

Offshore Wind Investment Guide to the Polish Baltic Sea

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Introduction

There has never been a shortage of wind in the Baltic Sea. For many years, the only thing missing was turbines capable of converting it into electricity on an industrial scale.

Today, wind energy is not only an efficient, stable and low-emission source of energy. It is also one of the technologies that will shape Poland's landscape over the coming decades. Although wind has powered ships sailing across the Baltic Sea for centuries, today it is increasingly driving the energy transition as well. In light of the numerous changes brought about by recent years, we are pleased to present the latest edition of our guide to the offshore wind support system.

Since the publication of the previous edition of the guide in 2021, the sector has progressed from ambitious plans to the advanced implementation of projects. Everything indicates that Poland has been, is and will remain one of the most promising offshore wind markets in Europe. It is not difficult to see why. The Baltic Sea offers particularly favourable conditions for the development of OWFs: it is relatively shallow, has good wind conditions and is located close to major centres of energy demand.

The past few years have certainly been eventful for market participants. 2025 was a particularly significant year. In the autumn, an extensive amendment to key legislation governing the sector was adopted, and we describe its most important provisions in this guide. A few months later, in December 2025, the first auction for OWFs was held, with three projects with a total capacity of nearly 3.5 GW being awarded support. Combined with the projects which had previously obtained support under the first phase of the support system on the basis of decisions issued by the President of ERO, this gives a portfolio of projects with a total capacity of nearly 10 GW. For comparison, this represents capacity equivalent to several large conventional power plants.

The dynamic developments of 2025 were followed by an event of both symbolic and practical significance. In July 2026, the Baltic Power offshore wind farm fed electricity into the Polish power grid for the first time. This marked the point at which the OWF sector ceased to exist solely in strategies, plans and presentations and became part of the national power system.

This milestone is important not only from the perspective of climate policy. The development of OWFs also strengthens Poland's energy security and independence. In a world where geopolitics increasingly affects the prices and availability of energy resources, domestic energy sources are becoming not so much an advantage as a necessity. Unlike many commodities, wind is not subject to import restrictions or exchange rate fluctuations, although it can of course remain just as unpredictable as the Baltic weather.

However, the benefits of developing offshore wind farms are not limited to environmental considerations and energy security. The sector also represents an opportunity for the development of domestic industry, ports, the services sector and the entire supply chain. Recent years have brought significant changes to the industrial policy of the European Union. The Net-Zero Industry Act (NZIA) plays a particularly important role in this respect, with the objective of increasing the manufacturing capacity of the European net-zero technology industry, including the wind energy sector. In the coming years, these solutions will also gradually be reflected in Polish legislation.

Given the scale of the changes that have taken place in recent years, we are pleased to present this updated edition of our guide. We hope that it will serve as a practical source of knowledge both for market participants and for anyone interested in the OWF sector in Poland. If this publication helps make even a few complex regulations a little less complex, we will consider our objective achieved.

We hope you enjoy reading it.



Karol Lasocki, PhD
Partner
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Market overview

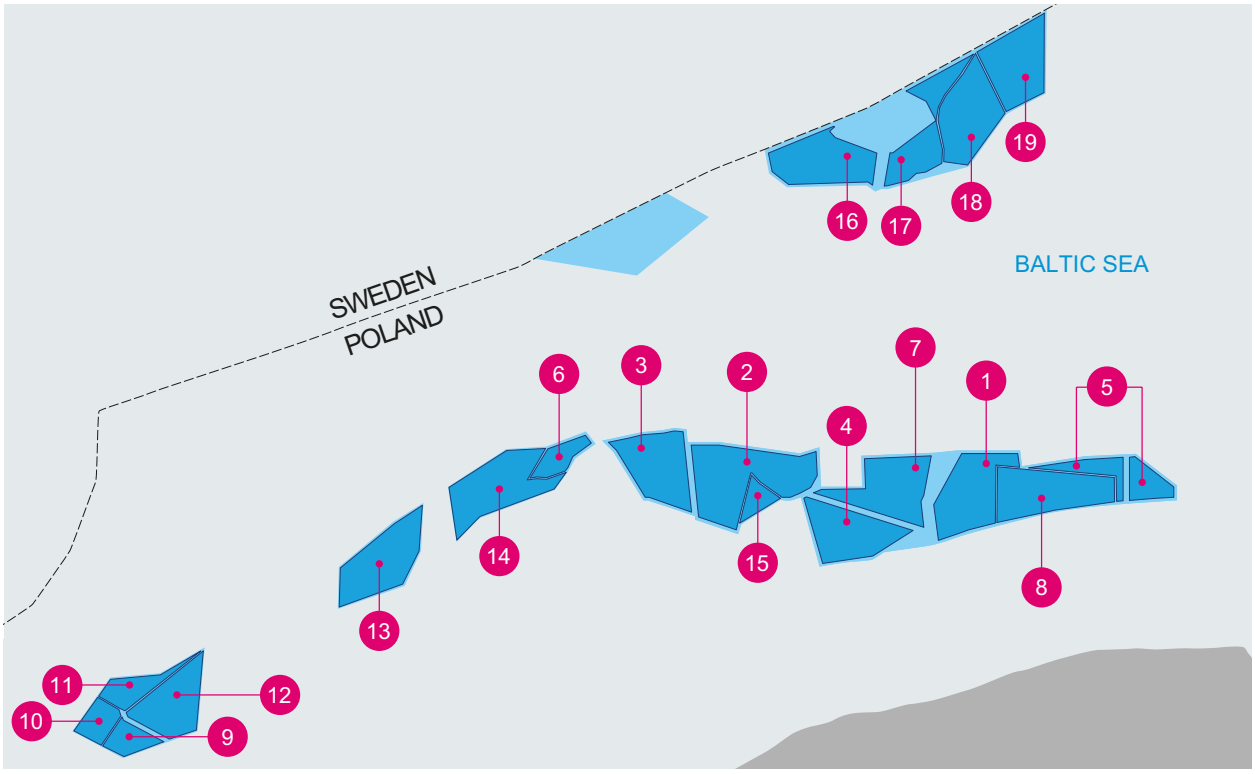
Plans for development of the market in Poland

Offshore wind energy continues to be at the centre of interest for both Polish and foreign investors. The governmental strategic document "Energy Policy of Poland until 2040" indicates that the development of the offshore wind energy market is a strategic objective of Polish energy policy. The need to develop the sector is also highlighted in NECP, adopted by the Council of Ministers in June this year.

In July this year, an important milestone in the development of the sector was reached, when electricity generated by an OWF was fed into the Polish power grid for the first time. Consequently, we should expect further projects from the so-called first phase of offshore wind development in Poland to enter the operational phase in the near future. The total capacity of projects to be implemented by 2040 may reach nearly 18 GW.

The coming years should therefore see dynamic development of the sector, contributing to the development of the local supply chain and significantly supporting the achievement of the climate targets set by the European Union. At the national level, the NECP assumes a 30% share of RES in gross final energy consumption by 2030 (32% under the WAM accelerated transition scenario) and 44% by 2040 (52% under the WAM accelerated transition scenario).

The development of the offshore sector will therefore support the achievement of these targets. In addition, we will see a certain interplay between climate policy and the State's industrial policy. The activities and development of domestic companies will receive additional support from national and EU regulations, including the Net-Zero Industry Act (NZIA), aimed at developing domestic industry and a resilient supply chain. Recent years have shown that these are priority issues from the perspective of national interests and, more broadly, those of the European Union. As indicated in the NECP, the prospects for the development of OWFs in Poland offer a strategic opportunity to firmly establish a local supply and services chain in the sector. Local content, currently at approximately 20%, may ultimately increase to at least 40% as domestic capabilities are built, supply chains develop and the necessary industrial infrastructure is expanded.



Investors

The key investors currently involved in OWF projects in Poland have a proven standing and an established position in the energy market. They include both domestic and foreign companies. Projects will be financed from public and private funds.
Seven OWF projects are being developed under the first phase of offshore wind development. These are:

1. Baltic Power (Orlen / Northland Power) – 1,200 MW[1]
2. Baltica 2 (PGE / Orsted) – 1,500 MW
3. Bałtyk 2 (Polenergia / Equinor) – 720 MW
4. Bałtyk 3 (Polenergia / Equinor) – 720 MW
5. BC-Wind (Ocean Winds) – 390 MW
6. FEW Baltic II (PGE) – 350 MW[2]
7. Baltica 3 (PGE / Orsted) – 1,050 MW

All of the above projects have received decisions of the President of ERO granting the right to cover the negative balance for electricity. The most advanced of these projects, Baltic Power, fed electricity into the grid for the first time in July this year. The coming year should see further projects entering the operational phase.

As regards the second phase of offshore wind development, a further 12 OWF projects are being developed. These are:
8. Baltic East (Orlen) – 900 MW
9. Energa MFW 1 (Orlen) – 812 MW
10. Energa MFW 2 (Orlen) – 896 MW
11. Orlen Neptun III (Orlen) – 1,204 MW
12. Orlen Neptun IV (Orlen) – 1,204 MW
13. Baltica 7 (PGE / Tauron) – 990 MW
14. Baltica 9 (PGE) – 975 MW[3]
15. Baltica 2+ (PGE / Orsted) – 210 MW
16. Bałtyk 1 (Polenergia / Equinor) – 1,560 MW
17. Baltica 1 (PGE) – 900 MW
18. Baltica 1+ (PGE) – 1,185 MW
19. Baltica 5 (PGE / Enea) – 555 MW

Three of these projects were successful in last year's first auction for OWFs, held in December 2025.[4]
The next auction will be held in 2027. There are strong indications that State Treasury companies developing projects under the second phase will opt for strategic partnerships with leading industry investors that already have experience in implementing projects of this kind, as is generally the case with projects under the first phase.

Investment costs

Investment costs for OWFs showed a downward trend until 2018. At that time, the construction of OWFs was estimated at EUR 2.5 million/MW, compared with an average CAPEX of EUR 4.5 million/MW in 2015.

Since then, however, costs have gradually increased due to a number of factors. The main drivers of this increase include inflationary pressure associated with high energy prices, rising component costs and disruptions to global supply chains. CAPEX is currently estimated at PLN 19 million/MW (approximately EUR 4.4 million/MW).

Forecast for the market until 2040

According to the NECP, the assumptions for the development of offshore wind energy in Poland are as follows:

- by 2030, OWF capacity is expected to reach approximately 5.9 GW;
- by 2040, this capacity is expected to increase to 17.9 GW.

The figure of 17.9 GW in 2040 is indicated under the "ambitious" scenario, i.e. the WAM accelerated transition scenario, while the baseline scenario provides for approximately 11.8 GW in 2040.
The market considers this ambitious assumption to be realistic.

Importantly for the achievement of these objectives, PSE confirms that the planned expansion of the national power system will enable the connection of OWFs with the assumed capacity. This will certainly be a demanding task, particularly given, among other things, the high-capacity nuclear generation sources also planned in northern Poland, which will likewise need to be connected to the grid.

The supply chain

The domestic supply chain for offshore wind energy is gradually becoming a reality. The first component

[1] Information on the capacity of individual projects is approximate and is based on information published directly by the individual investors on their websites and, additionally, on https://www.gov.pl/web/morska-energetyka-wiatrowa/obecnie-realizowane-projekty-w-polsce.

[2] The project was sold by RWE to an SPV of PGE in March 2026. According to the official press release, the acquisition of the FEW Baltic II project enables the PGE Group to achieve synergies from the joint development of FEW Baltic II and Baltica 9, which will henceforth be developed as the Baltica 9+ project with a capacity of approximately 1,325 MW.

[3] Following the acquisition of the FEW Baltic II project by the Baltica 9 SPV, the two projects are to be combined to form Baltica 9+, with a total capacity of approximately 1,325 MW.

[4] i.e. Baltic East (Orlen), Baltica 9 (PGE), and Bałtyk 1 (Polenergia / Equinor).



manufacturing facilities and an installation terminal are already operational, while further investments are under development.

The Świnoujście Offshore Terminal has been operational since June 2025. It is the first OWF installation terminal in Poland, and 95 Polish companies were involved in its construction. In June 2026, ORLEN Neptun, the Szczecin and Świnoujście Seaports Authority signed a letter of intent concerning its expansion. The Baltic Towers tower manufacturing facility in Gdańsk and the Vestas offshore turbine nacelle assembly facility are also already operational. Projects currently under development include an installation port in Gdańsk, with a value of approximately PLN 1.2 billion, the Windar tower manufacturing facility in Szczecin, with a value of approximately PLN 700 million and expected to create approximately 500 jobs, as well as further stages of the expansion of the port in Świnoujście. Service bases in Łeba, Ustka and Władysławowo are also expected to play an important role in the system.

The scale of the economic benefits has been estimated in the NECP. According to the NECP, local content for OWFs may increase to at least 40%. With investment expenditure of nearly PLN 274 billion in 2026-2040, this would mean that approximately PLN 110 billion would remain in the domestic economy.[5] The industry's assessment is broadly consistent with this estimate. The Polish Wind Energy Association (PWEA) estimates that the share of domestic companies in the supply chain may exceed 40%, with this figure increasing steadily.

However, maintaining the pace of the sector's development depends on a number of factors. Delays in the development of port infrastructure, both service and installation infrastructure, are among the most significant barriers. For example, the installation terminal was initially planned to be built in Gdynia and to become operational in 2024. However, a decision was made to relocate the project to Gdańsk, which extended the process. Ensuring adequate availability of domestic port infrastructure will therefore be an important element of the sector's further development, particularly during periods of intensified installation activities in the coming years.

Attention is also being drawn to the need to update the spatial development plan for Polish maritime areas so as to secure a portfolio of locations for new projects beyond 2040. Such a long-term investment horizon would be an important factor encouraging investors to become involved in the offshore sector.

Regulatory challenges

At present, administrative procedures remain one of the main challenges for investments in OWFs in the Baltic Sea. The need to obtain a total of more than 20 decisions and assessments issued by a number of different authorities means that merely commencing the implementation of a project requires many years of preparation. During this process, in which almost every subsequent stage requires the successful completion of the preceding one, an investor must collect hundreds of documents. The process requires a number of opinions and arrangements between authorities. An investment of this scale naturally requires thorough verification. Nevertheless, delays in obtaining individual documents required for its implementation remain a problem. The actual construction period of an OWF therefore represents only a fraction of the time required to implement such a project, as the most time-consuming element of the process is securing the necessary administrative decisions.

> The domestic supply chain for offshore wind energy is gradually becoming a reality. The first component manufacturing facilities and an installation terminal are already operational, while further investments are under development.

[5] According to information published by the Ministry of Energy: https://www.gov.pl/web/energia/krajowy-plan-w-dziedzinie-energii-i-klimatu-przyjety-przez-rade-ministrow-dokument-opracowalo-ministerstwo-energii

The offshore support system in Poland – key rules

The offshore support system in Poland is based on the mechanism of the right to cover the negative balance, which is intended to cover the difference between the market price of electricity and the price enabling producers to cover the costs of generating electricity offshore.

This mechanism is regulated by the Act, which is dedicated to this sector. In addition to the rules governing the operation of the support system, the Act also contains a number of specific regulations concerning the preparation, implementation and operation of offshore wind energy projects.

Settlement of the negative balance takes place on terms similar to those applicable under the auction support system for onshore RES installations, which has been in operation for many years. One of the difference is that, in the case of OWFs, the support system is divided into two phases. These phases differ in terms of the method used to select projects entitled to the right to cover the negative balance.

Under the first phase, the right to cover the negative balance was obtained on the basis of an administrative decision issued by the President of ERO at the investor's request, for the most advanced projects located within the areas specified in Annex 1 to the Act. The total installed electrical capacity of OWFs for which the President of ERO could issue a decision granting the right to cover the negative balance under the first phase could not exceed 5.9 GW. Support under this phase could be granted by the President of ERO until 30 June 2021. Importantly for first-phase projects, payment of the negative balance was conditional upon the European Commission issuing, in respect of each project, a decision confirming the compatibility of the state aid with the internal market. Seven OWFs were granted support under this phase.

The second phase of the support system is based on a competitive auction formula, under which the right to cover the negative balance is granted to producers who have obtained a certificate of admission to the auction and generate electricity for the first time after the closing date of the auction session in an OWF located within the boundaries of an area specified in Annex 1 or 2 to the Act.

The first of the planned auctions has now been completed. It was held in December 2025 and four producers participated, three of whom were selected as successful bidders. As a result of the auction, OWFs with a total installed electrical capacity of more than 3.4 GW will be developed. Further auctions, which are to cover an additional 8 GW of capacity eligible for the right to cover the negative balance, are scheduled for 2027, 2029 and 2031.

In the following sections of this guide, we outline the key rules of the offshore support system, the conditions for obtaining support, how it is settled and the main obligations of producers developing OWF projects in Poland.





In both the first and second phases, funds to cover the negative balance are paid out by Zarządca Rozliczeń S.A., a special-purpose State Treasury company acting as the renewable energy settlement operator, whose role is to collect funds for covering and settling the negative balance.

The negative balance is the difference between the value of electricity sales in a given month (calculated on the basis of electricity exchange prices) and the value of that electricity calculated using the prices indicated in the decision (first phase of the support

system) or in the offer that won the auction (second phase of the support system). This price is subject to annual indexation by the average annual consumer price index determined by the President of the Central Statistical Office. In the case of the second phase of the support system, the indexation is capped at the medium-term inflation target set by the Monetary Policy Council in the monetary policy guidelines for the relevant year.

The maximum period of support during which producers may benefit from the right to cover the negative balance in respect of electricity generated in a given OWF or part thereof and fed into the grid on the basis of the licence granted is 25 years from the first day of the period for which the producer applied for coverage of the negative balance. The support applies to 100,000 hours multiplied by the installed electrical capacity of the OWF or part thereof.

The right to cover the negative balance takes the form of a so-called two-sided contract for difference. This means that when market electricity prices exceed the prices determined for producers under the support system, producers are required to return the surplus. The settlement period is one month and, during these periods, the surplus generated (positive balance) is settled against future negative balances. Only where the accumulated balance for the entire calendar year is positive it is returned by the investor to Zarządca Rozliczeń S.A.

1. First phase of the support system

1.1. What is the essence of the first phase?

Under the first phase of the support system for OWFs, support was granted on the basis of individual administrative decisions of the President of ERO granting the producer the right to cover the negative balance (contract for difference). Support decisions could only be issued until 30 June 2021 and were limited to installations with a total capacity of 5.9 GW, within the designated maritime areas determined on the basis of the geocentric geodetic coordinates set out in Annex 1 to the Act. Importantly for first-phase projects, payment of the negative balance was conditional upon the European Commission issuing, in respect of each project, a decision confirming the compatibility of the state aid with the internal market.

1.2. How did the qualification process work?

By 30 June 2021, the President of ERO had issued seven support decisions on the basis of complete applications submitted by producers, together with the required attachments, no later than 31 March 2021.

For projects located within the relevant areas, the order in which the right to cover the negative balance was granted was determined by the order in which complete applications together with the required attachments were submitted (first come, first served).

1.3. The price serving as the basis for calculating the balance

Initially, the electricity price constituting the basis for calculating and paying the negative balance was specified in the decision issued by the President of ERO as the maximum price, in accordance with the relevant regulation of the minister in charge of climate issues (set at PLN 319.6/MWh).

The price is subject to adjustment in an amending decision issued by the President of ERO following confirmation by the European Commission that the individual aid granted to the relevant project is compatible with the internal market.

The price as updated may not exceed the maximum price previously determined and, where it is lower than that maximum price, the Act allows producers to waive the right to cover the negative balance within a specified period.

1.4. Claw back mechanism

A mechanism has also been provided for in the event of significant changes in the material and financial parameters of the implementation of an OWF project. Such changes will be taken into account if they occur after the above-mentioned amending decision of the President of ERO has been issued (i.e. the decision determining the price constituting the basis for the settlement of the negative balance) and before the point at which the implementation of the investment becomes irreversible, understood as the commencement of construction works or entry into the first binding commitment to order equipment or any other commitment rendering the investment irreversible.

If such a change leads to an increase in the IRR for the project by more than 0.5 percentage point, the producer is obliged to apply to the President of ERO for an update, i.e. a decrease of the price indicated in the decision. This mechanism is called claw back. It is intended to enable the President of ERO to change the price indicated in the decision in such a way as to ensure that the originally assumed IRR will finally increase only by the sum of 0.5 percentage point and half of the increase in the IRR above the said 0.5 percentage point, but not more than 1 percentage point, compared to the originally assumed IRR. The claw back applies exclusively to the first phase of the support system.



1.5. The incentive effect

Apart from the claw back mechanism described above, an important feature of the first phase is the obligation to consider the so-called incentive effect. This obligation is dependent on the public character of the support provided, and is intended to prevent instances of "oversupport".

Based on the data and technical and economic justification provided by the producer in the application for granting the right to cover the negative balance, the President of ERO considered whether the planned investment would be implemented if the support was not granted. If the investment would have been implemented even in the absence of support, the producer was denied the right to cover the negative balance.

2. Competitive auctions – second phase of the support system

2.1. When will the auctions be held?

Organisation of the auctions has been entrusted to the President of ERO. Importantly, both the dates of conducting the auctions in the initial period, as well as the maximum total installed capacity of OWFs that may be granted the right to cover the negative balance have been established beforehand. The auctions have been scheduled for the following years:

- 2025 – for the volume of installed electrical capacity up to 4 GW (the auction was concluded in December 2025 and will result in the development of OWFs with a total installed electrical capacity of 3.435 GW);
- 2027 – 4 GW;
- 2029 – 2 GW;
- 2031 – 2 GW.

Importantly, if the total installed electrical capacity of OWFs resulting from the offers that won the auctions is lower than the maximum installed electrical capacity of OWFs specified for a given calendar year, the remaining difference increases the maximum installed electrical capacity of OWFs in respect of which the right to cover the negative balance may be granted in the subsequent auction (therefore, in the 2027 auction, taking into account the results of the 2025 auction, support may be granted to projects with a capacity exceeding 4.5 GW).

Additionally, if the total installed electrical capacity of OWFs resulting from the offers that won the auction in 2031 is lower than the maximum installed electrical capacity of OWFs specified for that calendar year, the President of ERO will conduct an auction for the remaining difference in 2032, provided that it amounts to at least 500 MW.

At the same time, it is envisaged that the auctions may also be carried out in years other than those indicated above, starting from 2033, if, by way of a regulation, the Council of Ministers decides to carry them out. Moreover, the Council of Ministers, in the cases specified in the Act, may, by way of a regulation, reduce the maximum installed electrical capacity of OWFs provided for the auctions in 2027, 2029 and 2031.

The guarantee that the auctions will be held on the specified dates, together with an indication of the volumes of installed capacity of OWFs that may be granted the support, should encourage investors to make informed investment decisions.

2.2. How does a project qualify to participate in an auction?

Ready-to-build offshore wind power projects may participate in an auction if they:

- hold a certificate of admission to participate in the auction; and
- have established security in the form of: (i) a deposit of PLN 60 (approximately EUR 14) for each 1 kW of capacity or (ii) an equivalent bank or insurance guarantee.

Obtaining a certificate of admission to an auction is preceded by a pre-qualification procedure conducted by the President of ERO. Investors should demonstrate that they have ready-to-build installations, i.e. that the following criteria are met:

- the project holds initial grid connection conditions or a concluded grid connection agreement;
- the project holds an EID and a final and non-appealable seabed permit;
- a schedule of works and expenditures for the construction has been presented;
- a supply chain plan for materials and services has been attached;
- an electrical diagram (single line) of the OWF and the set of equipment used for power output has been presented; and
- a map confirming that the location of the wind farm corresponds to the boundaries of the area specified in Annex 1 or 2 to the Act has been submitted.

In addition, the producer attaches to the application for a certificate of admission to the auction the statements required when applying for state aid, submitted under pain of criminal liability, as well as the original or a certified copy of a document confirming the authority of the person signing the application to act on behalf of the producer.

After meeting the pre-qualification criteria, the President of ERO issues the certificate of admission to the auction within 45 days. The certificate remains valid for 36 months from the date of its issue.

Investors who meet the above conditions but whose project has not yet obtained an EID may apply for a preliminary certificate of admission to the auction, which remains valid for 12 months from the date of its issue. Importantly, however, this document does not entitle the investor to participate in the auction. Within 14 days from the date on which the producer supplements the application for a certificate of admission to the auction with the missing EID, the President of ERO reassesses the application from a formal perspective and either issues the certificate of admission to the auction or refuses to issue it.

2.3. How does the auction proceed and who wins?

The President of ERO informs about the date of the auction session no later than 3 months before the date on which the session begins. Then, no later than 30 days before the date of the auction, the President of ERO publishes a formal auction announcement in the ERO Public Information Bulletin, specifying in particular the opening and closing times of the auction session and information on the maximum



total installed electrical capacity of OWFs in respect of which the right to cover the negative balance may be granted.

Due to the limited supply of projects, all OWFs, regardless of their technical parameters, will compete in one auction basket.

The bidder submits an offer comprising:

- the estimated amount of electricity expressed in MWh that the bidder plans to generate in the OWF and feed into the grid in order to obtain coverage of the negative balance; and
- the price expressed in PLN/MWh at which the bidder agrees to sell electricity under the contract for difference

Support is granted to producers offering the lowest price for electricity generated in the OWF. The prices offered by producers may not exceed the maximum price specified in the relevant regulation issued by the minister in charge of climate issues (currently, depending on the area in which the OWF is to be located, the maximum prices range from PLN 485.71/MWh to PLN 512.32/MWh). If several bidders offer the same lowest electricity price, the order in which the offers were submitted is decisive. The offers of the successful producers may not exceed in total:

- 100% of the maximum total installed electrical capacity of OWFs specified in the auction announcement for a given grid connection point and 90% of the total installed electrical capacity of OWFs covered by all offers;
- 100% of the maximum total installed electrical capacity of OWFs in respect of which, according to the auction announcement, the right to cover the negative balance may be granted.

The 90% threshold is intended to ensure the competitiveness of offers even where there is only a limited number of projects, i.e. at least three projects (if fewer than three valid offers are submitted, the auction is not settled).

A mechanism has also been provided for a situation in which the next lowest-priced offer exceeds the remaining installed electrical capacity available in the auction. If the conditions specified in the Act are jointly met, such an offer may still win and guarantee the right to cover the negative balance despite exceeding the installed electrical capacity provided for a given auction. In such a case, the amount of installed capacity by which the auction limit has been exceeded reduces the maximum installed electrical capacity in respect of which the right to cover the negative balance may be obtained in the subsequent auction.

> The OWF support system consists of two phases. Under the first phase, the right to cover the negative balance was granted on the basis of decisions issued by the President of ERO. The second phase is based on a competitive auction formula.

After the auction session closes, the President of ERO will make public information on:

- the results of the auction, including, among other things, the producers whose offers won the auction, the prices of those offers, the installed electrical capacity of the individual OWFs covered by those offers and the planned dates of first generation of electricity; or
- the reasons for the annulment of the auction.

An auction may be annulled only if all offers have been rejected or the auction could not be carried out for technical reasons.

Within 60 days from receiving information on the results of the auction, a producer whose offer won the auction submits to the President of ERO a financial analysis of the OWF investment verified by a certified auditor, indicating the expected IRR on that investment, as well as information on its economic situation, including financial statements for the last three financial years, prepared in accordance with accounting regulations.

3. Support system and investment state aid – adjusted price

An important factor in preventing the effect of "oversupport" is the need to reduce the price indicated in the auction offer or in the decision issued by the President of ERO as part of the first phase of the support system, if the investor receives investment state aid from public funds.

The rules for calculating the adjusted value of investment state aid (depending on the value of the aid granted in each year and the relevant reference rate) are set out in detail in the Act. Such value reduces the electricity price indicated in the auction offer or in the decision of the President of ERO, resulting in an adjusted price, which is then the basis for the payment of the negative balance.

When submitting an application for a licence to generate electricity in an OWF, and subsequently throughout the entire support period, the producer is obliged to regularly, i.e. once a year, inform the President of ERO that no investment state aid has been granted, or to provide the value of such aid and recalculate the adjusted price accordingly. Submitting a false statement is subject to a penal sanction. At the same time, if investment state aid is granted after the date on which the statement was submitted or the value of such aid changes, the Act requires the producer to provide the President of ERO with updated information in this respect no later than on the tenth day of the month following the month in which such aid was granted or its value changed. In addition, failure to provide the President of ERO with the required statements within the prescribed time limit is subject to an administrative fine.

4. Financing of the support system

A stable functioning of the support system for many years requires, first of all, the provision of adequate funds to cover the negative balance and the costs of operation of the settlement operator, i.e. Zarządca Rozliczeń S.A. The existing principles of financing the support system for onshore RES installations, which have already proven effective under the RES Act, are used for this purpose. The necessary funds are provided by means of the RES fee collected by the TSO through DSOs. DSOs collect the RES fee from end users directly connected to the grid, i.e. primarily households. Consequently, the financing of the support system is independent of the situation of the State budget. The rules for calculating the RES fee are set out in the RES Act: DSOs calculate it as the product of the RES fee rate and the amount of electricity consumed by the end user. The RES fee rate, in turn, is determined by the President of ERO and published in the ERO Public Information Bulletin by 10 November each year. The funds collected in this way are kept in a dedicated bank account of Zarządca Rozliczeń S.A. If the amount of funds in the RES fee account proves insufficient to cover the negative balance, Zarządca Rozliczeń S.A. is required, among other things, to incur debt to cover the shortfall. As can be seen, Zarządca Rozliczeń S.A. acts as the guarantor of the stability of the support system, and therefore the applicable regulations strictly define the subject and scope of its activities.

5. Can a producer apply for support for two OWFs?

The Act allows producers to apply for the right to cover the negative balance in respect of two OWFs located within the boundaries of the same area specified in Annex 2 to the Act (although, within the same auction, a producer may submit an offer for only one OWF).

Where support is sought for two OWFs, the condition is that the total installed capacity of those two OWFs may not exceed the maximum installed capacity resulting from the seabed permit for the project located within the boundaries of the relevant area.

In addition, the installed capacity of each of those OWFs may not be lower than 25% of the maximum installed capacity resulting from that seabed permit.

6. Can first-phase projects participate in an auction?

It is also worth noting that, subject to certain conditions, the Act allows producers that obtained support under the first phase to participate in auctions.

In such a case, the possibility of applying for the right to cover the negative balance concerns a second OWF located within the boundaries of the same area specified in Annex 1 to the Act as the first OWF (which received support under the first phase).

The key condition, however, is that the installed electrical capacity of the second OWF may comprise only the surplus of the installed capacity specified in the seabed permit over the capacity specified in the decision granting support issued under the first phase.

In addition, the support granted in this manner may not exceed 200 MW across all auctions in which such a project has participated.

7. Timeframe for the implementation of the project within the support system

7.1. Age requirements for OWF equipment

There are certain restrictions with respect to the age of the equipment that may be included in an OWF that benefits from the support system. The OWFs may not include equipment, including the set of



equipment for power output, produced earlier than 72 months before the date of generation of electricity for the first time, or equipment which was previously depreciated within the meaning of the accounting regulations.

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

7.2. Deadline to generate electricity for the first time

The basic obligation of a producer who won an auction for the sale of electricity from RES (second phase of the support system) or obtained a decision of the President of ERO granting the right to cover the negative balance (first phase of the support system) is to generate electricity in the OWF and feed it into the grid for the first time within 7 years from the date of the auction session or, in the case of projects under the first phase of the support system, from the date of the amending decision of the President of ERO (i.e. the decision setting a price constituting the basis for the negative balance coverage), respectively. In both cases, the producer should already hold a licence for electricity production.

There is a possibility to extend the deadline for fulfilling the first generation obligation. The producer whose offer won the auction may apply to the President of ERO for consent to extend the 7-year deadline for the first generation and feeding electricity into the grid in the following cases:

- an act of force majeure, understood as an event or series of events independent of the producer which could not be avoided or overcome by the producer (including natural disasters, wars, acts of terrorism, riots, states of epidemic, etc.), for a period not exceeding the period from the occurrence of the force majeure event until the effects of the force majeure preventing the producer from implementing the OWF investment have ceased;
- a breach by the TSO or the DSO of the grid connection agreement implementation schedule, for the period by which the operator breached the schedule;
- an event, action or omission of a third party occurring as a consequence of circumstances for which the producer is not responsible, for a period not exceeding 12 months from the expiry of the deadline for the first feeding of electricity into the grid.

The producer is obliged to attach certain documents to the application for extension of the deadline. These include, among other things, a bank or insurance guarantee, the validity of which exceeds by 120 days the period necessary to implement the investment as a result of the delays, if the application concerns an installation for which security in the form of a bank or insurance guarantee has been established. The extension of the deadlines covers the time necessary to carry out the investment, but not longer than both the period indicated in the application and the duration of the delay caused by the above events.

Analogous rules apply to projects under the first phase of the support system.

The Act also provides for an additional mechanism protecting a generator from losing the right to coverage of the negative balance in the event of failure to meet the deadline for generating and feeding electricity into the grid. No later than 12 months before the expiry of the seven-year period for fulfilling this obligation (taking into account any extension of that period), the generator may notify the President of ERO that it will be unable to fulfil the obligation within the prescribed time limit. In such a case, the generator will retain the right to coverage of the negative balance, provided that it generates and feeds electricity into the grid within 24 months from the expiry of the original deadline for fulfilling the obligation.

It should be emphasised, however, that this additional 24-month period does not constitute an extension of the deadline for fulfilling the obligation. Upon expiry of that deadline, the generator will bear all adverse consequences resulting from its failure to comply with it, including, in particular, the loss of the security provided for the performance of the obligation. The effect of this mechanism is therefore limited. It merely allows the generator to retain the right to coverage of the negative balance if, despite having failed to meet the deadline for fulfilling the obligation, it generates and feeds electricity into the grid within the subsequent 24-month period.

If the producer fails to fulfil the obligation to generate electricity within the statutory deadlines, including their extension, the deposit is forfeited in favour of the President of ERO or the President of ERO executes the bank or insurance guarantee for an amount corresponding to that part of the installed electrical capacity of the OWF for which the producer failed to obtain a licence for electricity generation within the required deadline – unless the producer demonstrates that the failure to fulfil the obligation resulted from circumstances for which the producer is not responsible.

Category of renewable installation	Deadline to sell electricity for the first time
Onshore wind	33 months from the auction closure date
Solar energy	33 months from the auction closure date
Offshore wind	7 years from the amending decision of the President of ERO (i.e. the decision setting the price constituting the basis for the negative balance coverage) / auction closure date
Biomass	42 months from the auction closure date

8. Specific OWF grid connection rules

The Act introduced specific regulations concerning the connection of an OWF to the grid, which differ from the general rules. One such solution is that, instead of grid connection conditions the TSO or DSO issues initial grid connection conditions to entities intending to use the support system. Initial grid connection conditions are not issued to entities that have decided not to participate in the support system. In both cases, only entities holding a seabed permit may apply for initial grid connection conditions or grid connection conditions.

In order to obtain a certificate of admission to the auction, it is necessary to present, among other things, initial grid connection conditions, grid connection conditions or an agreement for the connection of the OWF to the transmission or distribution grid. Similarly, these documents also had to be presented in order to benefit from the first phase of the support system.

Initial grid connection conditions are valid for 2 years from the date of their delivery, subject to the possibility of extending their validity by 2 years on the basis of an application submitted by the producer to the TSO or DSO no later than 2 months before the expiry of their validity period. Unlike grid connection conditions, initial grid connection conditions do not constitute an obligation on the part of the grid operator to conclude a grid connection agreement. However, as of the date of the amending decision of the President of ERO (i.e. the decision determining the price constituting the basis for the settlement of the negative balance) or, in the case of a producer whose offer won the auction, as of the date on which the auction was settled, the initial grid connection conditions become grid connection conditions valid for 2 years. However, it should be noted that, although the Act provides for a 2-year validity period for grid connection conditions, the Energy Law, following an amendment which entered into force on 30 April 2026, provides that grid connection conditions for OWFs are valid for 10 years. As at the date of this Guide, this discrepancy has not yet been clarified.

The grid connection agreement specifies, among other things, the date of the first delivery to the grid of electricity generated in the OWF. This date may not be later than 10 years from the date of conclusion of the grid connection agreement. However, this deadline may not expire earlier than 7 years after the right to support has been obtained, plus any extension of the deadline for the first delivery of electricity. Within 90 days of obtaining the support, the parties adjust the deadline for the first delivery of electricity specified in the grid connection agreement accordingly to meet this requirement.

9. Construction and potential sale of the OWF power output infrastructure

The obligation to construct the transmission infrastructure for the power output from the OWF up to the grid ownership demarcation point rests with the investor. To facilitate the implementation of such projects, the provisions of the Act on the Preparation and Implementation of Strategic Investments in the Field of Transmission Grids apply to investments

concerning equipment used for power output from an OWF.

9.1. Right of first refusal

The TSO has the right of first refusal with regard to the set of equipment used for power output from an OWF where the producer intends to dispose of it.

The producer is required to notify the TSO of its intention to dispose of the power output infrastructure and of the material terms of the contemplated transaction, in particular the price or the value of the consideration. The TSO then has one month to submit a statement of its intention to acquire the equipment. Such declaration constitutes the basis for commencing negotiations between the producer and the TSO. The producer shall provide the TSO with the information necessary to determine the terms of the agreement for the sale of the set of equipment (including the price). The sale price of the equipment is determined using the replacement cost method.

If, within 6 months from the submission of the statement by the TSO, the parties fail to reach an agreement on the terms of the agreement transferring ownership, either party is entitled, within 3 months from the expiry of that period, to apply to the President of ERO to determine the terms of the agreement, including the price. After obtaining the opinion of an expert (an experienced certified auditor), the President of ERO determines the terms of the sale agreement by way of a decision. The decision is binding on the parties from the date on which it is issued, is immediately enforceable, and an appeal does not stay its enforcement.

If the TSO has not submitted a statement on exercising the right of first refusal or if, despite the TSO having submitted such a statement, the sale agreement is not concluded, the owner of the transmission equipment may dispose of it to a third party.

Within 14 days after the disposal, the producer is obliged to inform the President of ERO of the contents of the disposal agreement. Failure to provide the information within the prescribed period, or the provision of false or incomplete information, is subject to a financial penalty of PLN 500,000.

> The NECP envisages approximately 5.9 GW of installed OWF capacity by 2030 and approximately 11.8 GW under the baseline scenario or up to 17.9 GW under the accelerated transition scenario (WAM) by 2040.

Any disposition of the power output infrastructure made without notifying the TSO of the intention to make such disposition and of its material terms, as well as any disposition made after such notification but before the expiry of the period for the TSO to submit a statement of intent to acquire the equipment, shall be invalid. If the TSO submits such a statement, any disposition of the power output infrastructure by its owner in favour of a third party shall be invalid if made before the expiry of the period for submitting an application to the President of the ERO for a determination of the terms of





the agreement transferring ownership. If such an application is submitted to the President of the ERO, any disposition made in favour of a third party before the decision of the President of the ERO on the matter becomes final and non-appealable (or, where an appeal is lodged against that decision, before the court judgment becomes final and non-appealable) shall be invalid.

9.2. Right to start negotiations to purchase the power output infrastructure

The TSO is also entitled to request that the owner of the set of equipment used for power output from the OWF commence negotiations for the sale of that set of equipment. The negotiations may last up to 12 months, unless this period is extended by mutual agreement of the parties. If no agreement is reached on the terms of sale, another request to commence negotiations may be submitted by the TSO no earlier than 36 months after the completion of the negotiations (this limitation does not apply to negotiations commenced by mutual agreement of the parties).

9.3. The option right to purchase the power output infrastructure

Finally, the TSO also has the option right to purchase the power output infrastructure of the OWF where the following conditions are met:

- the development plan prepared by the TSO, referred to in Article 16 of the Energy Law, covering Polish maritime areas, has been agreed with the President of ERO;
- the connection conditions for the power output infrastructure were issued after the date on which the development plan referred to above was agreed;
- the purchase of the power output infrastructure is necessary for the implementation of a strategic investment and is justified taking into account the balancing of the interests of energy undertakings and energy consumers; and
- the connection conditions for the power output infrastructure do not concern OWFs for which the producers were granted the right to cover the negative balance under the first phase of the support system.

The TSO may submit to the owner a statement of its intention to exercise the option right no later than on the date of conclusion of the agreement for connection to the transmission grid. The sale price of the power output infrastructure will be determined using the replacement cost method.

The provisions described above concerning the operator's right of first refusal, the operator's right to request negotiations for the purchase of the power output infrastructure and the operator's option right apply to each subsequent owner of the equipment used for power output. Upon the transfer of ownership to the TSO, the equipment becomes part of the transmission grid.

If the TSO purchases the power output infrastructure of an OWF from its owner, the owner is obliged, within 30 days from the date of conclusion of the sale agreement, to apply to the President of ERO for an appropriate adjustment of the price resulting from the auction offer or indicated in the decision of the President of ERO granting the right to cover the negative balance.

10. Mechanism for compensating producers with respect to grid constraints

A mechanism of compensation of producers is established with respect to certain situations where the electricity generated cannot, in whole or in part, be fed into the grid (curtailment).

10.1. Compensation in the event of redispatching of an OWF (curtailment)

Redispatching is a tool used by the TSO in the event of grid constraints. It consists in changing the generation output of electricity generation units in order to modify physical flows in the power system and reduce grid constraints or otherwise ensure system security.

In the case of non-market-based redispatching, producers are generally entitled to financial compensation for electricity that has not been fed into the grid as a result of redispatching. However, an exception to this rule applies to the period before the OWF becomes covered by the guarantee of uninterrupted electricity supply.

This is because the grid operator is obliged to guarantee uninterrupted electricity supply only after the lapse of 7 years from the date on which the President of ERO provided the TSO with information that the producer had obtained the right to cover the negative balance (unless the grid operator undertook to do so earlier in the grid connection agreement).

Consequently, if the grid connection agreement does not guarantee uninterrupted electricity supply and the OWF is within the above seven-year period, the producer is not entitled to financial compensation for electricity that has not been fed into the grid as a result of non-market-based redispatching. In such a case, however, the producer is entitled to the right to cover the negative balance in respect of electricity that has not been fed into the grid.

The right to cover the negative balance is also available to a producer within the above seven-year period where redispatching resulted in reduced generation and the reduction was settled at a price higher than the electricity purchase price specified in the balancing energy offer submitted to the balancing market.

10.2. Compensation in the event of delays in grid investments

Compensation is also provided where there are delays in the implementation by the TSO or DSO of grid investments required to connect an OWF to the grid. In such a situation, the producer is entitled to the right to cover the negative balance in respect of electricity that was not fed into the grid as a result of the delay, for the period from the 30th calendar day following the date of submission of a complete application for the Energisation Operational Notification (EON), but no earlier than the date of readiness to supply voltage specified in the grid connection agreement, until the date on which the Energisation Operational Notification (EON) is issued.

The right to cover the negative balance under this mechanism is calculated assuming that the settlement (market) price is PLN 0/MWh, as a result of which the producer receives compensation equal to the price resulting from the winning auction or the decision of the President of ERO per MWh, depending on the phase of the support system.

The above rules governing the payment of compensation in the event of delays in the implementation of grid investments apply accordingly where the operation of individual components of an OWF or a set of equipment is suspended as a result of a decision of the competent director of a maritime office.

> The grid operator is obliged to guarantee uninterrupted electricity supply after the lapse of 7 years from the date on which the President of ERO provided the TSO with information that the producer had obtained the right to cover the negative balance

This is because the Act on Maritime Safety authorises the competent director of the maritime office to suspend the operation of individual elements of the OWF or the set of equipment. This may only occur where required for reasons of safety, national defence or environmental protection. The suspension is imposed for a specified period, but no longer than until the reasons for issuing the order cease to exist.

11. Transfer of rights and obligations – sale of the project

The transfer of the right to cover the negative balance, i.e. the right to support, is permissible upon the subsequent acquisition, by another entrepreneur, of the ownership of the installation to which this right pertains.

Before concluding the agreement transferring ownership, it is required to obtain the consent of the President of ERO to transfer the rights and obligations of the producer, on the basis of an application submitted jointly by the producer transferring ownership and the purchaser of the OWF.

The purchaser attaches to the application, among others:

- the schedule of works and expenditures for the construction of the OWF together with the set of equipment for power output from this installation;
- the purchaser's declaration on the acquisition, as of the acquisition date, of the rights and obligations of the producer;
- an insurance or bank guarantee, if established for the relevant installation.

The President of ERO refuses to grant consent to the transfer of rights and obligations if the application does not meet the indicated formal requirements. If the President of ERO gives its consent, the right to cover the negative balance, together with the producer's obligations, is transferred to the purchaser of the OWF on the date of its acquisition.

The producer and the purchaser are also obliged to submit to the President of ERO a joint statement on the date of transfer of ownership of the installation within 7 days of such transfer.

Alternatively, it is also permissible to acquire the right to cover the negative balance by purchasing shares in the company implementing such an installation. This does not require the consent of the President of ERO.

12. Supply chain plan for materials and services

Given the aim of ensuring the greatest possible involvement of domestic industry, the Act introduced certain "soft" measures intended to stimulate and incentivise the development of the local supply chain.

Producers applying for the right to support are therefore required to prepare a supply chain plan for materials and services. The plan should include, among other things:

- planned dates of key procedures for the selection of suppliers of materials and services, including the planned contractor selection procedure, the anticipated conditions for participation in the procedure and the criteria for evaluating offers;
- a description of the share of investment expenditure expected to be incurred for the benefit of entities having their registered office or branch in the territory of the Republic of Poland;
- a description and estimated number of jobs that the producer, undertakings belonging to the same capital group as the producer, and suppliers of materials and services intend to create in Poland for the purposes of the construction and operation of the OWF.

Within 18 months from the date of submission of an auction offer under the second phase of the support system or an application for support under the first phase, the producer submits to the President of ERO an updated supply chain plan for materials and services, including information on the dialogue conducted with potential suppliers of materials and services.

In addition to preparing and updating the plan, a producer who obtains the right to cover the negative balance is required to keep records concerning the extent to which the plan is implemented during the construction and operation of the OWF and to submit periodic reports to the President of ERO on the implementation of the plan, including the reasons for any significant deviations from its implementation.

13. Non-price criteria

An important issue affecting the future shape of the auction support system is that, by 30 December 2025, European Union Member States were required to implement non-price criteria in their auction systems. This obligation arises from the provisions of the Net-Zero Industry Act (NZIA), 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. This deadline was not subject to extension or modification and, formally, RES auctions organised from 30 December 2025 onwards should mandatorily include non-price criteria.

The obligation to apply non-price criteria covers net-zero technologies that are renewable energy technologies, including offshore wind technologies.

The NZIA divides non-price criteria into two groups, depending on the stage at which they should be taken into account:

- the mandatory criteria for pre-qualification for an auction are: (i) responsible business conduct, (ii) cybersecurity and data security, and (iii) the ability to deliver the project fully and on time;

- the mandatory criteria for pre-qualification or for awarding contracts in an auction, depending on the preference of the relevant Member State, are criteria aimed at assessing the auction's contribution to sustainability and resilience, provided that the criteria selected to determine the auction's contribution to the above values should be objective, transparent and non-discriminatory.

Where the second group of criteria is applied at the award stage, the NZIA specifies their weighting. Both the auction's contribution to sustainability and its contribution to resilience should account for at least 5%, and together for between 15% and 30% of the award criteria. These are minimum values and Member States may assign a higher weighting to these criteria.

When assessing the auction's contribution to sustainability, it is assumed that auctions should contribute to achieving at least one of the following objectives:

- environmental sustainability going beyond the minimum requirements laid down in applicable law;
- innovation by providing entirely new solutions or improving comparable state-of-the-art solutions;
- energy system integration.

Non-price criteria are to apply to RES auctions covering at least 30% of the total volume auctioned or, alternatively, at least 6 GW per year. Their application may be waived only where the inclusion of non-price criteria would result in disproportionate costs for the Member State. Cost differences exceeding 15% per auction, estimated on the basis of objective and verifiable data, are considered disproportionate.

Commission Implementing Regulation (EU) 2025/1176 of 23 May 2025 laying down the pre-qualification and award criteria for auctions for the deployment of energy from renewable sources, as the implementing act specifying in greater detail the criteria set out in the NZIA, lays down in detail the requirements that bidders should meet under the individual non-price criteria.

Member States are entitled to apply additional non-price criteria going beyond those described above. This means that the scope defined by the above criteria is intended to constitute a minimum only.

However, the application of non-price criteria in RES auctions still requires the adoption of appropriate national legislation. As at the date of this guide, such provisions have not yet been adopted in the Polish legal system.



Spatial development plan for Polish maritime areas

On 22 May 2021, the Regulation of the Council of Ministers of 14 April 2021 on the adoption of the spatial development plan for internal sea waters, the territorial sea and the exclusive economic zone at a scale of 1:200,000 (Journal of Laws of 2021, item 935), referred to in Article 37a of the Act on Maritime Areas (MSP), entered into force. It is a planning act setting out the rules for the development of Polish maritime areas.

1. The role of the MSP

The MSP divides Polish maritime areas into basins with a specific basic function and acceptable functions, and defines prohibitions, limitations and conditions for the performance of these functions in individual basins. Importantly, the MSP provides that the erection of OWFs is allowed only in basins with a basic function of renewable energy generation. However, this limitation does not include the infrastructure used to connect OWFs to the national power system. Linear elements used for the connection and construction of interconnections of OWFs may be implemented in dedicated infrastructure corridors (sub-basins within the default basins designated by the MSP). On the basis of the MA Act, administrative decisions necessary in the course of the development of an OWF may be obtained only if their issuance does not cause a threat to the implementation of the basic function defined for a given basin.

This applies to:

- seabed permit;
- permit to lay and maintain cables in internal waters and territorial sea areas;
- approval for laying and maintaining cables in the exclusive economic zone.

2. Offshore wind farms in the MSP

Currently, the MSP designates seven basins for the development of offshore wind energy: POM.14.E, POM.43.E, POM.44.E, POM.45.E, POM.46.E, POM.53.E and POM.60.E. Within these basins, the Act designates a total of 13 areas where offshore wind farms may be located and operated.

In 2023, seabed permits were issued for 10 of the 11 areas covered by competitive proceedings. The permits were obtained by SPVs belonging to the capital groups of Orlen S.A. and Polska Grupa Energetyczna S.A. The only basin for which a seabed permit has not been issued is 53.E.1, due to NATO military exercises planned in that area until 2040.

Industry representatives emphasise that the further development of offshore wind energy will require an update of the MSP and the designation of additional areas for the development of new OWF projects.

3. SIPAM

The Maritime Administration Spatial Information System (SIPAM) is a publicly accessible platform that collects and provides spatial data and documents concerning Polish maritime areas. The information available there includes, among other things, the graphical part of the MSP, information on issued seabed permits and other permits concerning maritime areas.

Obtaining, transferring and amending the seabed permit

1. Obtaining the seabed permit

Obtaining the seabed permit, which determines the location and conditions for the implementation of investments in Polish maritime areas, is the first stage of the OWF investment process.

The seabed permit is issued by the minister in charge of maritime economy (currently, the Minister of Infrastructure) at the request of the investor, upon obtaining opinions of the ministers responsible for: state assets, energy, economy, energy raw materials management, climate, culture and national heritage protection, fisheries, environment and internal affairs, the Minister of National Defence, as well as the Chief of the Internal Security Agency.

In the application for the seabed permit, the investor is obliged to indicate, among other things, the geocentric geodetic coordinates of the planned project. The proposed location of an OWF should correspond to the area specified in Annex 2 to the Act. The applicant is also obliged to specify the characteristic technical parameters of the project indicated in the Act.

The applicant should also specify the value of the project and the schedule for its implementation, together with an assessment of its economic, social and environmental effects. The application is accompanied by, among other things, a detailed description of the technology of the planned project, an analysis of its impact on the environment and a draft programme for environmental monitoring and management of the investment and operation processes.

2. Competitive proceedings

After submission of the application, the minister in charge of maritime economy is obliged to immediately publish an announcement in the Public Information Bulletin concerning the possibility of submitting further applications for a seabed permit for the basin covered by the application. If at least one complete counter-application is submitted within 60 days from the date of the announcement, the competitive proceeding is initiated.

In the competitive proceeding, the submitted applications are assessed on the basis of whether the projects covered by the applications meet the following criteria:

- compliance of the planned projects with the provisions of the MSP or, in the absence of the MSP, the possibility of using the basin for the purposes applied for, taking into account the opinions of the authorities issuing opinions;
- the periods of validity of the seabed permit proposed by the applicants, including the dates of commencement and completion of construction and operation of the planned projects;
- the method of securing the funds intended for payment of the additional fee;
- the methods of financing the planned projects, including own funds, credits, loans and the proposed financing of the implementation of the investment from public funds;
- the possibility of creating human resources and organisational and logistical resources allowing for the implementation of the planned projects;
- the contribution of the planned projects to the implementation of EU and national sectoral policies.

The detailed criteria for assessing applications in the competitive proceedings, as well as the method of determining the most important criterion, the scoring system, the qualification minimum and the scope of documentation confirming the investor's compliance with the above criteria, are set out in the Regulation of the Minister of Infrastructure of 27 November 2021 on the assessment of applications in competitive proceedings. The Regulation also specifies additional criteria for assessing applications, namely experience in implementing energy storage

projects, the efficiency of use of the basin (where the installed capacity of the OWF is at least 8 MW per km², excluding the area where development is prohibited), and experience in implementing hydrogen projects.

The competitive proceedings must be concluded no later than within 4 months from the date of receipt of the last opinion from the authorities issuing opinions. The applicant selected in the competitive proceedings, to whom the minister grants the seabed permit, is the applicant who has achieved the qualification minimum and obtained the highest number of points among all participants.

3. Refusal to grant the seabed permit

The seabed permit is refused if its issuance would cause a threat to:

- the environment, marine resources or subsea resources, including the rational management of mineral deposits;
- the interests of the national economy;
- national defence and security;
- the safety of maritime navigation;
- the safe practice of maritime fisheries;
- the safety of aircraft flights;
- underwater archaeological heritage;
- safety related to exploration, recognition and exploitation of mineral resources of the seabed and the interior of the earth beneath it;
- the performance of the basic functions of the basins delimited in the MSP, if specified.

4. Term of the seabed permit

The seabed permit is issued for the period from the date on which the decision becomes final until the expiry of 30 years from the date on which the licence for the generation of electricity in the OWF or part thereof becomes final. If the OWF has been erected and used in accordance with the requirements specified in the seabed permit, its validity may be extended for a period of up to 20 years. The extension is granted by way of an administrative decision, and the application for extension is also subject to the opinion procedure.

After obtaining the seabed permit, the investor has a limited timeframe to obtain the BP. As a rule, the seabed permit is declared to have expired if, within 8 years from its issuance, the investor has not obtained the BP for the entirety or part of a project. This period may be extended for the time necessary to obtain the BP, but by no more than 2 years, if, no later than 60 days before the expiry of the above 8-year period, the investor submits to the authority explanations and documents confirming that all actions required by law and aimed at obtaining the BP have been undertaken.

Different timeframes apply to investors who obtained the seabed permit and paid the first instalment of the additional fee (i.e. 10% of the full amount, payable within 90 days from the date on which the seabed permit became final, see section 5) before 1 June 2019. As a rule, such investors should obtain the BP for the entirety or part of the project within 15 years from the date on which the seabed permit was issued. However, where they participated in an auction for the right to cover the negative balance, this period is 3 years from the date of participation in the auction. These investors may also have the above periods extended by no more than 2 years if, no later than 60 days before the expiry of the applicable period, they submit to the authority explanations and documents confirming that all actions required by law and aimed at obtaining the BP have been undertaken. Failure to obtain the BP within the above periods results in the seabed permit being declared to have expired.

The sanction of declaring the seabed permit to have expired also applies if construction of the OWF is not commenced within 3 years from the date on which the BP becomes final, or if, within 5 years from the commencement of installation of the OWF foundations or offshore substations, a licence for the generation of electricity in the OWF or part thereof is not obtained.

5. Seabed permit fees

For the issuance of a seabed permit concerning the exclusive economic zone, the investor pays a fee of PLN 1,500 within 14 days from receipt of a request for payment and an additional fee amounting to 1% of the value of the planned project, payable in four instalments:

- 10% of the full amount of the fee within 90 days from the date on which the seabed permit becomes final;
- 30% of the full amount within 30 days from the date on which the BP for the project becomes final;
- 30% of the full amount within 30 days from the date on which the licence for the generation of electricity in the OWF or part thereof is obtained;

- 30% of the full amount after 3 years from the date of the payment referred to in the point above.

Failure to pay the fees within the specified deadlines results in the seabed permit losing its validity, which is declared by the minister in charge of maritime economy (currently, the Minister of Infrastructure) by way of a decision.

6. Transfer of the seabed permit

Importantly, in the context of the transfer of the seabed permit, the Act on Maritime Areas excludes the transfer of rights arising from the seabed permit pursuant to the provisions of Title IV of the Commercial Companies Code, the Restructuring Law, the Bankruptcy Law and the Civil Code in the case of a legal transaction concerning an enterprise within the meaning of Article 55[2] of the Civil Code.

The transfer of the seabed permit is conditional upon the consent of the original addressee of the decision, the acceptance of all the conditions specified therein by the entity to which the permit is to be transferred, and the absence of any of the threats listed among the grounds requiring the authority to refuse to issue the seabed permit (the interests of the national economy, national defence and security, etc.).

Where the original addressee of the seabed permit is an entity selected through competitive proceedings, the seabed permit may be transferred to another entity only if that entity meets the criteria of the competitive proceedings to a degree no lower than the original addressee.

The transfer is effected by way of an administrative decision issued by the minister in charge of maritime economy (currently, the Minister of Infrastructure). The minister acts in accordance with the principles of non-discrimination and equal treatment of all entities, after obtaining opinions from all authorities that issued opinions on the original application for the seabed permit, including the Chief of the Internal Security Agency.

7. Amendment of the seabed permit

The authority which issued the decision may, at the request of its addressee, amend the seabed permit with respect to the characteristic parameters of the project and the detailed conditions and requirements if, after the permit was issued, there has been a material change in the characteristic technical parameters of the project, the provisions of law or the principles of technical knowledge, or if the justification for changing the characteristic technical parameters of the project results from technical or economic analyses carried out. The authority issues the decision amending the seabed permit after obtaining opinions from the authorities that issued opinions on the original application for the seabed permit.

> Obtaining the seabed permit, which determines the location and conditions for the implementation of investments in Polish maritime areas, is the first stage of the OWF investment process.



Permits for the OWF transmission infrastructure

1. Consents for the laying and maintenance of cables in maritime areas

In order to secure the possibility of constructing the OWF transmission infrastructure connecting installations located in the exclusive economic zone with an onshore grid connection point, the investor is obliged to obtain consents for the laying and maintenance of cables in maritime areas. Two types of consents are issued, depending on the location of the cable. A permit is issued for devices within internal sea waters and the territorial sea, while an approval is issued for the exclusive economic zone. The authority competent to issue the permit is the director of the competent maritime office, while the approval is issued by the minister in charge of maritime economy (currently, the Minister of Infrastructure). These decisions specify the location of the devices and the manner of their maintenance.

With regard to the content of an application for the permit or approval, the provisions concerning the elements of an application for the seabed permit apply. The investor is obliged to indicate, among other things, the geocentric geodetic coordinates of the planned project, specify its characteristic technical parameters, present its value and implementation schedule, as well as an assessment of its economic, social and environmental effects. The application is accompanied by, among other things, a detailed description of the technology of the planned project, an analysis of its impact on the environment and a draft programme for environmental monitoring and management of the investment process.

In the case of projects consisting in the construction of a set of equipment for power output from an OWF, the permit or approval is issued after obtaining opinions on the application from the ministers responsible for: energy, economy, energy raw materials management, climate, culture and national heritage protection, fisheries, environment, water management and internal affairs, the Minister of National Defence, as well as the Chief of the Internal Security Agency. An application for a permit is additionally subject to the opinion of the competent head of commune, mayor or president of the city where the cable is to run onshore.

2. Refusal to grant consent for the cable

By analogy to the seabed permit, the issuance of a permit or approval is refused if it would cause a threat to the following:

- the environment, marine resources or subsea resources, including the rational management of mineral deposits;
- the interests of the national economy;
- national defence and security;
- the safety of maritime navigation;
- the safe practice of maritime fisheries;
- the safety of aircraft flights;
- underwater archaeological heritage;
- safety related to exploration, recognition and exploitation of mineral resources of the seabed and the interior of the earth beneath it;
- the performance of the basic functions of the basins delimited in the MSP, if specified.

3. Term of the cable consent

Both the permit and the approval are issued for the period from the date on which the decision becomes final until the expiry of 30 years from the date on

which the licence for the generation of electricity in the OWF or part thereof becomes final. If the cables have been laid and maintained in accordance with the requirements specified in the decision, the validity of the permit or approval may be extended for a period of up to 20 years. The extension is granted by way of an administrative decision, and the application for extension is also subject to the opinion procedure.

The investor obtaining the above consents is subject to time limits for commencing the laying of the cables and putting them into operation. These activities must be undertaken within 10 years from the date on which the decision becomes final. In addition, within 15 years from the date on which the decision becomes final, the investor must obtain a licence for the generation of electricity in the OWF or part thereof from which power is evacuated by means of the set of equipment covered by the permit or approval. Failure to comply with these obligations may result in the permit or approval being declared to have expired.

The above restriction does not apply to investors who obtained a seabed permit and paid the first instalment of the additional fee (i.e. 10% of the full amount payable within 90 days from the date on which the seabed permit became final, see the section "Obtaining, transferring and amending the seabed permit", section 5. Seabed permit fees) before 1 June 2019. This category of investors is required to commence the laying of cables for which the relevant permits and approvals have been issued within the time limits prescribed for obtaining the BP for the OWF (see the section "Obtaining, transferring and amending the seabed permit", section 4. Term of the seabed permit, with respect to investors who paid the first instalment of the additional fee before 1 June 2019). Otherwise, the authority declares the permit and approval to have expired.

4. Fee for the cable consent

The issuance of the permit and the approval is subject to payment of the applicable fee. The fee amounts to PLN 1,500. Neither the permit nor the approval is subject to the additional fee amounting to 1% of the value of the planned project, which applies exclusively to the seabed permit. Failure to pay the fee within the prescribed time limit results in the invalidation of permit or approval, as declared by the authority competent to issue it by way of an administrative decision.

5. Transfer of the cable consent

The transfer of the permit or approval to another entity takes place in a manner analogous to the transfer of the seabed permit (excluding the provisions concerning competitive proceedings, which do not apply to permits or approvals) – see the section "Obtaining, transferring and amending the seabed permit", section 6. Transfer of the seabed permit.

6. Permit for temporary occupation of internal waters or the territorial sea

At the stage of carrying out works on site, the investor is also obliged to obtain a permit for the temporary occupation of internal waters or the territorial sea (this obligation is not excluded by the prior obtaining of a permit or approval). In accordance with the MA Act, the implementation of projects involving, in particular, the construction of transport and energy infrastructure requires a separate permit issued by the competent director of the maritime office. The purpose of this permit is to specify the maritime safety conditions to be complied with by the investor, for example, requirements and restrictions concerning the carrying out of works. The fee for issuing the permit is PLN 250.



Administrative decisions in the OWF investment process

In order to accelerate the construction and commencement of operation of the farms, special regulations have been provided for to streamline administrative proceedings related to the implementation of these investments.

1. Immediate enforceability of decisions

Administrative decisions, including:

- EID;
- water permit;
- BP;
- PfU,

issued for the purpose of implementing these investments will be immediately enforceable. Similarly, the decision approving the geological works plan prepared to determine the engineering-geological conditions for the purpose of foundation of an OWF and the devices and structures forming part of the set of equipment for power output from the OWF will also be immediately enforceable.

2. Changes in the deadlines for administrative and administrative court proceedings

Another solution aimed at ensuring the efficient conduct of the investment process in terms of obtaining the necessary decisions and permits is the introduction of statutory deadlines within which the EID, water permit, BP and PfU should be issued, as well as deadlines for considering appeals against the above decisions. The deadline for issuing a decision is 90 days from the date of submission of the application for the decision (except for the PfU, for which the deadline is 30 days), while the deadline for considering an appeal is 60 days.



Compliance with the above deadlines is safeguarded through the introduction of a form of supervision. Whenever a deadline is exceeded, the competent authority conducting the proceedings notifies not only the parties to the proceedings, but also the minister in charge of climate issues, and in the case of the BP and the PfU, the General Inspector of Construction Supervision is also notified. In each of the above notifications, the authority conducting the proceedings is obliged to present the reasons for the delay and indicate a new deadline within which the matter will be resolved.

Complaints against the above administrative decisions should be resolved within 30 days from the date of receipt by the court of the case files together with a response to the complaint (which must be forwarded within 15 days from receipt of the complaint). The deadline for considering a cassation complaint is 2 months from the date of its filing.

With respect to BPs issued for an OWF and the set of equipment for power output, it should be noted that the right to lodge an appeal (and subsequently a complaint with the administrative court) is also granted to an environmental organisation which has conducted its statutory activities in the field of environmental protection or nature conservation for at least 12 months prior to the date of initiation of the BP proceedings (even if it did not participate in the BP proceedings up to that point), or to a party to the proceedings concerning the issuance of the EID. The appeal (complaint) is available to the extent to which the BP is inconsistent with the EID.

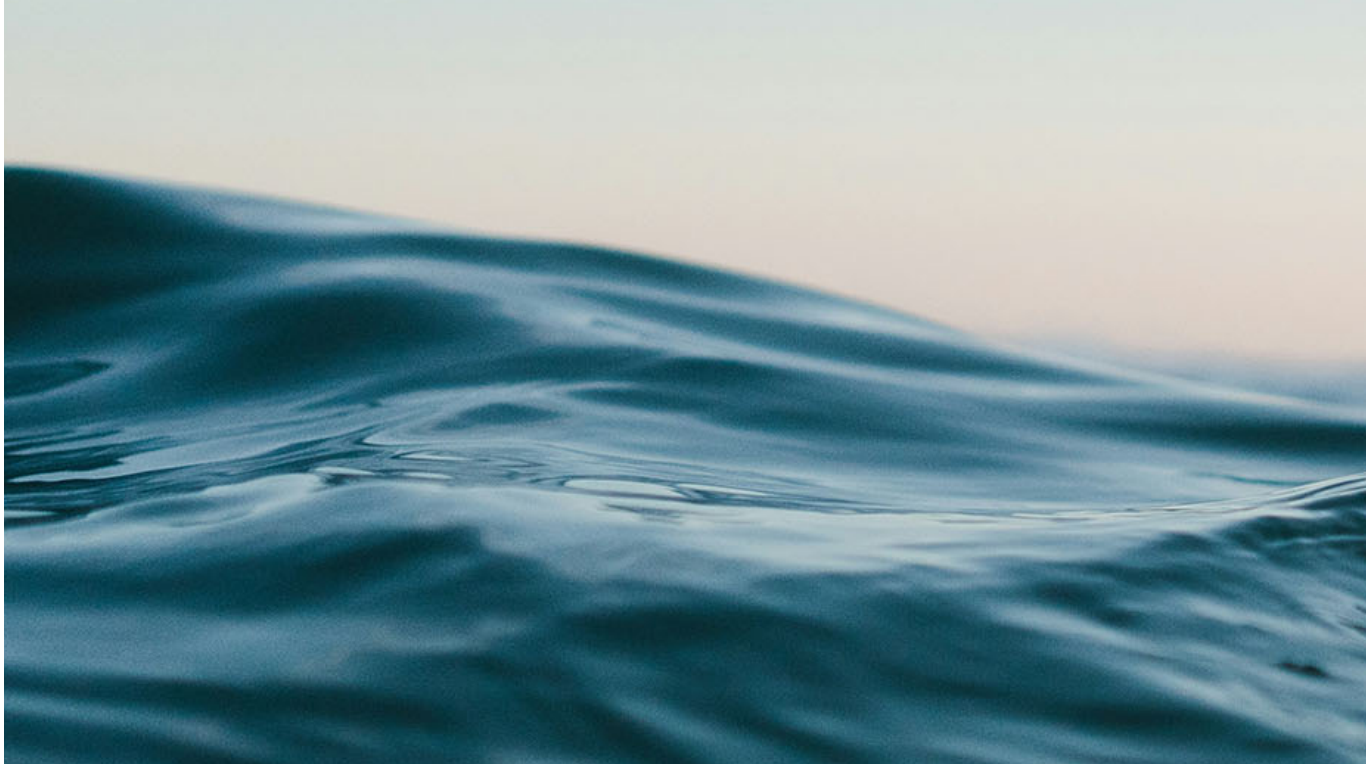
3. Limitation of the possibility of revoking or declaring a decision invalid in its entirety

In proceedings before higher-level authorities and administrative courts, initiated as a result of an appeal, a complaint or under extraordinary proceedings, in cases concerning the EID, water permit, BP and PfU, a decision may not be revoked in its entirety or declared invalid in its entirety where only a part of the decision concerning a part of an investment comprising an OWF together with the set of equipment for power output from that installation is affected by a defect.

4. Additional licence fee for OWFs

OWFs are not subject to property tax, which is mandatory for land-based RES technologies. For this reason, an additional fee has been imposed on OWF producers. The fee is paid together with the existing licence fee calculated in accordance with Article 34(2) of the Energy Law. The fee is based on the installed capacity of the relevant wind farm. It is calculated as the product of the installed electrical capacity of the OWF expressed in MW and the applicable coefficient specified in the Regulation of the Council of Ministers of 12 October 2021 on the licence fee. The coefficient amounts to PLN 23,000/MW.



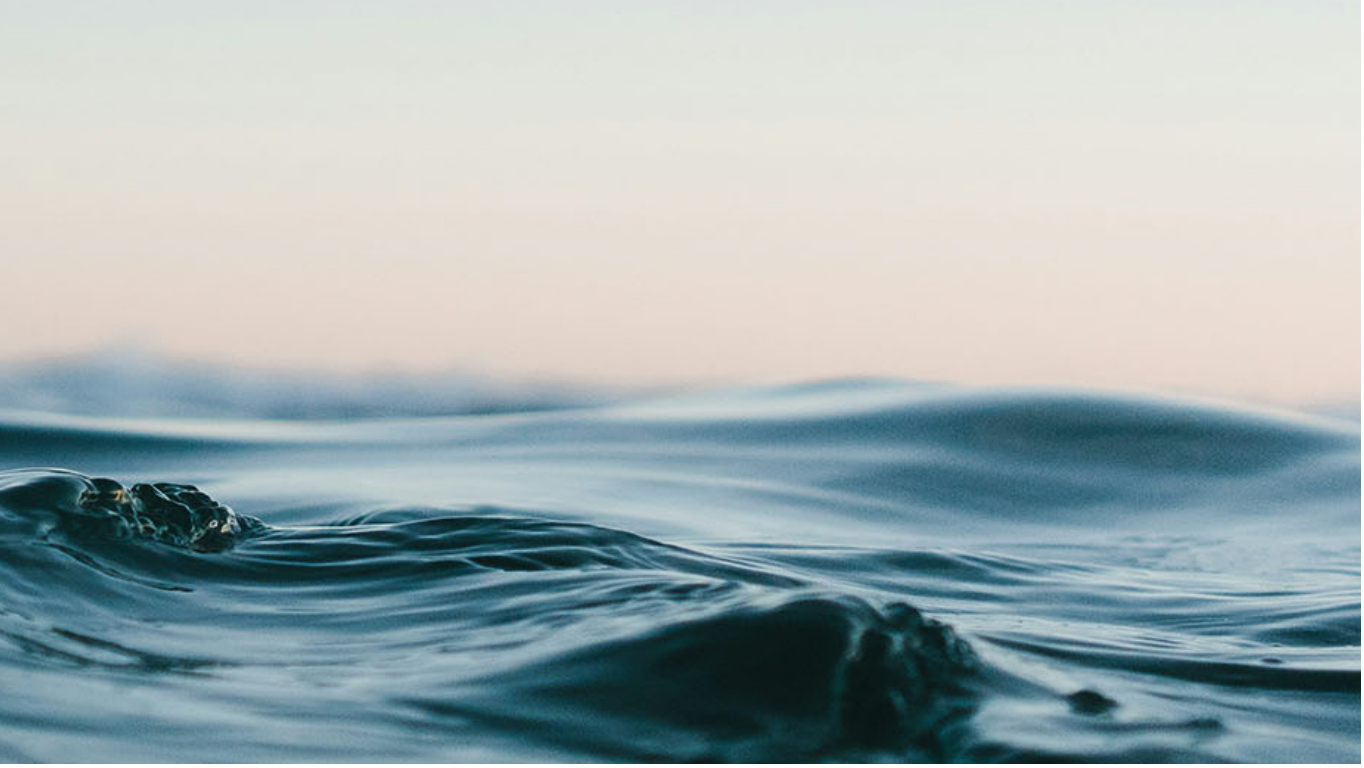


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We assist in all legal matters related to the RES sector, including investments (development, permitting and licences, grid connections, transactions, environmental issues, M&A), day-to-day operations, as well as disputes. We have been involved in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

We assist sector chambers and organisations, 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 Energy Regulatory Office and courts. We assist the Polish Wind Energy Association and the Polish Photovoltaic and Energy Storage Association, strengthening the organisations' efforts with respect to issues concerning the support scheme for renewables in Poland and the EU. We are also involved in the work of the offshore wind taskforce, where we help develop proposals regarding the regulatory framework for the sector.



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Table of abbreviations

Abbreviation	Description
Act	the Act of 17 December 2020 on the Promotion of Electricity Generation in Offshore Wind Farms (consolidated text: Journal of Laws of 2025, item 498, as amended);
Act on Maritime Safety	the Act of 18 August 2011 on Maritime Safety (consolidated text: Journal of Laws of 2026, item 529);
Act on the Preparation and Implementation of Strategic Investments in the Field of Transmission Grids	the Act of 24 July 2015 on the Preparation and Implementation of Strategic Investments in the Field of Transmission Grids (consolidated text: Journal of Laws of 2024, item 1199);
Bankruptcy Law	the Act of 28 February 2003 Bankruptcy Law (consolidated text: Journal of Laws of 2026, item 913);
BP	a building permit, referred to in Article 33 of the Building Law;
Building Law	the Act of 7 July 1994 Building Law (consolidated text: Journal of Laws of 2026, item 524, as amended);
Civil Code	the Act of 23 April 1964 Civil Code (consolidated text: Journal of Laws of 2026, item 795);
Commercial Companies Code	the Act of 15 September 2000 Commercial Companies Code (consolidated text: Journal of Laws of 2024, item 18, as amended);
DSO	a distribution system operator;
EIA Act	the Act of 3 October 2008 on Sharing Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (consolidated text: Journal of Laws of 2026, item 670);
EID	a decision on environmental conditions, referred to in Article 71 of the EIA Act;
Energy Law	the Act of 10 April 1997 Energy Law (consolidated text: Journal of Laws of 2026, item 43, as amended);
ERO	the Energy Regulatory Office;
EU	the European Union;
IRR	an internal rate of return;
MA Act	the Act of 21 March 1991 on Maritime Areas of the Republic of Poland and Maritime Administration (consolidated text: Journal of Laws of 2024, item 1125, as amended);
MSP	Regulation of the Council of Ministers of 14 April 2021 on the adoption of the spatial development plan for internal sea waters, the territorial sea and the exclusive economic zone at a scale of 1:200,000 (Journal of Laws of 2021, item 935, as amended);
NECP	National Energy and Climate Plan until 2030 with an outlook to 2040 (adopted by the Council of Ministers on 8 June 2026);
OWF	an offshore wind farm;
PfU	a permit for use, referred to in Article 55 of the Building Law;
PSE	Polskie Sieci Elektroenergetyczne S.A.;
RES	renewable energy sources;
RES Act	the Act of 20 February 2015 on Renewable Energy Sources (consolidated text: Journal of Laws of 2026, item 68, as amended);
Restructuring Law	the Act of 15 May 2015 Restructuring Law (consolidated text: Journal of Laws of 2026, item 533);
Seabed permit	a permit to erect or use artificial islands, structures and devices in Polish maritime areas, referred to in Article 23 of the MA Act;
SPV	a special purpose vehicle;
TSO	the transmission system operator (currently: PSE).



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