

Mgr Zofia Romanowska

Akademia Leona Koźmińskiego w Warszawie

ORCID: 0000-0001-6017-7738

e-mail: zofia.romanowska.pl@gmail.com

Legal aspects of laying and maintaining export cables for offshore wind farms

Prawne aspekty układania i utrzymywania kabli do wyprowadzania mocy z morskiej farmy wiatrowej

Abstract

Despite the general acceptance of the offshore project development in Poland, investors face a number of regulatory problems. Although, the Polish maritime spatial plan reserves some space for cables from offshore wind farms, unfortunately, there is only about just enough space to accommodate existing projects and that is only in case all corridors can be fully utilised, and developers make arrangements that include mutual respect of other developers interests. Neither legislation nor current proposals thereto include mechanisms that can ensure such an optimal utilisation of offshore export cables corridors. In the not unlikely case Polish offshore wind shall be developed beyond what is currently planned, there will likely be severe scarcity of cable routes to land. The aim of the article is to present current administrative institutions approach to the uncertainty on the regulation and to signal the key legislative proposal of the amendments to solve the offshore export cable issue.

Keywords: offshore wind farms, offshore export cables, maritime spatial plan, permits

JEL: K32

Introduction

The current global trend is the transformation towards renewable energy sources, which, due to EU membership, must also take place in Poland. Due to the need for Poland to maintain, after 2020, the mandatory share of renewable energy sources in final energy consumption at a level not lower than 15%, it became urgently necessary to create a specific, dedicated system of supporting offshore wind farm projects (called "offshore projects"), which are to be

Streszczenie

Pomimo ogólnej akceptacji ustawodawcy dotyczącej rozwoju projektów morskiej energetyki wiatrowej w Polsce inwestorzy napotykają na szereg problemów regulacyjnych. Wprawdzie w polskim planie zagospodarowania przestrzennego morskich wód wewnętrznych zarezerwowano przestrzeń dla kabli eksportowych z morskich farm wiatrowych, ale jest ona na tyle mała, że może pomieścić w zasadzie tylko kable z już istniejących projektów. Ani obecnie obowiązujące przepisy prawa, ani propozycje legislacyjne w tym zakresie nie zawierają mechanizmów, które mogłyby zapewnić optymalne wykorzystanie korytarzy dla morskich kabli eksportowych. Gdy polska morska energetyka wiatrowa będzie się rozwijać w stopniu większym niż planowany, prawdopodobnie dojdzie do poważnego niedoboru korytarzy kablowych do wyprowadzania energii z morskich farm wiatrowych na ląd. Celem artykułu jest przedstawienie aktualnego podejścia ustawodawcy i organów administracyjnych do zarysowanego problemu oraz zasygnalizowanie propozycji legislacyjnej zmian w celu rozwiązania kwestii niedoboru tras dla morskich kabli eksportowych.

Słowa kluczowe: morskie farmy wiatrowe, kable eksportowe, plan zagospodarowania przestrzennego morskich wód wewnętrznych, pozwolenia

the main driving force for the transformation towards renewable energy sources, because of utter ineffectiveness of existing general energy renewable sources regulations that do not take into account the nature of offshore projects (Ministerstwo Klimatu i Środowiska, 2021).

Offshore wind farms are one of the fastest growing renewable energy sectors. Year by year, new turbines ready to feed millions of households with green energy are installed on the seas surrounding Europe. According to the experts, Polish part of the Baltic Sea has a chance of

becoming a hub for offshore wind farms, which has great environmental conditions for construction of offshore wind turbines. The location potential of the maritime areas makes it possible for Poland to become in the future a leader in the development of offshore wind energy in the Baltic Sea. However, making use of this opportunity and resources requires good political and economic decisions as well as firm regulations. The interest of investors is high, which is confirmed by the dynamically growing number of applications for the new offshore location permits, but maintaining this interest, confirmed by significant expenditure on project preparation, will depend on the fact whether further investment barriers are overcome, including their proper regulation.

Hence, the intention of this article is to draw attention to the problems related to the current application of Polish offshore regulations with particular emphasis on the burning issue of regulating offshore export cables and to present *de lege ferenda* postulates for legislative changes.

The rationale for undertaking the research is the need to solve a real, current problem of energy law. The narrowing of the scope of the dissertation to the offshore wind energy subsector and export cables regulation was based on empirical experience of regulatory deficiencies in this area, which the author has encountered in her professional work. Many of the problems raised in the article are the result of the author's observations of the subsector during her work in the regulation and legislation department of one of the energy companies, as well as while providing legal assistance to the subsector's entities in law firms.

The research problem addressed in the article is the actual functionality of current legal regulations in the field of export cables for offshore wind farms. In the context of this situation in the article it is presented current administrative institutions approach to the current uncertainty of the regulation. The main research objective of the thesis is the formulation of *de lege ferenda* postulates, which may constitute the starting point for future legislative works aiming at the formation of a functional regulatory framework for the offshore wind energy sub-sector.

A number of research methods were applied in the dissertation. First of all, the formal-dogmatic method was used to examine provisions of relevant legal acts regulating the offshore wind energy subsector and court decisions. Particular emphasis in this study was placed not only on the legal dimension of the regulations implemented into the Polish legal order, but also on the economic and social effects of the proposed solutions in the offshore wind energy subsector.

Offshore projects main legal framework

The adoption of currently binding Polish regulations for offshore projects is consistent with the main objectives of the European Green Deal, a program aimed at achieving climate neutrality by the European Union by 2050 and with

the objectives of the EU Strategy on Offshore Renewable Energy published by the European Commission in November 2020.¹ It assumes that climate neutrality will be achieved, among other things, by increasing offshore wind capacity from the current level of 12 GW to at least 60 GW by 2030 and to 300 GW by 2050.

The long awaited Polish regulation of the offshore sector i.e. Act on promoting electricity generation in offshore wind farms (called "Offshore Act") entered into force on February 18, 2021.² This legal act is intended to respond to the lack of detailed regulations so far concerning offshore wind energy in the Polish legislation. The Act on promoting electricity generation in offshore wind farms sets out, first of all, the support system for offshore wind farms divided into two phases. The first phase includes a list of projects that have the right to cover the "negative balance". They are at different stages of formal preparation for implementation and their total capacity reaches 5.9 GW by 2030 (Błaszczczyńska-Śmigiełska, 2021). In turn, in the second phase, investors will be able to participate in auctions, in the same way as the RES auctions (Baehr et al., 2016). Further regulations are being successively issued under the Act.³

Although the Offshore Act has been well-received by the industry, there are already some barriers visible to the development of this sector in Poland, despite the huge potential of offshore wind energy development in the Polish part of the Baltic Sea (considered to be one of the largest in the region, it is estimated that by 2050 the capacity of up to 28 GW (PSEW, 2020) or even 45 GW, can be installed (McKinsey, 2020).

It is certain that in Polish waters of the Baltic Sea, we have one of the best conditions for development of such projects due to good wind conditions and relatively shallow waters.⁴ However, offshore farms are long-term projects. Setting the regulatory framework for development of offshore farms only now is too late, and therefore strong legislative actions are required.

Factors that limit the sector development opportunities are first of all the provisions of the second most important act for the industry besides the Offshore Act, i.e. the Act on maritime areas⁵, the provisions of which prohibit the construction of wind turbines in internal sea waters and territorial sea. Therefore, the first Polish farms will be built in the exclusive economic zone, i.e. far from the shore (more than 12 nautical miles) and at a high depth (more than 20 m). In addition, there are location constraints related to Natura 2000 sites, navigation routes, geological licenses, military areas, etc. Ultimately, there is no much space to be developed for offshore wind energy.

The industry warns that the maritime area development plan adopted this year leaves insufficient space for offshore wind farms.⁶ Limiting the area of water bodies, contains provisions leading to a number of risks and provides insufficient space for power connections, e.g. too narrow cable corridors. Until an extension of corridors for this infrastructure is reached (areas intended for energy generation may be increased, but the newly adopted Spatial Development Plan for internal sea waters, territorial sea

and exclusive economic zone⁷ is subject to revision at least once every 10 years, and more often — if special circumstances occur).

The Polish maritime spatial plan reserves some space for cables from offshore wind farms. It is important to emphasise that unlike in many other markets under offshore Polish regulations the obligation to build the transmission infrastructure up to the shore lies on the project developer and unlike with many critical infrastructural ang. *third-party access rule* whereby the owner or operator makes its network infrastructure available to third parties for the purpose of providing services to the end customers does not apply. Unfortunately, there is only about just enough space to accommodate existing and planned offshore wind farms.⁸ And that is only in case all corridors can be fully utilised and developers make arrangements that include mutual respect of other developers interests. Neither legislation nor proposal include mechanisms that can ensure such an optimal utilisation of export cables corridors so most likely the cases will end up in administrative settlements (Article 114 of the Code of Administrative Procedure).

Therefore, one of the key issues requiring attention is the approach to regulating the issue of using the offshore corridors for cables for power output from offshore wind farms (called "export cables"), for which the permit obtaining procedure is regulated laconically in Article 26 section 1 and Article 27 section 1 of the Act on maritime areas.

Regulation of offshore export cables

What is to be a current investors concern in recent interpretation of the Article 26 section 1 stating that "laying and maintenance of cables or pipelines in the areas of internal maritime waters and territorial sea shall require a permit establishing the location and conditions for their maintenance in these areas" written jointly with Article 27 section 1 of the Act on maritime areas stating that "laying and maintenance of cables or pipelines in the exclusive economic zone shall be permitted if this does not hinder the exercise of the rights of the Republic of Poland and provided that their location and methods of maintenance are agreed with the minister competent for maritime economy. The minister in charge of maritime economy issues the decision in this respect after obtaining opinions of the ministers in charge of: state assets, energy, economy, climate, culture and protection of national heritage, fisheries, environment, geology, water management, internal affairs and the Minister of National Defence, and in the case of a set of devices used for power evacuation within the meaning of the Act of 17 December 2020 on the promotion of electricity generation in offshore wind farms — also the Head of the Internal Security Agency."

On the part of the authorities i.e Ministry of Climate and Environment, there appears the interpretation, according

to which it is impossible to conduct the proceedings regarding the location of cables of various investors within overlapping corridors. However, the number of planned offshore wind farm investments and the area occupied by them on the basis of the offshore localisation license issued so far⁹ — in principle makes it impossible to execute the investment without sharing of overlapping the corridors determined in the Law on maritime areas.

Current administrative institutions approach to the export cable application procedure

In accordance with the current practice if Company B files an application with the Director of the Maritime Authority Office for issuing a permit to lay and maintain cables in the areas of internal sea waters and territorial sea of the Republic of Poland for the project involving power output from offshore wind farms to land, the Director of the Maritime Authority Office conducts administrative procedure pursuant to Article 26 section 1 of the Act on maritime areas.

If the Director of the Maritime Authority Office is at that time also conducting administrative procedure pursuant to Article 26 section 1 of the Act on maritime areas for issuing a permit to lay and maintain submarine power cables in the areas of internal sea waters and territorial sea in the Polish maritime areas in the same area at the request of Company A, the Director of the Maritime Authority Office in practice refuses Company B to initiate administrative procedure, by referring to the identical coordinates.

Pursuant to Article 61a § 1 of the Code of Administrative Procedure, the grounds for refusal to initiate administrative procedure may be of subjective nature (if the request was lodged by a person other than a party to the procedure) or of objective nature (if "the procedure cannot be initiated for other justified reasons"). The term "other justified reasons" referred to by the Director of the Maritime Authority Office when refusing to initiate the procedure has not been defined in the Code of Administrative Procedure. According to the doctrine and case law,¹⁰ they include situations which clearly constitute an obstacle to the initiation of the procedure, e.g. when an administrative procedure is already pending in the same case, a decision has already been made in such a case or when there is no substantive legal basis in the regulations to examine the request under the administrative procedure (Stankiewicz, 2020).¹¹

Procedure conducted "within the same", "given" case may be said to exist when the object of such procedure are cases demonstrating subjective and objective identity. Such situation occurs when the acts or actions concern the same entities, identical subject matter, state of facts and legal basis.¹²

Moreover, the objectively significant elements of the case are not only coordinates (area covered by the application), but also — and possibly primarily — characteristic technical

parameters of the project. Company B does not know the specific technical parameters presented in Company A's applications, but it is very unlikely that they are identical to the technical parameters presented in Company B's application (as they result from experience of the Company and its affiliated companies in many markets, in Europe and worldwide). Finally, it is not clear what is the planned method of using the cables by individual applicants, what are the requested periods of permit validity, etc. Differences in even one of those elements make it clear that the subject-matter of the procedure is different, and that there is no identity.

The Director of the Maritime Authority Office considers in advance that the implementation of the projects of Company A and Company B is excluded due to their similar nature and disposing of the same good and, therefore, the cases in question are identical in terms of their object. Consequently, it is not possible to initiate the procedure for issuing a permit determining the location and conditions of maintaining cables in the areas of internal sea waters and territorial sea in the location for which other procedure is pending, on the basis of the same legal regulations. In the opinion of the Director of the Maritime Authority Office, two projects consisting in laying and maintaining submarine cables cannot be implemented in the conflicting location.

Such interpretation is not based on the legal regulations, including Article 26 of the Act on maritime areas. The provisions do not preclude a permit for several applicants in the same area (i.e. in the same water region), subject to certain conditions ensuring the safety of infrastructure use. The position of the Director of the Maritime Authority Office is also contrary to common practice in markets other than Polish, i.e. in markets where offshore wind energy is developed. The object of procedures pending at the same time for granting permits to lay and maintain cables in the areas of internal sea waters and territorial sea of the Republic of Poland should be, among others, to determine whether and to what extent the cables may coexist in the locations indicated by the applicants and which of the applicants most fully meets the prerequisites for granting the permit to lay and maintain them in internal sea waters and territorial sea of the Republic of Poland.

The correct course of action for the administration authority would be to initiate the procedure pursuant to Company B's Application and conduct the procedures in parallel, as is the case, for example, in the event of applying for licenses for exploration or prospecting of mineral deposits (Article 28i of Geological and Mining Law). If it is not possible to obtain several licenses for the same or similar type of activity in the same (or partially the same) area at the same time, it is justified to examine which of the applicants will obtain the highest score for fulfillment of the criteria (Article 28k-28l of the Geological and Mining Law¹³). "From the point of view of the subject, this means that several (at least two) license procedures will be pending and the applicants will be mutually parties to them" (Lipiński, 2014). The Supreme Administrative Court in its judgment of December 4, 2012 (case No. II GSK

1819/11, Legalis No. 553066) indicated (although on the basis of the state of the law at that time, but the conclusion is still valid) that the "decision granting the license is of discretionary nature (...). The license was granted to the company which will carry out works in a larger area and within a shorter period of time. The arguments referred to above by the authority were not challenged by the author of the last resort appeal, so the decision adopted by the authority was not taken arbitrarily, but taking into account reasonable considerations." Therefore, it was only at the stage of the procedure that the authority was in a position to determine which of the applicants should have obtained a license where, as in the case of permits for laying and maintaining submarine cables, there were no regulations indicating that the award of a license was determined by the order in which applications were submitted. The license cases are similar to the present case in the sense that the objects of individual procedures are similar (e.g. partly overlapping areas covered by license applications of different applicants), but different, so parallel procedures should be initiated and conducted. The difference lies in the fact that the license is an exclusive right, which is follows directly from the provisions of the Geological and Mining Law. However, the permit referred to in Article 26 of the Act on Maritime Areas is not of such nature, and thus it is admissible and justified to issue permits for all applicants who meet the requirements resulting from the legal regulations.

Proposals of the legislative amendments

When recognizing the importance of this issue and incorrect interpretation of the authorities, it is necessary to regulate it as urgently as possible so as to ensure maximization of the opportunity to develop the offshore wind energy sector in Poland in order to develop a comprehensive solution.

It should be explicitly requested that the permit referred to in Article 26 section 1 or the arrangement referred to in Article 27 section 1 of the Act on maritime areas should be issued only for investors in offshore wind farms who already have the permit for erection of artificial islands and the technical conditions for connection, preliminary technical conditions for connection or concluded connection agreements. Only in this way, is it possible to prevent the phenomenon of artificial blocking of cable corridors by entities which do not have any real interest in obtaining the above decisions, but apply for them only for the purpose of making reliable investors agree with them on the route of their cable routes, so as to impede their projects. Procedures in the opposite cases should be discontinued.

It is indicated that the determination of the conditions for the laying and maintenance of cables, in the case where the decision referred to in Article 26 section 1 or Article 27 section 1 has already been issued, is to guarantee the

protection of the rights of the entity for which the first decision has been issued as well as the safety of laying and maintenance of cables. At the same time, the provision does not specify how this protection is to be implemented, in particular, there is doubt as to how the authority is obliged to take into account the increased costs of implementing the project for both entities in the context of weighing their interests. In fact, it cannot be excluded that the overlapping of cables will lead to the increased costs of the first investor, but this will be a solution which will distribute the costs equally between both entities.

It seems reasonable for the entity, for which the permit or arrangement was previously issued, to act as a party. This is a reasonable solution, but it seems that in the case of the first procedure for a given cable corridor, other investors should also be able to act as a party if they can demonstrate that their project is planned in such a way that they intend to use the same cable corridor. Thus, it is possible to avoid situations where the first entity determines the conditions which, in practice, will exclude the possibility of laying other cables in a given area, and further investors will be unable to participate in the procedure in this regard.

It also seems reasonable to define main (minimum and maximum) values that overlapping cables must meet. In the course of the procedure, the authority would therefore verify the compliance with these general requirements and the impact of overlapping of cables on the economic interests of investors. To this end, in the absence of agreement between investors, the authority should be able to appoint an expert entity which, at the expense of investors, would draw up an

opinion on the safety and on the costs of overlapping of cables, while bearing in mind the balancing of investors' interests.

Conclusions

The aim of this article was to answer the research question i.e. whether or not current legal regulations in the field of export cables for offshore wind farms are functional for the sector.

In the light of the analysis, it has been proven that the current regulations are ambiguous and thus, to ensure legal certainty for investors, they need to be changed. Thus, the main research objective of the thesis was the formulation of *de lege ferenda* postulates, which may constitute the starting point for future legislative works aiming at the formation of a functional regulatory framework for the offshore wind energy sub-sector.

The useful value of the paper lies not only in the presentation of the broader offshore issues to the readers, but also in the original solution of the legal problem, i.e. the necessity to amend the regulations in the offshore wind energy sub-sector in view of the upcoming uncertainty in the interpretation of the current legislation, which is currently faced by the investors.

To sum up, the conducted analyses and the conclusions drawn from them indicate that the current regulatory model for offshore export cables is not up to date with the market conditions, needs and expectations of all participants, thus necessitating significant changes in the way it is regulated.

Notes/Przypisy

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, an EU Strategy to harness the potential of offshore renewable energy for a climate neutral future, Brussels, 19.11.2020, Boosting Offshore Renewable Energy (europa.eu) (accessed on: February 2, 2022).

² Act of December 17, 2020 on promoting electricity generation in offshore wind farms, Journal of Laws of 2021, item 234.

³ Draft Regulation of the Minister of Infrastructure on navigation expert opinions and technical expert opinions for the offshore wind farm and the set of equipment of July 7, 2021; Draft Regulation of the Minister of Infrastructure on the rescue plan and the plan to combat threats and pollution for the offshore wind farm and the set of equipment of July 7, 2021; Draft Regulation of the Minister of Climate and Environment on detailed requirements for elements of the set of power output equipment and for elements of offshore substations of July 7.

⁴ The Baltic Sea is one of the world's largest bodies of brackish water with an area of 420,000 km², covering nine countries, including Poland. The Baltic's drainage basin is about four times larger than its surface area. More than one third of the Baltic is shallower than 30 m, with a maximum depth of 459 m and an average depth of 55 m. Water depths mostly range from 30 m to 65 m below map zero.

⁵ Act of March 21, 1991 on maritime areas of the Republic of Poland and maritime administration, Journal of Laws of 2020, item 2135.

⁶ The spatial development plan for internal sea waters, territorial sea and exclusive economic zone at a scale of 1:200 000 was adopted with the Regulation of the Council of Ministers of April 14, 2021 (Journal of Laws of 2021, item 935).

⁷ Ordinance of the Council of Ministers of 14 April 2021 on the adoption of the spatial development plan of internal sea waters, territorial sea and exclusive economic zone in the scale 1:200 000.

⁸ The electricity generated by the wind farm will be transferred to shore via the offshore transmission system. It will then be injected to the onshore transmission network at the onshore connection point, belonging to PSE. The transmission system can be designed based on one of the following technologies: (a) High Voltage Direct Current (HVDC) or (b) High Voltage Alternating Current (HVAC). (a) HVAC is split into two scenarios (i) Direct HVAC — This system can accommodate system lengths of approximately 100–150 km (including onshore cable). The export cables will connect the offshore platforms to the onshore substation; here the onshore transformers will transform the offshore transmission system voltage to the voltage of the onshore transmission network. Cable manufacturers maximum length production is approximately 50 km long. Where the subsea element of the cable is longer than this, offshore joints are required. The typical design of a submarine cable consist of a three core XLPE cable with a fibre optic cable integrated in the design to allow for monitoring and Communication and (ii) HVAC with Power Boost, where system length (including onshore cable) exceed 100 km approximately, in order to balance the reactive power flows along the export cables; here a mid-point reactive compensation platform or boosted station may be installed at approximately half-way of the export cable; shunt reactors will be installed on this platform with their Mvar rating determined by the need of reactive compensation in the system. (b) HVDC — where distances exceed approximately 100–150 km, and the placement of an RCS proves inefficient, an HVDC solution may be chosen. Individual cores and a fibre optic cable and bundled together. HVDC transmission is efficient at power transfer over long distances. In case of an offshore transmission system based on high voltage direct current (HVDC) technology, the offshore platform will include the DC converter facilities, where the electricity generated by the wind farm will be transformed from AC to DC before being transferred to shore. A DC converter consists of valves, reactors, transformers, protection and auxiliary systems and it is connected to a HVDC cable system at voltage between 250 and 500 kV. An HVDC solution does not require mid-point booster station and the export cables are directly connected to the onshore substation where the onshore DC converter system will transform the current back to AC.

⁹ Although the first permits for erection of artificial islands on which offshore wind farms could be built, were issued already 8 years ago, so far no sufficient conditions have been provided for the development of this technology.

¹⁰ It is important to stress out that with respect to the proceedings on the issuance of permits referred to in Article 26(1) of the Act of 21 March 1991 on Maritime Areas of the Republic of Poland and Maritime Administration (UOM) or the arrangements referred to in Article 27(1) of UOM, there is no extensive judicial-administrative case law. The ruling that was made directly in relation to the arrangements referred to in Article 27(1) of the UOM is the judgment of the Voivodship Administrative Court in Warsaw of 21 November 2014. (case No. VIII SA/Wa 1127/11) It was made in connection with the negative opinion of the Minister of the Environment on the location and method of maintenance of undersea cables in the exclusive economic zone due to the fact that their route ran through areas of concessions granted to another entity for exploration and prospecting of oil and gas deposits. Thus, in the opinion of the Minister of the Environment, implementation of the project in the area covered by the application would threaten the rights acquired by this entity as a result of conclusion of the mining usufruct agreement. While the WSA in Warsaw upheld the claim and overturned the appealed decision, it did so on the grounds that the decision was issued in violation of the law, warranting reopening of the administrative proceedings (involvement of an excluded authority employee). Thus, unfortunately, the WSA in Warsaw did not address the issue of overlapping of the cable route with the area of the concession for prospecting and exploration granted to another entity. The second of the rulings, which refers to the permits referred to in Art. 26 par. 1 of UOM and the arrangements referred to in Art. 27 par. 1 of UOM, is the judgment of the Voivodship Administrative Court in Warsaw of November 27, 2019. (case No. IV SA/Wa 2146/19). While it was issued with respect to the permit to erect or use artificial islands, structures and devices in Polish maritime areas, in this judgment the WSA in Warsaw indicated that the mode referred to in Art. 27b par. 4 of UOM, i.e. the mode of transferring the rights arising from the permits referred to in Art. 26 par. 1 of UOM or arrangements referred to in Art. 27 par. 1 of UOM, does not apply in the case of transformation of a capital company. Thus, the transformed company remains the subject of such rights

¹¹ See also: judgment of the Supreme Administrative Court of March 4, 2016, case No. II FSK 137/14, *Legalis* No. 1455784; judgment of the Supreme Administrative Court of October 13, 2017, case No. II OSK 2565/16, *Legalis* No. 1693762; judgment of the Supreme Administrative Court of December 28, 2012, case No. I OSK 1948/18, *Legalis* No. 1857981).

¹² See the judgment of the Supreme Administrative Court of December 28, 2012, case No. I OSK 1948/18, *Legalis* No. 1857981, also the decision by the Supreme Administrative Court of November 21, 2014, case No. II OZ 1251/14, and the judgment of the Supreme Administrative Court of March 19, 2014, case No. II GSK 20/13; judgment of the Voivodship Administrative Court in Warsaw of March 29, 2012, case No. VIII SA/Wa 1127/11, *Legalis* No. 485872; decision by the Supreme Administrative Court of November 21, 2014, case No. II OZ 1251/14, *Legalis* No. 1318388).

¹³ Act of January 1, 2021 on Geological and Mining, *Journal of Laws* of 2021, item 1420.

References/Bibliografia

Literature/Literatura

- Baehr, J. (ed.), Lissoń, P. (ed.), Pokrzywniak, J. (ed.), Szambelańczyk, M. (ed.), Frąckowiak, A., Hajdrowski, K., Stawicki, A., Urban, S. (2016). *Ustawa o odnawialnych źródłach energii. Komentarz*. LEX, <https://sip.lex.pl/komentarze-i-publikacje/komentarze/ustawa-o-odnawialnych-zrodach-energii-komentarz-587704378> (accessed on 02.02.2022).
- Błaszczńska-Śmigielńska, A. (2021). Ustawa offshore — specjalny system wsparcia morskich farm wiatrowych. *Prawo budowlane*, (8), 27–32.
- Czarnecka, M., & Ogiński, T. (ed.) (2020). *Prawo energetyczne. Ustawa o odnawialnych źródłach energii. Ustawa o rynku mocy. Ustawa o inwestycjach w zakresie elektrowni wiatrowych. Komentarz*. C.H.Beck.
- Lipiński, A. (2014). Konkurencyjne postępowania koncesyjne dotyczące działalności regulowanej prawem geologicznym i górnictwem. *Przegląd Ustawodawstwa Gospodarczego*, (2).
- McKinsey (2020). *Neutralna emisja w Polsce 2050*. Raport McKinsey & Company, 09.06.2020, <https://www.mckinsey.com/pl/our-insights/carbon-neutral-poland-2050> (accessed on 02.02.2022).
- Ministerstwo Klimatu i Środowiska (2021). *Polityka energetyczna Polski do 2040, 02.02.2021*, www.gov.pl, (accessed on 02.02.2022).
- PSEW (2020). *Analiza scenariuszy transformacji polskiej energetyki*. Polskie Stowarzyszenie Energetyki Wiatrowej.
- Stankiewicz, R. (2020). Komentarz do art. 61a. In: M. Wierzbowski (ed.), *Kodeks postępowania administracyjnego. Komentarz*. *Legalis*.

Legal acts/Akty prawne

- Act of March 21, 1991 on maritime areas of the Republic of Poland and maritime administration, *Journal of Laws* of 2020, item 2135.
- Act of April 10, 1997 — Energy Law, *Journal of Laws* of 2012, item 1059, as amended.
- Act of December 17, 2020 on promoting electricity generation in offshore wind farms, *Journal of Laws* of 2021, item 234.
- Act of January 1, 2021 on Geological and Mining, *Journal of Laws* of 2021, item 1420.
- Code of January 1, 1961 on Administrative Procedure, *Journal of Laws* of 2021, item 735.
- Draft Regulation of the Minister of Climate and Environment on detailed requirements for elements of the set of power output equipment and for elements of offshore substations of July 7, 2021.
- Draft Regulation of the Minister of Infrastructure on navigation expert opinions and technical expert opinions for the offshore wind farm and the set of equipment of July 7, 2021.
- Draft Regulation of the Minister of Infrastructure on the rescue plan and the plan to combat threats and pollution for the offshore wind farm and the set of equipment of July 7, 2021.
- Ordinance of the Council of Ministers of 14 April 2021 on the adoption of the spatial development plan of internal sea waters, territorial sea and exclusive economic zone in the scale 1:200 000.

Judgements/Orzecznictwo

- Decision by the Supreme Administrative Court of November 21, 2014, case No. II OZ 1251/14, *Legalis* No. 1318388.
- Judgment of the Supreme Administrative Court of March 4, 2016, case No. II FSK 137/14, *Legalis* No. 1455784.
- Judgment of the Supreme Administrative Court of October 13, 2017, case No. II OSK 2565/16, *Legalis* No. 1693762.
- Judgment of the Supreme Administrative Court of December 28, 2012, case No. I OSK 1948/18, *Legalis* No. 1857981.
- Judgment of the Supreme Administrative Court of March 19, 2014, case No. II GSK 20/13.
- Judgment of the Supreme Administrative Court of December 4, 2012, (case No. II GSK 1819/11, *Legalis* No. 553066.
- Judgment of the Voivodship Administrative Court in Warsaw of November 21, 2014. (case No. VIII SA/Wa 1127/11).
- Judgment of the Voivodship Administrative Court in Warsaw of November 27, 2019. (case No. IV SA/Wa 2146/19).
- Judgment of the Voivodship Administrative Court in Warsaw of March 29, 2012, case No. VIII SA/Wa 1127/11, *Legalis* No. 485872.

Mgr Zofia Romanowska

Participant of the Doctoral Legal Seminar at the Kozłowski University in Warsaw. Gained her professional experience in regulations in the energy market in leading Polish and foreign law firms. Also worked in government administration bodies. Currently works in the energy company in the regulatory department.

Mgr Zofia Romanowska

Uczestniczka Prawniczego Seminarium Doktorskiego w Akademii Leona Koźmińskiego w Warszawie. Doświadczenie zawodowe w zakresie regulacji rynku energetycznego zdobywała w czołowych polskich i zagranicznych kancelariach prawnych. Pracowała również w organach administracji rządowej. Obecnie pracuje w przedsiębiorstwie energetycznym w dziale regulacji.



Polecamy



Inspiracją dla przygotowania niniejszej publikacji była potrzeba kompleksowego spojrzenia na zarządzanie finansami banków w dynamicznie zmieniającym się otoczeniu społeczno-gospodarczym, w którym cyklicznie występują kryzysy (m.in. globalny kryzys finansowy, GFC 2007+), a także mogą mieć miejsce zdarzenia ekstremalne, znacząco wpływające na procesy gospodarcze i społeczne.

Więcej informacji na stronie www.pwe.com.pl