Enea Group - preliminary investigation and searches

* **The President of UOKiK has launched a preliminary investigation into suspected application of anti-competitive practices by Enea Group.**
* **UOKiK employees carried out searches in three business entities of the Enea capital group.**
* **The signals received may evidence some prohibited actions when connecting RSE systems to power grids.**

**[Warsaw, 2 December 2024]** Enea Group is one of the largest power enterprises in Poland involved in power production, trading and distribution. Enea Operator is a natural monopolist within the area designated by the scope of operation of the distribution network managed by the company.

This year, the President of UOKiK has been receiving signals that this company might have applied some preferential procedures for requests to connect RSE systems to the power grid which had originated from its own capital group as well as from some entrepreneurs who had had no capital links with the group. For example, this might have taken place by way of awarding statement of conditions for connection to selected entrepreneurs despite the fact that they had failed to observe formal requirements or by way of neglecting the order of requests submitted. As a result of the aforementioned actions, other entities applying for connection of their RSE systems to the Enea Operator grid may have been aggrieved. Awarding the statement of conditions for connection to some privileged entrepreneurs in breach of formal requirements or in a privileged manner may have resulted in the “exhaustion” of the connection capacity in balancing hubs. Such actions resulted in refusals to connect for other entities due to the lack of technical capacities. On the other hand, access to this grid is necessary if you want to participate in the power trading market.

Actions consisting in a refusal to access to the key infrastructure may constitute a practice on abusing a dominant position in cases where the dominant entity fails to satisfy the requirement to provide such access, or it deteriorates the access terms and conditions at its own discretion or it delays to provide such access. At the same time, in this case we have been additionally examining the theme of a suspected conclusion of illegal arrangement by and between Enea Operator and the entities which availed themselves of the privileged treatment when connecting their RSE systems to the grid. These circumstances are being verified in the course of the pending investigation.

- We have been analysing if Enea capital group might have applied anti-competitive practices, in particular, if it might have abused its dominant position on the renewable energy market in Poland to the extent of managing access to the distribution grid. I have opened a preliminary investigation into the matter and ordered searches. They were held in three Enea entities with the permission of the court and assisted by the Police. We are currently analysing the evidence gathered in this case - says the President of UOKiK, Tomasz Chróstny.

The investigation procedure is conducted *in rem* and not against specific businesses. If the evidence collected confirms the suspicions, the President of UOKiK will initiate antitrust proceedings and bring charges against individual entities. Breaching anti-trust law carries a financial penalty in the amount of up to 10% of the undertaking’s turnover.

**Inform the Authority**

Severe sanctions can be avoided by taking advantage of the [leniency scheme](https://konkurencja.uokik.gov.pl/program-lagodzenia-kar/). It offers businesses involved in an illegal agreement and managers responsible for entering into a price-fixing arrangement an opportunity to reduce a sanction or, in some cases, avoid it altogether. It is intended for those who agree to cooperate with the President of UOKiK as a “crown witness” and provide evidence or information regarding the existence of a prohibited agreement. We encourage the parties interested in the leniency scheme to contact UOKiK at a dedicated phone number 22 55 60 555. UOKiK staff will answer any questions about the leniency program, including anonymous ones.

We would also like to remind you that we operate a programme to obtain information from anonymous whistleblowers. Do you wish to inform the Office about competition restricting practices? Visit <https://uokik.whiblo.pl/> or scan the QR code below and use the simple form. The system we use guarantees full anonymity, including vis-a-vis the Authority itself.