

Restriction on the Freedom of Economic Activity in the Polish Energy Law

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Abstract : Recently there have been significant changes in the Polish energy market. Due to the government's decision to strengthen energy security as well as to strengthen the implementation of the European Union common energy policy, the Polish energy market has been undergoing significant changes. In the face of these, it is necessary to answer the question about the direction the Polish energy rationing sector is going, how wide apart the powers of the state are and also whether the real regulator of energy projects in Poland is not in fact the European Union itself. In order to determine the role of the state as a regulator of the energy market, the study analyses the basic instruments of regulation, i.e. the licenses, permits and permissions to conduct various activities related to the energy market, such as the production and sale of liquid fuels or concessions for trade in natural gas. Bearing in mind that Polish law is part of the widely interpreted European Union energy policy, the legal solutions in neighbouring countries are also being researched, including those made in Germany, a country which plays a key role in the shaping of EU policies. The correct interpretation of the new legislation modifying the current wording of the Energy Law Act, such as obliging the entities engaged in the production and trade of liquid fuels (including abroad) to meet a number of additional requirements for the licensing and providing information to the state about conducted business, plays a key role in the study. Going beyond the legal framework for energy rationing, the study also includes a legal and economic analysis of public and private goods within the energy sector and delves into the subject of effective remedies. The research caused the relationships between progressive rationing introduced by the legislator and the rearrangement rules prevailing on the Polish energy market to be taken note of, which led to the introduction of greater transparency in the sector. The studies refer to the initial conclusion that currently, despite the proclaimed idea of liberalization of the oil and gas market and the opening of market to a bigger number of entities as a result of the newly implanted changes, the process of issuing and controlling the conduction of the concessions will be tightened, guaranteeing to entities greater security of energy supply. In the long term, the effect of the introduced legislative solutions will be the reduction of the amount of entities on the energy market. The companies that meet the requirements imposed on them by the new regulation to cope with the profitability of the business will in turn increase prices for their services, which will have an impact on consumers' budgets.

Keywords : license, energy law, energy market, public goods, regulator

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