

**Energy law regulations in theory and practice – current problems**

(from the Volume Editor)

**Articles**

Mateusz Radziński, **Ownership unbundling of vertically integrated energy companies and the issue of financial investors in the light of Directive 2009/72/EC**

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**Summary:**

The aim of this article is to shed some light on ownership unbundling provisions, as well as their impact on financial investors, in the context of new rules introduced under the so-called Third Energy Package.

**Key words:** unbundling, financial investors, certification procedure, decisive influence.

Michał Krzykowski, **The support system for renewable energy sources in Spain**

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- II. The genesis of the support for renewable energy sources (RES) in Spain
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**Summary**

This article is an attempt to evaluate Spanish legal solutions related to the promotion of renewable energy sources (RES). It makes it possible to identify the factors that underlie the rapid growth in renewables in the first decade of the XXI century, as well as indicate reasons which led to radical changes in Spanish law in 2013 and 2014. The article may also act as a basis for a broader discussion on establishing an effective support system for renewable energy in the context of the new Polish Act on Renewable Energy Sources (signed by the President of Poland on 11 March 2015).

**Key words:** renewable energy sources, recompense of expenses, a special regime for renewables, tariff deficit

## Piotr Suski, **Act on Consumer Rights and the electricity market**

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### **Summary**

This article discusses new Polish provisions on consumer rights from the perspective of energy enterprises involved in the sale or distribution of electricity. The analysis includes such issues as: the scope of the application of the Act on Consumer Rights; information duties; specific rules on concluding contracts by phone; and consumers' right to withdrawal. Particular attention is paid to those provisions of the Act on Consumer Rights which cause particular doubts in the context of the relationship between energy law and consumer law or due to the conditions prevailing in the Polish electricity market.

**Key words:** act on consumer rights; consumer law; protection of consumers; energy law; electric energy market.

## Ilona Szwedziak-Bork, **The actual necessity of applying the Third Party Access rule to district heating**

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### **Summary:**

The main aim of this article is to evaluate the introduction of the Third Party Access (TPA) rule on district heating markets. Although the TPA rule has been successfully implemented on electricity and gas markets, many doubts can be expressed concerning its suitability to district heating systems. It is also essential to properly define potential challenges connected with the introduction of TPA especially on local district heating markets.

**Key words:** district heating, district heating system, Third Party Access, district heating company, vertically integrated company

Marzena Czarnecka, **Automatic renewal of contracts with consumers on the electricity market**

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- II. Types of consumer contracts for the supply of electricity
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### Summary

This article discusses new Polish provisions on consumer rights from the perspective of energy companies involved in the sale of electricity. It analyses the relationship between the Energy Law Act and the Consumer Rights Act with respect to the pricing of electricity in fixed-term contracts. The article outlines also the possibilities for automatic renewal of consumer contracts on the electricity market.

**Key words:** consumer, the law on consumer rights; consumer protection; Energy Law; electricity market

Paweł Hawranek, Dariusz Michalski, **Analysis of the impact of MiFID II on the electricity market in Europe**

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### Summary:

This paper presents the impact of Directive MiFID II on the energy market and the structure of electricity companies. It also discusses the objectives of the new provisions and indicates which instruments of the energy market are to be covered by the scope of its application. The Authors elaborate on the subjective scope of the new Directive, its relation to the EMIR Regulation, and the consequences resulting from MiFID II for electricity companies. The schedule of the Directive's implementation is outlined and the associated challenges noted created by MiFID II for the European energy industry.

**Key words:** MiFID II, EMIR, power market, structure of the power companies; risk, hedging, prop-trading.

Grzegorz Kinelski, **The development of product models in the consumer segment of the electricity market**

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**Summary:**

This article presents key aspects concerning the development of products and product models as system products, and their development in the light of the occurring changes in the law and in the organization of the energy market, in particular those meant to improve the competitiveness of the energy market. The paper analyses product models currently in use in the electricity market as well as the specificity of their creation and functioning. Attention is drawn to historical conditions for the creation of product models (system products) in the energy sales market. The article describes the processes involved in the implementation of the products and their servicing in the consumer segment of the energy market as currently used by traders operating therein. Also listed are channels used to reach consumers and marketing support methods of currently used product models. The purpose of this article is to justify, based on historical and market factors, the application of system products in the consumer segment and to outline directions in the development of these models.

**Key words:** Electricity market products, electricity market product models, product implementation in the energy market, consumer support services in complex product models.

**Legislation and Case Law Review**

Michał Motylewski, **Rules of due law-making and the new Act on Renewable Energy Sources**

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**Summary:**

The legislative quality of the RES Act is far from desired standards of law-making. Selected examples have been scrutinized in this paper. This analysis is based around an Attachment to the Executive Regulation of the Council of Ministers of 20 June 2002 on Rules of Law-Making Technique („Rules”). Despite clear legislative drafting directives set out by these Rules, the RES Act will surely form a fascinating object of analysis for many linguist experts.

The RES Act includes many examples of careless legislative drafting. In some cases – despite the lack of diligent use of the language – one should be able to determine the meaning of the law without major doubts. However there are also cases which pose greater interpretational challenges. These include: provisions on identifying who may participate in auctions; on determining statutory deadlines under the RES Act; and rules on modernised installations. A separate critical analysis is dedicated to the way how different types of auctions organised by the energy regulatory authority would be identified.

**Key words:** auction; auction regulations; auction system; certificate of origin; electricity; energy regulatory authority; green certificate; obligated supplier; OREO; President of ERO; reference price; renewable energy source; RES; RES Act; rules of lawmaking technique; standards of due lawmaking; supplier of last resort; support scheme; upgrade

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