailto:mg@mg.gov.pl">mg@mg.gov.pl</a>
<b>Ministerstwo Środowiska (MOS) – Ministry of the Environment</b>	<a href="http://www.mos.gov.pl">http://www.mos.gov.pl</a>		+48 22 57 92 900	<a href="mailto:info@mos.gov.pl">info@mos.gov.pl</a>
<b>Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej (NFOŚiGW) – National Fund for Environmental Protection and Water Management</b>	<a href="http://www.nfosigw.gov.pl/">http://www.nfosigw.gov.pl/</a>		+ 48 22 45 90 100	<a href="mailto:fundusz@nfosigw.gov.pl">fundusz@nfosigw.gov.pl</a>



## RES-LEGAL EUROPE – National Profile Poland



### Policy categories

#### Training programme for installers

<b>Abbreviated form of legal source(s)</b>	Regulation on the Qualifications of Operators and Installers
<b>Description</b>	<p>In Poland, installers of RES installations have no legal obligation to undertake training. However, a (so far voluntary) qualification scheme is in place for persons operating and installing energy equipment, installations and networks, including renewable energy installations. The procedure and the requirements for obtaining this qualification are specified in the Regulation on the Qualifications of Operators and Installers.</p> <p>Certification is not provided for electricity generating installations whose capacity does not exceed 20 kW and heat generating installations whose capacity does not exceed 50 kW (§ 4 Regulation on the Qualifications of Operators and Installers).</p> <p>According to the Ministry of Economics, a new legislation on renewable energy sources, which will presumably enter into force by the end of 2012, will set new training and certification standards for the RES installers.</p>
<b>Addressees</b>	The training programme is aimed at persons operating and installing energy generation equipment, installations and networks.
<b>Competent authority</b>	There is no government body which is responsible for the installer qualification scheme. The certification examination is held by a qualification commission. Such a commission may, upon request, be established by any company with at least 200 employees who carry out services for which certification is available (§ 12 Regulation on the Qualifications of Operators and Installers).
<b>Further information</b>	



## RES-LEGAL EUROPE – National Profile Poland



<b>Distribution of costs</b>	<b>State</b>	
	<b>Private Financing</b>	The costs of the certification examination are borne by either the company employing the installer or the installer himself. The costs for the examination are 10% of the company's minimum wage (§ 14 par. 2 Regulation on the Qualifications of Operators and Installers).
	<b>European Union</b>	
	<b>Others</b>	



## RES-LEGAL EUROPE – National Profile Poland



### Certification scheme for RES installations

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>Priority Programme RES Solar</li> </ul>
<b>Description</b>	<p>The certification scheme for solar thermal installations certifies that installations comply with the PN – EN 12975-1 standard. Installations must comply with the requirements specified in the "Regulation on Solar Thermal Systems and Components - Solar Collectors - Part 1: General Requirements" or possess a "Solar Keymark" certificate (9.2 Priority Programme RES Solar).</p> <p>Certification is a precondition for receiving subsidies for the purchase and installation of solar thermal installations granted by the National Fund for Environmental Protection and Water Management (see Subsidy from the National Fund for Environmental Protection and Water Management - Solar). Installations must meet the technical and quality standards specified in the Priority Programme RES Solar (9.2 Priority Programme RES Solar).</p> <p>The National Fund for Environmental Protection and Water Management recognises and uses harmonised European standards.</p> <p>Certification of any of these standards must be renewed after 5 years.</p> <p>Certificates will be accepted only if they were issued no more than 5 years prior to the date of loan application (9.2 Priority Programme RES Solar).</p>
<b>Addressees</b>	Solar thermal installation vendors as well as applicants for support from the National Fund for Environmental Protection and Water Management for the purchase and installation of solar thermal installations.
<b>Competent authority</b>	



## RES-LEGAL EUROPE – National Profile Poland



Further information	
Distribution of costs	State
	Industry
	System Producers
	European Union
	Others





## RES-LEGAL EUROPE – National Profile Poland



### Exemplary role of public authorities in accordance with Art. 13 Par. 5 RES Directive

Abbreviated form of legal source(s)	
Description	In Poland, there is no programme promoting the use or installation of renewable energy plants in public authority buildings. Measures for renewable energy use in the government sector rather focus on increasing the energy efficiency of buildings.
Addressees	
Competent authority	
Further information	



RD&D Policies

Abbreviated form of legal source(s)	
Description	There is no policy supporting RES research, development and demonstration projects in Poland.
Addressees	
Competent authority	
Further information	



## RES-LEGAL EUROPE – National Profile Poland



### RES-H building obligations

Abbreviated form of legal source(s)	
Description	In Poland, there is no legislation requiring the installation of RES technologies in buildings or specifying minimum levels for the use of energy from renewable sources in buildings.
Obligated entities	
Competent authority	
Further information	
Obligation on regional level	No



Support of RES-H infrastructure

Abbreviated form of legal source(s)	
Description	There is no programme supporting the development of the RES-H infrastructure in Poland.
Addressees	
Competent authority	
Further information	