

ENERGY LAW REGULATIONS

Regulatory sandboxes

As part of the latest amendment to the Energy Law, which implements a number of EU regulations into the national legal system, a solution was also introduced allowing the President of the ERO to grant derogations from the application of certain provisions of the Act. The so-called regulatory sandboxes created in this way are aimed at testing innovative solutions that can be applied on a wider scale in the future.

According to the provisions of the Energy Law, such derogation may, as a general rule, relate to:

- i. the obligation to submit the network operation and maintenance manual for approval, as long as the network does not include interconnectors with other countries;
- ii. the obligation to consult the development plan;
- iii. the conditions for obtaining a license and the conditions for carrying out licensed activities;
- iv. obligation to submit tariffs for approval (excluding DSOs).

Only entities implementing projects aimed at introducing innovative technologies, services, products, cooperation models of system users, technological or ICT solutions for the benefit of energy transformation, smart grids and infrastructure, development of local balancing and increase of efficiency in the use of existing energy infrastructure can be beneficiaries of regulatory sandboxes.

At the same time, the applicant must prove, among other things, the existence of regulatory barriers preventing the implementation of the project without obtaining the relevant obligation relief.

The President of the ERO introduces the exemptions in the form of an administrative decision for a period of up to three years, with the possibility of one extension for a further three-year period.

Regulatory sandboxes are also widely applied in other EU countries.

Are you interested in this topic?

Feel free to contact us.

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