

ESD implementation in Poland

Legal context

It had been decided that the ESD would be transposed into the Polish legal system by a new legal act "Energy Efficiency Law" (EEL). The draft of the EEL was prepared by the Ministry of Economic Affairs (MoEA) and presented firstly in 2007. After internal consultations within the government and then after public debate the law was modified several times to improve its provisions and make them acceptable for major stakeholders. In April 2011 the law after some amendments and modifications done in the process of Parliamentary discussions, passed the Parliament and after being signed by the President became a law in May 2011.

The next step will be issuing by the MoEA some pieces of secondary legislation to enable practical entering into force of the EEL. It is expected that the ministerial decrees will have been issued by the end of 2011.

Status of the implementation

The status of implementation of the ESD in Poland is shown in tab. 1.

Directive	Energy Efficiency Law (draft)	Remarks
Article 1	No implementation necessary	
Article 2	No implementation necessary	Scope of application extended by adding plant auxiliary services (power plant self energy consumption) and transmission and distribution sectors
Article 3	Article 3	Some new definition added
Article 4, first, second and third paragraphs	Article 4	National target generally set in line with the indicative ESD target
Article 4, 4	Articles 9 and 7	Minister of Economic Affairs responsible for energy efficiency related issues Other ministers and regional governmental representatives co-operate in realisation of NEEAP
Article 4, 5	No implementation necessary	
Article 5, first paragraph	Article 10	No binding target set for the Public Sector At least two measures from the list of eligible measures provided. shall be applied

Directive	Energy Efficiency Law (draft)	Remarks
		Obligation to inform public on the energy savings obtained
Article 5, second paragraph	Article 12 para. 1	Minister of Economic Affairs responsible
Article 6, 1, part a	Article 10	President of the Central Statistical Office responsible
Article 6, 1, part b	No implementation necessary	Already the task of the President of the Office of Protection of the Competiveness and Consumers
Article 6, 2 to 5	Part 4 Articles 12-27	White Certificates System established
Article 7	Articles 7-9	Minister of Economic Affairs responsible Already partly implemented in the Energy Law
Article 8	Articles 28-34	Requirements for energy auditors imposed
Article 9	No implementation necessary	
Article 10	No implementation necessary	
Article 11	Article 14, para. 4	Special account established within the White Certificates System
Article 12	No implementation necessary	Obligatory audits in the White Certificates System (for large savings)
Article 13, 1	No implementation necessary	Smart Metering activities intensified in Poland
Article 13, 2 and 3	No implementation necessary	Already partly implemented in the Energy Law
Article 14	No implementation necessary	
Article 15	No implementation necessary	
Article 16	No implementation necessary	
Article 17	No implementation necessary	
Article 18	No implementation necessary	
Article 19	No implementation necessary	
Article 20	No implementation necessary	

Table 1. Status of implementation of the ESD in Poland

Additional efforts

Article 4: Energy Savings Targets

EEL introduces obligation for the MoEA to revise the national energy saving target every three years. The ultimate goal of adjusting these targets in 3-year's intervals would be to save by 2016 at least 9% of final energy consumed in 2001-2005. Such method of setting the national targets is likely to lead to the fulfilment of the indicative target given in the ESD.

Article 5 Energy end-use efficiency in the public sector

The Public Sector is to play the exemplary role according to the EEL. No binding target of energy savings was imposed for the Public Sector. Public Sector units shall apply at least two measures listed in art.10 para. 2 of the EEL e.g. to perform energy audits of all their buildings and energy using equipment, to purchase equipment and vehicles characterised by low energy consumption or low maintenance costs, to purchase or rent energy-efficient buildings or parts thereof, or requirements to replace or retrofit purchased or rented buildings or parts thereof in order to render them more energy-efficient..

In general the listed measures coincide with the measures provided in Appendix VI to the ESD (art. 11, para 1 and 2).

Achieved by the Public Sectors savings shall be revealed to the public (art.10, para. 3 of the EEL).

Article 6 Energy distributors, distribution system operators and retail energy sales companies

Article 6, para. 1 point a, stipulates that member states shall ensure that energy distributors, distribution system operators and/or retail energy sales companies provide aggregated statistical information on their final customers to the authorities (or agencies). In Poland the obligation will be a part of the national system of collecting statistical data. This task is attributed by the Act on Public Statistic (1995) to the President of the Central Statistical Office. Templates of statistical formulae, statistical questionnaires and instructions on their fulfilling are given in the form of a decree of the Prime Minister (5 May 2009). No statistical system specially dedicated to the needs of the ESD is being considered.

Article 6, para 1, point b, requires that member state undertakes steps to prevent energy sector companies to impede the demand for and delivery of energy services and other energy efficiency improvement measures, or hinder the development of markets for energy services and other energy efficiency improvement measures. The supervision of the obligation in Poland will be attributed to the President of the Office of Protection of the Competitiveness and Consumers under the existing general legislation (act from 2007). No special steps to adopt the act to the specific needs of the ESD have been undertaken.

From the list provided in art. 6 para. 2 point a of the ESD the requirement of point (iii) was chosen (part 4 of the EEL). Namely, a White Certificates System (WCS) was established as the main market instrument supporting the implementation of the ESD. The WCS unlike in other countries, will cover besides the end users also the own energy consumption of power stations (auxiliary services), and as well reduction of losses in transmission and distribution in electricity, heat and gas sectors.

In the framework of the WCS the energy companies selling electrical energy, heat or gas to final consumers connected to the grid in Poland are obliged to provide the energy efficiency certificate (White Certificates) or to pay compensation fee. The compensation fee will be due to the National Fund of Environment Protection and Water Management (NFoEP&WM) and may only be used for energy efficiency related improvements. The list of specific energy efficiency measures eligible for WC will be published by the MoEA (art. 17 of the EEL). These shall be chosen from a general list established in the EEL (art. 17 of the EEL). The Minister will also set the minimal limits of energy to be saved by the energy companies obliged (art. 15 of the EEL).

The whole responsibility for the WCS is attributed to the President of the Energy Regulatory Office.

Article 8: Availability of qualification, accreditation and certification schemes

The EEL introduces a system of energy auditors authorized to provide energy audits for the WCS. They shall pass state exam before they receive the right for making the energy audits (art. 28-34 of the EEL).

Article 11 Funds and funding mechanisms

The WCS will provide financial resources from the compensation fee. The funds accumulated at a special account in the National Fund of Environmental Protection and Water Management will be used for energy efficiency aims e.g. energy efficiency investments and soft projects (promotion, education, public campaigns) (art. 12, para.6 of the EEL). The account will be also supplied with fines imposed on those who either fail to provide WS or fail to pay compensation fee (art. 37 of the EEL).

Article 12 Energy audits

Within the new EEL no special system of energy audits is planned to ensure the availability of efficient, high-quality energy audit schemes which are designed to identify potential energy efficiency improvement measures and which are carried out in an independent manner, to all final consumers, including smaller domestic, commercial and small and medium-sized industrial customers.

However, energy audits will be required for certain energy efficiency measures (but not for measures with annual savings of less than 100 toe) for the WCS (art. 22 of the EEL). The MoEA will provide requirements, procedures and instructions in order to standardise energy audits (art. 28 of the EEL).

Article 13: Metering and informative billing of energy consumption

There is no need for implementation of art. 13 of the ESD. The issues covered by the article are already implemented in the Energy Law (art. 45, para. 7-9) and the decrees stemming from the law.

However, some initiatives to start nationwide program of introduction of intelligent smart meters have been launched. These activities receive wide support inter alia from the MoEA and the Energy Regulatory Office as well as from the Parliament. A Smart Network Platform embracing all main stakeholders has been launched and strongly supported by the Parliament.

Future planning

The Energy Law was also amended so that it is now possible to use substantial funds already accumulated from the Green Certificate System, supporting RES, not only for RES but also for energy efficiency projects.

NFoEP&WM also prepares new initiatives aimed at improving energy efficiency in the Public Sector and in the industry (to start in 2011). A program supporting smart metering is also under construction.

Relevant information

More information regarding the situation in Poland can be found at the following websites:

Energy Efficiency Law: <http://www.mg.gov.pl>

National Energy Efficiency Action Plan: http://ec.europa.eu/energy/demand/legislation/doc/neeap/poland_pl.pdf