


Analysis of the implementation of EU provisions for the clean energy transition in selected Member States

Annexes to the country fiches for Bulgaria, Poland and Spain

A decorative graphic on the left side of the page consists of several overlapping geometric shapes: a large grey triangle pointing right, a smaller grey triangle pointing left, and a blue triangle pointing right, all partially overlapping each other.

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Glossary

ACC	Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy
DIR	Directive (EU) 2019/944 of 5 June 2019 on common rules for the internal market for electricity
ERSA	Bulgarian Energy from Renewable Sources Act
RED	Directive (EU) 2018/2001 of 11 December 2018 on the promotion of the use of energy from renewable resources
REG	Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity
TFEU	Treaty on the Functioning of the European Union

1 Introduction

The report “Analysis of the implementation of EU provisions for the clean energy transition in selected Member States“ includes 6 country fiches on Austria, Bulgaria, France, Germany, Poland and Spain (Chapter 3 of the report). 3 of these country fiches originally contained annexes: the country fiches on Bulgaria and Poland contained tables comparing the text of EU provisions with the text of the implementing national laws, while the country fiche Spain contained an annex briefly describing the general permit-granting process.

For better readability, these annexes are published here in a separate document. Nevertheless, they should be read in conjunction with the report, also because the references to the laws mentioned in the annexes can be found there.

2 Annex 1 to country fiche Bulgaria

Table 1: Article 15, DIR vs Article 92c, Bulgarian Energy Act.

Article 15, DIR	Article 92c, Bulgarian Energy Act
<p>1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.</p>	<p>(1) End consumers have the right to act as active consumers without being subject to disproportionate or discriminatory technical and administrative requirements, procedures, and network access prices that do not reflect costs incurred by the respective network operator.</p>
<p>2. Member States shall ensure that active customers are:</p> <ul style="list-style-type: none"> (a) entitled to operate either directly or through aggregation; (b) entitled to sell self-generated electricity, including through power purchase agreements; (c) entitled to participate in flexibility schemes and energy efficiency schemes; (d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer; (e) subject to cost-reflective, transparent and non-discriminatory network charges that account separately for the electricity fed into the grid and the electricity consumed from the grid, in accordance with Article 59(9) of this Directive and Article 18 of Regulation (EU) 2019/943, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system; (f) financially responsible for the imbalances they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943. 	<p>(2) Active consumers may:</p> <ul style="list-style-type: none"> 1. Act directly or through aggregation. 2. Sell the electricity they produce directly to another end consumer based on a contract between them. 3. Participate in flexibility schemes and energy efficiency schemes. 4. Entrust a third party with the management of installations necessary for their activity, including installation, operation, data management, and maintenance, without considering the third party as an active consumer.
<p>3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.</p>	<p>n/a</p>
<p>4. Member States that have existing schemes that do not account separately for the electricity fed into the grid and the electricity consumed from the grid, shall not grant new rights under such schemes after 31 December 2023. In any event, customers subject to existing schemes shall have the possibility at any time to opt for a new scheme that accounts</p>	<p>(3) Access prices for active consumers are transparent and non-discriminatory, reflecting the costs. When determining these prices, the provided and/or contracted capacity is taken into account, and active consumers may use separate accounting schemes</p>

separately for the electricity fed into the grid and the electricity consumed from the grid as the basis for calculating network charges. for electricity entering the network and electricity consumed by the network.

5. Member States shall ensure that active customers that own an energy storage facility:

(a) have the right to a grid connection within a reasonable time after the request, provided that all necessary conditions, such as balancing responsibility and adequate metering, are fulfilled;

(b) are not subject to any double charges, including network charges, for stored electricity remaining within their premises or when providing flexibility services to system operators;

(c) are not subject to disproportionate licensing requirements or fees;

(d) are allowed to provide several services simultaneously, if technically feasible.

(6) Active consumers owning energy storage facilities have the right to:

1. Connect to the network within a reasonable period after submitting the application, provided that all necessary conditions are met, such as balancing responsibility and appropriate measurement.
2. Provide multiple services simultaneously if technically feasible.

(7) Active consumers owning energy storage facilities are not subject to:

1. Double fees, including network access fees, for the stored electrical energy in their facilities or when providing flexibility services to network operators.
2. Disproportionate licensing requirements or licensing fees.

Table 2: Article 17, DIR vs Article 92d, Bulgarian Energy Act.

Article 17, DIR	Article 92d, Bulgarian Energy Act
<p>1. Member States shall allow and foster participation of demand response through aggregation. Member States shall allow final customers, including those offering demand response through aggregation, to participate alongside producers in a non-discriminatory manner in all electricity markets.</p>	<p>(1) End consumers, including households offering consumption optimization through aggregation, can participate with producers in a non-discriminatory manner on all electricity markets.</p>
<p>2. Member States shall ensure that transmission system operators and distribution system operators, when procuring ancillary services, treat market participants engaged in the aggregation of demand response in a non-discriminatory manner alongside producers on the basis of their technical capabilities.</p>	<p>(2) The transmission system operator and distribution system operators, when providing ancillary services, treat market participants performing consumption optimization through aggregation on a non-discriminatory basis alongside producers based on their technical capabilities.</p>
<p>3. Member States shall ensure that their relevant regulatory framework contains at least the following elements:</p> <p>(a) the right for each market participant engaged in aggregation, including independent aggregators, to enter electricity markets without the consent of other market participants;</p> <p>(b) non-discriminatory and transparent rules that clearly assign roles and responsibilities to all electricity undertakings and customers;</p> <p>(c) non-discriminatory and transparent rules and procedures for the exchange of data between market participants engaged in aggregation and other electricity undertakings that ensure easy access to data on equal and non-discriminatory terms while fully protecting commercially sensitive information and customers' personal data;</p> <p>(d) an obligation on market participants engaged in aggregation to be financially responsible for the imbalances that they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943;</p> <p>(e) provision for final customers who have a contract with independent aggregators not to be subject to undue payments, penalties or other undue contractual restrictions by their suppliers;</p> <p>(f) a conflict resolution mechanism between market participants engaged in aggregation and other market participants, including responsibility for imbalances.</p>	<p>(3) Consumption optimization through aggregation is regulated by a framework that includes the following elements:</p> <ol style="list-style-type: none"> 1. The right of every market participant performing aggregation, including independent providers of aggregated services, to enter electricity markets without the consent of other market participants. 2. Non-discriminatory and transparent rules defining the roles and responsibilities of all electricity enterprises and customers. 3. Non-discriminatory and transparent rules and procedures for data exchange between market participants performing aggregation and other electricity enterprises, ensuring easy access to data under fair and non-discriminatory conditions while protecting sensitive commercial information and customer personal data. 4. Financial responsibility of market participants performing aggregation for imbalances caused in the electricity system, except in cases where they are balance group coordinators or have delegated their balancing responsibility. 5. No imposition of unjust payments, sanctions, or other unjust contractual restrictions on end consumers having contracts with independent providers of aggregated services by their suppliers. 6. Mechanism for dispute resolution between market participants performing aggregation and other market participants, including those related to responsibility for imbalances.
<p>4. Member States may require electricity undertakings or participating final customers to pay financial compensation to other market participants or to the market participants' balance responsible parties, if those market participants or balance responsible parties are directly affected by demand response</p>	<p>(4) Electricity enterprises or participating end consumers in consumption optimization are obligated to pay financial compensation to other market participants or balance group coordinators affected directly by the consumption optimization.</p>

activation. Such financial compensation shall not create a barrier to market entry for market participants engaged in aggregation or a barrier to flexibility. In such cases, the financial compensation shall be strictly limited to covering the resulting costs incurred by the suppliers of participating customers or the suppliers' balance responsible parties during the activation of demand response. The method for calculating compensation may take account of the benefits brought about by the independent aggregators to other market participants and, where it does so, the aggregators or participating customers may be required to contribute to such compensation but only where and to the extent that the benefits to all suppliers, customers and their balance responsible parties do not exceed the direct costs incurred. The calculation method shall be subject to approval by the regulatory authority or by another competent national authority.

5. Member States shall ensure that regulatory authorities or, where their national legal system so requires, transmission system operators and distribution system operators, acting in close cooperation with market participants and final customers, establish the technical requirements for participation of demand response in all electricity markets on the basis of the technical characteristics of those markets and the capabilities of demand response. Such requirements shall cover participation involving aggregated loads.

(5) Financial compensation under paragraph 4 should not hinder the entry of market participants performing aggregation into the market or impede flexibility. Financial compensation is strictly limited to covering the costs incurred by providers to participating clients or by balance group coordinators during the activation of consumption optimization.

(6) The method for calculating compensation under paragraph 4 may take into account the benefits derived by other market participants from independent providers of aggregated services. In such cases, providers of aggregated services or participating clients may be required to contribute to compensation, but only if the benefits for all providers, clients, and balance group coordinators do not exceed the direct costs incurred.

(7) The method for calculating compensation under paragraph 4 is approved by the Commission.

(8) The Commission, upon a proposal from transmission system operators and distribution system operators in close collaboration with market participants and end consumers, determines the technical requirements for participation in consumption optimization services on all electricity markets based on the technical characteristics of these markets and the possibilities for consumption optimization, including participation with aggregated loads.

Table 3: Comparison between Art. 16 RED and the Bulgarian Energy from Renewable Sources Act.

Art. 16 RED	Energy from Renewable Sources Act
<p>1. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, guide through and facilitate the entire administrative permit application and granting process. The applicant shall not be required to contact more than one contact point for the entire process. The permit-granting process shall cover the relevant administrative permits to build, repower and operate plants for the production of energy from renewable sources and assets necessary for their connection to the grid. The permit-granting process shall comprise all procedures from the acknowledgment of the receipt of the application to the transmission of the outcome of the procedure referred to in paragraph 2.</p> <p>2. The contact point shall guide the applicant through the administrative permit application process in a transparent manner up to the delivery of one or several decisions by the responsible authorities at the end of the process, provide the applicant with all necessary information and involve, where appropriate, other administrative authorities. Applicants shall be allowed to submit relevant documents also in digital form.</p> <p>3. The contact point shall make available a manual of procedures for developers of renewable energy production projects and shall provide that information also online, addressing distinctly also small-scale projects and renewables self-consumers projects. The online information shall indicate the contact point relevant to the applicant's application. If a Member State has more than one contact point, the online information shall indicate the contact point relevant to the applicant's application.</p>	<p>§ 29. Article 22 is amended as follows:</p> <p>"Art. 22. (1) An administrative service centre shall be established in each municipality, which, upon request from users of administrative services, shall provide instructions and information on the procedures for the construction, reconstruction or major repair of energy facilities and facilities for the production of energy from renewable sources.</p> <p>(2) The centre under para. 1 organizes the procedures for the provision of administrative services for the issuance of a building permit and/or a use permit or a certificate for the commissioning of energy facilities and facilities for the production of energy from renewable sources and facilities for their connection to the relevant network, including in the reconstruction and modernization of existing energy facilities and facilities for the production of energy from renewable sources.</p> <p>(3) The centre under para. 1 through the website of the municipality and in another appropriate way publishes the manual under Art. 7, para. 2, item 16.</p> <p>(4) In order to issue a building permit for the construction of a site for the production of energy from renewable sources, a request is submitted to the relevant administrative service centre, for which the provisions of Chapter Eight, Section II of the Law on Territorial Planning must be fulfilled.</p> <p>(5) The centre under para. 1 provides the operator of the transmission or the relevant electricity distribution network with information on any issued construction permit [...]</p> <p>(6) The centre under para. 1 organizes the coordination of a schedule for the construction of the requested site and its commissioning between the applicant, the competent authorities under the Law on Territorial Planning and the operator of the relevant network to which the site is connected.</p> <p>[...]</p>
<p>4. Without prejudice to paragraph 7, the permit-granting process referred to in paragraph 1 shall not exceed two years for power plants, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year.</p>	<p>§ 29(4) <i>In order to issue a building permit for the construction of a site for the production of energy from renewable sources, a request is submitted to the relevant administrative service centre, for which the provisions of Chapter Eight, Section II of the Law on Territorial Planning must be fulfilled.</i></p> <p>§ 29(7) The schedule under para. 6 should provide for a period for issuing the use permit or the certificate for commissioning no more than two years from the submission of the request under</p>

	<p>para. 4, except when the person who submitted the request has not requested a longer period. [...]</p>
<p>5. Without prejudice to paragraph 7, the permit-granting process shall not exceed one year for installations with an electrical capacity of less than 150 kW. Where duly justified on the grounds of extraordinary circumstances, that one-year period may be extended by up to one year. Member States shall ensure that applicants have easy access to simple procedures for the settlement of disputes concerning the permit-granting process and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.</p>	<p>§ 29(7) [...] For energy facilities and facilities for the production of electrical energy from renewable sources with a total installed capacity of up to 150 kW, as well as in the case of reconstruction or modernization, this term is no longer than one year. [...]</p>
<p>6. Member States shall facilitate the repowering of existing renewable energy plants by ensuring a simplified and swift permit-granting process. The length of that process shall not exceed one year. Where duly justified on the grounds of extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project impacts substantially on the grid or the original capacity, size or performance of the installation, that one-year period may be extended by up to one year.</p>	<p>§ 6(8) All necessary administrative permits related to the stipulated requirements for the construction, reconstruction and commissioning of the sites for the production of energy from renewable sources, as well as for the construction, expansion and reconstruction of facilities for their connection to the electricity transmission or the relevant electricity distribution network in determined by the plan under para. 2 zones, are issued within a period of up to one year.</p>
<p>7. The deadlines established in this Article shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.</p>	<p>§29(8) The relevant term under para. 7 is extended by the period of conducting procedures for judicial and extrajudicial resolution of disputes in connection with the submitted request.</p>
<p>8. Member States may establish a simple-notification procedure for grid connections for repowering projects as referred to in Article 17(1). Where Member States do so, repowering shall be permitted following notification to the relevant authority where no significant negative environmental or social impact is expected. That authority shall decide within six months of receipt of a notification whether this is sufficient. Where the relevant authority decides that a notification is sufficient, it shall automatically grant the permit. Where that authority decides that the notification is not sufficient, it shall be necessary to apply for a new permit and the time limits referred to in paragraph 6 shall apply.</p>	<p>§ 34. Art. 26a is created:</p> <p>"Art. 26a. (1) When carrying out the modernization of an object for the production of electrical energy from renewable sources, when the total installed capacity of the object is not increased, the connection procedure is not carried out. In these cases, the manufacturer notifies the relevant electrical network operator of the change in the technical characteristics of the site.</p> <p>(2) When carrying out the modernization of a site for the production of electrical energy from renewable sources, where the total installed capacity is expected to increase by no more than 50 percent compared to the existing installed capacity of the site:</p> <ol style="list-style-type: none"> 1. the operators of the respective electricity networks consider a request of such a producer for connection with priority over submitted other requests for connection; 2. an opinion on accession is issued within one month from the submission of the request by the

manufacturer and no preliminary contract is concluded; in cases where the total connected power does not change, no guarantee is due under Art. 29, para. 1;

3. an accession contract is concluded within 15 days from the submission of the request by the manufacturer to conclude such a contract, upon issuance of a building permit, if such is required according to the Law on Territorial Planning;

4. the connection is made within the period specified by the manufacturer, and through the existing connection facilities on the site, unless there is a technical impossibility for such connection.

(3) When the modernization of a site for the production of electrical energy from solar energy does not lead to the use of additional land properties and **is in accordance with the applicable measures for the protection of the environment and biological diversity introduced for the existing site, no procedures under the Act shall be carried out for environmental protection and the Biodiversity Act.**

[...]

Table 4: Comparison between Art. 4, ACC and the Bulgarian Energy from Renewable Sources Act.

Art. 4 ACC	Energy from Renewable Sources Act
<p>1. The permit-granting process for the installation of solar energy equipment and co-located energy storage assets, including building-integrated solar installations and rooftop solar energy equipment, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed 3 months, provided that the primary aim of such structures is not solar energy production. By way of derogation from Article 4(2) of Directive 2011/92/EU, and Annex II, points 3(a) and (b), read alone or in conjunction with point 13(a) of Annex II to that Directive, such installations of solar energy equipment shall be exempted from the requirement, if applicable, of being subjected to a determination whether the project requires an environmental impact assessment, or from the requirement to carry out a dedicated environmental impact assessment.</p>	<p>Art. 26a (3) When the modernization of a solar energy production facility does not result in the use of additional land properties and is in compliance with the applicable environmental conservation and biodiversity protection measures established for the existing facility, procedures under the Environmental Protection Act and the Biodiversity Act are not conducted.</p>
<p>2. Member States may exclude certain areas or structures from the provisions of paragraph 1, due to reasons of cultural or historical heritage protection, or for reasons related to national defence interests or safety.</p>	
<p>3. For the permit-granting process regarding the installation of solar energy equipment, including for renewables self-consumers, with a capacity of 50 kW or less, the absence of a reply by the relevant authorities or entities within 1 month following the application shall result in the permit being considered as granted, provided that the capacity of the solar energy equipment does not exceed the existing capacity of the connection to the distribution grid.</p>	<p>(5) When submitting an application for the issuance of a building permit for the construction of an installation for the production of electrical energy from solar energy for own consumption with a total installed capacity of 20 kW to 50 kW in existing buildings and structures in urbanized areas, including on roofs and their facade constructions and in their adjoining land properties, and if no response is received within one month from the chief architect of the municipality, the building permit is considered to have been issued under the conditions of art. 4, paragraph 3 of Council Regulation (EU) 2022/2577 of 22 December 2022 establishing a framework for accelerating the deployment of energy from renewable sources (OB, L 335/36 of 29 December 2022), referred to as -hereinafter "Regulation (EU) 2022/2577", provided that the total installed capacity of the site for the production of electrical energy from solar energy does not exceed the power provided for the connection of the building/structure as a customer site.</p>

4. Where the application of the capacity threshold referred to in paragraph 3 of this Article leads to a significant administrative burden or constraints to the operation of the electricity grid, Member States may apply a lower threshold provided that it remains above 10,8 kW.

§33 (15) For installations for the production of electric energy from renewable sources or installations of consumers of own electric energy and the demonstration projects with an installed electric power of **up to 10.8 kW inclusive**, for a connection other than a three-phase connection, in the regulation under Art. 116, para. 7 of the Energy Law **provides for a simplified procedure for joining**, in which the deadline for joining is up to 30 days after the issuance of the opinion under para. 4, item 1 or 2.

5. All decisions resulting from the permit-granting processes referred to in paragraph 1 of this Article shall be made public in accordance with existing obligations.

Art. 5 ACC

1. The permit-granting process for the repowering of projects, including the permits related to the upgrade of the assets necessary for their connection to the grid where the repowering results in an increase in capacity, shall not exceed 6 months including environmental impact assessments where required by relevant legislation.

Energy from Renewable Sources Act

§33 (16) **The term of the procedures for joining an energy facility from the submission of the request under para. 1 until the conclusion of the accession contract is 6 months.** This term does not include the design and construction of a facility for connection, reconstruction and modernization of the electrical networks, related to the construction of the relevant energy facility for the production of electrical energy from renewable sources. **The term may be extended by the manufacturer within the validity periods of his issued opinion and the concluded preliminary contract.**

2. Where the repowering does not result in an increase in the capacity of the renewable energy power plant beyond 15%, and without affecting the need to assess any potential environmental impacts pursuant to paragraph 3 of this Article, grid connections to the transmission or distribution grid shall be permitted within 3 months following application to the relevant entity unless there are justified safety concerns, or there is technical incompatibility with the system components.

§ 34. Art. 26a is created:

"Art. 26a. (1) **When carrying out the modernization of an object for the production of electrical energy from renewable sources, when the total installed capacity of the object is not increased, the connection procedure is not carried out.** In these cases, the manufacturer notifies the relevant electrical network operator of the change in the technical characteristics of the site.

(2) When carrying out the modernization of a site for the production of electrical energy from renewable sources, where the **total installed capacity is expected to increase by no more than 50 percent** compared to the existing installed capacity of the site:

1. the operators of the respective electricity networks consider a request of such a producer for connection with priority over submitted other requests for connection;

2. an opinion on accession is issued within one month from the submission of the request by the manufacturer and no preliminary contract is concluded; in cases where the total connected power does not change, no guarantee is due under Art. 29, para. 1;

3. an accession contract is concluded within 15 days from the submission of the request by the manufacturer to conclude such a contract, upon issuance of a building permit, if such is required according to the Law on Territorial Planning;

4. the connection is made within the period specified by the manufacturer, and through the existing connection facilities on the site, unless there is a technical impossibility for such connection.

(3) When the modernization of a site for the production of electrical energy from solar energy does not lead to the use of additional land properties and **is in accordance with the applicable measures for the protection of the environment and biological diversity introduced for the existing site, no procedures under the Act shall be carried out for environmental protection and the Biodiversity Act.**

[...]

3. Where the repowering of a renewable energy power plant, or the upgrade of a related grid infrastructure which is necessary to integrate renewables into the electricity system, is subject to a determination whether the project requires an environmental impact assessment procedure or an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU, such prior determination and/or environmental impact assessment shall be limited to the potential significant impacts stemming from the change or extension compared to the original project.

§34 (4) **In the case of modernization of a site for the production of electrical energy from wind energy**, assessment of the need to carry out an EIA, if one is required, **is limited to the potential significant impacts resulting from the change or expansion compared to the original energy site.**

4. Where the repowering of solar installations does not entail the use of additional space and complies with the applicable environmental mitigation measures established for the original installation, the project shall be exempted from the requirement, if applicable, of being subjected to a determination whether the project requires an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU.

§ 34(3) When the modernization of a site for the production of electrical energy from solar energy **does not lead to the use of additional land properties and is in accordance with the applicable measures for the protection of the environment and biological diversity introduced for the existing site, no procedures under the Act shall be carried out for environmental protection and the Biodiversity Act.**

5. All decisions resulting from the permit-granting processes referred to in paragraphs 1 and 2 of this Article shall be made public in accordance with existing obligations.

Table 5: Comparison between Art. 21 RED and Art. 18a ERSA.

Article 21 RED	ERSA (Art. 18a)
<p>1. Member States shall ensure that consumers are entitled to become renewables self-consumers, subject to this Article.</p>	<p>(1) A final consumer may become a user of self-generated electrical energy from renewable sources under the conditions of paragraphs 2-4.</p>
<p>2. Member States shall ensure that renewables self-consumers, individually or through aggregators, are entitled:</p> <p>(a) to generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through renewables power purchase agreements, electricity suppliers and peer-to-peer trading arrangements, without being subject:</p> <p style="padding-left: 20px;">(i) in relation to the electricity that they consume from or feed into the grid, to discriminatory or disproportionate procedures and charges, and to network charges that are not cost-reflective;</p> <p style="padding-left: 20px;">(ii) in relation to their self-generated electricity from renewable sources remaining within their premises, to discriminatory or disproportionate procedures, and to any charges or fees;</p> <p>(b) to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any double charge, including network charges, for stored electricity remaining within their premises;</p> <p>(c) to maintain their rights and obligations as final consumers;</p> <p>(d) to receive remuneration, including, where applicable, through support schemes, for the self-generated renewable electricity that they feed into the grid, which reflects the market value of that electricity and which may take into account its long-term value to the grid, the environment and society.</p>	<p>(2) A user of self-generated electrical energy from renewable sources may:</p> <ol style="list-style-type: none"> 1. Generate and store the electricity produced by them from renewable sources and sell their excess electricity from renewable sources through agreements for the purchase of electricity from renewable sources, through electricity suppliers, and through agreements for trading among partners; 2. Install and operate energy storage facilities jointly with installations for the production of electrical energy from renewable sources for own consumption, without being required to pay for the use of the network to connect the energy storage facilities, within their property; 3. Retain their rights and obligations as a final consumer of electrical energy; 4. Sell the excess quantities of electricity produced by them as an equal participant in the electricity market under the conditions specified in the Energy Act and its subordinate acts and against payment at market prices, as well as under support schemes for the generated and sold electricity from renewable sources.
<p>3. Member States may apply non-discriminatory and proportionate charges and fees to renewables self-consumers, in relation to their self-generated renewable electricity remaining within their premises in one or more of the following cases:</p> <p>(a) if the self-generated renewable electricity is effectively supported via support schemes, only to the extent that the economic viability of the project and the incentive effect of such support are not undermined;</p> <p>(b) from 1 December 2026, if the overall share of self-consumption installations exceeds 8 % of the total installed electricity capacity of a Member State, and if it is demonstrated, by means of a cost-benefit analysis performed by the national regulatory authority of that Member State, which is conducted by way of an</p>	

open, transparent and participatory process, that the provision laid down in point (a)(ii) of paragraph 2 either results in a significant disproportionate burden on the long-term financial sustainability of the electric system, or creates an incentive exceeding what is objectively needed to achieve cost-effective deployment of renewable energy, and that such burden or incentive cannot be minimised by taking other reasonable actions; or

(c) if the self-generated renewable electricity is produced in installations with a total installed electrical capacity of more than 30 kW.

4. Member States shall ensure that renewables self-consumers located in the same building, including multi-apartment blocks, are entitled to engage jointly in activities referred to in paragraph 2 and that they are permitted to arrange sharing of renewable energy that is produced on their site or sites between themselves, without prejudice to the network charges and other relevant charges, fees, levies and taxes applicable to each renewables self-consumer. Member States may differentiate between individual renewables self-consumers and jointly acting renewables self-consumers. Any such differentiation shall be proportionate and duly justified.

(3) Users of self-generated electrical energy from renewable sources located in the same building, including residential buildings, have the right to participate as jointly acting users of self-generated electrical energy from renewable sources in the activities specified in paragraph 2 and may share among themselves the electrical energy from renewable sources produced in the installation or installations for the production of electrical energy in the building, respecting the rights and obligations of each user of self-generated electrical energy from renewable sources, without affecting network usage charges and applicable taxes and fees for each user of self-generated electrical energy from renewable sources.

5. The renewables self-consumer's installation may be owned by a third party or managed by a third party for installation, operation, including metering and maintenance, provided that the third party remains subject to the renewables self-consumer's instructions. The third party itself shall not be considered to be a renewables self-consumer.

(6) The installation of a user of self-generated electrical energy from renewable sources may be owned or managed by a third party regarding the installation, operation, including electricity measurement, and maintenance, provided that the third party is bound by the written instructions of the user of self-generated electrical energy from renewable sources. The third party is not considered a user of self-generated electrical energy from renewable sources.

6. Member States shall put in place an enabling framework to promote and facilitate the development of renewables self-consumption based on an assessment of the existing unjustified barriers to, and of the potential of, renewables self-consumption in their territories and energy networks. That enabling framework shall, inter alia:

(5) The development of consumption of self-generated electrical energy from renewable sources is carried out based on an assessment made by the Executive Director of the EWRC of existing unjustified obstacles and the potential of self-generated electrical energy consumption in the electricity networks through:

(a) address accessibility of renewables self-consumption to all final customers, including those in low-income or vulnerable households;

1. Measures to ensure all end consumers of electricity have the opportunity to consume self-generated electrical energy from renewable sources, including those with low incomes or vulnerable customers;

(b) address unjustified barriers to the financing of projects in the market and measures to facilitate access to finance;

2. Elimination of obstacles to financing projects for the consumption of self-generated electrical energy from renewable sources and introduction of measures to facilitate access to financing;

(c) address other unjustified regulatory barriers to renewables self-consumption, including for tenants;

3. Removal of unjustified regulatory barriers to the consumption of self-generated electrical energy from renewable sources, including when renting a building or premises in the building;

(d) address incentives to building owners to create opportunities for renewables self-consumption, including for tenants;

(e) grant renewables self-consumers, for self-generated renewable electricity that they feed into the grid, non-discriminatory access to relevant existing support schemes as well as to all electricity market segments;

(f) ensure that renewables self-consumers contribute in an adequate and balanced way to the overall cost sharing of the system when electricity is fed into the grid.

Member States shall include a summary of the policies and measures under the enabling framework and an assessment of their implementation respectively in their integrated national energy and climate plans and progress reports pursuant to Regulation (EU) 2018/1999.

4. Introduction of incentives for building owners to create opportunities for consuming renewable self-generated electrical energy, including when renting a building or premises in the building;

5. Providing users of self-generated electrical energy from renewable sources, for the electricity entering the respective electricity network, with non-discriminatory access to existing support schemes, as well as to all segments of the free electricity market;

6. Ensuring that users of self-generated electrical energy contribute in a balanced and appropriate manner to the overall sharing of system costs when the network is supplied with electrical energy.

3 Annex 2 to country fiche Poland

Table 6: Article 11, DIR vs Polish Energy Law

Article 11, DIR	Polish Energy Law
<p>1. Member States shall ensure that the national regulatory framework enables suppliers to offer dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract with at least one supplier and with every supplier that has more than 200 000 final customers</p>	<p>Article 5</p> <p>(4f) In the case of an end consumer equipped with a remote reading meter, the sale of electrical energy may take place based on an agreement with a dynamic electricity price.</p> <p>(4g) An electricity seller who sells electrical energy to at least 200,000 end consumers is obliged to offer the sale of electrical energy based on an agreement with a dynamic electricity price and to publish offers for an agreement with a dynamic electricity price on their website.</p>
<p>2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of such dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices.</p>	<p>Article 5</p> <p>(6h) An electricity seller mentioned in paragraph 4g informs end consumers, in a transparent and understandable manner, about the costs, benefits, and risks associated with an agreement with a dynamic electricity price, as well as the necessity of installing a remote reading meter to take advantage of the possibility of entering into such an agreement.</p> <p>Article 23</p> <p>(2) The scope of the President of the Energy Regulatory Office's activities includes:</p> <p>18b) monitoring:</p> <p>c) the impact of these agreements and offers on prices and rates for household consumers, as well as the estimation of risks associated with these agreements, and the publication, by May 30 each year, of a report on this monitoring</p>
<p>3. Suppliers shall obtain each final customer's consent before that customer is switched to a dynamic electricity price contract</p>	<p>Article 5</p> <p>(4h) The condition for concluding an agreement with a dynamic electricity price is obtaining consent from the end consumer by the electricity seller.</p>
<p>4. For at least a ten-year period after dynamic electricity price contracts become available, Member States or their regulatory authorities shall monitor, and shall publish an annual report on the main developments of such contracts, including market offers and the impact on consumers' bills, and specifically the level of price volatility.</p>	<p>Article 33</p> <p>The President of the Energy Regulatory Office publishes, for the first time, the report on monitoring agreements with dynamic electricity prices, as referred to in Article 23, paragraph 2, point 18b, letter c of the law amended in Article 1, by May 30, 2025.</p>

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Table 7: Article 15, DIR vs Polish Law

Article 15, DIR	Polish Law
<p>1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.</p>	<p>Energy Law, Article 3</p> <p>(13e) Active customers - an end user acting individually or in a group, who (...)</p> <p>Article 11zr</p> <p>An active customer shall not be subjected to discriminatory technical requirements, procedures, and additional fees, including network fees that do not reflect the costs associated with network access.</p>
<p>2. Member States shall ensure that active customers are:</p> <ul style="list-style-type: none"> (g) entitled to operate either directly or through aggregation; (h) entitled to sell self-generated electricity, including through power purchase agreements; (i) entitled to participate in flexibility schemes and energy efficiency schemes; (j) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer; (k) subject to cost-reflective, transparent and non-discriminatory network charges that account separately for the electricity fed into the grid and the electricity consumed from the grid, in accordance with Article 59(9) of this Directive and Article 18 of Regulation (EU) 2019/943, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system; (l) financially responsible for the imbalances they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943. 	<p>Energy Law Article 3</p> <p>13e) Active customer - an end user acting individually or in a group, who:</p> <ul style="list-style-type: none"> c) sells electric energy produced independently e) provides system services, or f) provides flexibility services. <p>Article 11zp</p> <p>An active customer may act independently or through an aggregator.</p> <p>Article 11zq</p> <p>An active customer has the right to entrust another entity with the management of their installation. The management of the installation by another entity, as mentioned in paragraph 1, includes the installation, operation, maintenance of the installation, or handling of measurement data.</p> <p>Article 11zr</p> <p>An active customer shall not be subjected to discriminatory technical requirements, procedures, and additional fees, including network fees that do not reflect the costs associated with network access.</p> <p>Renewable Energy Sources Act Article 4</p> <p>(2b.) The settlements between the seller referred to in Article 40(1a) and the renewable energy prosumer, collective renewable energy prosumer, or virtual renewable energy prosumer are conducted based on the quantity of energy collectively balanced in each hour. The collectively balanced amount of electric energy introduced to and drawn from the power distribution grid by the renewable energy prosumer, collective renewable energy prosumer, or virtual renewable energy prosumer is determined for a given hour by the vector method according to the following formula:</p>

$$E_b(t) = E_p(t) - E_w(t),$$

where each symbol denotes:

$E_b(t)$ - the amount of energy collectively balanced in hour (t), expressed in kWh, subject to settlement in a given settlement period; a positive value indicates the amount of electric energy drawn in a given hour (t) from the power distribution grid, and a negative value indicates the amount of electric energy introduced in a given hour (t) into this grid,

$E_p(t)$ - the sum from all phases of the amount of electric energy drawn in hour (t) from the power distribution grid, expressed in kWh,

$E_w(t)$ - the sum from all phases of the amount of electric energy introduced in hour (t) into the power distribution grid, expressed in kWh, wherein for the virtual renewable energy prosumer, the amount of electric energy introduced into the power distribution grid is considered as the amount of electric energy generated in the renewable energy installation determined in accordance with Article 2(3)(b).

3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.

n/a

Renewable Energy Sources Act

Article 4,

(1a) The seller referred to in Article 40(1a) settles the account:

2) The values of electric energy introduced into the power distribution grid from July 1, 2022, by a renewable energy prosumer, a collective renewable energy prosumer, or a virtual renewable energy prosumer, generating electric energy in a renewable energy installation, whose connection to the power distribution grid and introduction of electric energy into the power distribution grid for the first time occurred after March 31, 2022, excluding micro-installations connected to the power distribution grid in accordance with Article 4d, paragraphs 2-11, concerning the values of electric energy withdrawn from this grid for self-consumption purposes.

4. Member States that have existing schemes that do not account separately for the electricity fed into the grid and the electricity consumed from the grid, shall not grant new rights under such schemes after 31 December 2023. In any event, customers subject to existing schemes shall have the possibility at any time to opt for a new scheme that accounts separately for the electricity fed into the grid and the electricity consumed from the grid as the basis for calculating network charges.

(1b) A renewable energy prosumer utilizing the settlement specified in paragraph 1 may, no later than 21 days before the beginning of the next quarter, submit a written statement to the seller as referred to in Article 40, paragraph 1a, indicating the use of the settlement principles specified in paragraph 1a, point 2. In the case mentioned in the first sentence, the settlement principles specified in paragraph 1a, point 2, apply from the first day of the next quarter, but no earlier than July 1, 2022, for a period of 15 years,

reduced by the period during which the renewable energy prosumer used settlements based on the principles specified in paragraph 1.

Energy Law,
Article 7

(8g) An energy company engaged in the transmission or distribution of electric energy is obligated to issue connection conditions within the following time frames:

2) 30 days from the day of submitting the application by the applicant classified into the IV connection group, connecting to a network with a voltage not exceeding 1 kV;

5) 150 days from the day of submitting the application by the applicant classified into the I or II connection group.

(8) For connection to the grid, a fee is charged based on the following principles:

5. Member States shall ensure that active customers that own an energy storage facility:

(a) have the right to a grid connection within a reasonable time after the request, provided that all necessary conditions, such as balancing responsibility and adequate metering, are fulfilled;

(b) are not subject to any double charges, including network charges, for stored electricity remaining within their premises or when providing flexibility services to system operators;

(c) are not subject to disproportionate licensing requirements or fees;

(d) are allowed to provide several services simultaneously, if technically feasible.

6) For the connection of an electric energy storage facility, the fee is determined based on one-half of the actual costs incurred for the connection implementation.

Article 32

(1) A concession is required for carrying out economic activities in the field of:

2) storage:

a) electric energy in electric energy storage facilities with a total installed electrical capacity exceeding 10 MW.

Article 43

(3) The entry in the register referred to in paragraph 1 applies to electricity storage facilities with a total installed capacity exceeding 50 kW.

Article 7

(8d¹²) In the case of connecting a micro-installation with an electricity storage system to the distribution grid, the installed capacity of the electricity storage system, as mentioned in paragraph 8d4, is not included in the installed capacity of the micro-installation, provided that:

1) the installed capacity of the electricity storage system,

2) the total capacity that can be introduced into the distribution grid by the micro-installation with an electricity storage system,

is not greater than the electrical installed capacity of the micro-installation.

Article 3

(13e) Active consumer - an end user acting individually or in a group, who:

- a) consumes electric energy produced within their own scope, or
- b) stores electric energy produced within their own scope, or
- c) sells electric energy produced within their own scope, or
- d) undertakes initiatives aimed at improving energy efficiency within the meaning of Article 2, point 12 of the Act of May 20, 2016, on energy efficiency (Journal of Laws of 2021, item 2166), or
- e) provides system services, or
- f) provides flexibility services
- g) provided that activities mentioned in points b-f do not constitute the core economic activities of this recipient.

Table 8: Article 17, DIR vs Polish Law

Article 17, DIR	Polish Law
<p>1. Member States shall allow and foster participation of demand response through aggregation. Member States shall allow final customers, including those offering demand response through aggregation, to participate alongside producers in a non-discriminatory manner in all electricity markets.</p>	<p>Energy Law, Article 3</p> <p>(11j) demand response - a change in the electricity consumption of an end-user compared to their usual or current electricity consumption in response to market signals, including in response to variable electricity prices or financial incentives, or as a result of accepting an offer from the end-user, submitted individually or as part of aggregation, regarding the sale of reducing or increasing consumption at the prevailing price on the organized market within the meaning of Article 2, point 4 of the Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and 6 of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on the integrity and transparency of wholesale energy markets (Official Journal of the European Union L 363 of 18 December 2014, p. 121, as amended thereafter [6]), hereinafter referred to as 'Regulation 1348/2014'</p>
<p>2. Member States shall ensure that transmission system operators and distribution system operators, when procuring ancillary services, treat market participants engaged in the aggregation of demand response in a non-discriminatory manner alongside producers on the basis of their technical capabilities.</p>	<p>Energy Law, Article 9g</p> <p>(4b) The electric power transmission system operator acquires non-frequency-related system services, as referred to in paragraph 4a, based on transparent and non-discriminatory market procedures.</p> <p>(5f) The distribution network operator acquires services, as mentioned in paragraph 5e, based on transparent and non-discriminatory market procedures.</p>
<p>3. Member States shall ensure that their relevant regulatory framework contains at least the following elements:</p> <ul style="list-style-type: none"> (g) the right for each market participant engaged in aggregation, including independent aggregators, to enter electricity markets without the consent of other market participants; (h) non-discriminatory and transparent rules that clearly assign roles and responsibilities to all electricity undertakings and customers; (i) non-discriminatory and transparent rules and procedures for the exchange of data between market participants engaged in aggregation and other electricity undertakings that ensure easy access to data on equal and non-discriminatory terms while fully protecting commercially sensitive information and customers' personal data; (j) an obligation on market participants engaged in aggregation to be financially responsible for the imbalances that they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing 	<p>Energy Law, Article 5b³</p> <p>An entity intending to conduct aggregation, and the aggregator, have the right to enter electricity markets and participate in these markets without the consent of other market participants.</p> <p>Article 5a¹</p> <p>6. The electricity seller cannot apply discriminatory technical requirements, procedures, fees, or penalties to the final consumer of electric energy who has entered into an agreement as referred to in paragraph 1 with an independent aggregator.</p> <p>Article 5b²</p> <p>1. Aggregation takes place in accordance with the terms of use of the power grid and the requirements for the exchange of information between energy companies and between energy companies and consumers specified in the instruction referred to in</p>

<p>responsibility in accordance with Article 5 of Regulation (EU) 2019/943;</p> <p>(k) provision for final customers who have a contract with independent aggregators not to be subject to undue payments, penalties or other undue contractual restrictions by their suppliers;</p> <p>(l) a conflict resolution mechanism between market participants engaged in aggregation and other market participants, including responsibility for imbalances.</p>	<p>Article 9g, paragraph 1, determined by each electricity system operator within the area where aggregation is conducted.</p> <p>The Regulation of the Minister of Climate and Environment dated March 22, 2023, concerning the detailed conditions for the functioning of the power system</p> <p>§ 19</p> <p>2. In the agreement or agreements for the provision of electricity transmission or distribution services, the system user, in relation to each of their resources connected to the network or the entity authorized by them:</p> <p>1) specifies the entity responsible for balancing; 2) may indicate the provider of balancing services.</p> <p>§ 23</p> <p>1. The operator of the power transmission system settles imbalances for each imbalance settlement period for each balancing unit (...)</p> <p>Energy Law, Article 9</p> <p>(3) The Minister responsible for energy shall, by regulation, specify detailed conditions for the functioning of the power system, taking into account the safety and reliable operation of this system, equal treatment of users of the power system, environmental protection requirements, as well as the construction and operation of devices, installations, or networks specified in separate regulations, and incentives for balancing the quantity of electric energy resulting from electric energy sales agreements in terms of electric energy supplied or consumed, and for balancing the quantity of electric energy actually supplied or consumed with the quantities resulting from these agreements.</p> <p>(4) The regulation referred to in paragraph 3 should specify in particular:</p> <p>4) conditions for the provision of transmission services, distribution of electric energy, aggregation, network operation, network exploitation, and the use of the power system and inter-system connections;</p> <p>5) the scope, conditions, and manner of operation of the electricity balancing market and settlement with entities responsible for balancing and balancing service providers, including settlements: a) arising from the imbalance of electric energy supplied and consumed from the system.</p> <p>Article 31a - Coordinator's Tasks for Negotiations</p>
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4. Member States may require electricity undertakings or participating final customers to pay financial compensation to other market participants or to the

n/a

market participants' balance responsible parties, if those market participants or balance responsible parties are directly affected by demand response activation. Such financial compensation shall not create a barrier to market entry for market participants engaged in aggregation or a barrier to flexibility. In such cases, the financial compensation shall be strictly limited to covering the resulting costs incurred by the suppliers of participating customers or the suppliers' balance responsible parties during the activation of demand response. The method for calculating compensation may take account of the benefits brought about by the independent aggregators to other market participants and, where it does so, the aggregators or participating customers may be required to contribute to such compensation but only where and to the extent that the benefits to all suppliers, customers and their balance responsible parties do not exceed the direct costs incurred. The calculation method shall be subject to approval by the regulatory authority or by another competent national authority.

5. Member States shall ensure that regulatory authorities or, where their national legal system so requires, transmission system operators and distribution system operators, acting in close cooperation with market participants and final customers, establish the technical requirements for participation of demand response in all electricity markets on the basis of the technical characteristics of those markets and the capabilities of demand response. Such requirements shall cover participation involving aggregated loads.

Energy Law,
Article 9g

(4) Instructions developed for power grids specify detailed conditions for users of the system to access these networks, as well as the terms and methods for operating, maintaining, and planning the development of these networks. This includes specific aspects related to:

2c): technical requirements for participating in demand response, including through aggregation, are based on the technical characteristics of all electricity markets and the capabilities of end-users to act as demand response.

(6a) the electric power system operator defines in the instructions the technical requirements for participating in demand response and participating through aggregation in electricity trading, balancing markets, and the provision of system services. These requirements are developed based on the technical characteristics of relevant processes and the technical capabilities of end-users to act as demand response.

Table 9: Article 19, DIR vs Polish Law

Article 19, DIR	Polish Energy Law
<p>1. In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and other market participants optimise the use of electricity, inter alia, by providing energy management services, developing innovative pricing formulas, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules.</p>	<p>Article 3</p> <p>(6d) Agreement with dynamic electricity price - a contract for the sale of electricity or a comprehensive agreement concluded between the electricity seller and the end customer, reflecting fluctuations in electricity prices on electricity markets, especially on the markets of the next day and the current day, at intervals at least equal to the imbalance settlement period as defined in Article 2(10) of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing guidelines on balancing (Official Journal of the European Union L 312 of 28 November 2017, page 6, as amended), hereinafter referred to as "Regulation 2017/2195.</p> <p>(64) Remote reading meter - a measuring device within the meaning of Article 4(5) of the Act of May 11, 2001, on Measures (Journal of Laws of 2021, item 2068), used for measuring electric energy and settlements for this energy. It is equipped with a communication function with the remote reading system.</p> <p>(68) Remote reading system - an information system designed to acquire measurement data from remote reading meters and information about events recorded by these meters, and to send commands to remote reading meters.</p> <p>(69) Central Energy Market Information System - an information system designed to process energy market information for the purpose of executing energy market processes and exchanging information between users of the power system.</p>
<p>2. Member States shall ensure the deployment in their territories of smart metering systems that assist the active participation of customers in the electricity market. Such deployment may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II.</p>	<p>Article 11t</p> <p>(1) The operator of the electricity distribution system, by December 31, 2028, will install remote reading meters integrated with the remote reading system at energy consumption points constituting at least 80% of the total number of energy consumption points for end customers, including those representing at least 80% of the total number of energy consumption points for end customers in households. These points should have a metering and settlement system without current or voltage transformers, connected to a network with a nominal voltage not exceeding 1 kV, following the schedule specified in paragraph 2.</p>
<p>3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be deployed in their territories, in accordance with Article 20 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy</p>	<p>Article 11t</p> <p>(11) The remote reading meter meets the requirements specified in the regulations issued under Article 11x(2).</p> <p>Article 11x</p>

management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for electricity.

(2) The Minister responsible for energy, in agreement with the Minister responsible for informatization, will specify, by regulation:

(4) The Minister responsible for energy, in agreement with the Minister responsible for informatization, will specify, by regulation, the requirements that are met by:

1) communication standards between the remote reading meter and devices consuming electric energy in a household, including requirements for protecting this communication against unauthorized interference and access,

2) devices in a household for communication with the remote reading meter - taking into account the need to ensure the security of the measurement system, reliable communication between the remote reading meter and devices consuming electric energy in a household, the scope of information necessary for the user of the system in a household to efficiently manage electricity consumption, interoperability of the measurement system, equal treatment of users of the measurement system, the state of development of information technologies, cost-effectiveness of available technologies, and the confidentiality of data and information in the measurement system.

Article 11t

(4) The operator of the electricity distribution system covers the costs of purchasing a remote reading meter, its installation, and activation, as well as the costs of the necessary technical infrastructure required for the proper functioning of this meter at the end customer connected to the network of this operator with a nominal voltage not exceeding 1 kV.

(5) The costs of implementing the tasks referred to in paragraphs 1, 3, 4, and 14 constitute justified costs of the operation of the electricity distribution system operator, excluding costs covered by the end customer in the case specified in paragraph 6.

(9) The end customer bears the costs of installing and activating the remote reading meter upon a request as mentioned in paragraph 6 points 1 and 3. The operator of the electricity distribution system publishes on its website information about the possibility of installing a remote reading meter in accordance with paragraph 6, and the average total cost of installing and activating the remote reading meter.

4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.

5. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised at least every four years, or more frequently, in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the

Irrelevant, because smart meters will be implemented

Commission the outcome of their updated cost-benefit assessment as it becomes available

6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the 'start of works' began, before 4 July 2019, may remain in operation over their lifetime but, in the case of smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after 5 July 2031.

For the purpose of this paragraph, 'start of works' means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies are not considered as start of works. For take-overs, 'start of works' means the moment of acquiring the assets directly linked to the acquired establishment

Article 11t

(14) Operators of power systems are required to adapt remote reading systems and remote reading meters in use before July 4, 2019, to the requirements specified in the law and regulations issued under Article 11x(2), by July 4, 2031.

Table 10: Article 32 (1) and (3) DIR vs Polish Law

Article 32, DIR	Polish Energy Law
<p>1. Member States shall provide the necessary regulatory framework to allow and provide incentives to distribution system operators to procure flexibility services, including congestion management in their areas, in order to improve efficiencies in the operation and development of the distribution system. In particular, the regulatory framework shall ensure that distribution system operators are able to procure such services from providers of distributed generation, demand response or energy storage and shall promote the uptake of energy efficiency measures, where such services cost-effectively alleviate the need to upgrade or replace electricity capacity and support the efficient and secure operation of the distribution system. Distribution system operators shall procure such services in accordance with transparent, non-discriminatory and market-based procedures unless the regulatory authorities have established that the procurement of such services is not economically efficient or that such procurement would lead to severe market distortions or to higher congestion.</p>	<p>The provisions related to Article 32 (1) have not been implemented in practice, but Polish law refers to them. Ministerial regulation is required.</p> <p>Article 9</p> <p>(3) The Minister responsible for energy will specify, by regulation, detailed conditions for the functioning of the power system, taking into account the safety and reliable operation of the system, equal treatment of power system users, environmental protection requirements, and the construction and operation of devices, installations, or networks specified in separate regulations. It should also include incentives for balancing the quantity of electric energy resulting from electricity sales agreements concerning the electric energy supplied or consumed, as well as for balancing the quantity of electric energy actually supplied or consumed with the quantities resulting from these agreements.</p> <p>(4). The regulation mentioned in paragraph 3 should specify, in particular:</p> <p>the scope, conditions, and manner of operating the electricity balancing market and settling with entities responsible for balancing and providers of balancing services, including settlements:</p> <p>a) resulting from the imbalance of supplied and consumed electric energy from the system,</p> <p>6) the scope, conditions, and manner of managing system constraints and settling for it, including the method of determining prices at which electricity generation or consumption is settled in connection with managing system constraints;</p> <p>6a) the scope, conditions, and manner of utilizing flexibility services by the electricity distribution system operator;</p> <p>6b) the method of grouping resources used for providing balancing services and flexibility services;</p> <p>7) the coordination of power system development planning;</p> <p>8) the conditions for cooperation between power system operators, including with other energy companies, in the operation of network traffic, flow management, and dispatching the power of generation units and other resources of system users, emergency procedures, and the use of flexibility services.</p>
<p>3. The development of a distribution system shall be based on a transparent network development plan that the distribution system operator shall publish at least every two years and shall submit to the</p>	<p>Article 16</p> <p>(1) An energy company engaged in the transmission or distribution of gas fuels or energy prepares,</p>

regulatory authority. The network development plan shall provide transparency on the medium and long-term flexibility services needed, and shall set out the planned investments for the next five-to-ten years, with particular emphasis on the main distribution infrastructure which is required in order to connect new generation capacity and new loads, including recharging points for electric vehicles. The network development plan shall also include the use of demand response, energy efficiency, energy storage facilities or other resources that the distribution system operator is to use as an alternative

for its operational area, a development plan to meet current and future demand for gas fuels or energy for a period not shorter than 3 years.

(4) The distribution system operator:

1. for gas, prepares a development plan to meet current and future demand for gas fuels for a period not shorter than 5 years,

2. for electricity, prepares a development plan to meet current and future demand for electrical energy for a period not shorter than 6 years - and updates this plan every 2 years.

(8c) The plan referred to in paragraph 1, developed by the electric distribution network operator:

1) ensures transparency regarding the operator's demand for flexibility services during the period specified in paragraph 4 point 2;

2) includes the use of demand response, energy efficiency, energy storage, or other resources that the operator considers as alternative solutions to the expansion of the distribution network.

Table 11: Article 22 (1), REG vs Polish Law

Article 22 (1) REG	The Act of December 8, 2017, on the Capacity Market
<p>1. Any capacity mechanism shall:</p> <ul style="list-style-type: none"> (a) be temporary; (b) not create undue market distortions and not limit cross-zonal trade; (c) not go beyond what is necessary to address the adequacy concerns referred to in Article 20; (d) select capacity providers by means of a transparent, non-discriminatory and competitive process; (e) provide incentives for capacity providers to be available in times of expected system stress; (f) ensure that the remuneration is determined through the competitive process; (g) set out the technical conditions for the participation of capacity providers in advance of the selection process; (h) be open to participation of all resources that are capable of providing the required technical performance, including energy storage and demand side management; (i) apply appropriate penalties to capacity providers that are not available in times of system stress. 	<p>Article 41</p> <p>1. Under the capacity agreement:</p> <ul style="list-style-type: none"> 1) the capacity provider undertakes to perform, over a specified period of time, the capacity obligation by a specified capacity market unit; <p>Article 6</p> <p>(1) The operator shall enable capacity located in the electrical power systems of a Member State of the European Union whose electric power system is directly interconnected with the system, through:</p> <ul style="list-style-type: none"> 1) enabling capacity market units comprising physical interconnector units to participate in the capacity auctions, or 2) organising pre-auctions separately for the individual zones referred to in paragraph 6, and by enabling capacity market units comprising physical cross-border units to participate in the capacity auctions. <p>Article 7</p> <p>(1) The operator draws up information on the maximum forecasted capacity obligations volumes for individual zones specified in Article 6(6) on the basis of the mid-term adequacy assessment drawn up regularly in accordance with Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (Official Journal of EU L 158 of 14.06.2019, p. 54), hereinafter referred to as "Regulation 2019/943".</p> <p>Article 29 to Article 40, especially article 30 [Course of Capacity Auctions]</p> <p>Article 66</p> <p>The capacity provider who has delivered, in a given system stress event, capacity exceeding the adjusted capacity obligation of the capacity market unit located in the system, shall receive a bonus originating from redistribution of the funds received as penalties for the failure to perform the capacity obligation, if such penalties have been imposed, hereinafter referred to as the "bonus".</p> <p>Article 60 – 67, especially article 60</p> <p>Article 60</p> <p>(1) The capacity provider shall obtain remuneration for the performance of the capacity obligation following the end of each month of the delivery period. The capacity provider shall issue to the operator, for the performance of the capacity obligation, an</p>

invoice, based on the information referred to in Article 58(6).

(2) Remuneration for the performance of the capacity obligation in a given month:

1) shall be calculated separately for each capacity market unit;

2) shall be calculated as the sum of the products of capacity obligations during hours when a system stress event may occur, as specified in the provisions issued pursuant to Article 68, and corresponding to a given capacity obligation, hourly price determined on the basis of the price of a given capacity obligation and the number of hours in the year in which a system stress event may occur, taking into account the provisions of paragraph 4 and 5 and Article 62.

(3) The price of the capacity obligation set forth in the capacity agreement shall be the clearing price of the main auction or an additional auction.

(4) The price of the capacity obligation for multiannual capacity agreements shall be indexed, on a yearly basis, based on the average annual consumer price index, as published in an announcement of the President of the Central Statistical Office (Główny Urząd Statystyczny) in the Official Journal of the Republic of Poland (Monitor Polski) for the year preceding the year in which the capacity fee rates are determined for a given delivery year.

(5) The provision of paragraph 4 shall also apply to capacity obligations that were transferred as part of capacity obligation secondary trading, regardless of the number of transactions to which they were subject.

Article 82

The operator shall draw up the capacity market regulations setting forth detailed principles of cooperation between capacity market participants

Article 2,

(1) The terms used in the statute refer to:

34) capacity market participant – an operator, a distribution system operator, a settlement manager, a physical unit owner or an entity they duly authorise, as well as a capacity provider.

Chapter 3 General certification;

Chapter 4: Certification for the Main Auction and Additional Auctions

Article 59

1. The capacity provider who has failed to perform the capacity obligation in accordance with Articles 57 and 58 shall pay a penalty to the operator.

Table 12: Comparison between Art. 16, RED and the Polish Act on Renewable Energy Sources

Art. 16 RED	Act on Renewable Energy Sources
<p>1. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, guide through and facilitate the entire administrative permit application and granting process. The applicant shall not be required to contact more than one contact point for the entire process. The permit-granting process shall cover the relevant administrative permits to build, repower and operate plants for the production of energy from renewable sources and assets necessary for their connection to the grid. The permit-granting process shall comprise all procedures from the acknowledgment of the receipt of the application to the transmission of the outcome of the procedure referred to in paragraph 2.</p>	<p>Article 160a</p> <p>(1) The Minister responsible for climate affairs, using an IT system, operates the national contact point for renewable energy, hereinafter referred to as the "national contact point.</p> <p>(2) The national contact point provides support in the scope of administrative procedures related to decisions enabling the connection of renewable energy installations to the grid and the generation of energy from renewable sources.</p>
<p>2. The contact point shall guide the applicant through the administrative permit application process in a transparent manner up to the delivery of one or several decisions by the responsible authorities at the end of the process, provide the applicant with all necessary information and involve, where appropriate, other administrative authorities. Applicants shall be allowed to submit relevant documents also in digital form.</p>	<p>Article 160a</p> <p>(3) The support referred to in paragraph 2 is provided by the national contact point through:</p> <p>1) Providing information on administrative procedures mentioned in paragraph 2, especially procedures related to issuing:</p> <p>a) Decisions on:</p> <ul style="list-style-type: none"> • Environmental conditions as referred to in Article 71 of the Act of October 3, 2008, on access to information about the environment and its protection, public participation in environmental protection, and environmental impact assessments (Journal of Laws of 2023, items 1094, 1113, 1501, 1506, 1688, and 1719), • Building conditions as referred to in Article 60 of the Act of March 27, 2003, on spatial planning and development (Journal of Laws of 2023, items 977, 1506, 1597, and 1688), • Building permit and permit for the use of a building, as referred to respectively in Article 28 and Article 59 of the Act of July 7, 1994, on Building Law, <p>b) Concessions for carrying out economic activities in the production of fuels or energy, as referred to in Article 32 of the Energy Law,</p> <p>c) Conditions for connection to the network, as referred to in Article 7(3a) of the Energy Law;</p> <p>2) Providing general answers to questions about administrative procedures mentioned in paragraph 2, transmitted through a form available on the website of the office serving the minister responsible for climate affairs, specifying the data mentioned in paragraph 9.</p>
<p>3. The contact point shall make available a manual of procedures for developers of renewable energy production projects and shall provide that information also online, addressing distinctly also small-</p>	<p>Article 160b</p> <p>Through the website of the office serving the minister responsible for climate affairs, the national</p>

scale projects and renewables self-consumers projects. The online information shall indicate the contact point relevant to the applicant's application. If a Member State has more than one contact point, the online information shall indicate the contact point relevant to the applicant's application.

contact point provides a handbook of procedures for the generation of energy from renewable sources. This handbook includes, in particular, information regarding undertaking activities as a prosumer of renewable energy or as a producer of electricity not being a prosumer of renewable energy in a micro-installation or a small installation of a renewable energy source.

4. Without prejudice to paragraph 7, the permit-granting process referred to in paragraph 1 shall not exceed two years for power plants, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year.

n/a

5. Without prejudice to paragraph 7, the permit-granting process shall not exceed one year for installations with an electrical capacity of less than 150 kW. Where duly justified on the grounds of extraordinary circumstances, that one-year period may be extended by up to one year. Member States shall ensure that applicants have easy access to simple procedures for the settlement of disputes concerning the permit-granting process and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.

n/a

6. Member States shall facilitate the repowering of existing renewable energy plants by ensuring a simplified and swift permit-granting process. The length of that process shall not exceed one year. Where duly justified on the grounds of extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project impacts substantially on the grid or the original capacity, size or performance of the installation, that one-year period may be extended by up to one year.

n/a

7. The deadlines established in this Article shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.

n/a

8. Member States may establish a simple-notification procedure for grid connections for repowering projects as referred to in Article 17(1). Where Member States do so, repowering shall be permitted following notification to the relevant authority where no significant negative environmental or social impact is expected. That authority shall decide within six months of receipt of a notification whether this is sufficient. Where the relevant authority decides that a notification is sufficient, it shall automatically grant the permit. Where that

Article 20

(1) The producer referred to in Article 19(1) or a producer who is an entrepreneur within the meaning of the Act - Entrepreneurship Law, carrying out the activity specified in Article 19(1), shall, no later than 30 days before the planned connection of a micro-installation or a micro-installation of agricultural biogas to the distribution network, inform the distribution system operator in writing:

authority decides that the notification is not sufficient, it shall be necessary to apply for a new permit and the time limits referred to in paragraph 6 shall apply.

1) In the case of a micro-installation to be connected to its network, about the planned date of its connection, the planned location, and the type and capacity of the installed electrical micro-installation, if the operator is an electricity distribution system operator.

The producer mentioned in paragraph 1, whose micro-installation is connected to the network of the electricity distribution system operator, is obliged to inform this operator about:

1) Change in the installed electrical power of the micro-installation - within 14 days from the day of the change;

2) Suspension lasting from 30 days to 24 months or termination of the generation of electricity in the micro-installation - within 45 days from the day of suspension or termination of electricity generation;

3) The date of the first generation of electricity in the micro-installation - within 14 days from the day of its generation.

Table 13: Comparison between Art. 17, RED and the Polish law

Art. 17 RED	Polish law
<p>1. Member States shall establish a simple-notification procedure for grid connections whereby installations or aggregated production units of renewables self-consumers and demonstration projects, with an electrical capacity of 10,8 kW or less, or equivalent for connections other than three-phase connections, are to be connected to the grid following a notification to the distribution system operator.</p> <p>The distribution system operator may, within a limited period following the notification, reject the requested grid connection or propose an alternative grid connection point on justified grounds of safety concerns or technical incompatibility of the system components. In the case of a positive decision by the distribution system operator, or in the absence of a decision by the distribution system operator within one month following the notification, the installation or aggregated production unit may be connected.</p>	<p>Energy law, Article 7</p> <p>(8d⁴) In the event that the entity applying for the connection of a micro-installation to the distribution network is connected to the network as an end-user, and the installed capacity of the micro-installation for which the entity is applying for connection is not greater than that specified in the issued connection conditions, the connection to the network is carried out based on the notification of the micro-installation connection submitted to the energy company responsible for the network to which it is to be connected, after the installation of appropriate protective devices and measurement and settlement equipment. In other cases, the connection of the micro-installation to the distribution network is carried out based on a network connection agreement. The cost of installing the protective device system and measurement and settlement equipment is borne by the electrical distribution system operator.</p> <p>(8d⁷) An energy company engaged in the distribution of electrical energy:</p> <ol style="list-style-type: none"> 1) confirms the submission of the notification referred to in paragraph 8d⁴, recording the date of its submission; 2) is obliged to connect the micro-installation to the network based on the notification mentioned in paragraph 8d⁴, within 30 days from the date of that notification. <p>(8d¹⁰) The electrical distribution system operator may limit the operation or disconnect from the network a micro-installation with an installed capacity exceeding 10 kW connected to the operator's network if the generation of electrical energy in this micro-installation poses a safety hazard to the network or to balance the supply of electrical energy with the demand for that energy in the event of an order issued by the electrical transmission system operator, under the conditions specified in the instruction mentioned in Article 9g(1). Upon the cessation of the reasons mentioned in the first sentence, the electrical distribution system operator is obliged to promptly restore the previous state.</p>

2. Member States may allow a simple-notification procedure for installations or aggregated production units with an electrical capacity of above 10,8 kW and up to 50 kW, provided that grid stability, grid reliability and grid safety are maintained.

Act on Renewable Energy Sources

Article 2

19) Micro-installation - a renewable energy source installation with a total installed electrical capacity not exceeding 50 kW, connected to an electrical power network with a nominal voltage lower than 110 kV or with achievable thermal capacity not exceeding 150 kW, where the total installed electrical capacity is not greater than 50 kW.

Table 14: Comparison between Art. 21 RED and Polish Act on Renewable Energy Sources

Article 21 RED	Act on Renewable Energy Sources
<p>1. Member States shall ensure that consumers are entitled to become renewables self-consumers, subject to this Article.</p>	<p>Article 2</p> <p>27a) Renewable Energy Prosumer - an end-user generating electrical energy exclusively from renewable energy sources for their own needs in a micro-installation, provided that for an end-user who is not an electricity consumer in a household, this does not constitute the subject of predominant economic activity as defined in accordance with the regulations issued under Article 40(2) of the Act of June 29, 1995, on public statistics (Journal of Laws of 2023, item 773).</p>
<p>2. Member States shall ensure that renewables self-consumers, individually or through aggregators, are entitled:</p> <p>(a) to generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through renewables power purchase agreements, electricity suppliers and peer-to-peer trading arrangements, without being subject:</p> <ul style="list-style-type: none"> (i) in relation to the electricity that they consume from or feed into the grid, to discriminatory or disproportionate procedures and charges, and to network charges that are not cost-reflective; (ii) in relation to their self-generated electricity from renewable sources remaining within their premises, to discriminatory or disproportionate procedures, and to any charges or fees; <p>(b) to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any double charge, including network charges, for stored electricity remaining within their premises;</p> <p>(c) to maintain their rights and obligations as final consumers;</p> <p>(d) to receive remuneration, including, where applicable, through support schemes, for the self-generated renewable electricity that they feed into the grid, which reflects the market value of that electricity and which may take into account its long-term value to the grid, the environment and society.</p>	<p>Article 4 - [Settlement of the amount of electric energy introduced and drawn from the grid by the prosumer]</p> <p>Article 2</p> <p>27¹) Energy trade partnership involving renewable energy sources - the sale of energy generated by a renewable energy prosumer or a collective renewable energy prosumer to other users of the system based on an agreement specifying, in particular, the conditions related to the automated execution of transactions and payment for it directly between the parties to this agreement or through a third-party user of the system or a company operating a commodity exchange within the meaning of Article 2(1) of the Act of October 26, 2000, on commodity exchanges (Journal of Laws of 2023, item 380);</p>
<p>3. Member States may apply non-discriminatory and proportionate charges and fees to renewables self-consumers, in relation to their self-generated renewable electricity remaining within their premises in one or more of the following cases:</p> <p>(a) if the self-generated renewable electricity is effectively supported via support schemes, only to the</p>	<p>n/a</p> <p>Polish prosumers do not incur fees for the generated electrical energy remaining within their premises.</p>

extent that the economic viability of the project and the incentive effect of such support are not undermined;

(b) from 1 December 2026, if the overall share of self-consumption installations exceeds 8 % of the total installed electricity capacity of a Member State, and if it is demonstrated, by means of a cost-benefit analysis performed by the national regulatory authority of that Member State, which is conducted by way of an open, transparent and participatory process, that the provision laid down in point (a)(ii) of paragraph 2 either results in a significant disproportionate burden on the long-term financial sustainability of the electric system, or creates an incentive exceeding what is objectively needed to achieve cost-effective deployment of renewable energy, and that such burden or incentive cannot be minimised by taking other reasonable actions; or

(c) if the self-generated renewable electricity is produced in installations with a total installed electrical capacity of more than 30 kW.

4. Member States shall ensure that renewables self-consumers located in the same building, including multi-apartment blocks, are entitled to engage jointly in activities referred to in paragraph 2 and that they are permitted to arrange sharing of renewable energy that is produced on their site or sites between themselves, without prejudice to the network charges and other relevant charges, fees, levies and taxes applicable to each renewables self-consumer. Member States may differentiate between individual renewables self-consumers and jointly acting renewables self-consumers. Any such differentiation shall be proportionate and duly justified.

Article 2

27c) Collective renewable energy prosumer - an end consumer generating electric energy exclusively from renewable energy sources for their own needs in a microinstallation or small installation connected to the electro-energetic distribution network through the internal electrical installation of a multi-unit building where the point of electric energy consumption of this consumer is located, provided that in the case of an end consumer not being a consumer of electric energy in a household, this generation does not constitute the subject of predominant economic activity as defined according to the regulations issued based on Article 40(2) of the Act of June 29, 1995, on public statistics

Article 4c

(11) Upon the request of a renewable energy prosumer generating electric energy in a micro-installation connected after the measurement and settlement system of the common part of a multi-unit residential building with a predominant residential function, with a capacity not exceeding the connection capacity of the entire building, including its common part and the part consisting of individual units, and located on that building, the amount of funds constituting the prosumer deposit is transferred to the specified bank account or an account in a cooperative savings and credit union at the end of the settlement period. The provisions of paragraph 2 and Article 4, paragraph 5, and paragraph 11, point 2, do not apply

5. The renewables self-consumer's installation may be owned by a third party or managed by a third party for installation, operation, including metering and maintenance, provided that the third party remains subject to the renewables self-consumer's instructions. The third party itself shall not be considered to be a renewables self-consumer.

Article 2

27b) Virtual renewable energy prosumer - an end consumer generating electric energy exclusively from renewable energy sources for their own needs in a renewable energy installation connected to the electro-energetic distribution network at a location other than the place where the electric energy is delivered to this consumer, and which is not simultaneously connected to the electro-energetic distribution network through the internal electrical installation of a multi-unit building, provided that in the case of an end consumer not being a consumer of electric energy in a household, this generation does not constitute the subject of predominant economic activity as defined according to the regulations issued based on Article 40(2) of the Act of June 29, 1995, on public statistics.

29b) Representative of prosumers - a natural person, legal entity, or organizational unit that is not a legal entity but is granted legal capacity by law, authorized based on the agreement referred to in Article 4a(1), to represent virtual renewable energy prosumers or collective renewable energy prosumers, particularly in dealings with the operator of the electro-energetic distribution system, the manager of the multi-unit building, or the authorities of architectural and construction administration. In the case of a virtual renewable energy prosumer, this representative is also responsible for commercial balancing.

6. Member States shall put in place an enabling framework to promote and facilitate the development of renewables self-consumption based on an assessment of the existing unjustified barriers to, and of the potential of, renewables self-consumption in their territories and energy networks. That enabling framework shall, inter alia:

(a) address accessibility of renewables self-consumption to all final customers, including those in low-income or vulnerable households;

(b) address unjustified barriers to the financing of projects in the market and measures to facilitate access to finance;

(c) address other unjustified regulatory barriers to renewables self-consumption, including for tenants;

(d) address incentives to building owners to create opportunities for renewables self-consumption, including for tenants;

(e) grant renewables self-consumers, for self-generated renewable electricity that they feed into the grid, non-discriminatory access to relevant existing support schemes as well as to all electricity market segments;

Article 2

27a) Renewable Energy Prosumer - an end-user generating electrical energy exclusively from renewable energy sources for their own needs in a micro-installation, provided that in the case of an end-user who is not an electricity consumer in a household, this does not constitute the subject of predominant economic activity as defined according to the regulations issued under Article 40(2) of the Act of June 29, 1995, on public statistics (Journal of Laws of 2023, item 773).

27b) Virtual Renewable Energy Prosumer - an end-user generating electrical energy exclusively from renewable energy sources for their own needs in a renewable energy installation connected to the power distribution network at a location different from the place of electricity delivery to this end-user, which is simultaneously not connected to the power distribution network through the internal electrical installation of a multi-unit building, provided that in the case of an end-user who is not an electricity consumer in a household, this generation does not constitute the subject of predominant economic activity as defined according to the regulations issued under Article

(f) ensure that renewables self-consumers contribute in an adequate and balanced way to the overall cost sharing of the system when electricity is fed into the grid.

Member States shall include a summary of the policies and measures under the enabling framework and an assessment of their implementation respectively in their integrated national energy and climate plans and progress reports pursuant to Regulation (EU) 2018/1999.

40(2) of the Act of June 29, 1995, on public statistics;

27c) Collective Renewable Energy Prosumer - an end-user generating electrical energy exclusively from renewable energy sources for their own needs in a micro-installation or small installation connected to the power distribution network through the internal electrical installation of a multi-unit building, where the point of electricity consumption of this end-user is located, provided that in the case of an end-user who is not an electricity consumer in a household, this generation does not constitute the subject of predominant economic activity as defined according to the regulations issued under Article 40(2) of the Act of June 29, 1995, on public statistics.

Article 4

Settling the amount of electric energy introduced and drawn from the grid by the prosumer.

7. This Article shall apply without prejudice to Articles 107 and 108 TFEU. n/a

4 Annex 3 to country fiche Spain: general permit-granting process

The first step in the permit-granting process in Spain is applying for an access and connection permit in order to connect the plant to a specific point in the distribution or transmission network and to have the permission to use the network (Art. 33 (1) Law 24/2013 and Art. 2 Royal Decree 1183/2020).

In the next step, administrative authorizations need to be obtained. The necessary administrative authorizations entail the Environmental Impact Assessment (EIA), Prior Administrative Authorisation (PAA), Administrative Authorisation for Construction (AAC), Local permits, and if necessary a Declaration of Public Utility (DPU). The Environmental Impact Declaration will be obtained after an EIA and is a prerequisite for the other administrative authorizations. The EIA of projects with an installed capacity larger than 50 MW will be processed at national level, otherwise fall under the competence of the autonomous communities (art. 3 (13) Law 24/2013). Generally, there is an ordinary EIA and a simplified EIA procedure (art. 33 to 48 Law 21/2013).

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