

<p>Draft name Regulation of the Minister for Infrastructure on the approval of trams and trolleybuses</p> <p>Lead ministry and cooperating ministries Ministry of Infrastructure</p> <p>Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State Rafał Weber — Secretary of State at the Ministry of Infrastructure</p> <p>Contact details for the draft supervisor Olga Tworek — Deputy Director of Road Transport Department, olga.tworek@mi.gov.pl, ph. (022) 630 12 40</p>	<p>Date of preparation: 23 January 2023</p> <p>Source:</p> <ol style="list-style-type: none"> Article 55(1) of the Act of 14 April 2023 on the approval systems of vehicles and their equipment (Journal of Laws, item 919) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ EU L 151, 14.6.2018, p. 1). <p>No. on the list of legislative works of the Minister for Infrastructure: 297.</p>
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REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

The Issuance of a new Regulation on the type approval of trams and trolleybuses is dictated by the fact that the current provisions on approval of trams and trolleybuses contained in the Act of 20 June 1997 – Road Traffic Law (Journal of Laws of 2023, item 1047, as amended), and all approval matters are regulated by a completely new legal act – the proposed Act on vehicle approval systems and their equipment. The draft of the regulation in question thus constitutes the implementation of the provisions contained in Article 55 of the proposed act on vehicle approval systems and their equipment, which is a statutory obligation incumbent on the minister responsible for transport, consisting of specifying the procedure of type approval of trams and trolleybuses.

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

In view of the repeal of the statutory authorisation for the Minister competent for transport to determine approval of trams and trolleybuses contained in the above mentioned Law on Road Traffic and the determination by the legislator of a new legal basis in a new legal act of legal status, a new regulation is to be issued on the basis of that new legal basis (Article 55 para. 1 of the Act of 14 April 2023 on vehicle approval systems and their equipment). The new Regulation on the type approval of trams and trolleybuses covers the same legislative solutions that are currently covered by the Regulation of the Ministry of Transport, Construction and Maritime Economy of 28 May 2013 on the type approval of trams and trolleybuses (Journal of Laws No. U. of 2015 item 38) and do not introduce new formal obligations for applicants of such a designation.

The proposed legal solutions contained in the new Regulation do not require additional interventions and aim only to adapt the legal basis of the designated technical services, which are the existing Regulations of the European Parliament and of the Council (in place of the repealed Directives).

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

EU Member States shall make changes to their national legislation to ensure the application of EU secondary legislation.

4. Entities affected by the draft

Group	Size	Data source	Impact
Approval issuing authority — Director of Transport Technical Inspection (TDT)	1	TDT	TDT currently employs staff involved in the approval procedures for trams and trolleybuses with professional experience in this area. In the framework of this procedure, the staff at its disposal are sufficient to fulfil the duties envisaged.

Manufacturers of vehicles	Approximately 160 operators	TDT	The draft regulation does not introduce new procedural solutions and does not expect an increase in the prices of vehicles and their equipment as a result of the proposed legislation, as these provisions are in line with the applicable rules. Regulation 2018/858 shall not have a fundamental impact on competitiveness, as the type-approval operators in all Member States are obliged to ensure the application of these acts. In addition, this regulation will make it possible to ensure the proper functioning of the EU internal market, in particular by reducing barriers to intra-EU and foreign trade, because the proposed procedure can only be national in nature and in this way will be implemented on the basis of the proposed act on vehicle approval systems and their equipment and Regulation on type approval of trams and trolleybuses.
Manufacturers of vehicle equipment and parts	Approximately 200 operators	TDT	As above

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

As part of the government's legislative process, the draft will be submitted for public consultation with the following actors:

1. Council for Social Dialogue (Rada Dialogu Społecznego);
2. All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych);
3. Forum of Trade Unions (Forum Związków Zawodowych);
4. Union of Entrepreneurs and Employers (Związek Przedsiębiorców i Pracodawców);
5. Business Centre Club;
6. Polish Craft Association (Związek Rzemiosła Polskiego);
7. Polish Confederation Lewiatan (Konfederacja Lewiatan);
8. Employers of Poland (Pracodawcy RP);
9. Ombudsman for Small and Medium-Sized Enterprises (Rzecznik Małych i Średnich Przedsiębiorców);
10. "Solidarity 80" Inter-Enterprise Union Organisation (Międzyzakładowa Organizacja Związkowa NSZZ „Solidarność 80”);
11. Federation of Polish Entrepreneurs (Federacja Przedsiębiorców Polskich);
12. National Committee of the "Solidarity" Trade Union (Komisja Krajowa NSZZ "Solidarność");
13. Polish Automotive Industry Association (Polski Związek Przemysłu Motoryzacyjnego);
14. General Inspectorate of Road Transport (Główny Inspektorat Transportu Drogowego);
15. Polish Chamber of Commerce of Road Transport and Forwarding (Polska Izba Gospodarcza Transportu Samochodowego i Spedycji);
16. International Road Carriers Association (Zrzeszenie Międzynarodowych Przewoźników Drogowych);
17. Polish Motor Union (Polski Związek Motorowy) — Central Board
18. Polish Defence League (Liga Obrony Kraju);
19. Transport Technical Inspection (Transportowy Dozór Techniczny);
20. Motor Transport Institute (Instytut Transportu Samochodowego);
21. Association of Polish Counties (Związek Powiatów Polskich);
22. Polish Chamber of Vehicle Inspection Stations (Polska Izba Stacji Kontroli Pojazdów);
23. All-Poland Association of Automotive Diagnosticians (Ogólnopolskie Stowarzyszenie Diagnostów Samochodowych);
24. All-Poland Association of Heads of Departments of Communication (Ogólnopolskie Stowarzyszenie Szefów Wydziału Komunikacji);
25. Łukasiewicz Research Network — Industrial Automotive Institute (Sieć Badawcza Łukasiewicz - Przemysłowy Instytut Motoryzacji)
26. Road and Bridge Research Institute (Instytut Badawczy Dróg i Mostów);
27. Institute of Technology and Life Sciences — National Research Institute (Instytut Technologiczno-Przyrodniczy –

Państwowy Instytut Badawczy);

- 27a. Institute of Technology and Life Sciences — Kłodzisko Branch (Instytut Technologiczno-Przyrodniczy – Oddział Kłodzisko)
28. Land Transport Chamber of Commerce (Izba Gospodarcza Transportu Lądowego);
29. Association of Polish Mechanical Engineers and Technicians (Stowarzyszenie Inżynierów i Techników Mechaników Polskich), Warsaw;
30. National Automotive Appraisers Association (Krajowe Porozumienie Stowarzyszeń Rzecznawców Samochodowych);
31. Automotive Parts Manufacturers Association (Stowarzyszenie Producentów Części Motoryzacyjnych);
32. Association of Polish Mechanical Engineers and Technicians (Stowarzyszenie Inżynierów i Techników Mechaników Polskich), Warsaw;
33. BOSMAL Automotive Research and Development Institute (Instytut Badań i Rozwoju Motoryzacji, Bosmal);
34. Association of Automotive Parts Distributors and Producers (Stowarzyszenie Dystrybutorów i Producentów Części Motoryzacyjnych);
35. Transport and Logistics Poland (Transport i Logistyka Polska);
36. EXPERTMOT Association of Experts of Automotive Technology and Road Traffic (Stowarzyszenie Rzecznawców Techniki Samochodowej i Ruchu Drogowego EXPERTMOT);
37. Polish Chamber of the Automotive Industry (Polska Izba Motoryzacji);
38. Polish Chamber of Commerce of Agricultural Machines and Facilities (Polska Izba Gospodarcza Maszyn i Urządzeń Rolniczych);
39. Dekra Polska;
40. General Directorate for National Roads and Motorways (Generalna Dyrekcja Dróg Krajowych i Autostrad);
41. Warsaw Association of Vehicle Inspection Stations (Warszawskie Stowarzyszenie Stacji Kontroli Pojazdów);
42. Association of Automotive Technology (Stowarzyszenie Techniki Motoryzacyjnej);
43. Przemysłowy Instytut Maszyn Budowlanych Sp. z o.o.;
44. Centrum Badawcze Pojazdów CeBaPoj Sp. z o.o.;
45. SYLKOM Sp. z o.o.;
46. OINBAS Ośrodek Innowacyjno-Naukowo-Badawczy Sp. z o.o.;
47. Laboratorium Badań Pojazdów Sp. z o.o.;
48. Cartest Sp. z o.o.;
49. Kielce University of Technology — Laboratory of Vehicle Electrical Engineering and Laboratory of Light Technology, headquartered in Kielce (Politechnika Świętokrzyska – Laboratorium Elektrotechniki Pojazdowej oraz Laboratorium Techniki Świetlnej, z siedzibą w Kielcach)
50. Politechnika Ośrodek Badawczo-Rozwojowy Przemysłu Oponiarskiego „STOMIL” Sp. z o.o.;
51. Łukasiewicz Research Network: (Sieć Badawcza Łukasiewicz); ‘TABOR’ Rail Vehicles Institute (Instytut Pojazdów Szynowych Tabor);;
52. AUTO LAND R.T.; Zduniewicz Spółka Jawna — Glass Research Laboratory (Zduniewicz Spółka Jawna – Laboratorium Badań Szkła)
53. Autogas Coalition — Association of Employers (Koalicja na Rzecz Autogazu – Związek Pracodawców);
54. Polish Organisation of Liquid Gas — Employers’ Association (Polska Organizacja Gazu Płynnego – Związek Pracodawców)
55. ‘WENECJA’ Ewa Gawlik Insurance Agency (Agencja Ubezpieczeniowa „WENECJA” Ewa Gawlik);
56. Centrum Techniki Okrętowej S.A.;
57. TÜV Rheinland Polska Sp. z o.o.;
58. Polish Training Union (Polski Związek Szkoleniowy);
59. All-Poland Union of Road Transport Employers (Ogólnopolski Związek Pracodawców Transportu Drogowego);
60. Association of Automotive Employers (Związek Pracodawców Motoryzacji);
61. Association of Automotive and Industrial Articles Employers (Związek Pracodawców Motoryzacji i Artykułów Przemysłowych);
62. Association of Automotive Industry Employers (Związek Pracodawców Branży Motoryzacyjnej);
63. The Car Dealers Union (Związek Dealerów Samochodów).

The deadline for submitting comments shall be 30 days.

In accordance with Article 5 of the Act of 7 July 2005 on lobbying activities in the process of law-making (Journal of Laws of 2017, item 248) the draft Regulation was published on the website of the Government Legislation Centre

on the 'Government Legislative Process' page.

6. Impact on the public finance sector

(fixed prices for 2021)	Impact over 10 years from implementing the amendments [PLN million]												
	0	1	2	3	4	5	6	7	8	9	10	Total (0-10)	
Total revenue	0	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	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0	0
TDT	0	0	0	0	0	0	0	0	0	0	0	0	0
Total expenditure	0	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	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0	0
TDT	0	0	0	0	0	0	0	0	0	0	0	0	0
Total balance	0	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	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0	0
TDT	0	0	0	0	0	0	0	0	0	0	0	0	0
Sources of financing													
Additional information, including the identification of data sources and assumptions made in the calculation	<p>In the case of calculations made regarding the amount of fees for carrying out the activities under the approval procedures indicated in the draft approval act, the costs resulting from the calculated hours of work of TDT employees in each of the procedures, the fees cover all the costs of carrying out the activities, i.e. the costs of work, equipment and materials necessary to perform the activities. At this point, it should be emphasised that only in those cases where on-the-spot checks at the manufacturer's premises or in the technical service will it be necessary to take into account the actual travel costs of TDT representatives to the inspection site.</p> <p>This regulation has no effect on the current legal situation in the public finance sector.</p>												

7. Impact on the competitiveness of the economy and entrepreneurship, including the functioning of entrepreneurs and on the family, citizens and households, the disabled, and the elderly.

		Effects							
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0-10)	
In monetary terms (in PLN millions, fixed prices for 2020)	Vehicle owners and holders (large enterprises, micro, small and medium-sized enterprises)	0	0	0	0	0	0	0	
	Family, citizens, households, persons with disabilities and the elderly	0	0	0	0	0	0	0	

In non-monetary terms	large enterprises	The Regulation on the type-approval of trams and trolleybuses will unambiguously specify the conditions for obtaining type-approval, which will have a positive impact on the certainty of trade.
	micro-, small- and medium-sized enterprises	Neutral impact
	Family, citizens and households, persons with disabilities and the elderly	Vehicles type-approved in accordance with this Regulation will ensure safety and proper comfort for public transport users including those with reduced mobility.

Unmeasurable		
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Additional information, including the identification of data sources and assumptions made in the calculation	This Regulation shall in no way affect the competitiveness of the economy and entrepreneurship.
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8. Change in the regulatory burden (including disclosure obligations) resulting from the draft

<input type="checkbox"/> not applicable
<p>Burdens are placed outside those strictly required by the EU (see the inverted compatibility table for details).</p> <p><input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> not applicable</p> <p><input type="checkbox"/> reduction in the number of documents <input type="checkbox"/> reduction in the number of procedures <input type="checkbox"/> shortening of the time to settle the matter <input type="checkbox"/> other:</p> <p><input type="checkbox"/> increase in the number of documents <input type="checkbox"/> increase in the number of procedures <input type="checkbox"/> extension of the time to settle the matter <input type="checkbox"/> other:</p> <p>The introduced burdens are suitable for digitisation.</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> not applicable</p>

9. Impact on the labour market

The neutral effect.

10. Impact on other aspects

<input checked="" type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development <input type="checkbox"/> other:	<input type="checkbox"/> demographics <input type="checkbox"/> state property	<input type="checkbox"/> computerisation <input checked="" type="checkbox"/> health
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Discussion of the impact	The Regulation defines the scope of technical requirements applicable in the type approval procedure for trams and trolleybuses, with a view to ensuring an appropriate level of safety, health protection and the environment.
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11.Planned implementation of the provisions of the act

It is planned to enter into force on 1 July 2023.

12. How and when shall the impact of the draft Regulation be assessed, and what measures shall be applied?

Given that the project is of a clarifying nature and aims to ensure consistency of national law with Union law, no evaluation

is foreseen.

13. Annexes (important source documents, research, analyses, etc.)

None.

ACCELERATED APPROVAL — JUSTIFICATION of the application

The application of the accelerated procedure for the submitted legal act is justified in view of the need to ensure road safety, the protection of the environment, legitimate public interest and the coherence of the national system, and thus:

The submitted draft of the legal act is one of six draft regulations ensuring the proper functioning of the approval system on the territory of the Republic of Poland.

This draft Regulation on the type-approval of trams and trolleybuses implements the delegation contained in Article 55(1). of the Act of 14 April 2023 on vehicle approval systems and their equipment (Journal of Laws. item. 919), i.e. the law newly adopted in Polish legislation.

The draft Regulation sets out:

1. the scope of the technical requirements applicable to the type-approval procedure;
2. the specific activities of the approval authority and the technical service in the type-approval procedure;
3. the scope and method of conducting type-approval tests;
4. draft documents relating to type-approval;
5. the conditions and method of selecting a tram or trolleybus for approval tests;
6. draft of approval signs and method of numbering of national type-approval certificates for tram or trolleybus.

Thanks to the above requirements, procedures and models of documents, it shall be possible to obtain a new certificate or change it.

When drafting the Regulation, the drafter shall take into account: the need to ensure an adequate level of safety, protection of health and the environment, the need to ensure that documents are protected against counterfeiting or forgery, the need to ensure their functionality and the need to ensure the efficient and effective performance of approval tasks.

Approval is the procedure of type-approval of a vehicle, items of equipment or parts by the approval authority. The obligation to obtain an approval certificate or another equivalent document (e.g. an end-of-series vehicle authorisation) applies only to vehicles, items of equipment and parts for which requirements are laid down in UN Regulations and EU Directives. In Poland, the function of the approval authority performing all tasks related to approval procedures is performed by the Director of Transport Technical Inspection. The Director must have at their disposal a set of tools necessary to carry out the approval procedures. This is necessary in order to ensure road safety and the protection of the environment, which constitute a legitimate public interest, thus ensuring the coherence of the national system.

A new type of vehicle, item of equipment or part to be placed on the market in the territory of the Republic of Poland shall comply with the technical requirements applicable to the vehicle category concerned. Proper verification of compliance with the relevant technical requirements undoubtedly affects the safety of vehicles involved in road traffic.

In addition, it should be noted that vehicles that are type-approved under this draft regulation, i.e. trams and trolleybuses, are zero-emissions electric vehicles.

In this respect, the submitted draft of the legal act forms part of the EU's European Green Deal policy.

Therefore, in order to ensure the highest possible level of safety, both in road traffic and for other users of this traffic (pedestrians), it is necessary to implement the provisions of the draft legal act as soon as possible and as appropriately as possible.

Due to the outbreak of the COVID-19 pandemic in 2020 and Russia's aggression against Ukraine since 2022, the number of legislative actions undertaken in Poland, and thus legal acts, has increased significantly, making it impossible to estimate the duration of proceeding the act containing the delegation to issue the submitted draft Regulation.

The draft legal act submitted does not restrict the free movement of goods within the European Union, nor does it create additional barriers of a commercial nature.

Notwithstanding the above, we would like to inform you that as part of the notification:

- of a legal act relating to electromobility, under number 2019/084/DE, Germany has obtained the approval of the European Commission for an accelerated notification procedure,
- of the regulation relating to road safety, under number 2021/536/PL, Poland has obtained the approval of the European Commission for an accelerated notification procedure.