Draft of 4 April 2024.

Regulation

of the Minister for Development and Technology[[1]](#footnote-1))

of ……….. 2024

amending the Regulation on storage facilities and rooms for storage of explosives, weapons, ammunition, and goods and technology for military or police purposes[[2]](#footnote-2))

Pursuant to Article 33(4) of the Act of 13 June 2019 on the performance of economic activities in the field of manufacture and trade in explosives, weapons, ammunition, and goods and technology for military or police purposes (Journal of Laws of 2023, item 1743) the following is hereby ordered:

§ 1. The Regulation of the Minister for Development, Labour, and Technology of 5 August 2021 on storage facilities and rooms for storage of explosives, weapons, ammunition, and goods and technology for military or police purposes (Journal of Laws, item 1674) shall be amended as follows:

1) in § 3, points 1 and 2 shall read as follows:

‘1) base storage facility — constituted by a building or other structure or a separate part thereof intended for the storage of explosives, weapons, ammunition, and goods and technology for military or police purposes, in particular those that, due to their type or quantity, may pose a threat to the life or health of many people during storage as well as large-scale damage to property and the environment in the event of an explosion, fire, loss of certain technical parameters, or other undesirable events;

2) a provisional storage facility — constituted by any room in a building or a separate part thereof, used for industrial, laboratory or commercial purposes, or a room in a gunsmith’s shop, intended for the storage of explosives, weapons, ammunition, and goods and technology for military or police purposes in quantities not posing a significant risk to the life or health of many people as well as large-scale damage to property and the environment in the event of an explosion, fire, loss of certain technical parameters, or other undesirable events;’;

2) in § 5:

a) the existing content shall be indicated as (1),

b) in paragraph 1, point 3, the words ‘Article 3’ shall be replaced by ‘Article 3 point 2’,

c) paragraph 2 shall be added and read as follows:

‘2. Technical requirements in the storage facility referred to in paragraph 1 as regards fire safety, to the extent not regulated by the Regulation, shall be fulfilled by the application of appropriate technical and construction solutions and equipping with fire-fighting equipment and fire extinguishers in accordance with the requirements laid down respectively in the provisions issued pursuant to Article 13(1) and (3) of the Fire Protection Act of 24 August 1991 (Journal of Laws of 2024, item 275) and on the basis of Article 7(2)(1) of the Construction Law Act of 7 July 1994 (Journal of Laws of 2023, item 682, as amended[[3]](#footnote-3))).’;

3) in § 8:

a) in point 2, the words ‘(Journal of Laws of 2020, item 1333, as amended3))’ shall be deleted,

b) in point 3, letter b) shall read as follows:

‘b) ceiling linings and suspended ceilings shall be made of articles with a fire-response class of at least B, d0),’,

c) point 4 shall read as follows:

‘4) installation of evacuation doors in the storage facility which open out of the facility or slide apart; where windows are installed as secondary emergency exits, they shall open outwards and the window openings shall be not less than 0.75 m × 0.75 m and shall allow safe escape directly outside the storage facility; the difference in height between the lower edge of the secondary emergency exit windows and the level of the surface to which evacuation shall be conducted shall not exceed 0.9 m;’,

d) in point 6, the words ‘(Journal of Laws of 2021, item 869)’ shall be deleted;

4) in § 11, point 2 shall read as follows:

‘2) stacking of packages containing explosives, weapons, ammunition and goods and technology for military or police purposes, and the goods themselves — where storage in packages is not required — in a manner:

a) preventing accidental displacement or tipping of the goods or packages containing goods, or deformation thereof due to excessive weight when one good or package is placed on top of another good or package,

b) making it possible to easily manoeuver goods or packages containing goods as necessary and in accordance with requirements of health and safety at work;’;

5) § 15 shall read as follows:

‘§ 15. The storage facilities in which explosives, weapons, ammunition, and goods and technology for military or police purposes in operation on the date of entry of the Regulation into force are stored shall be adapted to the requirements of the Regulation by 1 January 2027’;

6) in Annex 2 to this Regulation:

a) § 1(3) shall read as follows:

‘3. The base storage facility shall be a separate fire zone separated from other buildings or other parts of the building by fire-resistance elements of at least fire resistance class of REI 120 or by strips of free area not less than 20 m wide. The openings in the fire separation elements shall be closed by fire doors or other fire-fighting closures of at least fire resistance class of EI 60.’,

b) in § 2, paragraph 4(4) shall read as follows:

‘4) constitutes a fire zone separated by fire-resistance elements of at least fire resistance class of REI 120 or by strips of free area with a width of not less than 20 m; the openings in the fire-resistance elements shall be closed by fire doors or other fire-fighting closures of at least fire resistance class of EI 60;’;

7) in Annex 3 to the Regulation, in § 1:

a) in paragraph 2, table 1 shall read as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Subclass of stored explosive | Additional conditions | Warehouse  and production facility containing explosive materials | Production facility not containing explosives | Access road and local road | Motorway  and a high-traffic road | Populated area |
| **1.2** | **no high-mass debris shall be generated at the explosion** | **distance**  **min. 90 m** | **distance**  **min. 90 m** | **L**d **= 39 × G**1/6 | **L**d **= 58 × G**1/6 | |
| **1.2** | **high-mass debris can be generated at the explosion** | **distance**  **min. 135 m** | **distance**  **min. 135 m** | **L**d **= 51 × G**1/6  **min. 90 m** | **L**d **= 76 × G**1/6  **min. 135 m** | |
| **1.3** | **The net mass of explosives shall not exceed 1,000 kg** | **no minimum permissible distance is required, but safety measures must be taken to ensure that the effects of a possible ignition or explosion of stored explosives and ammunition are limited to the interior of the facility or felt around the facility only in the selected direction** | | | | |
| **1.3** | **The net mass of explosives exceeds 1,000 kg** | **L**d **= 3.2 × G**1/3  **min. distance 40 m** | **L**d **= 6.4 × G**1/3  **min. distance 60 m** | **L**d **= 4.3 × G**1/3  **min. distance 40 m** | **L**d **= 6.4 × G**1/3  **min. distance**  **60 m** | |
| **1.4 and 1.6** | **The net mass of explosives shall not exceed 1,000 kg** | **no minimum permissible distance is required** | | | | |
| **1.4 and 1.6** | **The net mass of explosives exceeds 1,000 kg** | **min. distance 10 m** | **min. distance 10 m** | **min. distance 15 m** | **min. distance 15 m** | **min. distance 15 m** |

b) paragraphs 7 and 8 shall be added and read as follows:

‘7. The base storage facility shall be a separate fire zone separated from other buildings or other parts of the building by fire-resistance elements of at least fire resistance class of REI 120 or by strips of free area not less than 20 m wide. The openings in the fire separation elements shall be closed by fire doors or other fire-fighting closures of at least fire resistance class of EI 60.

8. Where only explosives and ammunition classified in sub-class 1.4S or 1.6 and Class 9 of total net weight not exceeding 1,000 kg are stored in the base storage facility, it shall be permitted to be located in the part of the facility separated by internal walls of fire resistance class of at least EI 60 and ceilings of fire resistance class of at least REI 60, closed by doors of fire resistance class of EI 30 without the need to separate this base storage facility as a separate fire zone.’;

8) — in Annex 4 to the Regulation.

1. § 2 shall read as follows:

‘§ 2. The provisional storage facility referred to in § 1 shall be located in a room separated by internal walls and ceilings of fire resistance class of at least EI 60 and REI 60, respectively, closed by doors of fire resistance class of EI 30.’,

1. § 7 shall read as follows:

‘§ 7. Where ammunition is stored in a shop space in a provisional storage facility referred to in § 1, the ammunition stored shall contain only explosives classified in subclass 1.4S with a total weight not exceeding 100 kg gross.’

§ 2. This Regulation shall enter into force 14 days after its publication.

MINISTER FOR DEVELOPMENT

and technology

IN AGREEMENT WITH

MINISTER OF THE INTERIOR AND ADMINISTRATION

MINISTER OF NATIONAL DEFENCE

Certified for legal,

legislative and editorial compliance

Anna Chylińska

Deputy Director of the Legal Department

at the Ministry of Development and Technology

/–signed electronically/

1. ) The Minister for Development and Technology leads the government department for the economy pursuant to § 1(2)(2) of the Regulation of the Prime Minister of 18 December 2023 on the detailed scope of activities of the Minister for Development and Technology (Journal of Laws, item 2721). [↑](#footnote-ref-1)
2. ) This Regulation was notified to the European Commission on … under number … pursuant to § 4 of the Cabinet Regulation of 23 December 2002 on the functioning of the national system for notification of standards and legal acts (Journal of Laws, item 2039; and Journal of Laws of 2004, item 597) which implements Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ EU L 241, 17.9.2015, p. 1). [↑](#footnote-ref-2)
3. ) Amendments to the joint text of the referred to Act were notified in the Journal of Laws of 2023 items 553, 967, 1506, 1597, 1681, 1688, 1762, 1890, 1963, and 2029. [↑](#footnote-ref-3)