

Polish legal policy in the field of renewable energy sources.
Implementation of the Directive 2009/28/EC of the European Parliament
and of the Council of 23 April 2009 on the promotion of the use of energy
from renewable sources into the Polish legal system
(summary)

The Industrial Revolution, having a place in the 19th century enabled the use of hydrocarbons, which resulted in the unique technological development and contributed to the exponential growth of the world's population. Increased air pollution resulting from the burning of fossil fuels, or excessive soil erosion and pollution of water consumption are just some of the problems afflicting today's global economy.

Given the above, starting from the 1970s of the 20th century the international community, to further develop the world's economy, faced the challenge of transformation, aimed at the use of renewable sources.

This effort has also been undertaken by the European Union, announcing its ambition to become a leader in the use of renewable energy sources. To this end, many strategic documents promoting the use of energy from renewable sources were adopted at the EU forum. At the turn of the 20th and 21st century, the European Union adopted the first directive dedicated to the technology of obtaining electricity from renewable sources i.e. Directive 2001/77/EC of the European Parliament and of the Council *on the promotion of electricity produced from renewable energy sources in the internal electricity market*.

On the 23 April 2009 abovementioned Directive was replaced by Directive 2009/28/EC of the European Parliament and of the Council *on the promotion of the use of energy from renewable sources*, which in each Member State set the goal of achieving the indicated level of use of renewable sources, which, at the European Union level, should contribute to a 20% share of renewable energy in 2020. The extensive use of renewable sources is also to reduce greenhouse gas emissions by 20% and provide to the development of new technologies and a new industry sector.

In the wake of the ambitious goals of the European Union similar challenge came to the Polish legislature. On the one hand, he was obliged to the EU treaties to implement solutions directive into the national legal system, but on the other, he had to ensure the

competitiveness and safety of the domestic economy, in which the production of electricity nearly 80% is based on coal.

In the conditions of a dynamically developing sub-sector of renewable energy sources, it was necessary to provide a stable legal framework for the exploitation of renewable technologies.

Considering the abovementioned determinants, the dissertation was mainly devoted to research on the stability of the legal system and the scope of regulations regarding the use of electricity from renewable sources and their significance for achieving the 2020 goals required by EU law.

In the first chapter the characteristics and scope of the electricity market definition were presented, in particular considering the growing role of renewable energy sources.

The second chapter comprises an analysis of the emergence of the principle of sustainable development as a factor stimulating the popularization of the use of renewable energy sources in the world. Attention was also drawn to the role of this principle in the EU and national legal order.

The third chapter is devoted to the implementation of the European Union's legal policy promoting the use of renewable sources along with the review of binding law mechanisms and soft law documents.

The next part is dedicated to a detailed analysis of the normative solutions of the Directive 2009/28/EC as a jointly accepted basis for further action by European Union Member States to increase the share of renewable energy sources in final gross energy consumption.

In the fifth, sixth and seventh part, the results of research on Polish legal policy in the field of renewable energy sources are presented. In the first place, the evolution in the approach to the use of renewable sources was presented on the example of Poland's strategic documents. As a rule, the role of these documents is to set long-term directions and objectives, the effect of which should be the stability of law and directions of regulation, which was also evaluated.

The results of research on the normative legal framework regulating the use of renewable energy sources in Poland, implemented by the Act of 10 April 1997 - *Energy Law*, are included in the sixth chapter. Its content also shows the problem of legal policy variability,

in the context of the *ex-post* market effects of legal changes. The analysis was based on statistical data combined with specific energy law provisions. Plus the assessment of the scope of implementation of the provisions of Directive 2009/28/EC to the domestic legal order.

The seventh chapter contains an analysis of the scope and effectiveness of the legal policy implemented in the field of renewable sources. The research was based on the provisions of the act currently regulating the issue of renewable sources, i.e., the Act of 20 February 2015 *on renewable energy sources*. In the first place, the analysis of the introduced conceptual scope, as well as its compliance with the provisions of EU law, was carried out. Further, the implementation of the assumptions and objectives of Directive 2009/28/EC into the national legal policy, concerning small and micro installations of renewable energy sources, was examined. The central part of the chapter are the results of research on support mechanisms and systems. In the final section of the chapter, the issue of the effects of changes in tax law and the results of the introduction of the Act of 20 May 2016 *on investments in the wind farms* were also discussed.

In the end, the thesis presents its findings as well as the *de lege ferenda* proposals, in the field of regulation of renewable energy sources.

The dissertation considers the legal status as of 30 September 2018.