

<p><b>Draft name</b> The draft Regulation of the Minister for Climate and the Environment on requirements for the measurement, registration, and calculation of quantities of biogas, agricultural biogas, and biomethane produced in renewable energy installations from renewable energy sources and transported by means of transport other than gas networks</p> <p><b>Lead ministry and cooperating ministries</b> Ministry of Climate and the Environment</p> <p><b>Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State</b> Miłosz Motyka, Undersecretary of State</p> <p><b>Contact details for the draft supervisor</b> Department of Renewable Energy Sources Sławomir Bugalski, Expert <a href="mailto:slawomir.bugalski@klimat.gov.pl">slawomir.bugalski@klimat.gov.pl</a></p>	<p><b>Date of preparation</b> <b>21.02.2024</b></p> <p><b>Source:</b> <input type="text"/> Article 62 of the Renewable Energy Sources Act of 20 February 2015 (Journal of Laws of 2023, item 1436, as amended)</p> <p><b>Number in the list of works:</b> <b>1098</b></p>
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## REGULATORY IMPACT ASSESSMENT

### 1. What issue is being addressed?

In order to allow the use of biogas, agricultural biogas, and biomethane outside the production site as well as the possibility of transporting these biogases using means of transport other than gas networks, it is necessary to implement the authorisation contained in Article 62 of the Renewable Energy Sources Act of 20 February 2015, according to which the Minister responsible for climate determines the following by means of a regulation:

- 1) requirements for the measurement, registration, and calculation of quantities of biogas, agricultural biogas, and biomethane produced in renewable energy installations from renewable energy sources and transported by means of transport other than gas networks (hereinafter: ‘biogas, agricultural biogas, and biomethane’),
- 2) place of measurement of biogas, agricultural biogas, and biomethane,
- 3) the method of converting the quantity of biogas, agricultural biogas, and biomethane into the quantity of energy expressed in MWh

— taking into account the need to ensure trade safety, the available technologies, and the need to determine the quantities of biogas, agricultural biogas, and biomethane. The above-mentioned regulation shall enable the process of issuing and trading the guarantees of origin of biogas, agricultural biogas, and biomethane referred to in Article 120(1) of the Renewable Energy Sources Act of 20 February 2015.

### 2. The recommended solution, including planned intervention tools, and expected impact

The draft Regulation shall establish a legal framework for the requirements for measuring, registration and calculation of biogas, agricultural biogas, and biomethane and the method of converting these quantities into the quantity of energy expressed in MWh.

The provisions to be introduced, setting out the conditions for measuring, shall specify: (1) requirements for measuring and billing equipment in order to ensure accurate measurement of quantities, (2) frequency of measurements, and (3) appropriate place for measurement. As part of the registration of measurements, the draft Regulation shall lay down rules on keeping records of the quantities of biogas, agricultural biogas, and biomethane, enabling the carrying out thereof in both paper, and electronic form.

The draft Regulation shall define two alternative ways of converting the quantity of biogas, agricultural biogas, and biomethane into the quantity of energy using the daily volume-weighted average value of biogas, agricultural biogas, and biomethane combustion heat, or using daily weight-weighted average value of heat value of biogas, agricultural biogas, and biomethane combustion heat using the conversion factor resulting from the necessity to convert MJ to MWh.

Considering that the draft Regulation implements the mandatory statutory authorisation, it shall not be possible to achieve the objective otherwise than by taking appropriate legislative action.

### 3. How has this problem been solved in other countries, in particular OECD/EU Member States?

The obligation to issue a regulation follows directly from the current provision of Article 62 of the Renewable Energy Sources Act of 20 February 2015, as amended by the Act of 17 August 2023 amending the Renewable Energy Sources Act and Certain Other Acts (Journal of Laws, item 1762) and shall not be the subject of similar solutions in other

European countries.

<b>4. Entities affected by the draft</b>			
Group	Size	Data source	Impact
Polish Centre for Accreditation (PCA)	1	Proprietary estimates	Increasing the load of the PCA which shall issue accreditations to accredited laboratories whose task shall be to prepare a sample to verify the measurement-analytical correctness of gas chromatographs necessary to determine the chemical composition of biogas, agricultural biogas, and biomethane.
Research laboratories	10	List of laboratories accredited for biogas testing by the PCA <a href="https://www.pca.gov.pl/akredytowane-podmioty/akredytacje-aktywne/laboratoria-badawcze/szukaj.html?fraza=biogaz">https://www.pca.gov.pl/akredytowane-podmioty/akredytacje-aktywne/laboratoria-badawcze/szukaj.html?fraza=biogaz</a>	Testing laboratories shall carry out periodic checks on the measurement-analytical correctness of gas chromatographs necessary to determine the chemical composition of biogas, agricultural biogas, and biomethane. Laboratories that have PCA accreditation for biogas testing may potentially be interested in providing the above services.
Economic operators (producers of biogas, agricultural biogas, and biomethane)	Lack of specific data	None	The introduced regulations shall be the basis for measuring, registering, and converting the quantity of biogas produced, agricultural biogas and biomethane.
Energy Regulatory Office (Urząd Regulacji Energetyki) (URE)	No data	None	On the basis of a measured generation process, the ERO President shall be able to issue guarantees of origin to biogas, agricultural biogas, and biomethane generated
Measures administration bodies	No data	None	Measures administration shall perform calibration of measuring and billing equipment

**5. Information on the scope, duration, and summary of consultation results**

The draft was not the subject of pre-consultation.  
Pursuant to Article 5 of the Act of 7 July 2005 on lobbying activities in the process of lawmaking and § 52 of Resolution No. 190 of the Council of Ministers of 29 October 2013 — Rules of Procedure of the Council of Ministers, the draft was made available in the Public Information Bulletin in the ‘Government Legislative Process’ section of the Government Legislation Centre’s website.  
The Draft was submitted for consultation (14 days) to the following entities:

- 1) Forum for Renewable Energy Development [Forum Rozwoju Energetyki Odnawialnej];
- 2) Institute for Renewable Energy [Instytut Energetyki Odnawialnej];
- 3) Institute for Sustainable Development [Instytut na Rzecz Ekorozwoju];
- 4) Izba Gospodarcza Energetyki i Ochrony Środowiska [Polish Chamber of Power Industry and Environmental Protection];
- 5) Chamber of the Natural Gas Industry [Izba Gospodarcza Gazownictwa];
- 6) National Chamber of Commerce [Krajowa Izba Gospodarcza];

- 7) Bydgoszcz University of Science and Technology [Politechnika Bydgoska im. Jana i Jędrzeja Śniadeckich];
- 8) 'Ekorozwój' Polish Chamber of Commerce [Polska Izba Gospodarcza Ekorozwój];
- 9) Polish Economic Chamber of Renewable and Distributed Energy [Polska Izba Gospodarcza Energii Odnawialnej i Rozproszonej];
- 10) Polish LNG and BioLNG Platform [Polska Platforma LNG i BIOLNG];
- 11) Polish Biomethane Association [Polskie Stowarzyszenie Biometanu];
- 12) Polish Association of Agricultural Biogas Producers [Polskie Stowarzyszenie Producentów Biogazu Rolniczego];
- 13) Polish Economic Society [Polskie Towarzystwo Gospodarcze];
- 14) Renewable Energy Association [Stowarzyszenie Energii Odnawialnej];
- 15) Environment, Energy and Electromobility Initiative Association [Stowarzyszenie Inicjatywa dla Środowiska, Energii i Elektromobilności];
- 16) Polish Association of Waste Energy Producers [Stowarzyszenie Producentów Energii z Odpadów];
- 17) Green Gas for Climate Association [Stowarzyszenie Zielony Gaz Dla Klimatu];
- 18) Union of Producers and Employers of Biogas Industry [Unia Producentów i Pracodawców Przemysłu Biogazowego];
- 19) University of Warmia and Mazury in Olsztyn [Uniwersytet Warmińsko-Mazurski w Olsztynie];
- 20) Association of Polish Banks [Związek Banków Polskich].

The Draft was submitted for opinion (14 days) to the following entities:

- 1) National Support Centre for Agriculture [Krajowy Ośrodek Wsparcia Rolnictwa];
- 2) Oil and Gas Institute — National Research Institute [Instytut Nafty i Gazu – Państwowy Instytut Badawczy];
- 3) Institute of Environmental Protection — National Research Institute [Instytut Ochrony Środowiska – Państwowy Instytut Badawczy];
- 4) Youth Climate Council [Młodzieżowa Rada Klimatyczna];
- 5) President of the Central Office of Measures;
- 6) President of the General Prosecutor's Office of the Republic of Poland [Prezes Prokuratury Generalnej Rzeczypospolitej Polskiej];
- 7) President of the Office of Competition and Consumer Protection [Urząd Ochrony Konkurencji i Konsumentów];
- 8) President of the Energy Regulatory Office [Urząd Regulacji Energetyki];
- 9) Polish Committee for Standardization [Polski Komitet Normalizacyjny];
- 10) Ombudsman for Small and Medium-Sized Enterprises [Rzecznik Małych i Średnich Przedsiębiorców].

Due to the scope of the Draft, which does not concern trade union tasks, the Draft was not subject to assessment by representative trade unions.

Due to the scope of the Draft which concerns the rights and interests of employer organisations, the Draft was subject to opinion by representative employer organisations. The project was submitted (30 days) to the following representative employers' organisations:

- 1) Pracodawcy RP [Employers of Poland]
- 2) Konfederacja Lewiatan ['Lewiatan' Confederation],
- 3) Związek Rzemiosła Polskiego [Polish Craft Association],
- 4) Business Centre Club Union of Employers [Związek Pracodawców Business Centre Club];
- 5) Związek Przedsiębiorców i Pracodawców [Union of Entrepreneurs and Employers],
- 6) Federacja Przedsiębiorców Polskich [Federation of Polish Entrepreneurs].

The Draft was not subject to opinion by the Joint Commission of Government and Local Government because it does not concern matters relating to local government referred to in the Act of 6 May 2005 on the Joint Commission of Government and Local Government and the representatives of the Republic of Poland in the European Committee of the Regions. (Journal of Laws, item 759, as amended)

The Draft does not concern matters referred to in Article 1 of the Act of 24 July 2015 on the Council of Social Dialogue and Other Institutions of Social Dialogue (Journal of Laws of 2018, item 2232 as amended) and therefore did not require an opinion from the Social Dialogue Council.

The Draft was not subject to the opinion of the President of the Personal Data Protection Office, because, in accordance with Article 51 of the Personal Data Protection Act of 10 May 2018 (Journal of Laws of 2019, item 1781) it does not apply to personal data.

The draft Regulation does not require to be submitted to competent authorities and institutions of the European Union, including the European Central Bank, for the purpose of obtaining opinions, submitting a notification, consultation, or agreement of the draft.

The results of opinions and public consultations were discussed in a report on consultations and opinions, containing a

summary of the presented positions or opinions and a reference to them by the requesting authority, made available on the website of the Government Legislation Centre, in the Government Legislative Process tab.

## 6. Impact on the public finance sector

(fixed prices for the year .....)	Impact over 10 years from implementing the amendments [PLN million]											
	0	1	2	3	4	5	6	7	8	9	10	Total (0–10)
<b>Total revenue</b>	0	0	0	0	0	0	0	0	0	0	0	0
state budget	0	0	0	0	0	0	0	0	0	0	0	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total expenditure</b>	0	0	0	0	0	0	0	0	0	0	0	0
state budget	0	0	0	0	0	0	0	0	0	0	0	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total balance</b>	0	0	0	0	0	0	0	0	0	0	0	0
state budget	0	0	0	0	0	0	0	0	0	0	0	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
Sources of financing	The draft Regulation does not have financial consequences for public finance sector units, including the state budget and the budgets of local government units, consisting of increasing their expenditures or reducing their revenues compared to the amounts resulting from the applicable regulations.											
Additional information, including the identification of data sources and assumptions made in the calculation	The draft Regulation does not impose burdens on the state budget and the budgets of local government units, so there is no indication of sources of financing.											

## 7. Impact on the competitiveness of the economy and entrepreneurship, including the functioning of enterprises and impact on families, citizens and households

		Impact							
Time (in years) since entry into force of the amendments		0	1	2	3	5	10	Total (0–10)	
In monetary terms (in PLN million, fixed prices for [year])	large enterprises	0	0	0	0	0	0	0	
	micro-, small- and medium-sized enterprises	0	0	0	0				
	families, citizens and households	0	0	0	0	0	0	0	
	persons with disabilities and the elderly	0	0	0	0	0	0	0	
In non-monetary terms	large enterprises	The draft Regulation does not introduce additional burdens or obligations.							
	micro-, small-, and medium-sized enterprises	The draft Regulation does not introduce additional burdens or obligations.							
	families, citizens and households	The draft Regulation does not introduce additional burdens or obligations.							

	persons with disabilities and the elderly	The draft Regulation does not introduce additional burdens or obligations.
Unmeasurable		No impact
Additional information, including the identification of data sources and assumptions made in the calculation	The draft Regulation has no impact on competitiveness of the economy and enterprise, including the functioning of enterprises.	
<b>8. Amendment to the regulatory burden (including disclosure obligations) resulting from the draft</b>		
<input checked="" type="checkbox"/> not applicable		
Burdens are placed outside those strictly required by the EU (details – see reverse side of the correlation table for details).	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> not applicable	
<input type="checkbox"/> reduction in the number of documents <input type="checkbox"/> reduction in the number of procedures <input type="checkbox"/> reduction of processing time <input type="checkbox"/> other: ...	<input type="checkbox"/> increase in the number of documents <input checked="" type="checkbox"/> increase in the number of procedures <input type="checkbox"/> extension of the time to settle the matter <input type="checkbox"/> other:....	
The introduced burdens are suitable for digitisation.	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> not applicable	
Comment: The draft Regulation shall increase the number of procedures related to the certification of calibration certificates for measuring and billing equipment.		
<b>9. Impact on the labour market</b>		
The draft regulation has no impact on the labour market.		
<b>10. Impact on other aspects</b>		
<input type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development <input checked="" type="checkbox"/> common, administrative, or military courts	<input type="checkbox"/> demography <input type="checkbox"/> state property <input type="checkbox"/> other:	<input type="checkbox"/> computerisation <input type="checkbox"/> health
Discussion of the impact	The draft Regulation may have an impact on increasing occupancy in common courts.	
<b>11.Planned implementation of the provisions of the act</b>		
The Regulation shall enter into force after 14 days from its publication.		
<b>12. How and when shall the impact of the draft be assessed, and what measures shall be applied?</b>		
Regulations adopted in the field of measurements, registration, and calculation of quantity of biogas, agricultural biogas, or biomethane shall be monitored and verified on an ongoing basis depending on market development and situation.		
<b>13.Annexes (important source documents, research, analyses, etc.)</b>		
Not applicable.		