

RES

Energy Clusters

The President has signed an amendment to the Renewable Energy Sources Act, introducing, among other things, changes to the operation of energy clusters in the territory of the Republic of Poland, as well as adjusting domestic regulations to EU law.

The Act of 17 August 2023 amending the Act on Renewable Energy Sources and certain other acts presents, among other things, a new legal definition of an energy cluster, in which the listing of entities that may be part of a cluster was removed in favour of indicating only the mandatory participation of one of the entities from the local government area – a local government unit, a communal company or a company with a majority share of a communal company.

Therefore, as announced by the legislator, the possibility of creating energy clusters without the direct or indirect participation of local government units was excluded in practice.

The territoriality condition was also transferred from the legal definition of the energy cluster to the material provisions. An energy cluster will continue to be able to operate in the area of one district or five neighbouring municipalities.

The amendment also proposes a new support system for members of energy clusters, including, inter alia, an exemption from the RES and co-generation fee, part of the variable distribution fee or obligations regarding the acquisition and redemption of certificates of origin.

In addition, a register of energy clusters, maintained by the President of ERO, will be created. This will be associated, inter alia, with the introduction of additional reporting obligations.

The Act, to the extent described above, will enter into force in part on 1 January 2024.

At the same time, it is also worth indicating that the Ministry of Development and Technology has launched a dedicated programme, under which energy clusters will be able to receive funding for pre-investment activities (up to PLN 1.55 million), and later also funding for the investment itself. Applications will be possible from 12 September 2023.

Are you interested in this topic?

Feel free to contact us.

CONTACT

Marek Grzywacz, Ph.D., Counsel
marek.grzywacz@ngllegal.com