

Maximum price for energy for entrepreneurs extended

On 7 June 2024, the President signed the amendment to the Act of 27 October 2022 on emergency measures to limit the level of electricity prices and to support certain consumers in 2023 and 2024 (the “Amendment”).

Under the Amendment, a large proportion of entrepreneurs will be able to benefit from a maximum price for electricity of **PLN 693/MWh** in the period **from 1 July 2024 to 31 December 2024**.

The beneficiaries of the price freeze will be **micro, small and medium-sized enterprises** within the meaning of EU legislation, i.e. a group of entities with less than 250 employees and an annual turnover not exceeding EUR 50 million, or an annual balance sheet total not exceeding EUR 43 million (“SMEs”), to the extent that they consume electricity for their core business.

However, those who have to provide electricity at premises used by, for example other SMEs, i.e. most often landlords, will continue to be able to benefit from the maximum price for the premises provided.

Please note that the declaration of an eligible customer to be covered by the maximum price must be submitted either on paper or electronically **by 31 August 2024**

Entities that have already submitted such a declaration previously do not need to submit a new document, as long as they will have the status of an eligible customer **on 30 June 2024** and will fulfil the conditions to be recognised as this category of customer **on 1 July 2024**.

However, the Amendment introduces an important reporting obligation for small and medium-sized enterprises related to the use of the maximum price. As the maximum price is treated as *de minimis* aid, the aforementioned entities will be obliged to submit to the energy company **by 31 January 2025**:

- all certificates or declarations on the amount of *de minimis* aid and *de minimis* aid in agriculture or fisheries received during the last 3 years, or a declaration that such aid was not received during that period;
- other information specified in implementing regulations, e.g. the Regulation of the Council of Ministers of 29 March 2010 on the scope of information presented by an entity applying for *de minimis* aid.

The above obligation **will not apply to micro-enterprises**, i.e. entities with fewer than 10 employees and an annual turnover or annual balance sheet total not exceeding EUR 2 million.

For all SMEs, the energy supplier will verify that they have not exceeded the threshold of possible state aid.

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Contact

If you need support in the procedure for covering the maximum price for electricity, we encourage you to contact our experts.



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