

THE CHARACTERISTICS OF THE LEGAL AND INSTITUTIONAL ASPECTS OF LOCAL ENERGY POLICY IN POLAND

Summary

The subject of analysis in this paper is the local energy policy of Poland in legal and institutional terms. The starting point for the analysis is the attempt to define the term “energy policy” and “local energy policy” on the basis of Polish legal regulations. In the subsequent sections, the selected powers and competencies of voivodship governments and municipal governments (local self-governing units) are presented in terms of energy supply and cooperation within the framework of local energy policy.

The main research goal of the presented analysis is a synthetic study of local energy policy. To specify the research problem, the following questions were indicated in the paper: (1) To what extent do legal and institutional solutions affect the implementation of energy policy in Poland? (2) To what extent do the legal and institutional solutions efficiently work towards achieving the objectives set forth by local energy policies in Poland?

Key words: *energy policy, local energy policy, energy law, economic policies, public policies*

Introduction

This text analyzes the legal and institutional aspects of the energy policy in Poland. The scope of the analysis will be on the the disparities between energy policy at both the state and local levels. In the paper, special attention is paid to the scope of competencies and responsibilities of the voivodship and municipal-level governments in regards to creating energy policy at the local level. In regards to voivodship government, attention has been paid to the following legal and institutional solutions: (1) the power and competencies of voivodship-level government in the context of forecasting “The Project of Assumptions for the Heat, Electricity, and Gas Fuel Supply Plan” (2) the coordination of inter-municipal cooperation, (3) ensuring the local energy policy is in compliance with the national energy policy. In the case of municipal government, attention was paid to the following legal and institutional solutions: (1) the planning of energy supply, (2) planning and financing lighting and electricity (3) measures to take regarding energy efficiency.

The main purpose of this text is to present the interconnection of matters pertaining to local energy policy. In order to specify the scope of the research problem, the following questions were presented: (1) To what extent do legal and institutional solutions affect the implementation of energy policy in Poland? (2) To what extent do the legal and institutional solutions efficiently work towards achieving the objectives set forth by local energy policies in Poland?

The analysis of this research will consist of the elaboration and synthetic presentation of select legal and institutional issues. The presented interpretations, are, generally, approximations of basic knowledge about the doctrine of administrative law in terms of the role of voivodship and municipal government in the creation of local energy policy.

1. National Energy Policy and Local Energy Policy

One of main problems of the Polish energy policy, despite the creation of plans and strategies concerning various sectors of energy technology, is a lack of stable and strategic solution implementation capabilities. From a legal standpoint, the lack of accountability for failures to implement premises contained in the document referred to as the “Energy Policy of the State” (art. 13-15 PrE), as well as other plans created at the government administration level, is a significant disadvantage. The problem of accountability can be considered on the basis of uncoordinated political activities, and the legal regulations which yield such a situation. Regarding uncoordinated political activities, attention should be paid to political factors including: political divisions (inter-party, inter-parliamentary, inter-governmental), and the efforts of interest groups and lobbyists (including interest groups representing the energy sector). Considering the legal regulations, the legal significance of the “Energy Policy of the State,” and its status within the structure of Polish administrative and constitutional law, should be addressed (comp. Rosicki, 2015, pp. 51-62; Rosicki, 2017, pp. 61-76).

The “Energy Policy of the State” is drafted by the Minister of Energy, and then it has to be adopted by the Council of Ministers via resolution. In the Polish legal system, the resolutions of the Council of Ministers are internal and binding for units subordinate to the issuing body, as laid out in Art. 93 of the Constitution of the Republic of Poland. Thus, a characteristic feature of such a “planning” document is that it has no binding force, and failure to implement the provisions creates no legal consequences, because it is unclear whether the Minister of Energy or the Council of Ministers are accountable (comp. Czarnecka, Ogłódek,

2007, pp. 331-334; Elzanowski, 2008, pp. 77-80; Waligórski, 2008, pp. 69-74; Jabłoński, 2013, pp. 219-227; Rosicki, 2017, pp. 61-76). It does not change a fact that the resolutions themselves are subject to control regarding their compliance with the commonly applicable law. This may give rise to a problem of interpreting resolutions, such as whether or not the “Energy Policy of the State” abides by the constitutional principles. These constitutional principles include: the principle of sustainable development (art. 5 of the Constitution), and the constitutional obligations of public authorities, for instance, to “prevent negative health consequences as a result of environmental degradation” (art. 68, section 4 of the Constitution), the obligation to enact policy “which ensures environmental safety for current and future generations” (art. 74, section 1 of the Constitution), an obligation to “protect the environment” (art. 74, section 2 of the Constitution), and the obligation “to support citizens’ environmental protection efforts” (art. 74, section 4 of the Constitution) (comp. Jabłoński, 2010, pp. 78-106; Dąbrowski, 2016, pp. 328-331).

The legal and institutional instruments of energy policy were defined by Polish legislation in the third chapter of the Energy Law Act. Polish legislators use various understandings of the concept of “energy policy,” depending on the context and issues at hand. At least four definitions of “energy policy” can be distinguished. The first approach characterizes “energy policy” by indicating the goals should be achieved, and which objectives the Minister of Energy should consider when creating policy (art. 13 PrE). The second definition is based on the indication of tasks and the model of activities undertaken (art. 12 PrE). The third definition is connected to the main elements that should be included in the content of the “Energy Policy of the State” (art. 14-15 PrE). The fourth, and final approach, defines the entities responsible for “energy policy” (art. 12 and 12a PrE) (comp. Czarnecka, Oglódek, 2007, pp. 325-363; Pawełczyk, Pikiewicz, 2012, pp. 430-482).

The issues of energy policy can also be considered based on the variance of articles contained in the third chapter of the Energy Law Act. The following seven thematic issues can be identified within the chapter: (1) energy policy as a strategy (art. 12 PrE), (2) energy policy as a specific document (art. 13 – 15a PrE), (3) energy policy as a monitoring system for energy security (art. 15b PrE), (4) energy policy as an operation of the President of the Energy Regulatory Office eliminating the security threats to the electricity supply (16a PrE), (5) energy policy as a mechanisms of a competitive energy market (15c and 15f PrE), (6) energy policy as demands directed at energy companies and transmission system operators (art.16 -16b PrE), (7) energy policy as local policy (art. 17 -20 PrE) (Rosicki, 2017, p. 64).

Energy policy can also be considered in a broader context, as the legal and institutional instruments which are guided by a broader system of values (polityka sensu largo). It should be noted that the Energy Law Act is a comprehensive mechanism for regulating the economic activity of the energy sector (Por. Hoff, 2008; Strzyczkowski, 2008, pp. 472-511; Kocowski, 2009; Rosicki, 2010, pp. 113-137; Szydło, 2011, pp. 74-270). The state uses various mechanisms to regulate business activity because of its importance for the state and society at large. Economic activity in the energy sector directly affects national security and the quality of social life. Energy policy must, therefore, be viewed through the lens of energy security, as well as of social and economic interest (Bogdanowicz, 2012; Szafranski, 2014).

In a narrower understanding of energy policy pertaining to a specific document, the main statutory elements should be assessed (policy sensu stricto). Therefore, the “Energy Policy of the State”, as a specific document prepared by the Minister of Energy must cover following aspects: (1) the balance of fuel and energy for the country (2) the production capacity of national sources of fuels and energy; (3) the transport capacity, including connections between countries; (4) the energy efficacy of the country’s economy; (5) the environmental protection efforts; (6) the development of renewable sources of energy; (7) the size and types of fuel stocks; (8) directions for the restructuring and ownership transformation of the fuel-energy sector; (9) directions for scientific research; (10) international cooperation (art. 14 PrE).

Due to the specificity of the scope of its subject, energy policy can be considered within the realm of local competences to be executed by lower-level administrative offices. The extent of this policy would be determined by the legal and institutional solutions which provide certain rights and responsibilities to local self-governments, for example voivodship or municipal governments (subjective aspects of local energy policy). Based on the competences of local self-government, a spatially based energy policy can be reasoned (an energy policy based on local provisions). In terms of the objective scope, specific powers and competencies of voivodship governments can be noted in regard to providing opinions on “The Project of Assumptions for the Plan of Heating, Electrical Energy, and Gas Fuel Supply.” In the case of municipal governments, specific powers and competencies can be indicated in regard to the planning of energy supply as well as the planning of lighting and operations within the field of energy efficiency.

2. Duties of Voivodship Governments and Duties of Municipalities.

2.1. Voivodship Government.

The Energy Law Act states that voivodship governments participate in the planning of the energy and fuel supply within their own regions of authority (art. 17 PrE). The scope of voivodship governments' involvement in the planning, comes down to reviewing the "Project of Assumptions" (i.e. "Project of Assumptions for the Plan of Heating, Electrical Energy and Gas Fuel Supply"). Some authors indicate that linguistic interpretation requires that heating be excluded from this planning, however, a functional interpretation should be adopted, and it should be accepted that heating is included in the conception of energy (comp. Walaszek-Pyziół, Pyziół, 1999, p. 66). The aforementioned Project of Assumptions is a subject of opinion offered by the voivodship governments in regard to the coordinated cooperation with other municipalities and to ensure that it is in compliance of the national energy policy (art. 19, section 5 PrE). Furthermore, voivodship governments investigate the compliance of the "energy and fuel supply plans" with the energy policy of the state (art. 17 PrE). The above indicated tasks in the field of energy should be included in the administrative obligations of the which are implemented by the Voivodship Executive Board (art. 14 section 2 SmW) (comp. Czarnecka, Ogłódek, 2007, p. 348; Pawełczyk, Pikiewicz, 2012, pp. 466-467).

In regards to Polish administrative law doctrine, it should be noted that acts of planning (plans) are treated as separate forms of public administration activity. That being said the acts of planning are not treated as legal forms of activity, but rather as regulations, administrative acts, or collections of information. (comp. Wlazlak, 2015, pp. 17-43, 70-118; Swora, Muras, 2016, pp. 114-115). J. Łętowski indicates that a plan is a tool to organize the means of action to achieve the intended goals. (Łętowski, 1990, p. 179). Therefore, plans for supplying heating, electricity and gas fuels should be treated as prognostic and program documents. In this case, the scope of the programming concerns the internal public administration activities, however the process of their creation and implementation affects many entities, such as citizens, governmental institutions, and businesses (Pawełczyk, Pikiewicz, 2012, p. 467; Swora, Muras, 2016, pp. 114-115). Regarding the previous example, the Voivodship Executive Board has an opportunity to give their opinion about the plans of energy enterprises ("development plans related to meeting the current and future demand of gas fuels or energy") as a part of coordinating with the President of the Department of Energy Regulation (See: art. 16 section 1, art. 23 section 3, art. 23 section 3 point 5 PrE) (comp. Pawełczyk, 2013, pp. 135-144).

The ability of the voivodship government to participate in the procedure of planning is significant importance to the analysis of local energy policy. Opinion giving should be treated as a form of cooperation between various institutional entities with different statuses in the administrative hierarchy (various relations of primacy and subordination). Attention should also be paid to the lack of consideration given to opinions during the cooperation process. In the Polish legal system, often, the entity requesting opinions fulfills their obligation through the act of inquiry alone. Therefore, it does not matter if the opinion was given or whether it was consistent with expectations of the requesting agency. It should be noted that Polish regulations control the procedure of opinion giving in two ways. Regulations may indicate an obligation to request an opinion, but mandate the issuance of an opinion (Swora, Muras, 2016, p. 115).

In the case of issuing a “Project of Assessments for the Plan of Heating, Electricity, and Gas Fuels Supply” for a municipality by the voivodship government (art. 19 section 5 PrE), the procedure specified in the Local Self-Government Act (art. 89 SmG section 1-3) should be followed. According to this provision, if the law makes the validity of the municipal body decisions dependent on the agreement with superior bodies, the executive branch of the voivodship government is obliged to give an opinion within 14 days from the day from receiving the request. However, in a situation where Voivodship Executive Body does not take a position on the issue within the stipulated timeframe, the opinion shall be deemed adopted as submitted by the municipality (art. 89 SmG section 2).

The recommendations given by the voivodship governments are not binding directives for the municipalities. This situation yields two possible interpretations –the recommendation of the voivodship governments is merely informative, or the recommendations can be seen as interfering in the legally established municipal autonomy. There is also the problem of the coordination of cooperation between voivodship and municipal government in regard to the planning of heat, electricity, and gas fuels supply. The issues related to coordination of cooperation might be caused by municipalities implementing plans at different times, which leads to insufficient knowledge at the voivodship level (comp. Czarnecka, Oglódek, 2007, pp. 356-369; Pawełczyk, Pikiewicz, 2012, p. 466; Swora, Muras, 2016, pp. 115-117).

2.2. Municipal Government

The Energy Law Act has distinguished the municipalities’ competences regarding the supply of heat, electricity, and gas fuels. The main obligations of municipalities regarding energy supply include: (1) planning and organization of

the supply of heat, electricity, and gas fuels within the municipality, (2) planning of the lighting, (3) financing the lighting, (4) planning and organizing operations of energy rationing, promoting energy conservation, and sustainable solutions within the municipality, (5) evaluating the electricity generation potential of high-efficiency co-generations and the energy-efficient heating and cooling systems (art. 18 section 1 PrE). All these activities should be implemented in compliance with: (1) the local zoning development plan (or the municipal development directives included in the study of the conditions and directions for a zoning plan if, one has yet to be established), (2) an appropriate air quality protection program established based on the Environmental Protection Act (art. 18 section. 2 PrE; art. 91 OchS).

The provisions of the Energy Law Act concerning the responsibilities of municipal government should be treated as an extension of the competences and tasks of the municipalities, which are included in the Municipal Self-Government Act. The increase of municipal competences included in the energy laws constitute a refinement of the energy supply tasks as result of the limited scope of responsibilities (comp. Domagała, 2008, pp. 147-163; Pawełczyk, Pikiiewicz, 2012, pp. 467-473; Swora, Muras, 2016, pp. 121-123).

The first municipal obligation is planning and organizing the supply of heat, electricity, and gas fuels within the municipality (“Energy Supply Planning”) (art. 18 section 1 point 1 PrE). The planning process involves establishing goals, methods of implementation, and the timeline achieving the goals. It seems that these requirements directed at municipalities prescind their potential to execute such tasks. Energy supply planning remains largely beyond municipal competences. Within the extant framework, municipal involvement is, in essence, general and unsophisticated. Realistically, municipalities can effectively plan the energy supply of entities which remain under their control; schools, for instance, and other local public utilities.

The second municipal obligation is the planning of lighting within its jurisdiction. Legislators indicates specific areas within municipalities, which should be the subject of planning. Therefore, Municipal lighting initiatives, based on safety and security, should include public places, municipal roads, county roads, and voivodship roads. Lighting obligations also apply to the national roads, other than highways and expressways, such as pedestrian or bicycle roads, and additional roadways serving traffic from the surrounding countryside. (art. 18 section 1 point 2 lit. a-d PrE).

The third listed municipal obligation is financing the lighting within the jurisdiction (art. 18 section 1 point 2 lit. a-e PrE). This duty stems from the previous task because the need for lighting is linked to specific investment

processes. The municipal activities managing the lighting costs should be added to the investment process itself. The task of financing the lighting can be understood as bearing the cost of the electricity consumed by the lighting infrastructure (*sensu stricto*), but also as bearing the costs of installation and maintenance of the lighting infrastructure (*sensu largo*) (comp. art. 3 point 22 PrE). Actions regarding energy efficiency and effectiveness should also be included in the *sensu largo* approach (comp. Kasprzyk, 2004). Despite indicating the extent of funding, there are many contentious issues in terms of financing the lighting, such as a situation in which the municipality is not the owner of lighting infrastructure. For instance, if the municipality does own the infrastructure, it bears the costs of purchasing the electricity and transmitting the service, in accordance with the supplier's stipulations, and also bears the costs of modernizing the infrastructure. However, if the infrastructure is not owned by municipality (and it, for example, is owned by an energy company), then the municipality is not obligated to bear the costs of modernization (Stanowisko..., 2008). Inconsistencies in statutory provisions create issues of the interpretation of the scope the municipal activities and financial expenses.

The fourth obligation is planning and organizing the rationing of energy consumption and promoting energy conservation and sustainable solutions within the municipality. This task is related to fulfilling state obligations concerning increasing energy efficiency (Por. Sokołowski, 2014, pp. 187-208). A mechanism was created at the lowest administrative level, which should enforce activity and raise public awareness in the local community regarding energy efficiency (comp. EfE; Pawełczyk, Sokal, 2012). The means of improving energy efficiency by municipality include: (1) financing and implementing ventures aimed at improving energy efficiency, (2) purchasing energy efficient and low operating costs equipment, installations, and vehicles, (3) replacing equipment, installations, and vehicles with more efficient ones, (4) updating insulation in buildings, (5) implementing environmental management systems (art. 6 section. 2 point 1-5 EfE). The heads of municipalities can also take part in the actions to increase energy efficiency within the municipalities by creating regulations, which may be adopted by the Municipal Councils, within the framework of the "Project of Assumptions to the Plan of Heat, Electricity, and Gas Fuel Supply" (art. 19 section 3.3a PrE; art. 20 section 2.1b PrE).

The last obligation is the assessment of the electricity generation potential of high-efficiency co-generations as well as energy efficient systems of heating and cooling within the municipality (art. 18 section 1 point 5 PrE). It is difficult to justify the implementation of this obligatory municipal task, which is associated with little municipal knowledge regarding the subject matter and a lack of experts

who could prepare such evaluation. In practice, municipalities have to seek assistance to get the requisite information from electricity companies using co-generation or efficient energy systems. Consequently, this creates extraneous costs for municipal governments from outsourcing the assessments to external entities.

Outcomes and Conclusions

The analysis covered the following issues: (1) the powers and competencies of voivodship governments regarding offering a “Project of Assumptions to Plan the Heat, Electricity, and Gas Fuel Supply” (energy supply plan), (2) cooperation between voivodship governments and municipalities regarding energy supply and production, (3) voivodship governments investigations regarding complicity of energy supply plans for municipalities to the energy policy of the state, (4) municipal planning of energy supply, (5) planning and financing lighting by municipalities, (6) municipal endeavors in the field of energy efficiency. In the presentation of the issues of local energy policy conducted by voivodship and municipal governments, a broader study of the “Project of Assumptions to Plan the Heat, Electricity, and Gas Fuel Supply” was not taken into account, i.e. there was no analysis of its main structure, elements and complete adoption procedure.

In this paper, the following research questions were addressed (1) To what extent do legal and institutional solutions affect the implementation of energy policy in Poland? (2) To what extent do the legal and institutional solutions efficiently work towards achieving the objectives set forth by local energy policies in Poland?

The subsequent conclusions were assigned to particular questions:

1. Conclusions to the first question

In literature, a frequently indicated problem is the status of the “Energy Policy of the State” as a document prepared by the Minister of Energy but adopted by the Council of Ministers. Accusations are also presented against the public energy policy and the political actions of particular political entities such as politicians, parties, public institutions etc. Therefore, it seems appropriate to have more efforts be made by political actors in order to achieve greater coherence in political and institutional activities, as well as greater consistency between documents, which are directly and indirectly related to the “Energy Policy of the State”.

Current legal regulations are insufficient because they are inefficient in regard to establishing strategic objectives and implementing the in the sphere of the energy supply and production. A lack of accountability and evaluation of

the implementation of the state energy policy results in instrumental actions that are motivated by Poland's obligations to the European Union. Another negative factor might be the influence of various interest groups, especially those connected to conventional energy technologies. The consequence of which is a lack of coherent vision and coordinated actions in the field of energy policy which would connect the central government with local authorities.

When analyzing the subjective aspects of the state energy policy, the 2015 consolidation of energy-related departments into one distinguished Ministry of Energy should be considered. Poland's increasing commitments to the European Union in the field of energy and environmental protection require increased efficiency from the Ministry of Energy. Overlapping problems in the field of energy and environmental protection requires the Ministry of Energy to further consolidate competences belonging to various ministers. Problems related to energy and environmental protection still fall within the competences of the Ministry of the Environment. Unfortunately, subjective changes in the state energy policy at the central level have not affected local energy policy.

2. Conclusions to the second question

The organizational weaknesses of the central energy policy also result in problems associated with effective energy policy at the local level. The main legal and institutional instruments of local energy policy, excluding "local self-government laws," are determined in the same chapter of the Energy Law Act, as requirements addressed to the Minister of Energy in the field of creating "Energy Policy of the State". The main issues at the local level include: (1) ineffective instruments of the voivodship governments regarding the coordination of cooperation between municipal governments, (2) ineffective instruments and limited possibilities of the voivodship governments regarding the verification of the compliance of municipal energy supply plans to the state energy policy, (3) lack of sufficient potential of the municipal governments to create comprehensive energy supply plans, (4) lack of sufficient potential of the municipal governments to comprehensively plan activities aimed at rationing energy consumption, (5) lack of sufficient potential of municipal governments to comprehensively assess the generation possibilities of high-efficiency co-generated electricity and energy efficient heating and cooling systems within the municipal territory.

The low organizational potential of many municipal governments results in the creation and adoption of energy supply plans being dependent on information, documentation, studies, etc. from energy companies. In the absence of their own specialized staff, municipal governments are forced to use external services for

such planning. This situation may give rise to suspicions regarding a conflict of interests occurring between the public and private spheres.

Bibliography

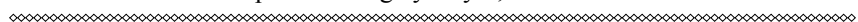
1. Bogdanowicz P. (2012), *Interes publiczny w prawie energetycznym Unii Europejskiej*, Warszawa.
2. Chmaj M., (ed.) (2016), *Wolności i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, Warszawa.
3. Czarnicka M., Ogiński T. (2007), *Prawo energetyczne. Komentarz*, Bydgoszcz-Katowice.
4. Dąbrowski M. (2016), *Ochrona środowiska i bezpieczeństwo ekologiczne*, in: M. Chmaj (ed.), *Wolności i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, Warszawa.
5. Domagała M. (2008), *Bezpieczeństwo energetyczne. Aspekty administracyjno-prawne*, Lublin.
6. Elżanowski F. (2008), *Polityka energetyczna. Prawne instrumenty realizacji*, Warszawa.
7. Hoff W. (2008), *Prawny model regulacji sektorowej*, Warszawa.
8. Jabłoński M. (2010), *Klasyfikacja wolności i praw jednostki w Konstytucji RP*, in: M. Jabłoński (ed.), *Wolności i prawa jednostki w Konstytucji RP. Tom I: Idee i zasady przewodnie konstytucyjnej regulacji wolności i praw jednostki w RP*, Warszawa.
9. Jabłoński M. (ed.) (2010), *Wolności i prawa jednostki w Konstytucji RP. Tom I: Idee i zasady przewodnie konstytucyjnej regulacji wolności i praw jednostki w RP*, Warszawa.
10. Jabłoński M. (2013), *Stosowanie i realizacja przez administrację publiczną polityki energetycznej*, in: M. Rudnicki, K. Sobieraj (eds.), *Nowe prawo energetyczne*, Lublin.
11. Kasprzyk B. (2014), *Zasady finansowania oświetlenia ulicznego*, <http://cire.pl/pliki/2/oswietlenieuliczne.pdf>, 18.01.2018.
12. Kocowski T. (2009), *Reglamentacja działalności gospodarczej w polskim administracyjnym prawie gospodarczym*, Wrocław.
13. Łętowski J. (1990), *Prawo administracyjne. Zagadnienia podstawowe*, Warszawa.
14. Pawełczyk M. (ed.) (2012), *Prawo energetyczne. Komentarz*, Poznań.
15. Pawełczyk M. (2013), *Publicznoprawne obowiązki przedsiębiorstw energetycznych jako instrument zapewnienia bezpieczeństwa energetycznego w Polsce*, Toruń.

16. Pawełczyk M., Pikiewicz B. (2012), Polityka energetyczna, in: M. Pawełczyk (ed.), *Prawo energetyczne. Komentarz*, Poznań.
17. Pawełczyk M., Sokal P. (2012), *Ustawa o efektywności energetycznej. Komentarz*, Toruń.
18. Rosicki R. (2010), Reglamentacja działalności gospodarczej w energetyce. Analiza prawno-instytucjonalna, „Przegląd Bezpieczeństwa Wewnętrznego”, no. 3.
19. Rosicki R. (2015), The Energy Policy of Poland up to 2050 – a Critical Analysis, „Środkowoeuropejskie Studia Polityczne”, no. 1.
20. Rosicki R. (2017), Charakteristika institutsional’no-pravovykh aspektov energeticheskoy politiki Pol’shi, „International and Security Studies”, no. 2.
21. Rudnicki M., Sobieraj K. (eds.) (2013), *Nowe prawo energetyczne*, Lublin.
22. Sokołowski M. M. (2014), Podstawy prawne poprawy efektywności energetycznej w Unii Europejskiej, in: K. Ziemiński, P. Lissoń (eds.), *Inwestycje infrastrukturalne i ochrona środowiska w prawie energetycznym*, Poznań.
23. Stanowisko Krajowej Rady Regionalnych Izb Obrachunkowych z dnia 25 kwietnia 2008 roku w sprawie finansowania oświetlenia dróg publicznych przez gminy (2008), https://www.rio.gov.pl/modules/Uploader/upload/stanowisko_krrio_z_dnia_25.04.2008_ws_oswietlenia.pdf, 18.01.2018.
24. Swora M., Muras Z. (eds.) (2016), *Prawo energetyczne. Tom II*, Warszawa.
25. Szafrąński A. (2014), *Prawo energetyczne. Wartości i instrumenty ich realizacji*, Warszawa.
26. Szydło M. (2011), *Wolność działalności gospodarczej jako prawo podstawowe*, Bydgoszcz-Wrocław.
27. Ustawa z dnia 8 marca 1990 r. o samorządzie gminnym (Dz.U. 1990 nr 16 poz. 95 ze zm.) [abr. SmG].
28. Ustawa z dnia 10 kwietnia 1997 r. - Prawo energetyczne (Dz.U. 1997 nr 54 poz. 348 ze zm.) [abr. PrE].
29. Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa (Dz.U. 1998 nr 91 poz. 576 ze zm.) [abr. SmW].
30. Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska (Dz.U. 2001 nr 62 poz. 627 ze zm.) [abr. OchS].
31. Ustawa z dnia 20 maja 2016 r. o efektywności energetycznej (Dz.U. 2016 poz. 831) [abr. EfE].
32. Walaszek-Pyziół A., Pyziół W. (1999), *Prawo energetyczne. Komentarz*, Warszawa.

33. Waligórski M. A. (2008), Polityka energetyczna państwa jako sektorowa polityka administracyjna, „Biuletyn Urzędu Regulacji Energetyki”, no. 4.

34. Włazłak K. (2015), Racjonalność planowania w prawie administracyjnym, Warszawa.

35. Ziemiński K., Lissoń P. (eds.) (2014), Inwestycje infrastrukturalne i ochrona środowiska w prawie energetycznym, Poznań.



Streszczenie

Przedmiotem analizy w tekście jest lokalna polityka energetyczna Polski w ujęciu instytucjonalno-prawnym. Punktem wyjścia do przeprowadzenia analizy jest próba zdefiniowania terminów „polityki energetycznej” i „lokalnej polityki energetycznej” na gruncie polskich regulacji prawnych. W dalszej kolejności w tekście zaprezentowano wybrane uprawnienia i kompetencje samorządu województwa i samorządu gminy (jednostek samorządu terytorialnego) w zakresie planowania zaopatrzenia w energię i współpracy w ramach lokalnej polityki energetycznej.

Głównym celem badawczym prezentowanej analizy jest chęć dokonania syntetycznego studium lokalnej polityki energetycznej. W celu uszczegółowienia problemu badawczego w tekście zaprezentowano następujące pytania: (1) W jakim zakresie rozwiązania prawno-instytucjonalne wpływają na efektywność realizacji celów polityki energetycznej w Polsce?, (2) W jakim zakresie rozwiązania prawno-instytucjonalne wpływają na efektywność realizacji celów lokalnej polityki energetycznej w Polsce?

Słowa kluczowe: polityka energetyczna, lokalna polityka energetyczna, prawo energetyczne, polityka gospodarcza, polityka publiczna.

Резюме

Предметом анализа в этой статье является локальная энергетическая политика Польши в юридическом и институциональном аспектах. Отправной точкой для анализа является попытка определить термины «энергетическая политика» и «местная энергетическая политика» на основе польских правовых норм. Далее в работе представлены избранные компетенции и полномочия воеводского самоуправления и самоуправления коммуны (подразделения местного самоуправления) в области планирования энергоснабжения и сотрудничества в рамках местной энергетической политики.

Основная цель представленного анализа - синтетическое исследование местной энергетической политики. Чтобы уточнить

проблему исследования, в работе были представлены следующие вопросы: (1) В какой мере юридические и институциональные решения влияют на эффективность целей энергетической политики в Польше? (2) В какой мере юридические и институциональные решения влияют на эффективность достижения целей местной энергетической политики в Польше?

Ключевые слова: энергетическая политика, местная энергетическая политика, энергетическое право, экономическая политика, государственная политика.

Анотація

Предметом аналізу в цій статті є локальна енергетична політика Польщі в юридичному та інституційному аспекті. Відправною точкою для аналізу є спроба визначити терміни «енергетична політика» і «місцева енергетична політика» на основі польських правових норм. Далі в роботі представлені вибрані компетенції і повноваження воєводського самоврядування і самоврядування комуни (підрозділу місцевого самоврядування) у сфері планування енергопостачання і співробітництва в рамках місцевої енергетичної політики. Основна мета представленого аналізу - синтетичне дослідження місцевої енергетичної політики. Щоб уточнити проблему дослідження, в роботі були представлені наступні питання: (1) Якою мірою юридичні та інституційні рішення впливають на ефективність цілей енергетичної політики в Польщі? (2) Якою мірою юридичні та інституційні рішення впливають на ефективність досягнення цілей місцевої енергетичної політики в Польщі?

Ключові слова: енергетична політика, місцева енергетична політика, енергетичне право, економічна політика, державна політика.