

**The Draft Legal Act on Renewable Energy Sources presented on December 22, 2011 (“RES Act”) and the amendments to the Energy Law Act (“Act”): who will profit and who will not?**

RES Act draws attention to the provisions relating to the so-called “micro-installations” privileged by the exemption from the obligation to obtain licenses for the production and sale of electricity and from the implementing obligation to purchase energy generated by the electricity enterprise, which deal with distribution to the end consumer.

Another privileged group distinguished by RES Act consists of companies that produce electricity from renewable energy sources with a total capacity exceeding 5 MW which are exempted from the obligation to obtain licenses for the manufacture and sale of energy.

In turn, there is controversy around the provisions of RES Act concerning projects that do not fall within the category of “micro-installation” and which lack a precise statutory obligation to purchase electricity produced by the distribution enterprises. It is also similar in terms of maintaining the existing system of support, with simultaneous conditioning of its level on applied technology. In other words, the least support is expected to be provided for wind technologies and the greatest for photovoltaic technologies.

Moreover, the draft Act contains a provision allowing the energy enterprise to leave the producer’s application to specify the connection conditions without consideration if the value of the total available connection capacity to the network is smaller than the capacity specified in the application.

This provision may result in a return to the well-known artificial queues for issuing conditions of connection to the network.

It seems, therefore, that instead of the expected revolution in the Polish energy market we have little more than energetic “*Déjà vu*”.

The good news, however, is that social consultations for the above-mentioned regulations have been prolonged until February 6, 2012.

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