

Amendment to the Energy Law – changes introduced by the so-called network act (UC84 bill)

On 30 April 2026, the Act of 13 March 2026 amending the Energy Law and certain other acts came into force, introducing the provisions of the widely discussed UC84 bill. This amendment modified the connection conditions for generation facilities, electricity storage facilities and consumers to the electricity grid, with the aim of strengthening the position of consumers in the energy market, streamlining the process of planning the development of the electricity grid and reducing time required to obtain grid connection. It also introduced regulatory simplifications for new generation sources and electricity storage facilities, allowing certain activities to be carried out for a specified period without the required licence.

The amendment formed part of the anti-blackout package, fulfilling the commitments arising from the National Recovery Plan (*pl. Krajowy Plan Odbudowy*) regarding the reform of the integration of renewable energy sources into electricity grids and implementing European legislation: Directive 2024/1711 of 13 June 2024 and Regulation 2024/1106 of 11 April 2024.

Key changes

- › The validity period of the connection conditions (*pl. warunki przyłączenia*) to the electricity grid has been shortened – generally to 12 months.
- › The possibility of connecting ≥ 2 installations or electricity storage facilities at a single connection point has been introduced (cable-pooling not limited to RES).
- › It is now possible to carry out activities relating to electricity generation or electricity storage before obtaining a licence.
- › The financial burden on investors in the process of obtaining connection conditions has been increased (introduction of an application fee and an increase in the advance payment towards the connection fee).
- › A performance security mechanism (*pl. zabezpieczenie*) for the fulfilment of the connection agreement (*pl. umowa o przyłączenie*) has been introduced.
- › Provision has been made for the expiry of connection agreements in the event of failure to comply with the obligation to submit a building permit within the statutory time limit.
- › New types of agreements defined in the Act have been added: a fixed-term sales/comprehensive agreement with a fixed-price guarantee (*pl. umowa sprzedaży/kompleksowa na czas oznaczony z gwarancją stałej ceny*), a flexible grid connection agreement (*pl. elastyczna umowa o przyłączenie do sieci*), and a configurable grid connection agreement (*pl. konfigurowalna umowa o przyłączenie do sieci*).

Shortened validity period for connection conditions

The previous Article 7(8i) of the Energy Law provided for a uniform two-year validity period for connection conditions, calculated from the date of their delivery. Connection conditions issued following the amendment are valid for:

- › 1 year – in relation to the electricity network;
- › 2 years – in relation to district heating, gas and hydrogen networks.

The exceptions are connection conditions for installations or facilities necessary for power railway traction networks or used for railway traffic management and control, which are valid for 2 years from the date of delivery, as well as the connections conditions for *offshore* installations and nuclear energy facilities, valid for 10 years from the date of delivery.

Extension of the *cable-pooling* formula to installations other than RES and to energy storage facilities

The amended Article 7(1f) of the Energy Law has extended the existing *cable-pooling* formula – previously, sharing a single connection point was possible only for renewable energy source installations, whereas the amended provision covers all installations, regardless of the generation technology used, as well as electricity storage facilities.

Furthermore, an entity applying for connection conditions for an additional installation or electricity storage facility at an existing connection point is not required to pay an advance payment if the existing connection capacity is not increased.

Enabling the conduct of activities in the field of electricity generation or electricity storage prior to obtaining a licence

The new provisions have enabled entrepreneurs required to obtain a licence for electricity generation or a licence for electricity storage to carry out certain activities from the date of the first feed-in of electricity to the electricity grid – without holding the required licence, subject to certain restrictions, including time limits.

Under the new Article 33a of the Energy Law, an entrepreneur required to obtain a licence for electricity generation or for the storage of electricity in an electricity storage facility may:

- › participate in the balancing market;
- › generate electricity and sell electricity generated in a generation unit – in the case of an entrepreneur required to obtain a licence for the generation of electricity, **excluding sales to end users;**
- › store electricity – in the case of an entrepreneur required to obtain a licence for the storage of electricity;
- › provide system services or non-frequency-related system services;
- › – from the date of the first feed-in of electricity to the electricity grid, without the licence required by the Act.

Restrictions on the sale of electricity and storage: during pre-licence periods, an entrepreneur may sell electricity or provide storage services only to entrepreneurs holding a licence or an entry in the register of regulated activities in the field of generation, storage, transmission, distribution or trading in electricity (where required). Sales to end users are prohibited.

Duration of the pre-licence period and its extension: pursuant to Article 33b(1) of the Energy Law, an entrepreneur may carry out pre-licence activities for no longer than:

- › 12 months from the date of the first feed-in of electricity to the grid or
- › until the date of obtaining the licence

– whichever occurs first.

The pre-licence period may be extended once by no more than 6 months, provided that the President of the Energy Regulatory Office is notified within 30 days prior to the expiry of the 12-month period.

The entrepreneur's obligations during the pre-licence period: pursuant to Article 33c(1) of the Energy Law, the entrepreneur is obliged to:

- › enter into a grid connection agreement before commencing pre-licence activities;
- › hold documentation confirming the date of the first generation of electricity;
- › provide the President of the Energy Regulatory Office with information on the date of the first generation of electricity within 30 days of its first feed-in to the grid.

Exclusion from RES support schemes and inability to obtain a guarantee of origin: it should be noted that, pursuant to Article 69c of the RES Act, electricity generated in a renewable energy source installation during pre-licence periods is not eligible for support schemes, auctions or settlements. It is also not possible to obtain a guarantee of origin (Article 120(11) of the RES Act).

Pre-licence fee: pursuant to Article 33d of the Energy Law, an entrepreneur carrying out pre-licence activities shall pay an annual fee to the State budget, charged against the costs of its operations. The fee is calculated by multiplying the revenue generated from pre-licence activities in the year in which the obligation arises by the coefficient specified in the regulation. According to the draft regulation made available, this coefficient corresponds to the coefficient used in calculating the concession fee. The fee may not be less than PLN 1,000 nor more than PLN 2,500,000.

Changes regarding financial burdens on entrepreneurs

Application fee (*pl. opłata za wniosek*)

The new Article 7(8b1) of the Energy Law has introduced a fee for submitting an application to determine the conditions for connection to an electricity network with a rated voltage higher than 1 kV, amounting to PLN 1 for each kilowatt of connection capacity specified in the application (not exceeding PLN 100,000). The fee must be paid separately for each connection point specified in the application, failing which the application will not be considered.

This is a kind of "entry threshold" to the connection procedure, charged even before the connection conditions are issued, and is non-refundable regardless of the outcome of the proceedings. The obligation to pay the application fee also applies to applications submitted before the Act came into force but which have not yet been considered.

Performance Security (*pl. zabezpieczenie*)

The new Article 7(8c¹) of the Energy Law has introduced an obligation for an entity applying for connection to an electricity network with a rated voltage higher than 1 kV to provide performance security for the fulfilment of obligations arising from the connection agreement in the amount of: PLN 30 for each kilowatt of connection capacity within the range of capacity not exceeding 100 MW, and PLN 60 for each kilowatt of connection capacity for a capacity exceeding 100 MW, but not more than PLN 12,000,000. If the entity already has connection capacity, the performance security is provided only for the increase in that capacity.

The performance security may be provided in the form of:

- › a deposit paid into an interest-bearing bank account held by the energy undertaking (*pl. przedsiębiorstwo energetyczne*);
- › an insurance or bank guarantee, or
- › a surety from a company within the capital group that is the parent company of the entity applying for the connection (requirements include, amongst others an appropriate credit rating, and a registered office within the EU or EFTA–EEA).

The performance security must be provided no later than 14 days after the date of conclusion of the connection agreement, failing which the agreement shall lapse by operation of law.

The performance security is refundable, inter alia, in the event of:

- › withdrawal from the connection conditions;
- › notification that all obligations under the connection agreement have been fulfilled;
- › termination or withdrawal from the agreement for reasons attributable to the energy undertaking;
- › refusal to conclude a connection agreement due to a lack of technical or economic conditions.

In the event of termination or withdrawal from the agreement at the request of the party applying for connection, the energy undertaking shall retain a portion of the performance security: 10% – up to 6 months from the date of conclusion of the agreement; 25% – from 6 to 12 months; 50% – from 12 to 24 months; 75% – from 24 to 36 months. The performance security is not refundable, in particular where the termination or withdrawal from the agreement occurs more than 36 months after the date of its conclusion.

The obligation to provide performance security also applies to entities which, prior to the date of entry into force of the amendment:

- › received connection conditions but did not conclude a connection agreement – they shall provide performance security in the amount of one quarter of the amount credited towards the connection fee (under penalty of the conditions becoming invalid);
- › submitted an application for the determination of connection conditions which has not been considered – upon determination of the conditions, they shall provide performance security in full (failure to comply with this obligation results in the application being left unexamined; *pl. pod rygorem pozostawienia wniosku bez rozpatrzenia*);
- › have entered into a connection agreement with a connection date later than 3 years from the date of entry into force of the amendment – shall provide performance security amounting to ¼ of the sum credited towards the connection fee, within 6 months of the date of entry into force of the amendment (failing which the agreement shall lapse by operation of law).

Increase of the advance payment towards the connection fee (*pl. zaliczka na poczet opłaty przyłączeniowej*)

The amended Article 7(8a) of the Energy Law provides that an entity applying for connection to a network with a rated voltage higher than 1 kV shall pay an advance payment towards the network connection fee in the amount of PLN 60 for each kilowatt of connection capacity specified in the application; where the entity already has connection capacity, the advance payment is payable only in respect of the increase in that capacity. By way of comparison, the previous Article 7(8a) of the Energy Law

provided for an advance payment of PLN 30 for each kilowatt of connection capacity. The rate has therefore doubled.

At the same time, the maximum limit on the advance payment has increased from PLN 3,000,000 to PLN 6,000,000 (Article 7(8b)).

The obligation to pay the advance payment (or to top it up, as any advance payment previously made is credited against it) also applies to an entity which, prior to the date of entry into force of the amendment:

- › received connection conditions whose validity expires no earlier than 6 months after the date of entry into force of the amendment, but did not conclude a network connection agreement (failure to comply with this obligation results in the conditions becoming invalid);
- › submitted an application for the determination of connection conditions and that application has not been considered (failure to comply with this obligation results in the application being left unexamined, *pl. pod rygorem pozostawienia wniosku bez rozpoznania*);
- › has been issued with preliminary connection conditions that expire before the end of the six-month period following the entry into force of the amendment, but has submitted an application for an extension of the validity of the preliminary connection conditions after the amendment came into force (failure to comply with this obligation will result in the conditions becoming invalid).

Obligation to present a building permit

The new Article 7(2^a) provides that a connection agreement (including a flexible and configurable one) concerning an installation or network to be connected to the electricity network with a rated voltage higher than 1 kV shall expire by operation of law if the entity to be connected fails to notify the operator of the final decision on the building permit (where required) within the following deadlines from the date of conclusion of the agreement:

- › 24 months – for installations with photovoltaic modules and inverters ($\geq 80\%$ of installed electrical capacity), electricity storage facilities with battery storage ($\geq 80\%$ of capacity and $\geq 80\%$ of storage capacity) and electricity-consuming installations ($\geq 50\%$ of capacity; in the case of installations within a building – a building permit);
- › 36 months – for wind turbines ($\geq 80\%$ of capacity), renewable energy installations generating energy from biogas or agricultural biogas ($\geq 80\%$ of capacity) and installations or networks relating to the siting of transformers and electrical substations;
- › 60 months – for installations and facilities necessary for powering the railway traction network or used for the management and control of railway traffic.

Three new types of agreements defined in the Act

Fixed-term agreement with a fixed-price guarantee: an electricity supply agreement or a comprehensive agreement concluded with an end user for a fixed term, the terms of which remain unchanged throughout the agreement period, with the exception of flexible provisions and billing elements whose amounts are not determined by electricity suppliers, in particular taxes and charges.

Flexible grid connection agreement: a grid connection agreement containing provisions regarding restrictions on the feed-in of electricity to or withdrawal of electricity from the grid.

Configurable grid connection agreement: a grid connection agreement containing provisions regarding restrictions on the feed-in of electricity to or withdrawal of electricity from the grid, depending on the generation or consumption technology used, which may vary over time and may relate to defined events or parameters associated with the operation of that grid.

Summary

The amendment has the potential to resolve the issue of an excessive number of connection conditions for generation facilities to the national electricity grid that have been granted but not actually implemented, and to curb the practice of reserving connection capacity without any intention of actually using it. These changes may therefore reduce the waiting time for investors in the queue of entities applying for connection conditions, thereby lowering overall project costs. At the same time, the shortening of the validity period of connection conditions, the requirement to submit a building permit promptly, and the increased financial requirements may prove burdensome for entrepreneurs. There is no doubt that the new changes strengthen the position of experienced investors and developers.

A significant simplification is the introduction of the pre-licence period, which allows entrepreneurs to generate and sell electricity, participate in the balancing market and provide system services from the very first day of feeding electricity into the grid, without the need to obtain a licence beforehand. However, making use of this mechanism requires its efficient incorporation into the investment schedule and taking into account statutory restrictions, including the time limit, the ban on sales to end users, exclusion from renewable energy support schemes, the inability to obtain a guarantee of origin, and the obligation to pay a pre-licence fee.

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