

EED implementation in Poland

Introduction

The Energy Efficiency Directive (EED) was implemented by the amended Energy Efficiency Law (EEL) (2016), which replaced the previous Energy Efficiency Law (2011).

The responsibility of the whole implementation is placed on the Minister of Energy (MoE). The MoE is obliged to prepare the National Energy Efficiency Action Plan every three years.

Furthermore, according to article 9 of the EEL, the MoE 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 expenses for the state budget.

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

As the main mean of energy efficiency, 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 have been made in 2016.

The programs focused on energy efficiency are financed from the fund set up the WCS fees.

1. Legal context

It had been decided that the EED would be transposed into the Polish legal system by the legal act "Energy Efficiency Law" (EEL). The new EEL (2016) extends the duration of the previous EEL (2011) beyond 2016 and introduces necessary changes in order to fully implement the EED. The act adopted by the Parliament on 20 May 2016 comes into force in October 2016.

2. Status of the implementation

The status of implementation of the EED is presented in Table 1 where relevant comments to the EEL (2016) were made.

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

EED Article	Implementation status
Article 4 Building renovation	The newly created Ministry of Infrastructure and Buildings is in charge of the following areas of the government activity: construction, local planning and spatial management and housing. The Ministry has prepared the strategy for investment in the renovation. The strategy is attached as the Annex of the National Energy Efficiency Action Plan for Poland 2014.
Article 5 Public bodies' buildings	The "alternative" approach was chosen (art. 5 (6) of the EED). At least one measure 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

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	Public Sector. Also obligation imposed on central governments to take other cost-effective energy efficiency measures in eligible buildings owned and occupied by these public bodies (art. 8 of the new EEL).
Article 6 Purchasing by public bodies	Already the task of the President of the Office of Protection of the Competiveness and Consumers. Promotion of “green” public procurement Also obligation imposed on central governments to purchase only products, services and buildings with high energy-efficiency performance, (art. 8 of the new EEL).
Article 7 Energy efficiency obligation scheme	The White Certificate System (WCS) was established. The Minister of Energy is responsible for main quantitative parameters of the WCS. President of the Regulatory Office is responsible for administrative of issuing of the WC. No other policy measure envisaged (as listed in art. 7 (6) EED). Modification of the WCS has been made to make it more flexible.
Article 8 Energy audits and energy management systems	Rules of preparation of energy efficiency audits are outlined in a very general way. Detailed rules are provided in the EEL (Chapter 5, art. 36-38) and decree following from the EEL.
Article 9 Metering	Already implemented in the Energy Law (EL). Smart Metering activities intensified in Poland in electric sector.
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 (art. 14, para. 4). Active participation and support from the President of the Energy Authority
Article 12 Consumer information and empowering programme	Already implemented. Such programme was adopted and described in NEEAP for Poland 2014. Obligatory audits are also an element of the White Certificates System (for large savings)
Article 13 Penalties	Penalties for not meeting the requirements imposed by the EEL (Chapter 5, art. 39-42).
Article 14 Promotion of efficiency in heating and cooling	Already 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 and small-scale cogeneration units. Preparation of the heat/cool map has been outsourced and completed in 2015. The methodology that was adopted is 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.
Article 16 Availability of qualification, accreditation and certification schemes	No implementation necessary. The qualification, accreditation and certification schemes are not planned, because of action on the deregulation of professions in Poland. No specific requirements for energy efficiency auditors and dedicated trainings.
Article 17 Information and training	No implementation necessary. No specific professional requirements for energy efficiency auditors. Obligation for the public sector to promote good solutions.
Article 18 Energy services	Some incentives in EEL (art. 7) for public sector to take energy efficiency improvement measures and use energy performance contracting to finance these measures. 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) EED.

EED Article	Implementation status
Article 20 Energy efficiency national fund, financing and technical support	Special account established within the White Certificates System from which energy efficiency programs may be financed.
Article 24 Review and monitoring of implementation	The Ministry of Energy is in charge of preparation and co-ordination of all required report.

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 previous EEL was limited to 2016. Therefore the law has been replaced by a new legal act, that extends the duration of energy efficiency law beyond 2016 and 2020. No revolutionary changes are planned, the new law extends the main provisions of the previous EEL with some changes to make the necessary adoptions to the EED. Some amendments are also planned in the White Certificate System.

Relevant information

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