

**Formularz zgłaszania uwag do projektu dokumentu pn. „Transformacja sektora elektroenergetycznego w Polsce Wydzielenie wytwórczych aktywów węglowych ze spółek z udziałem Skarbu Państwa”**

Zgłaszający uwagę (nazwa instytucji, organizacji lub imię i nazwisko)	Część, której dotyczy uwaga (proszę wskazać nr rozdziału lub wpisać Uwagi ogólne / Inne)	Szczegółowe zagadnienie, którego dotyczy uwaga	Treść uwagi lub proponowany zapis
EFET	1.3	„(...)kluczowe znaczenie dla zapewnienia nowych mocy wytwórczych w Polsce w przyszłości będą mieć nadal inwestycje realizowane przez spółki energetyczne z udziałem Skarbu Państwa”	We note that the fact that the Polish energy sector relies almost exclusively on three state-owned entities should not be presented as a sign of their significance, but instead be treated as a symptom of an unwelcoming and unstable regulatory environment that discourages competitors from investing in new generators connected to the Polish electricity network. This, in turn, suggests that the challenge of the national energy mix’s transition should not be tackled through the orchestration of their investment plans, but through reopening the market to broader competition for optimal effects.
EFET	1.3	Dalszy proces transformacji będzie wymagał zastąpienia stopniowo odstawianych jednostek węglowych elastycznymi źródłami zasilanymi gazem ziemnym, stanowiącym paliwo przejściowe transformacji	If natural gas is recognized as an important transition fuel (and further to our previous comment) we note that improvements to the regulatory setup in favour of market-based competition will also be necessary on the gas side. Poland’s tremendous efforts in terms of improving its interconnectedness with neighboring EU Member States needs to be supplemented with and underwritten by a competitive and liquid wholesale market for gas in order to ensure the commodity remains affordable in the coming years
EFET	1.4	(...)może to prowadzić do niekontrolowanej transformacji energetycznej zagrażającej bezpieczeństwu energetycznemu państwa w wyniku masowego odstawiania niskoobciążonych jednostek węglowych co doprowadzi do drastycznego wzrostu cen energii zapewniającego wysoką rentowność wytwarzania w jednostkach węglowych.	We note that the growing integration between national electricity markets should be seen as an opportunity for optimizing prices for end consumers and significant improvement of supply security. Increased competition on the market will improve the quality of the price signals and encourage new investment, provided that the regulatory environment remains stable and predictable. Hence, we believe that the energy sector’s transition towards carbon neutrality does not need to be controlled by the state, but instead requires a welcoming investment environment that will ensure efficient cost allocation.

EFET	1.4	Do roku 2014 Polska była eksporterem energii elektrycznej. Uwarunkowania związane z kosztami uprawnień do emisji CO2, a w konsekwencji wysokie ceny hurtowe energii elektrycznej odwróciły ten trend i Polska stała się importerem energii elektrycznej netto.	It is worth to underline that over the same time period, market concentration has been on the rise in Poland and government interventions in the market mechanisms on both power and gas side have collectively discouraged different companies from activities in the electricity sector. These factors have equally added to the growing electricity price and led to further delays in developing new generation sources. EFET would like to emphasize the conclusions made by the Supreme Audit Office in its report of June 2021 on the act regulating electricity prices. The entity has criticized the act, its ad-hoc nature, its inconsistency with the rules of legislation preparation. Although the stabilization of prices was supposed to apply in 2019 only, the act was amended four times during that time, including twice due to the violation of EU regulations. After the expiry of the act, i.e. after January 1, 2020, electricity prices for households increased by almost 20%.
EFET	1.5, 1.6	Uwaga odnośnie całego rozdziału	The chapter rightly notes that the energy transition is inevitable in view of the growing CO2 prices, which proves their efficiency in terms of affecting investment decisions. The chapter also notes that the composition of electricity price to end customers is heavily impacted by taxes, levies and transmission costs – this, in turn, is an argument in favor of market mechanisms, whereby the price signals inspire the most cost-efficient investment and optimize the costs of balancing the system. This conclusion is of key importance to the envisaged reforms.
EFET	1.9	Rola NABE będzie zapewnienie dostępności mocy w Krajowym Systemie Elektroenergetycznym. Z uwagi na koszty wytwarzania energii elektrycznej w nisko- i zeroemisyjnych instalacjach oraz regułę merit order, która wymusza wprowadzanie do systemu najtańszej energii, aktywa węglowe zarządzane przez NABE nie będą bezpośrednią konkurencją dla nowopowstających źródeł energii	EFET believes that provision of reserve energy and different ancillary services is a market-based activity. A well-functioning market for electricity is able to provide the correct price signals that are able to reflect the importance of different generators to satisfying the electricity demand at different time periods. The proposed solution of establishing NABE will instead further increase market concentration and will create an entity with significant market power on the generation side that will be able to crowd out smaller market players (outside the dominant energy capital groups). This will be particularly the case in view of the two other proposed reforms: <ul style="list-style-type: none"> <li>- The proposal to abolish the exchange trading obligations – if the proposed restructuring of the Polish electricity sector goes ahead and the obligation to offer electricity through the exchange is abolished, a large share of the volumes currently traded on the market may</li> </ul>

			<p>disappear in bilateral transactions. Such situation will be detrimental to the general market transparency and will deteriorate the price signal generated through the exchange's indexes that are, in turn, used to determine the amount of state aid for subsidy schemes (i.a. described in the Journal of Laws of 2019, item 1874 and in the Journal of Laws of 2020, item 261 as amended); EFET emphasizes that energy trading obligation topic should be regard together with the NABE project due to the significant influence these issues on the energy market in Poland.</p> <ul style="list-style-type: none"><li>- Phase 2 of the balancing market reform – the anticipated balancing market reform currently does not envisage major improvements to the way reserve capacity is being contracted. Under the proposed setup, reserve energy provision (i.e. the envisaged main focus of NABE) would be guaranteed compensation at the level set by the generator's operating cost level. Such setups creates no incentive for the new state-owned entity to submit competitive bids, as their services will remain remunerated at the current levels at all times. Collectively, this will lead to a situation where there is no market-based optimization of the related costs – and these costs are transferred onto end consumers via the transmission tariff. The impact on the transmission tariff can be even greater with the introduction of scarcity pricing mechanism.</li></ul> <p>Overall, the proposed establishment of the new producer company involves an inherent interdependency between it and the existing three state-owned entities, both through common ownership, supply needs and through retaining hard coal mines with the current owners. <b>Under these circumstances, cancellation of any exchange trading obligations will enable the state owned entities to exercise market power and impact electricity prices, ultimately throwing away the entire progress made in terms of establishing a market for electricity in Poland over the past years.</b></p> <p><b>If, nonetheless, the authorities choose to go forward with establishing NABE, we stress the need to retain the exchange trading obligations for ensuring that the new dominant producer does not exercise market power</b></p>
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