

Legal Alert

Selected changes in regulations governing the energy sector in 2013

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As in previous years, 2013 will abound in new and amended regulations governing the operations of the energy sector in Poland. Businesses should pay particular attention to the newest rules from the Energy Efficiency Act, as failure to achieve compliance with the new rules on time may result in an interruption in the smooth flow of operations or even imposition of financial penalties.

The three areas of change in energy law discussed below are just a few selected issues from among all of the changes expected to take place in 2013.

- **Energy efficiency—white certificates**

The last group of regulations from the Energy Efficiency Act went into effect at the beginning of 2013. Until the end of 2012, under prior law, energy companies, end users and brokerages were required to obtain energy efficiency certificates, also known as white certificates, and submit them to the President of the Energy Regulatory Office (URE) for redemption. Meanwhile, on 31 December 2012 the President of URE announced the first tender for white certificates. The total value of the white certificates to be issued in this tender is 550,000 toe (tonnes of oil equivalent). Offers in the tender may be filed with URE until 30 January 2013. Offers received later will not be considered, but returned to the senders unopened.

- **The “big energy trio”**

The “big energy trio” is a package of three acts: the Energy Law, the Gas Law, and the Renewable Energy Sources Act. The legislative intent of the package is to divide up the regulations governing three main segments of the energy sector: electricity, gas, and renewables.

This trio has been accepted by the Committee for European Affairs, an auxiliary body to the Polish government. The bills for all three acts are currently undergoing work within the Standing Committee of the Council of Ministers. Assuming that the pace of work on these acts so far continues after the bills are submitted to Parliament, the trio is expected to be enacted in late 2013 or early 2014.

- **The “little energy trio”**

The “little energy trio” is an amending act to bring current Polish regulations into compliance with EU law. Due to delay in implementing energy directives into the Polish legal system, the European Commission commenced a penal proceeding against Poland and began imposing fines for the existing delay. In light of the lengthy legislative work on the “big energy trio,” it will apparently be faster and more efficient to amend certain current regulations first, at least to the extent necessary to implement the relevant EU rules. Work is currently underway in Parliament on the wording of the amending act, and it should be submitted to the full Sejm within the first few months of 2013.

Numerous other acts are also in the legislative pipeline, concerning such issues as transmission corridors, mandatory oil and gas reserves, and radioactive waste.



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