

D9: EED implementation in Poland

The Energy Efficiency Directive (EED), similar as the Energy Services Directive (ESD), was in general implemented by the Energy Efficiency Law (EEL) (2011).

The responsibility of the whole implementation is placed on the Minister of Economic Affairs (MoEA).

The MoEA is obliged to prepare the National Energy Efficiency Action Plan every three years. All other ministers and heads of governmental regional administrative units shall contribute to reach its objectives.

Furthermore, according to article 11 of the EEL, the MoEA shall perform different additional tasks related to energy efficiency, such as organizing campaigns to promote the use of energy efficiency improvement measures, including the introduction of innovative technologies; conducting information and educational activities, organizing trainings on available energy efficiency improvement measures; monitoring measures of efficiency energy improvement, which will also result in additional expenditure for the state budget.

Some statistical duties were attributed to the National Statistical Office and the regional governmental administration.

The EEL defines the national target for energy savings exactly in the same way as the indicative target in the ESD was set.

The public sector was obliged to perform the exemplary role.

As the main energy efficiency mechanism the White Certificate System (WCS) was established and launched (2013). Executive role in the WCS plays the President of the Energy Authority who organises the public auctions for the WC. Basing on the experience gained in the first phase of administration of the WCS some minor changes in the procedures are planned in 2014.

The energy efficiency oriented programs are financed from the fund on which redemption fees and penalties from the WCS are paid.

Some detailed requirements for energy efficiency auditors originally placed in the EEL were deleted (2012).

New draft of the EEL is being prepared. It would extend the duration of the current EEL beyond 2016 and would introduce necessary changes induced by the EED.

Legal context

There were not changes in the Polish law after the Energy Efficiency Directive (EED) came into force. It had been decided that the EED would be transposed into the Polish legal system by the legal act "Energy Efficiency Law" (EEL).

The act adopted by the Parliament on 15 April 2011 came into force in May 2011.

The next following step was issuing by the Ministry of Economic Affairs some pieces of secondary legislation to enable practical entering into force of the EEL:

1. Decree of 10 August 2012 that detailed the procedure of energy efficiency audit and describes the methods of computing energy savings.
2. Decree of 4 September 2012 on the methods of computing primary energy savings for the purpose of the White Certificate System (WCS) and the compensation fee in the system.
3. Decree of 23 October 2012 on the procedures of the bid for the White Certificates and listed the eligible energy efficiency means eligible in the WCS.

The original EEL was amended on 10 October 2012. The amendment consisted in dropping the articles that defined specific requirements of the energy efficiency auditors. This move was mainly induced by the government's policy to open different occupations to make the market of services they provide more competitive and flexible.

Status of the implementation

The statuses of implementation of the EED is presented in tab. 1. Where relevant comments to the Energy Law were made.

Table 1. Implementation of the provisions of the Energy Efficiency Directive (EED) in the Polish Energy Efficiency Law (EEL)

EED	Energy Efficiency Law	Remarks
I. SUBJECT, MATTER, DEFINITIONS AND ENERGY EFFICIENCY TARGETS		
Article 1 Subject, matter and scope	Article 1 Article 2	Subjects in line with the ESD. Scope of application: <ul style="list-style-type: none"> • military equipment and installations are excluded, • industries under the ETS excluded (Annex I to Directive 2003/87/EC), • extended by adding plant auxiliary services (power plant own energy consumption).
Article 2 Definitions	Article 3	Definitions entirely in line with EED. Some new definition added beyond the EED scope.
Article 3 Energy efficient targets	Article 4	National energy saving target set in line with the indicative ESD saving target.
II. EFFICIENCY IN ENERGY USE		
Article 4 Building renovation		No long-term strategy for investment in the renovation, The newly created Ministry of Infrastructure and Development is in charge of the following areas of the government activity: construction, local planning and spatial management and housing. The Ministry is preparing the strategy for building renovation.
Article 5 Exemplary role of public bodies' buildings	Article 10	The "alternative" approach was chosen (art. 5 (6) of the EED). No binding saving target set for the Public Sector. At least two measures from the list of eligible measures provided in the EEL shall be applied. There is obligation to inform public on the energy savings obtained in the Public Sector.
Article 6 Purchasing by public bodies	Article 10	Already the task of the President of the Office of Protection of the Competiveness and Consumers Promotion of "green" public procurement
Article 7 Energy efficiency obligation scheme	Articles 12 - 27	The White Certificate System (WCS) was established. The Minister of Economic Affairs is responsible for main quantitative parameters of the WCS.

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		President of the Regulatory Office responsible for administrative of the auctions for WC. No other policy measure envisaged (as listed in art. 7 (6) EED). First auction on WC was carried out in 2013. Modification of the WCS is planned to make it more flexible.
Article 8 Energy audits and energy management systems	Article 28 (Articles 29 - 34 deleted)	Rules of preparation of energy efficiency audits are outlined in a very general way. Detailed rules provided in the decrees following from the EEL. Original specific requirements for energy auditors and trainings of energy efficiency auditors deleted.
Article 9 Metering	Already implement in the EL	Already partly implemented in the Energy Law. Smart Metering activities intensified in Poland, especially in electric sector; gas sector is lagging
Article 10 Billing information	Already implemented in the Energy Law	Active participation and support from the President of the Energy Authority
Article 11 Costs of access to metering and billing information	Already implemented in the Energy Law Article 14, para. 4	Active participation and support from the President of the Energy Authority.
Article 12 Consumer information and empowering programme	No implementation necessary	Obligatory audits in the White Certificates System (for large savings)
Article 13 Penalties	No implementation necessary	Penalties for not meeting the requirements imposed by the WCS only (art. 35 EEL).
III. EFFICIENCY IN POWER SUPPLY		
Article 14 Promotion of efficiency in heating and cooling	Already partly implemented in the Energy Law	There is a system for supporting high-efficient cogeneration – “red” certificates for all fuels except gas, and “yellow” certificates for gas. Preparation of the heat/cool map will be outsourced and completed in 2014. The methodology that will be adopted will be in line with the general rules provided in art. 14 and Annex VIII of the EED.
Article 15 Energy transformation, transmission and distribution	Already implemented in the Energy Law for electricity (2009/72/EC) and gas (2009/73/WE) requirements.	There is a guarantee for transmission and distribution from high-efficiency cogeneration. There is a guaranteed access to the grid of electricity from high-efficiency cogeneration.
IV. HORIZONTAL PROVISIONS		
Article 16 Availability of qualification,	No implementation necessary	No qualification, accreditation and certification schemes planned. No specific professional requirements for energy

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accreditation and certification schemes		efficiency auditors. No dedicated trainings for energy efficiency auditors.
Article 17 Information and training		No specific professional requirements for energy efficiency auditors. No dedicated trainings for energy efficiency auditors. Obligation for the public sector to promote good solutions.
Article 18 Energy services		No directly addressed in the Energy Efficiency Law. Weak development of ESCO.
Article 19 Other measures to promote energy efficiency		Regulatory barriers to energy efficiency removed. Weak signals to remove barriers in building sector and public sector as described in art. 19 (1) (a) and (b).
Article 20 Energy efficiency national fund, financing and technical support	Article 12 para. 6	Special account established within the White Certificates System from which energy efficiency programs may be financed.
Article 21 Conversion factors	No implementation necessary	
V. FINAL PROVISIONS		
Article 22 Delegated acts	No implementation necessary	
Article 23 Exercise of the delegation	No implementation necessary	
Article 24 Review and monitoring of implementation	Articles 7 – 9 Article 11	The Ministry of Economic Affairs is in charge of preparation and co-ordination of all the report required

Additional efforts

Recent years the energy efficiency policy has been strongly supported in its implementation phase by the programs being continuously launched by the National Fund of Environmental Protection and Water Management.

Future planning

The extent of the current Energy Efficiency Law (EEL) is limited to 2016 and due to some legal constraints the bill cannot be amended. Therefore the law is planned to be replaced by a new legal act that will extend the duration of energy efficiency law beyond 2016. No revolutionary changes are planned, the new law would rather extend the main provisions of the current EEL with some minor changes to make the necessary adoptions to the EED. Minor amendments are also planned in the White Certificate System.

Relevant information

Link to the Energy Efficiency Law (in Polish) [Energy Efficiency Law \(in Polish\)](#)

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