Energy Regulatory Office

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Winning the precedent case by the URE President before the Court of Appeal

Almost 8 mln penalty for RWE

With the decision from 21 November 2005. the URE President imposed a fine on RWE STOEN S.A. (today RWE Polska) in the amount of 7 650 000 PLN for not complying with the obligation to maintain buildings, installations and equipment in the proper technical conditions, which would enable the distribution of electricity in continuous and reliable way. It is one of the highest penalties imposed by the Regulator, and connected, among others, with a widespread breakdown in the network of the Company, which took place in Warsaw on 22 November 2004 and deprived almost 200 000 inhabitants of the capital of electricity supply.

The Company appealed against the decision to court. On 28 May 2008 the Court of Competition and Customer Protection (CCCP) dismissed the appeal of the enterprise. STOEN appealed against this verdict. The case was solved by the Court of Appeal in Warsaw on 24 July 2009. The court dismissed the appeal of the enterprise and sustained the verdict of CCCP from last year, at the same time sustaining the decision of the URE President in force. The verdict of the Court of Appeal is legally valid.

In the oral justification of the verdict the Court indicated, that the URE President determined correctly, that RWE STOEN did not meet the obligation to maintain the network in proper technical conditions, and the decision concerning the penalty was correctly issued, on the basis of properly collected evidence. The Court ruled, as well, that the imposed financial penalty, although severe, is adequate to the stated violation.

All the proceeding in the case of not complying with the obligation by the electricity enterprise, as well as the penalty imposed, are of precedential nature.

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