Polish Photovoltaic and Energy Storage Association

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Quick Guide to the Polish Auction System for Renewables

Photovoltaics 2026

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Introduction

Dear Readers,

photovoltaics continues to be a leader in clean energy production in Poland. The year 2025 confirmed its central role in the transformation of the national electricity sector and in the achievement of national and EU climate targets. By the end of 2025, the installed capacity of solar power plants in Poland had reached 24,808 MW, and the share of renewable energy sources in the country's total installed capacity exceeded 50 per cent for the first time.

The scale of growth in the PV sector remains a response both to the growing demand for clean energy and to the need to enhance energy security, diversify the energy mix and reduce the economy's exposure to fluctuations in energy and fuel prices. At the same time, the market is increasingly maturing and diversifying its operating models – from the prosumer segment, through commercial installations, to large-scale solar farms.

In 2025, RES auctions for photovoltaic and wind projects were held on 8 and 9 July. Of the seven planned auctions, only two were concluded, and photovoltaics once again dominated them decisively. Of the 129 winning bids, as many as 126 concerned PV installations. In the basket for installations above 1 MW, projects were contracted that could result in the construction of photovoltaic installations with a total capacity of over 1,623 MW, whilst in the basket up to 1 MW, the winning bids covered exclusively photovoltaic installations with a total capacity of approximately 47.7 MW.

The results of the 2025 auction confirmed that photovoltaics maintains a competitive advantage not only in terms of the scale of project supply but also in terms of investment readiness. At the same time, the market is no longer developing solely on the basis of the auction system. Long-term power purchase agreements (cPPAs), on-site generation, self-consumption, hybrid installations, energy storage and the sharing of connection infrastructure are becoming increasingly important.

The year 2025 was also a period of significant regulatory changes from the perspective of PV investors. Among the most important developments were the entry into force of regulations concerning virtual prosumers, further work on the reform of grid connections under the so-called Grid Act, as well as a deregulation package providing, among other things, for the extension of the cable pooling formula to include energy storage, raising the licensing threshold for renewable energy installations from 1 MW to 5 MW, and simplifications for certain PV installations built for own consumption.

The market environment was also influenced by developments concerning other renewable energy technologies. In particular, it should be noted that on 21 August 2025, the President vetoed the so-called "distance act". From the perspective of the PV market, this means that significant uncertainty remains regarding the pace at which new onshore wind and offshore wind projects will be approved, thereby further strengthening the importance of photovoltaics as the primary technology for new renewable capacity in Poland.

We are pleased to present this guide to the Polish RES auction system, prepared as a comprehensive overview by the Polish Photovoltaics and Energy Storage Association and its member – the law firm DWF Poland.

We trust that you will find this guide useful.

Ewa Magiera
President of the Board
Polish Photovoltaic
and Energy Storage
Association

dr Karol Lasocki
Partner
DWF

The condition of solar energy in Poland

Solar energy already constitutes a more and more significant segment of the Polish RES mix, and its role in the coming years will inevitably increase. Experiences of the neighbouring countries, with similar climatic conditions to Poland, are encouraging.

Full use of the PV potential is essential for the transformation of the energy system towards a low-emission economy. It drives sustainable and local growth, innovation, and supports the competitiveness of EU SME's and businesses with clean and affordable electricity. By 2030, the solar sector could generate at least 500,000 jobs in Europe only.

Currently in Poland most PV projects under construction are in the power range above 1 MW. This trend strengthened further in 2025 – the market is increasingly reliant on utility-scale projects, which are the main driver of new capacity growth.

In 2025, a significant attempt was made to unlock onshore wind energy, in particular through an amendment to the so-called "distance act" proposing the abolition of the 10H rule and the introduction of a minimum distance of 500 m. However, the President's final veto prevented these changes from coming into force, with the result that the actual unlocking of investments did not take place, and the development of the wind energy sector remained

limited. At the same time, work continued on simplifying investment procedures, which may yield results in the coming years.

It is worth noting that the solar energy has no problems with social acceptance so far. A European Social Survey (ESS) on "European Attitudes toward Climate Change and Energy" found that solar power is the most popular energy source in Europe, with

a stunning average of 85% support amongst EU citizens. The report "Energy Portrait of Poles", published in January and prepared by Business Insider and PGE, confirms the high level of public acceptance for photovoltaics, emphasising that Poles' motivations for investing in solar energy are primarily economic in nature. Significantly, among those who already own PV installations, the importance of these benefits is even more pronounced – as many as 83% cite reduced bills as the key benefit of the investment, whilst the importance of factors such as energy independence, environmental protection and increased property value is also growing. Individual investors recognise the role of support instruments – 63% of respondents highlight the importance of tax reliefs and subsidies as a factor supporting the investment decision, which shows that appropriately designed public mechanisms can effectively boost the development of the prosumer segment.

Moreover, solar energy is currently the fastest growing RES market, measured with newly added capacity, both in Europe and especially in Poland, which has been one of the leaders, especially in recent years.

25.632 GW

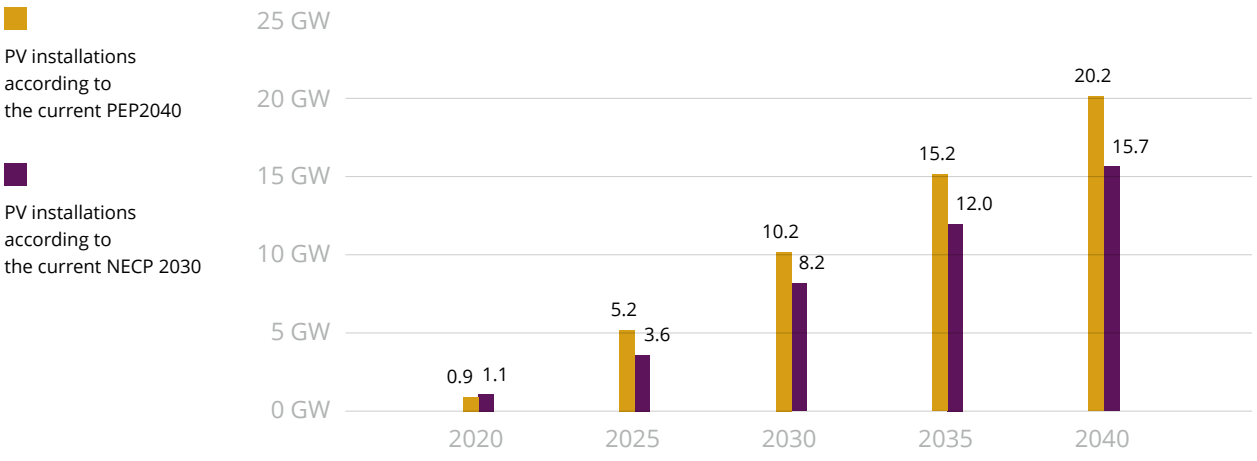
The total installed PV capacity at the end of February 2026

Source: ARE

According to market data (ARE/PSE), at the end of 2024, the total installed photovoltaic capacity in Poland stood at approximately 21.2 GW, whilst by the end of 2025 it had reached 24.8 GW. This indicates a sustained high growth rate, albeit lower than in the record-breaking years prior, confirming the market's gradual maturation.

The key government document in strategic planning in the field of Polish energy policy puts also an accent on the development of solar industry. The Energy Policy of Poland until 2040 (PEP2040), adopted by the government in February 2021, assumes the share of renewable energy in final energy consumption at about 23% in 2030. The increase of solar energy's share in energy mix will have a key role in achieving this goal in electricity. However, it must be noted how much the current PEP2040 assumptions underestimated the PV development potential – according to the document, we were supposed to obtain the installed photovoltaic capacity of approx. 5–7 GW as late as in 2030.

Diagram No. 1 | Development forecast for photovoltaic power according to PEP2040 and NECP.



Source: IEO, Market of Photovoltaics in Poland 2019

The actual market growth had already exceeded these forecasts many times over several years before 2030, which clearly indicates the need to update strategic documents and better reflect the real dynamics of the PV sector. Similarly, according to the projections presented in the National Energy and Climate Plan for 2021–2030 (NECP), an increase in the achievable capacity of PV installations is expected to increase to approx. 7.3 GW in 2030 and approx. 16 GW in 2040. These projections have also been significantly exceeded by actual market growth.

Whereas, the Charter for the Efficient Transformation of Poland's Power Distribution Networks signed in November 2022 by the President of the Energy Regulatory Office and the heads of the five largest distribution system operators in Poland, assumes that more than 20 GW of solar sources with a production potential of 21 TWh per year will need to be grid connected to the national power system (NPS) by 2030. This target is now close to being achieved, which further confirms the scale of the transformation of the electricity sector in Poland.

In March 2022, the government adopted the assumptions for updating PEP2040, according to which by 2040 approximately half of electricity generation will come from renewable sources. However, finally, the update of this document by the previous government did not take place. Unfortunately, we are still waiting for formal adoption of this strategic document.

In 2025, the draft of the updated National Energy and Climate Plan (NECP) became the key strategic document, which envisages the continued dynamic development of renewable energy sources. According to the assumptions of the draft of the updated National Energy and Climate Plan, the capacity of renewable energy sources in Poland is set to rise to around 56 GW by 2030, up from around 30 GW in 2025. This means that in the coming years, the share of electricity generated from renewable energy sources could reach around one-third of national production.

Photovoltaics will play a key role in this transformation. According to the above-mentioned NECP draft, in 2030, 29 GW of capacity is expected to be installed in solar power plants, which are expected to produce 24.6 TWh of electricity. Thus, photovoltaics is expected to surpass onshore wind,

for which forecasts predict a capacity of 19 GW, with a production of 47.7 TWh. Integrated national energy and climate plans are becoming the primary tool for achieving the goals and objectives of the Energy Union. Member States energy and climate goals and contributions must be consistent with the Union's policy and lead to its objectives. Since 2023, Member States have been required to submit a progress report every two years on the implementation of their national plan, covering all five dimensions of the Energy Union. The Commission is obliged to assess the above studies in terms of their adequacy and ability to achieve the collective goals and assumptions of the Energy Union and to report on possible discrepancies. Since 15 March 2023, and every two years thereafter, Member States must report to the European Commission on their progress in implementing their national energy and climate plans.

Green energy development and grid investments are thus inevitable, and photovoltaics will play a very important role in the accelerated energy transition.

Given its shorter investment cycle and high project availability, solar power continues to be a key technology enabling the rapid expansion of renewable energy capacity within the national power system (NPS). The structure of the PV sector in Poland is currently undergoing a significant change. The micro-installation segment, which has been the main driver of growth in previous years, is entering a phase of stabilisation. This is due, among other things, to changes to the prosumer billing system (net-billing) and the gradual saturation of the household market.

At the same time, due to the constant increase in energy prices for end users, promising prospects are opening up in Poland forthe direct sale of market energy from RES in the form of corporate power purchase agreements (PPAs). Business customers buying energy directly from RES generators (on the basis of a long-term PPA) have a chance to reduce and stabilise energy costs. The cPPA segment in Poland is developing dynamically and is becoming one of the key financing models for new PV projects, alongside the auction system. It is worth noting that in the case of PV technologies, production profiles are often in line with consumer profiles. There is also a growing number of industrial energy consumers who – due to consumer preferences, products and corporate policies – cannot use electricity from the Polish energy mix with too low share of renewable energy and have to buy more renewable energy directly from producers.

In the current market reality, the prospect of auction support remains a significant incentive to invest in new large-scale PV capacity, as it offers a low cost of raising capital and ensures the bankability of projects. The results of the 2025 renewable energy auction confirmed the dominant position of photovoltaics – the vast majority of contracted projects involved PV installations, both in the basket up to 1 MW and above 1 MW.

Their implementation will increase energy security, while mitigating the steady increase in end users' electricity prices observed since 2018. It should also be remembered that from this point of view, we need as many large volumes of green energy as possible, regardless of technology. Auctions should therefore allow full capacity development and complementarity between large-scale wind and solar projects.

Auctions in 2025

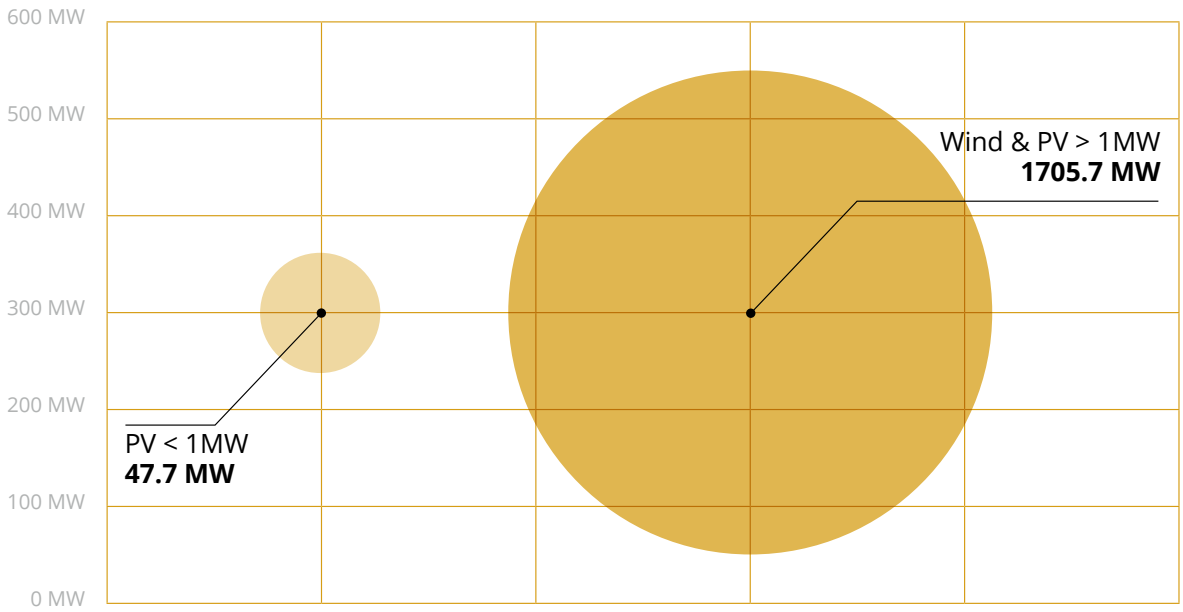
In 2025, one round of auctions covering the photovoltaic and wind installations were held.

The last auction for the photovoltaic and wind installations up to 1 MW was held on 8 July 2025, while the auction for installations above 1 MW was held on 9 July 2025. The auction was carried out on the basis of the Regulation of the Council of Ministers of 27 September 2022 regarding the maximum volumes and values of electricity from renewable energy sources that might be auctioned in particular consecutive calendar years of 2022–2027 (Journal of Laws of 2022, item 2085).

11.25 TWh of energy worth PLN 3.825 billion has been allocated for auctions in 2025 for photovoltaic and wind installations up to 1 MW. These values remain the same as for the auctions held in 2022-2024

Meanwhile, for the segment of photovoltaic and wind installations above 1 MW, a total of 32.25 TWh of energy, with a value of PLN 8.85 billion, was allocated for sale. For the auctions held in 2024 and 2023, the volume for this basket amounted to 21.75 TWh, with a value of approximately PLN 6.2 billion. In 2022, it was 11.25 TWh with a value of PLN 3.6 billion.

Diagram No. 2 | 2025 Auctions. New Capacities in Polish Grid.



According to the summary of auctions held in 2025, the President of the ERO estimates that these auctions will contribute nearly 1706 MW of new generation capacity, including:

- 1,623 MW in photovoltaic installations (47.7 MW in installations with an installed capacity not exceeding 1 MW and 1,575.3 MW in installations with an installed capacity above 1 MW); and
- 82.7 MW in onshore wind installations.

Due to the validity of the Act of 17 September 2021 amending the RES Act and certain other acts (Journal of Laws 2021, item 1873), with the approval of the European Commission the auction system has been extended until 30 June 2047. It means that auctions can be held until 31 December 2027.

According to preliminary estimates, the extension of the auction system will enable the creation of approximately 9 GW of new capacity in renewable energy technologies. The maximum value of state support during the entire programme period may amount up to PLN 43.85 billion.

Table No. 1 | Auction budgets 2025 description for each RES technology and comparison to year 2024

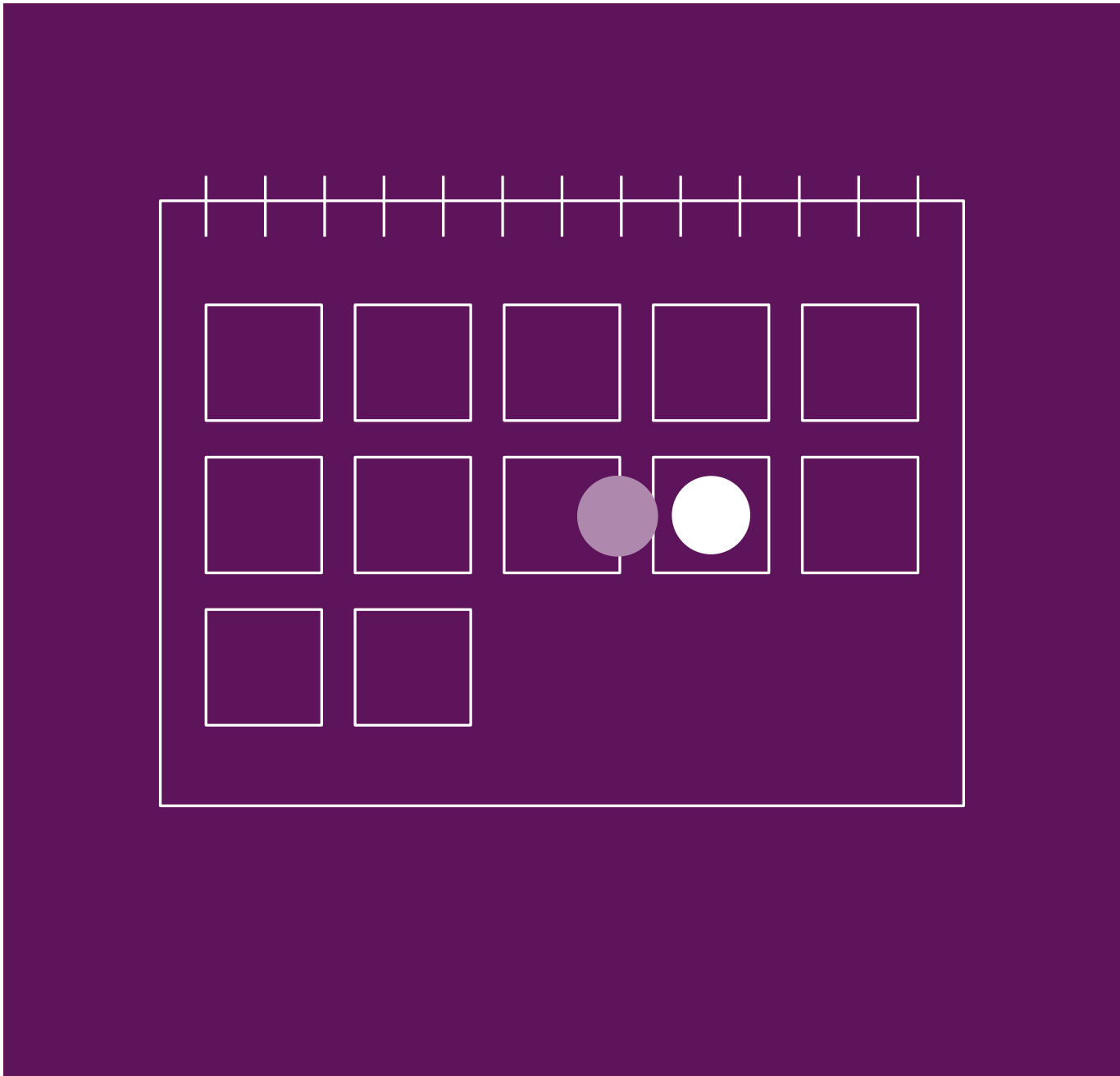
Technology	Cap.	2025 budget		2024 budget		Change	
		(TWh)	(PLN bn)	(TWh)	(PLN bn)	(%vol.)	(%vol.)
Wind & PV	< 1 MW	11.25	3.83	11.25	3.83	0%	0%
	> 1 MW	32.25	8.85	21.75	6.23	48.28%	42.05%
Non-agricultural biogas, biomass, thermal waste treatment installations	< 1 MW	1.11	0.61	1.10	0.61	0.91%	-0.16%
	> 1 MW	22.50	12.35	1.69	0.93	1,231.36%	1,228.28%
Agricultural biogas	< 1 MW	-	-	-	-	-	-
	> 1 MW	5.78	3.87	5.78	3.87	-0.09%	0%
Hydropower, bioliquids, geothermal energy	< 1 MW	0.98	0.51	0.98	0.51	-0.51%	-0.2%
	> 1 MW	2.04	1.04	2.04	1.04	0%	-0.19%
Hybrid installations	< 1 MW	-	-	-	-	-	-
	> 1 MW	-	-	-	-	-	-
Total		**75.90**	**31.06**	**44.59**	**17.02**	**70.22%**	**82.49%**

Source: own study, pursuant to the Regulation of the Council of Ministers of 27 September 2022 regarding the maximum volumes and values of electricity from renewable energy sources that might be auctioned in particular consecutive calendar years of 2022–2027 (Journal of Laws of 2022, item 2085).

When will the next auctions take place?

As of the date of this guide, the President of the ERO has not yet published the auction schedule for 2026.

Pursuant to the Regulation of the Council of Ministers of 27 September 2022 regarding the maximum volumes and values of electricity from renewable energy sources that might be auctioned in particular consecutive calendar years of 2022–2027 (Journal of Laws of 2022, item 2085), in 2026, auction for installations up to 1 MW, the maximum amount of energy that can be sold is 11.25 TWh and its value is PLN 3.825 billion while in auctions for installations above 1 MW, the maximum amount of energy to be sold is 53.25 TWh and its value is PLN 14.1 billion.



How does a project qualify for participation in an auction?

Ready-to-build RES projects using onshore wind, solar energy and biogas, agricultural biogas, biomass, bioliquids, hydropower and geothermal energy to generate electricity, as well as a thermal waste treatment installations or dedicated multi-fuel combustion installations can participate in an auction, if they:

- hold a certificate of admission to an auction, and
- pay a deposit of PLN 60 (ca. EUR 14) per 1 kW, or provide an equivalent bank guarantee.

Obtaining a certificate of admission to an auction is preceded by a pre-qualification procedure carried out by the President of the ERO. Investors need to evidence that they possess ready-to-build installations, i.e. that the following criteria are met:

- have grid connection conditions or have concluded a grid connection agreement (valid for at least six months),
- the project has a final and non-appealable building permit (valid for at least 6 months),
- an installation scheme is provided,
- a schedule of works and expenditures for the completion of construction is presented.

Once the prequalification criteria are fulfilled, a certificate of admission to an auction is issued within 30 days from the date of submission of a complete application for that certificate by the President of the ERO. The certificate remains valid for 12 months from the date of its issuance, but no longer than the validity period of the grid connection conditions or the grid connection agreement and the building permit.

Non-price criteria in auctions

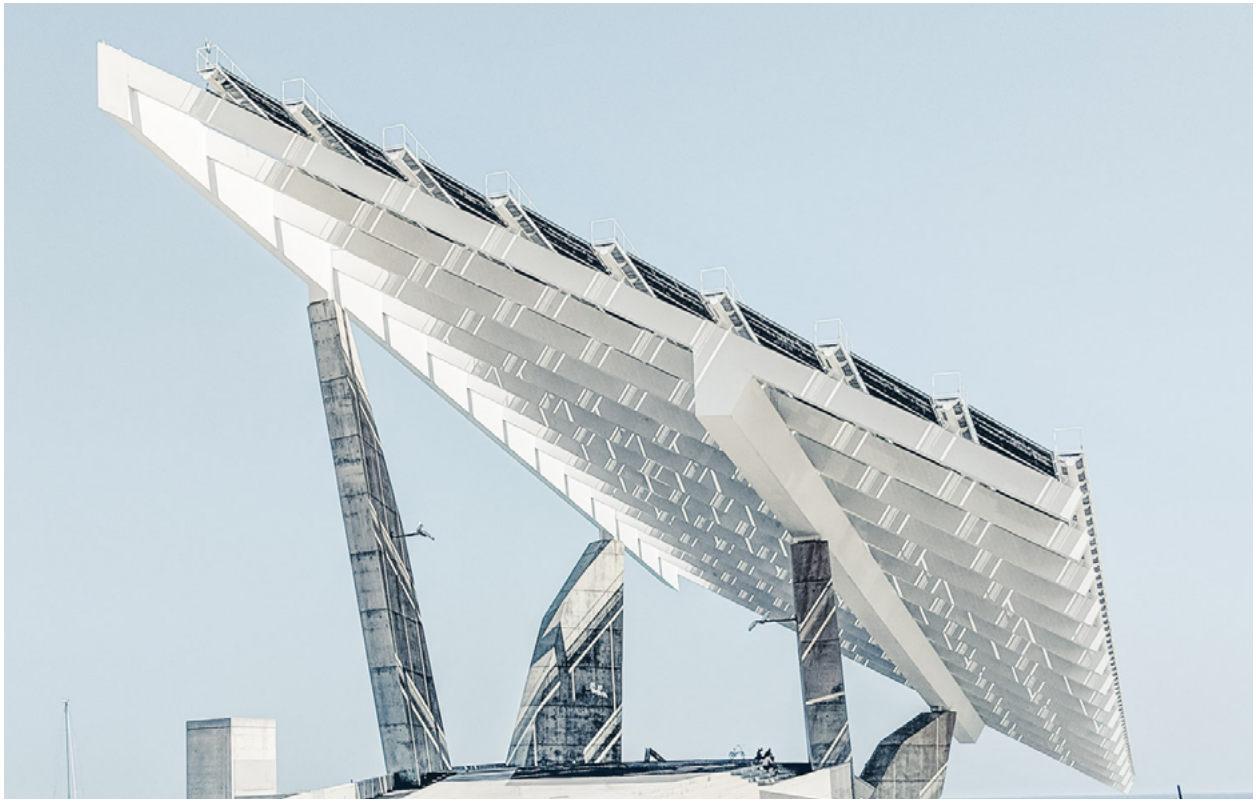
Member States were required by 30 December 2025 to introduce non-price criteria into their auction systems. This obligation arises from the Net-Zero Industry Act, i.e., Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (NZIA). This deadline cannot be extended or modified. Therefore, auctions organised from 30 December 2025 must include non-price criteria.

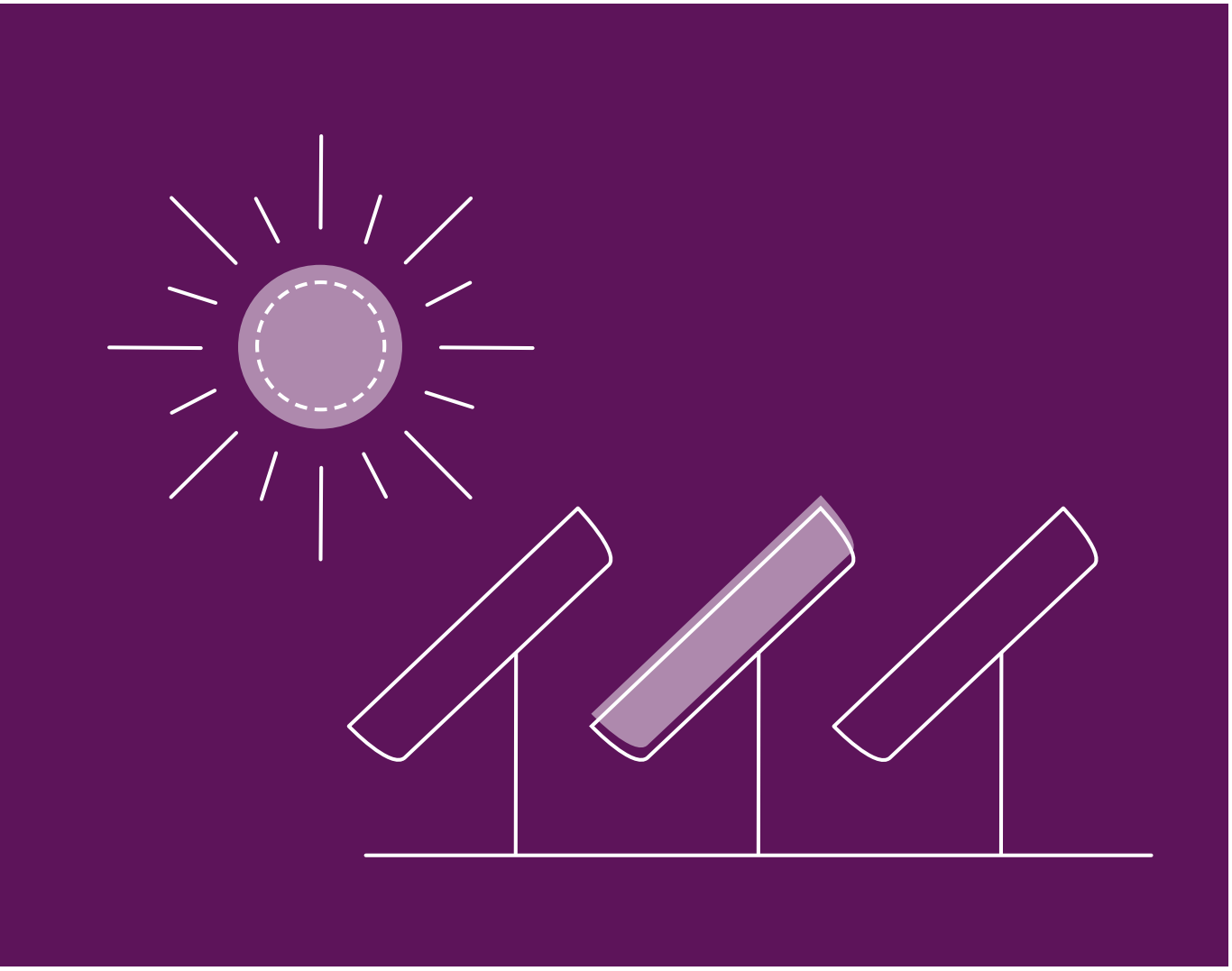
The obligation to apply non-price criteria covers renewable energy technologies, including photovoltaics.

The NZIA divides non-price criteria into two groups, depending on the stage at which they are applied.

The first group consists of mandatory criteria at the pre-qualification stage, including responsible business conduct, cybersecurity and data security, along with the ability to deliver projects in a complete and timely manner. The second group includes criteria that may be applied either at the pre-qualification stage or at the award stage, depending on the Member State's choice, and are used to assess the contribution of the auction to sustainability and resilience. These criteria must be objective, transparent and non-discriminatory.

Where the second group of criteria is applied at the award stage, the NZIA sets their weighting. Both sustainability and resilience must account for at least 5% each, and together they must represent between 15% and 30% of the award criteria. These are minimum thresholds, and Member States may assign higher weights.





In assessing the contribution to sustainability, auctions should support at least one of the following objectives: environmental sustainability beyond minimum legal requirements, innovation through new or improved solutions, or energy system integration.

Non-price criteria must be applied to auctions covering at least 30% of the total auction volume or, alternatively, at least 6 GW per year. They may only be waived if their application would lead to disproportionate costs for the Member State. As a rule, cost differences exceeding 15% per auction, based on objective and verifiable data, are considered disproportionate.

Commission Implementing Regulation (EU) 2025/1176 of 23 May 2025, which specifies pre-qualification and award criteria for renewable energy auctions, further details the requirements that bidders must meet under the non-price criteria.

Member States may also introduce additional non-price criteria beyond those listed above. This means that the framework set out in the NZIA establishes only minimum requirements.

The application of non-price criteria in RES auctions requires the adoption of appropriate national legislation. As of the date of this report, no such regulations have yet been drafted in Poland.

How does winning an auction impact grid connection?

Grid connection conditions or a concluded grid connection agreement are required to participate in an auction. Grid connection conditions are valid for one year from the date of their delivery (before the amendment of 13 March 2026 to the Energy Law, this period was two years). During their validity period, they constitute a conditional obligation of the grid operator to conclude a grid connection agreement.

Before the amendment of 13 March 2026 (which also amended certain provisions of the RES Act), the RES Act provided a mechanism to extend the deadline for the first delivery of electricity to the grid for projects that won an auction. Grid operators were required to adjust the deadlines in grid connection agreements for successful projects so that they aligned with the auction timelines (e.g., for PV – 33 months for the first sale of electricity within the auction system from the auction closing date). For this purpose, annexes to grid connection agreements had to be concluded to ensure that the deadline for the first delivery of electricity to the grid (as specified in the grid connection agreement) did not fall earlier than the deadline for the first sale of electricity under the auction system. According to the amendment of 13 March 2026, these rules apply only to projects that won auctions in 2025 or earlier.

Currently, under the amendment of 13 March 2026, an additional obligation has been introduced in relation to project implementation, requiring investors to notify the grid operator once a final building permit has been obtained.

For photovoltaic modules and inverters, this obligation must be fulfilled within 24 months from the date of the grid connection agreement, and the building permit must cover at least 80% of the installed capacity specified in that agreement. For transformers and electrical substations covered by the grid connection agreement, the deadline is 36 months from the date of its conclusion.

Failure to meet this obligation within the deadline results in the automatic termination of the grid connection agreement by operation of law. At the same time, the investor may apply for an extension of these deadlines for a period not exceeding 24 months in the event of circumstances beyond their control or upon request, provided that additional security is established in the amount of PLN 60 per kW of connection capacity, but not more than PLN 12,000,000.

In addition, separate rules and deadlines apply to grid connection agreements concluded before the entry into force of the above amendment. Due to the lack of clarity of the transitional provisions, each such agreement requires individual analysis.

What is the course of an auction and who wins?

The auction date is announced by the President of the ERO at least 30 days before the planned auction.

A bidder – a prospective producer – submits an offer specifying the amount of electricity (in MWh) and the price (in PLN per 1 MWh) at which it agrees to sell electricity under a contract for difference. So far, support has been granted to producers offering the lowest price. However, the NZIA introduces an obligation to include non-price criteria in auctions, which should apply from 2026. This requires the adoption of relevant national legislation. As of the date of this report, such provisions have not yet been adopted or publicly presented in draft form. The current rules for conducting auctions are described below.

The auction continues until the volume and value of electricity specified in an announcement of an auction is fully depleted or the closing of the auction session. The auction is settled if no less than three valid bids meeting the requirements set out in the RES Act have been submitted. When several bidders offer the same lowest selling price, and the volume of electricity declared to be produced exceeds the volume referred to in the announcement of the auction, the order of the submitted bids is decisive. Winning producers' offers may not jointly exceed 100% of the value of electricity specified in the announcement of the auction and 80% of the volume of electricity covered by all bids. This second cap is aimed at guaranteeing sufficiently competitive auctions.

Within 21 days from an auction closure date, the President of the ERO publicly announces, on its website, information about:

- the results of the auction (i.e. the producers who won the auction, the minimum and maximum price at which electricity was sold in the auction, as well as the total volume of electricity sold and its value), or
- invalidation of an auction, if that happens.

An auction may be invalidated only if all offers have been rejected (a bid shall be rejected, i.a., if the selling price specified in the bid exceeds the reference price) or if it could not be carried out for technical reasons. If the results of an auction have already been published, the auction is settled and final.

What is the period of support?

The period of support amounts to 15 years from the date of first sale of electricity after winning a given auction, however not later than until 30 June 2047, in accordance with the amendment of the RES Act adopted by the Act of 17 September 2021.

What is the mechanism of support?

Industrial-size installations (minimum 0.2 MW) that have won an auction, sell the produced electricity on the electricity market at the market price, to a chosen offtaker, after which they may apply for additional payments to reach their auction price. This is done by way of an application to cover the "negative balance". The monies are paid out by Zarządca Rozliczeń S.A., a state-owned corporation responsible for carrying out the settlements of the "negative balance". Under the Polish RES Act, the "negative balance" is the difference between the net value of the sale of electricity in a given month (as calculated on the basis of a commodities exchange index) and the value of that electricity determined on the basis of the price contained in a producer's offer that won an auction. Please also note that the latter is indexed annually to the inflation rate in Poland.

The volume of electricity subject to the settlement is determined on the basis of actual indications of measuring devices in a given month. A producer from an installation informs Zarządca Rozliczeń S.A., within 15 days after the end of the month, of:

- the volumes and prices of electricity sold in the previous month,
- data on the value of the electricity (prices published by the Polish Power Exchange – TGeBase index) and
- the producer submits an application to cover the negative balance.

In consequence, the "negative balance" is the difference between the value of produced electricity calculated on the basis of the TGeBase index and the value of such electricity established pursuant to the price from a respective auction bid of an individual producer. Zarządca Rozliczeń S.A. is obliged to verify an application for covering the "negative balance" within 30 days and pay the producer in question the relevant funds, as per the example below.

Please note that in the example the balance can also be positive, especially in case of a substantial increase of wholesale electricity prices. In such a scenario, the producer could be obliged to pay back the positive balance to Zarządca Rozliczeń S.A. Any positive balance is set off against any future negative balance on "as-we-go" monthly basis.

Any positive balance that is not fully settled by the end of a period of every full three calendar years shall be refunded to the Zarządca Rozliczeń S.A. by the generator of electricity in the RES installation, after the end of the full three calendar years, within 6 months of the end of the relevant period.

There is no obligation to sell electricity produced by RES installations through a commodities exchange.

It is also worth noting that the Council of Ministers is working on a draft amendment to the RES Act (draft no. UD332), which proposes allowing producers of electricity from photovoltaic installations to use an alternative method for settling the negative balance.

Under this mechanism, settlements would be based on the volume-weighted average market price for a given imbalance settlement period (15 minutes), instead of the TGE Base index, which reflects a daily average price.

This approach would be more complex, as each day covered by the monthly settlement submitted to Zarządca Rozliczeń S.A. would be divided into individual delivery periods (i.e. 15-minute imbalance settlement periods), for which the balance would be calculated separately. At the same time, however, the settlement would be based on a price closer to what the producer can actually achieve on the market.

This solution would be available upon the producer's request and would be temporary, for a maximum of 12 consecutive calendar months. During this period, electricity from the installation could be fed into the grid at no more than 50% of its installed capacity.

What energy producing equipment can be installed?

An investor who won an auction is restricted in terms of generating devices that can be installed. The RES Act stipulates that devices used for generating and processing electricity must be new, and produced within a certain period preceding the day of first production of electricity. This is detailed in the table below.

Table No. 2

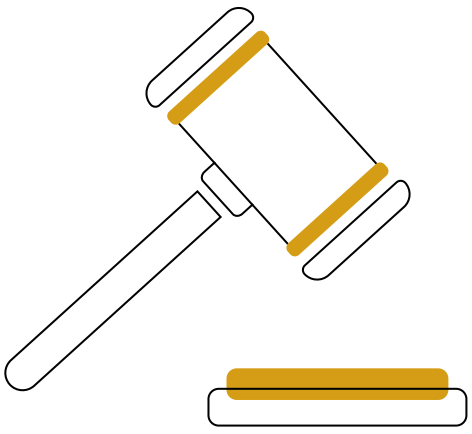
Category of renewable installation	Equipment not older than
Onshore wind	33 months
Photovoltaics	33 months
Offshore wind	72 months
Biomass	42 months

What are the responsibilities of an investor who won an auction?

The first obligation imposed on an investor is to produce electricity for the first time, while already holding a generation concession, within certain deadlines from the auction closure date. Failure to timely meet this obligation results in an exclusion from the auction system and loss of the deposit. This is detailed in the table below.

Table No. 3

Category of renewable installation	Deadline to produce electricity with a concession in place
Onshore wind	33 months from the auction closure date
Photovoltaics	33 months from the auction closure date
Offshore wind	7 years from the auction closure date
Biomass	42 months from the auction closure date



The second obligation is to produce the volume of electricity declared in the offer. However, there is an option of one update of the offer following the auction, with respect to, in particular, the planned date of commencement of the period of use of the support system, the volume of electricity planned for sale in subsequent calendar years (the total volume will however need to remain constant) and/or an installed capacity of an installation. The volume is settled after the expiry of each 3 full calendar years in which support was granted, and after the lapse of the entire period of support. If an installation fails to produce at least 85% of the volume specified in a winning offer in a relevant settlement period, the producer is subject to a fine. The fine is calculated as 50% of the product of the auction price and the difference between the electricity that was supposed to have been produced, pursuant to the auction offer and the energy actually produced. The financial penalty will not apply if the required volume of electricity was not produced as a result of:

- application of the generally binding law;
- the need to ensure security of the grid;
- a power system failure;
- force majeure, e.g., natural disasters, war, acts of terrorism, riots;
- the technical failure of an installation – violent, unpredictable and independent of the producer, damage or destruction of an installation or destruction of buildings or facilities essential for its operation.

How is the financing of the auction system secured?

Funds in the auction system are required for the payment of the "negative balance" and the functioning of the entity covering the balance Zarządca Rozliczeń S.A. They are secured via a renewables fee. The renewables fee is collected by transmission system operator ("TSO") and distribution system operators ("DSO"). TSO and DSOs collect the renewables fee predominantly from final off-takers interconnected directly to their grid, i.e. mainly households. Therefore, financing of the auction system is not influenced by the government budget.

The rules for calculating the renewables fee are set forth in the respective statute. Renewable fee is calculated as a product of the renewables fee rate and the amount of electricity consumed. The renewables fee rate is published in the bulletin of the President of the ERO until 10 November of each calendar year.

What is the risk of the state evading its responsibilities following an auction?

Although no written agreement is entered into between Zarządca Rozliczeń S.A. and the auction winner, the legal relationship between such a producer and the Polish state takes the form of a binding obligation, by statutory law. The elements of this obligation are construed on the basis of the RES Act and documents published by the President of the ERO – published auction results. In consequence, if Zarządca Rozliczeń S.A. fails to pay a due amount of money, a producer can enforce its rights in a common court. It's worth mentioning that this arrangement is deemed sufficient to bank financing on a non-recourse basis (project finance).

Is it possible to transfer the rights and obligations acquired at an auction?

Under the RES Act, it is admissible to either acquire a project which won an auction or acquire shares in a company holding such a project. In the former case, it is necessary to apply to the President of the ERO for consent. Granting of such consent is dependent on a statement by a buyer, which should include a declaration by the buyer that electricity will be produced purely from renewables, in the installation related to the auction and that the buyer accepts the rights and obligations of a RES producer.

Summary of the selected 2025 auctions

The most recent auctions for wind and photovoltaic projects were held on 8 and 9 July 2025. All auctions were dedicated to new installations. Once again, only two out of seven auctions were successfully concluded. Among the winning bids (129), the vast majority were photovoltaic installations (126), with only three wind projects.

The volume of electricity allocated for photovoltaic and wind installations with a capacity of up to 1 MW was set at 11.25 TWh, with a value of nearly PLN 3.82 billion.

Photovoltaic projects once again dominated the so-called small basket for wind and PV projects up to 1 MW. A total of 33 producers participated in the auction, submitting 83 bids. All submitted bids were from photovoltaic installations. The reference price for electricity generated by wind installations with a capacity of up to 1 MW was PLN 378/MWh, while the reference price for electricity generated by small photovoltaic installations was PLN 414/MWh.

As a result of the auction, just over 4% of the available energy volume was sold through 53 winning bids submitted by 20 producers, with a total value of nearly PLN 170 million (representing 4.4% of the total value of energy allocated for sale).

The minimum price for PV installations at which electricity was sold was PLN 314.77/MWh (for comparison, back in December 2024 the minimum

price at which energy was sold was PLN 297.78/MWh). On the other hand, the maximum price for PV installations at which energy was sold in this auction was PLN 374.77/MWh (compared to PLN 388/MWh in the December 2024 auction).

As a result of the auction, approx. 0.48 TWh of energy has been contracted, and therefore PV installations with a total installed electrical capacity of approx. 47.7 MW may be built.

The winners included i.a. Energetyka Zagórz Sp. z o.o., Grüner Energy Sp. z o.o., Pola Energii Foto Sp. z o.o. and TELIS Sp. z o.o.

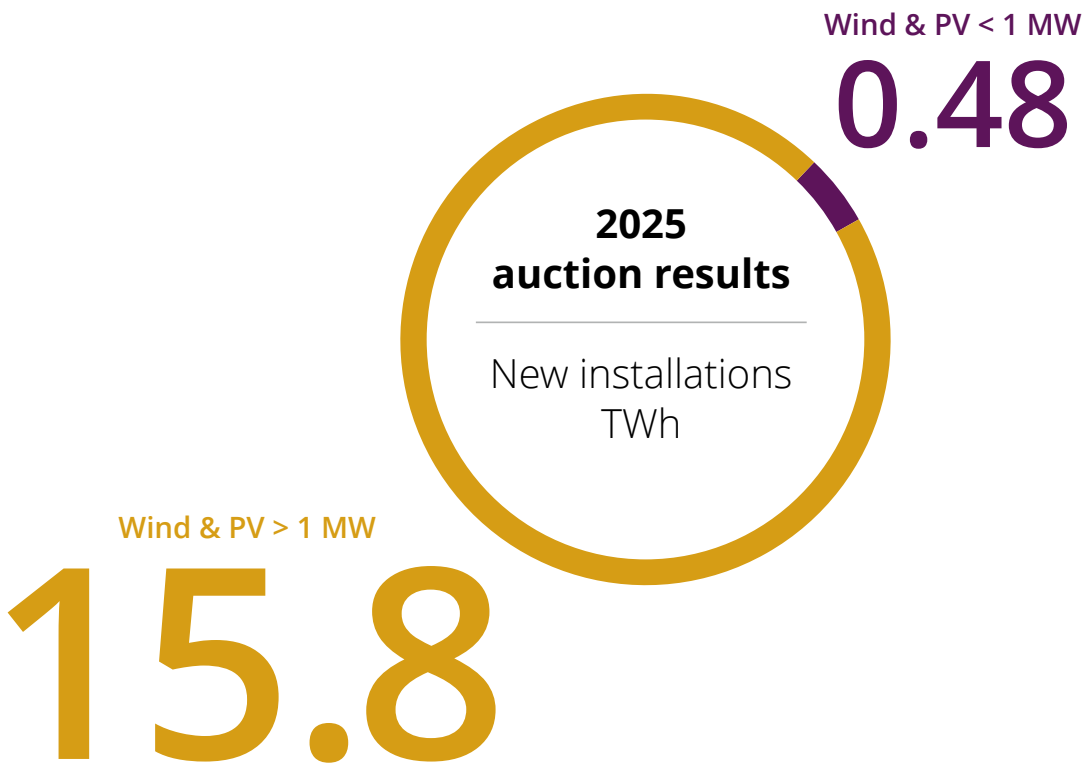
In the auction for wind and photovoltaic projects with a capacity above 1 MW, the possible amount of energy to be sold in this basket was 32.25 TWh and its value was nearly PLN 8.9 billion. The maximum price (i.e., the reference price) that could be offered for wind installations above 1 MW was PLN 324/MWh, and for PV installations – PLN 389/MWh. The auction was joined by 73 producers, who submitted a total of 98 bids.

As a result of the auction, approx. 15.8 TWh of energy with a total value of nearly PLN 4.8 billion (54% of the value of energy allocated for sale) was sold.

As a result of the auction, PV installations with a capacity of slightly over 1,623 MW and onshore wind farms with a capacity of 82.7 MW may be developed. Prices for photovoltaic energy in this auction basket ranged between PLN 216.90/MWh and PLN 329.68/MWh.

The winners included i.a. Helios Polska Energia Sp. z o.o., MARINE ENERGY Sp. z o.o., Pola Energii Foto Sp. z o.o.

Diagram No. 3 | 2025 auction. New Capacities.

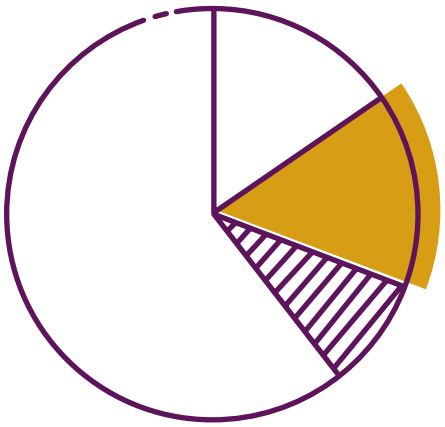


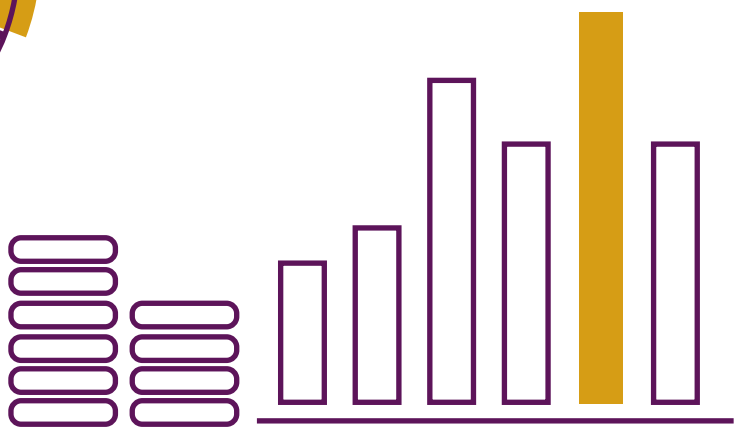
Reference prices (maximum bid prices) for different categories of renewables

Below are the reference prices resulting from the Regulation of the Minister of Climate and Environment of November 8, 2023 on the reference price of electricity from renewable energy sources, the periods applicable to producers that won the auctions and the reference volumes of electricity sales (Journal of Laws, item 2240).

Table No. 4

No.	Type of renewables installations	Reference price (PLN/MWh)
1.	Installations with a capacity below 0.5 MW using only agricultural biogas	872
2.	Installations with a capacity below 0.5 MW using only agricultural biogas in high-efficiency cogeneration	1,025
3.	Installations with a capacity below 0.5 MW using only biogas obtained from landfills	812
4.	Installations with a capacity below 0.5 MW using only biogas obtained from landfills in high-efficiency cogeneration	915
5.	Installations with a capacity below 0.5 MW using only biogas obtained from sewage treatment plants	572
6.	Installations with a capacity below 0.5 MW using only biogas obtained from sewage treatment plants in high-efficiency cogeneration	714
7.	Installations with a capacity below 0.5 MW using only biogas other than obtained from agricultural biogas, landfills or sewage treatment plants	632





No.	Type of renewables installations	Reference price (PLN/MWh)
8.	Installations with a capacity below 0.5 MW using only biogas other than obtained from agricultural biogas, landfills or sewage treatment plants in high-efficiency cogeneration	723
9.	Installations with a capacity below 0.5 MW using only hydropower	853
10.	Installations with a capacity not below 0.5 MW and not exceeding 1 MW using only agricultural biogas	793
11.	Installations with a capacity not below 0.5 MW and not exceeding 1 MW using only agricultural biogas in high-efficiency cogeneration	941
12.	Large Installations (above 1 MW) using only agricultural biogas	775
13.	Large Installations (above 1 MW) using only agricultural biogas in high-efficiency cogeneration	896
14.	Installations with a capacity not below 0.5 MW using only biogas obtained from landfills	785
15.	Installations with a capacity not below 0.5 MW using only biogas obtained from landfills in high-efficiency cogeneration	895
16.	Installations with a capacity not below 0.5 MW using only biogas obtained from wastewater treatment plants	520
17.	Installations with a capacity not below 0.5 MW using only biogas obtained from wastewater treatment plants in high-efficiency cogeneration	663
18.	Installations with a capacity not below 0.5 MW using only biogas other than obtained from agricultural biogas landfills or sewage treatment plants	583

No.	Type of renewables installations	Reference price (PLN/MWh)
19.	Installations with a capacity not below 0.5 MW using only biogas other than obtained from agricultural biogas landfills or sewage treatment plants in high-efficiency cogeneration	677
20.	Dedicated biomass combustion installations or hybrid systems	594
21.	Thermal waste treatment installations or dedicated multi-fuel combustion installations	474
22.	Installations with a capacity not exceeding 50 MW in a dedicated biomass combustion installation or hybrid systems, in high-efficiency cogeneration	670
23.	Installations with a capacity higher than 50 MW in a dedicated biomass combustion installation or hybrid systems, in high-efficiency cogeneration	640
24.	Installations using only bio-liquids	575
25.	Installations with a capacity not exceeding 1 MW using only onshore wind energy	378
26.	Large Installations (capacity higher than 1 MW) using only onshore wind energy	324
27.	Installations with a capacity of not below 0.5 MW and not exceeding 1 MW using only hydropower	778
28.	Large Installations using only hydropower	745
29.	Installations using only geothermal energy	579
30.	Installations with a capacity not exceeding 1 MW using only solar energy	414
31.	Large Installations (capacity higher than 1 MW) using only solar energy	389

Polish Photovoltaic and Energy Storage Association

The Polish Photovoltaic and Energy Storage Association (PPESA) is a newly established non-governmental organization aiming to support the development of large-scale solar energy in Poland as a clean energy source. The Association works to increase political and social awareness in the field of photovoltaics, and also supports the creation of an appropriate regulatory environment for this dynamically developing sector in Poland.

Main areas of the PPESA activity are:

- Support of the development of large-scale photovoltaic projects
- Participation in consultations of various energy regulations, direct cooperation with public energy entities and taking action to implement new legal regulations fostering the development of PV in Poland
- Promotion of solar energy and knowledge about this technology
- Increasing social and political awareness about solar energy
- Creation of opportunities to share experiences, establish new business relationships, joint substantive work as well as workshops and seminars

Polish Photovoltaic and Energy Storage Association is a member of the SolarPower Europe.

https://en.stowarzyszeniepv.pl

DWF in Poland currently consists of over 200 professionals. As a team, we have been providing legal services in Poland since 1991.

Our lawyers have extensive experience in providing comprehensive legal services for private companies, international corporations and state-owned entities. Our achievements are widely recognized by our clients, peers and market participants as well as leading international rankings.

The Warsaw office key practices include renewable energy, environment, mergers and acquisitions, project finance, real estate, construction and infrastructure, capital markets, banking, finance and restructuring, intellectual property, dispute resolution, tax and employment, as well as public procurement.

We are a legal business focused on complicated, precedent-setting, unique cases and transactions. This requires knowledge, experience, skills and the ability to act fast. We are proud of our participation in the biggest and most complex disputes and transactions on the Polish and European markets. We also offer our clients specialized expertise in sectors such as conventional and innovative energy, industrials, nuclear power, mining, transport, aviation, aerospace and defence, the film industry, media, TMT and outsourcing.

Our lawyers are regularly recommended by independent international rankings, such as Chambers Global, Chambers Europe, Legal 500, IFLR1000 as well as WTR100 and Managing IP. Our lawyers actively participate as speakers at key sector conferences, seminars and workshops on, inter alia, environmental, energy, construction, litigation and arbitration law issues.

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Our Warsaw Office has a distinctive, full-size, comprehensive practice devoted entirely to renewable energy. It is one of the most recognized RES practices on the Polish market, and a one-stop-shop for clients active in renewables.

We assist in all legal matters related to the RES sector, including investments (development, permitting and licences, grid connections, transactions, environmental issues, M&A), day-to-day operations, as well as disputes. We have been involved in acquisitions and development of a vast number of solar and wind projects, both onshore and offshore. The team is also renowned for advice in regulatory and legislative matters.

We assist sector chambers and organizations, as well as individual clients, in solving complex regulatory matters and building their position on sectoral issues. For example, we support clients in a number of energy regulatory disputes before the President of the ERO and courts. We assist the Polish Photovoltaic and Energy Storage Association, strengthening the organizations' efforts with respect to issues concerning the support scheme for renewables in Poland and the EU. We are also involved in works of the Offshore Taskforce of the Polish Wind Energy Association in which we help to work out proposals for the regulatory environment for offshore wind.

dr Karol Lasocki
Partner
E karol.lasocki@dwf.law

Agnieszka Chylińska
Counsel
E agnieszka.chylinska@dwf.law

dr Maria Kierska
Counsel
E maria.kierska@dwf.law

Wiktoria Rogaska
Counsel
E wiktoria.rogaska@dwf.law

Anna Kordziawa-Toś
Senior Associate
E anna.kordziawa-tos@dwf.law

Andrzej Szostak
Associate
E andrzej.szostak@dwf.law

Michał Pituła
Associate
E michal.pitula@dwf.law

Ewa Magiera
President of the Board
E emagiera@stowarzyszeniePV.pl

dr Dariusz Mańka
Director of Legal and Regulatory Affairs
E dm@stowarzyszeniePV.pl

Izabela Lazar
Administration Manager
E ilazar@stowarzyszeniePV.pl

Monika Wendołowska
Events and Marketing Director
E mw@stowarzyszeniePV.pl

Paulina Wojciechowska
Communication Manager
E pwojciechowska@stowarzyszeniepv.pl

Katarzyna Jabłońska-Przywecka
Director
E kpj@stowarzyszeniepv.pl

If you have any questions
please contact:
karol.lasocki@dwf.law, emagiera@stowarzyszeniePV.pl

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