frank bold

Kraków, 26 November 2026

Ms Teresa Ribera Rodríguez

Executive Vice-President

European Commission

Dear Executive Vice-President Teresa Ribera,

I would like to express my sincere gratitude for the opportunity you provided for Katarzyna Leśko to meet with you in Warsaw on 20 November 2026, representing the Frank Bold Foundation.

The Frank Bold Foundation, located in Kraków, Poland, is a team of lawyers and other specialists who work together to defend citizens, help them resolve legal issues and campaign on behalf of their communities. We are a specialist organization, distinguished by our use of legal tools to protect people and the environment. Our activities include strategic litigations, participating in public consultations and carrying out advocacy work, delivering expert opinions and analyses on legal aspects of energy transition and environment protection, providing guides and trainings. For many years we were struggling with coal phase-out. Since 2022, we have been actively supporting the development of energy communities in Poland, particularly energy cooperatives.

I would also like to thank you for providing us with the opportunity to supplement our position in writing. Therefore, I would like to present the following observations and recommendations regarding key issues and challenges which, in our view, require particular attention.

Hard coal mining

Poland is currently the only EU country, where hard coal is being extracted and there is formally no binding date for phasing out coal. The absence of a coal phase-out date makes it impossible to plan the transition reliably.

In the meantime, more than a dozen deposits were granted decisions extending mining license without any Environmental Impact Assessment. On 19 November 2026, the European Commission published a statement regarding the launch of infringement proceedings in this matter. We welcome this with great satisfaction and we trust that the Commission's actions in this matter will be swift and decisive. The infringement persisted for many years and had a potentially very negative impact on the environment—particularly in the areas of water protection, as well as the land surface, natural habitats, and methane emissions. It impacts local communities, which are increasingly experiencing the adverse effects of mining operations and feel left to fend for themselves when confronted with mining companies operating as State Treasury-owned enterprises. It doesn’t help to conduct just and social transition away from coal.

We would also like to draw attention to the fact that current Polish law does not provide for separate environmental impact assessments for projects involving the closure of an existing coal mine. Meanwhile, the closure of many large mines located within a relatively small area is planned over the coming decade, meaning that the environmental impacts will be cumulative. We are already aware of cases in Poland where mine closures took place without a proper environmental assessment, which is currently resulting in very negative consequences in the form of rapid changes in water conditions and groundwater levels. Therefore, we strongly urge the European Commission to take this issue into consideration.

We would also like to point that in Poland **EU Methane Regulation** also hasn't been implemented – we don't have penalties, so it's difficult to mitigate methane emissions.

Support for just transition regions

The second issue is the future of EU support for regions in transition.

The Turów Subregion (covering the Zgorzelec and Lubań counties), home to Poland's second-largest lignite mine and power plant, was excluded from support under the Just Transition Fund due to the policies of the former Polish government. As a consequence, it now faces even greater challenges than other coal regions that have benefited from JTF funding. Without a clear coal phase-out timeline in place, local authorities are left to manage the transition largely on their own while working to secure a viable future for the communities of this peripheral border region.

We have found that, during the current programming period, many municipalities in the subregion were unable to access funding from other EU instruments because eligibility was assessed on the basis of average municipal revenue per capita recorded in 2021. In practice, this approach disadvantages municipalities in the Turów Subregion, as their revenues exceed the regional average. However, higher revenues are largely generated by the lignite mining and power generation complex itself and therefore do not reflect the region's long-term economic resilience. As the operation of the complex is gradually reduced or phased out, both municipal revenues and residents' incomes are expected to decline. Consequently, municipalities will have even less capacity to provide the co-financing required for investment projects. Maintaining the own-contribution requirement at 40% would therefore, in practice, lead to lower levels of investment precisely where additional investment is most needed, this means when implementing projects of a social, environmental, or infrastructure nature.

There is also a real risk that, as part of the Lower Silesian Voivodeship, which will be classified as a transition region under EU Cohesion Policy, the Turów Subregion will have to compete for funding with more developed areas that do not face comparable structural challenges related to the energy transition.

Therefore, **subregions such as Turów that have not benefited from the Just Transition Fund should be covered by preferential financing arrangements, including lower co-financing requirements and the use of more appropriate per capita income indicators when determining eligibility for support and funding intensity**. Only in this way will it be possible to ensure equal development opportunities and compensate for the lost opportunities resulting from the absence of earlier transition support.

Energy communities

Difference between the objectives of EU energy policy and the reality in Poland is growing. It is increasingly argued that lower renewable energy generation costs do not necessarily translate into lower electricity bills[1]. **Poland hasn't fully implemented EU law on energy sharing and the provisions of the Renewable Energy Directive on energy communities[2].** Citizen Energy Communities with unclear business model and a high level of complexity are not as popular[3] as energy clusters[4] and the government has not taken action to address this challenge.

Only uniquely Polish concept of energy cooperatives is developing on a larger scale. This demonstrates that municipalities and citizens want to participate in the energy transition when they are provided with clear, understandable law and business model. Primary purpose of energy cooperatives is local self-consumption rather than commercial activity. However, when considering number of energy cooperatives (939), membership (2675), and installed capacity (560 MWe), it becomes clear that they represent only a small fraction of the Polish electricity system (in the end of September 78 952 MW). **We therefore need a strong signal from the European Commission, which is currently examining the issue in the context of State aid rules (case SA.121920), that energy cooperatives, together with their existing support framework, should be further expanded. This is crucial for building public acceptance of the energy transition in Poland.** We have submitted on 20 August 2026 a letter in the case SA.121920 with detailed argumentation.

It is difficult to expect active participation when many consumers do not understand their electricity bills. The tariff comparison tool has been prepared as a complex spreadsheet[5]. In such situation it is difficult to argue that energy market is genuinely accessible to the citizen. **Without support, clear rules and a requirement for energy companies to cooperate with energy communities, citizens will simply not engage in market-based entities that are time-consuming, require extensive knowledge, the involvement of lawyers and energy experts, and ultimately entail significant risks. Community energy initiatives are intended to be non-professional in nature and, without adequate support, including tangible benefits, they will never be able to compete with energy companies that possess vast organisational, financial and technical resources.**

We need the stronger pressure from the European Commission to create a meaningful space within the energy system for non-professional citizen energy initiatives based on rooftop photovoltaics, while also supporting energy storage facilities connected to local

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[1] https://www.ure.gov.pl/pl/urzad/informacje-ogolne/edukacja-i-komunikacja/ure-w-mediach-1/12889%2CTaryfy-moga-spasc-ale-czy-rachunki-za-prad-tez.html

[2] https://www.eca.europa.eu/pl/publications/SR-2026-10

[3] There is only 5 registered Citizen Energy Communities, however the legal framework went into force in 2024.

[4] There is 15 of registered energy cluster. Following the European Commisions's indication that the support scheme for energy clusters needed to be redesigned (following the state aid procedure concluded in July 2025), the Polish government has taken no action, and energy clusters still do not benefit from any support.

[5] https://maszwybor.ure.gov.pl/or/cenki/122,Zestawienie-ofert-sprzedawcow-energii-elektrycznej.html

distribution infrastructure. Grid development should not serve only the conventional, professional energy sector.

The success of energy communities **should be assessed not by the number of communities or capacity of installations but by reference to the number of households and citizens, including those affected by energy poverty, that are actively participating in these initiatives.** Unless the European Commission requires Member States to report against such indicators and unless governments provide active support for citizen participation, energy communities will remain only a feature of strategic documents.

We are concerned that the lack of support for citizens, the retreat from supporting energy communities, and the continued strengthening of energy companies that generate enormous profits while leveraging their market position will reinforce anti-EU and anti-transition narratives. This is particularly worrying given that annual surveys reveal a troubling trend: fewer and fewer people in Poland believe that climate change is real or requires action.

We would be pleased to engage in further discussions, including through an online meeting, should this be helpful.

More details:

Hard coal mining – attorney-at-law Katarzyna Leśko, katarzyna.lesko@frankbold.org

Support for Turów subregion and energy communities - attorney-at-law Agnieszka Stupkiewicz, agnieszka.stupkiewicz@frankbold.org

Yours sincerely,

26.11.2026, 12:13:11

Bartosz Kwiatkowski

Kwalifikowany podpis elektroniczny