

Draft name

Regulation of the Minister for Infrastructure *on the individual vehicle approval*

Lead ministry and cooperating ministries

Ministry of Infrastructure

Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State

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Source:

1. Art. 68(1) of the Act *on vehicle and their equipment approval systems*,
2. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 *on the approval and market surveillance of agricultural and forestry vehicles* (OJ EU L 60, 2.3.2013, p. 1, as amended),
3. Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 *on the approval and market surveillance of two- or three-wheel vehicles and quadricycles* (OJ EU L 60, 2.3.2013, p. 52, as amended),
4. Regulation (EU) No. 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).

Number on the list of legislative work of the Minister for Infrastructure: 293

REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

The draft Regulation *on the individual vehicle approval* implements the delegation contained in Art. 68(1) of the Act of 14 April 2023 *on vehicle and their equipment approval systems* (Journal of Laws, item 919).

The purpose of this Act is to organise issues related to the approval of vehicles and their items of equipment and parts by transferring from the current Act of 20 June 1997 – *Road Traffic Law* (Journal of Laws of 2023, item 1047, as amended) of the chapter ‘Approval’ and its adaptation in the new law to the requirements of the international regulations of the European Union (EU) and the United Nations (UN).

The adoption of the proposed regulation therefore results from the repeal of the provisions of the above-mentioned Act – *Road Traffic Law* and the introduction of a new delegation resulting from the Act *on vehicle and their equipment approval systems* – these issues were regulated on the basis of the delegation contained in, respectively, Article 70zs(1)(1) and (2) and Article 70zx(1)(1) of the Act – *Road Traffic Law*.

Based on these delegations, the following were issued:

1. Regulation of the Minister for Transport, Construction and Maritime Economy of 26 March 2013 *on the approval of an individual vehicle* (Journal of Laws of 2015 item 148);
2. Regulation of the Minister for Transport, Construction and Maritime Economy of 21 March 2013 *on the EC individual vehicle type approval* (Journal of Laws of 2013, item 396)

which expired on the date of entry into force of the Act *on vehicle and their equipment approval systems*.

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

In view of the repeal of the statutory authorisation for the Minister responsible for transport to determine the procedure for the approval of a unit/individual vehicle contained in the above-mentioned Act – *Road Traffic Law* and the specification of a new authorisation in a new legal act of statutory rank, it is necessary to issue a new regulation in the area of individual vehicle approval on the basis of the new legal basis contained in Article 68(1). of the Act *on vehicle and their equipment approval systems*.

The draft Regulation *on the individual vehicle approval* covers the same technical and procedural solutions that are currently covered by the aforementioned Regulations of the Minister for Transport, Construction and Maritime Economy *on the approval of an individual vehicle* and *on the EC individual vehicle type approval* and does not introduce any new formal obligations for applicants for such approval.

The proposed legal solutions contained in the new Regulation merely aim to adapt the legal basis for individual vehicle approval decisions, which are provided for in the above-mentioned binding Regulations of the European Parliament and of the Council (in place of the repealed Directives 2003/37/EC, 2002/24/EC, 2007/46/EC).

The analysis that was carried out has shown that it is not possible to achieve the objective of the draft regulation through means other than the issue of a regulation.

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 — Transportowy Dozór Techniczny];	1	TDT	TDT currently employs staff involved in issuing decisions on the approval of a unit/individual vehicle with substantive experience in this area. Within the framework of the individual vehicle approvals, the staff held shall be sufficient to fulfil the expected obligations under this procedure.
Vehicle manufacturers, manufacturers' representatives, importers	Approximately 160 entities	TDT	Due to the fact that EU regulations clearly indicate the methodology of individual approval, and the proposed provisions of the Regulation do not go beyond the existing EU regulations, but implement these regulations, they do not have any additional economic or administrative effects, nor do they constitute a restriction on the process of recognition of individual vehicle approvals issued in other EU countries.
Vehicle owners	No data	—	as above

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

The project was submitted for opinion and public consultation with the following entities:

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 — Kłodzko Branch (Instytut Technologiczno-Przyrodniczy – Oddział Kłodzko);
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 Rzeczników 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 Rzeczników 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).

As part of the opinion and public consultation, the draft regulation was sent to the above-mentioned entities and made available in the Public Information Bulletin on the subject page of the Government Legislation Centre on the Government Legislation Process website.

The deadline for submitting comments was 14/30 days, respectively. Comments made in the course of the opinion and public consultation were discussed in the report.

6. Impact on the public finance sector

	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
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

TDT	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
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
TDT	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
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
TDT	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

No impact on the public finance sector.

The draft regulation does not impose new obligations beyond those laid down in the *Act on vehicle and their equipment approval systems* and does not regulate the tolling issues, but only implements the legal solutions specified in this Act in accordance with its delegation in the area of the individual vehicle approval procedure.

The rates of fees for the individual vehicle approval procedure (for the issue of an EU/national individual vehicle approval certificate or recognition of a national individual vehicle approval certificate issued by a Member State of the European Union other than the Republic of Poland) are regulated at the level of the above-mentioned Act and not at the level of the proposed regulation, therefore the effects of these charges have been assessed in the IAS to that Act.

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

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 million, fixed prices for the year.....)	0	0	0	0	0	0	0
large enterprises	0	0	0	0	0	0	0

	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	<p>The draft Regulation lays down uniform templates for documents to be used by applicants (manufacturer, manufacturer's representative, vehicle importer) who apply for obtaining an individual vehicle approval certificate:</p> <ul style="list-style-type: none"> models for applications for either a EU or national individual vehicle approval certificate, a model declaration containing the vehicle data and information necessary for the registration and recording of the vehicle. 						
	micro-, small- and medium-sized enterprises							
	Family, citizens and households, persons with disabilities and elderly persons							
Immeasurable	large enterprises	as above						
	micro-, small- and medium-sized enterprises							
Additional information, including the identification of data sources and assumptions made in the calculation	<p>The draft regulation does not impose new obligations beyond those laid down in the Act on vehicle and their equipment approval systems and does not regulate charging issues in the area of the individual vehicle approval procedure.</p> <p>The rates of fees for the individual vehicle approval procedure (for the issue of an EU/national individual vehicle approval certificate or for the recognition of a national individual vehicle approval certificate issued by a Member State other than the Republic of Poland) are regulated at the level of the above-mentioned Act and not of the proposed regulation, therefore the effects of these charges have been assessed in the IAS to that Act.</p>							
8. Change in the regulatory burden (including disclosure obligations) resulting from the draft								
<input type="checkbox"/> not applicable								

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

9. Impact on the labour market

No impact on the labour market.

10. Impact on other aspects

environment

regional standing and development

common, administrative, or military courts

demography

state property

other: safety

computerisation

health

Discussion of the impact

The Regulation lays down the scope of the technical conditions or requirements applicable to the national individual vehicle approval procedure, taking into account equivalent alternative requirements, and considering the need to ensure an appropriate level of safety and protection of health and the environment.

11. Planned implementation of the provisions of the act

The Regulation shall enter into force on the day following the date of publication.

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

Due to the fact that the draft regulation implements the provisions of the Act in order to ensure the consistency of national law with EU law, no evaluation is expected.

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

None

ACCELERATED APPROVAL — JUSTIFICATION OF THE APPLICATION

The application of the accelerated procedure in relation to the submitted legal act is justified in view of the need to ensure road safety, environmental protection, legitimate public interest and the coherence of the Polish system in the area of approval procedures, including procedures equivalent to individual vehicle approval, in order to enable entrepreneurs – manufacturers of new vehicles of categories T, C, R, S, M, N, O and L to place them on the market, not only domestic, but also Ukrainian in view of the high demand addressed to Polish manufacturers to supply vehicles that shall be used in connection with Ukraine's defence against Russia's aggression.

The proposed legal act is one of six draft regulations ensuring the proper functioning of the approval system on the territory of the Polish State.

This draft Regulation on individual vehicle approval implements the delegation set out in Article 68(1) of the Act of 14 April 2023 on vehicle and their equipment approval systems (Journal of Laws, item 919), i.e. the act newly adopted in Polish legislation, which aims to align the regulations in the Republic of Poland with the regulations of the European Union (EU) and the United Nations (UN) in the context of three EU regulations: 167/2013, 168/2013, 2018/858, and UN Regulations.

The draft Regulation sets out:

- 1) the scope of the conditions or technical requirements applicable to the national individual vehicle approval procedure, taking into account equivalent alternative requirements, the scope and manner of conducting tests proving compliance with the relevant technical conditions or requirements in order to obtain a national individual vehicle approval;
- 2) model documents relating to the national and EU individual vehicle approval procedures;
- 3) model declaration containing the vehicle data and information necessary to register and record the vehicle;
- 4) detailed activities of the Director of Transport Technical Inspection and technical services in the individual vehicle approval procedure.

When drafting the Regulation, the drafter took into account:

- 1) the need to ensure an adequate level of safety, protection of health and the environment;
- 2) the need to ensure the protection of documents against forgery or alteration;
- 3) the need to harmonise the model documents relating to the EU and national individual vehicle approval procedures and declarations made in the context of vehicle registration and records, as well as the need to ensure their functionality;
- 4) the need to ensure the efficient and effective performance of the tasks of individual vehicle approval.

In Poland, the function of approval authority performing all tasks related to approval procedures is performed by the Director of Transport Technical Inspection. It must have at its disposal a set of tools necessary to carry out approval procedures or procedures equivalent to

individual vehicle approvals in order to ensure road safety, and environmental protection, which constitute a legitimate public interest, thus ensuring the consistency of the national system in the field of entry into circulation of new vehicles.

The new type of vehicle, the type of 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 specified in EU regulations and UN regulations concerning their approval or in national regulations.

This is confirmed by obtaining the relevant full vehicle type-approval certificate (EU, UN, national). EU regulations also allow, in certain cases, the possibility for Member States to establish national procedures for the granting of individual vehicle approvals by the individual approval authority concerned.

The draft Regulation lays down technical requirements for the national procedure for individual vehicle approvals for vehicles of categories M, N, O, T, C, R, S and L, which are based on EU and UN regulations, applying also equivalent alternative requirements resulting, inter alia, from national technical conditions, assuming that the adopted requirements shall ensure an adequate level of safety, and protection of health and the environment.

Thanks to the application of the national technical requirements laid down in the regulation, administrative and organisational procedures and the rules of operation of the Polish authority competent for approval and technical services conducting tests for the purpose of obtaining individual vehicle approval, it shall be possible for manufacturers and their representatives, importers or owners of vehicles of categories T, C, R, S, M, N, O and L to obtain a national individual vehicle approval certificate, thereby allowing for the entry into circulation of a new vehicle not covered by the type-approval but meeting an appropriate level of safety and environmental protection.

The procedure and scope of the requirements contained in the draft shall also allow for the entry into circulation of new vehicles, which, although covered by a full-vehicle type-approval certificate, were subject to significant structural changes before their first registration, which influenced a change in the conditions constituting the basis for issuing such certificates. This is crucial in the context of their movement on the road, e.g. heavy goods vehicles intended for the transport of LPG cylinders for residents of Ukraine in order to ensure minimum living standards.

The urgent issue of this draft regulation is very important in the context of a large number of applications for national individual vehicle approval certificates currently submitted to the Polish approval authority:

- 1) with regard to the development of incomplete vehicles into military equipment, e.g. rocket launchers,
- 2) for sanitary vehicles and vehicles adapted for the carriage of dangerous goods crossing the EU border with Ukraine,
- 3) for agricultural vehicles adapted to work in war conditions,
- 4) with regard to O category trailers intended for transporting victims of

war, which is particularly important and urgent in the current situation of Russia's aggression against Ukraine.

It is of paramount importance to adopt this Regulation as soon as possible, as it shall enable the approval authority, i.e. the Director of TDT to issue national individual vehicle approval certificates for vehicles manufactured for use in the territory of the Ukrainian State in connection with the ongoing war activities against Russia's aggression, while ensuring an adequate level of safety for these vehicles, also in road traffic, and for other users of this traffic (pedestrians). At the same time, it should be noted that it was not possible to foresee the circumstances related to such a high demand for the supply of such vehicles on the territory of Ukraine directed to Polish manufacturers.

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. The transparency of the rules in this regard can provide an incentive for entities placing vehicles on the market, both for those currently engaged in such activities, to expand them, and for new entrants to start their activities in the area of such services.

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.