

<p><b>Draft name</b> Regulation of the Minister for the Interior and Administration on the technical conditions for protective structures and the technical conditions for their use</p> <p><b>Lead ministry and cooperating ministries</b> Ministry of the Interior and Administration, Ministry of Development and Technology</p> <p><b>Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State</b> Wiesław Leśniakiewicz, Undersecretary of State at the Ministry of the Interior and Administration</p> <p><b>Contact details for the draft supervisor</b> Roman Jaworski, Department of Civil Protection and Crisis Management e-mail: roman.jaworski@mswia.gov.pl ph.: 22 728 41 50 fax: 22 845 67 57</p>	<p><b>Date of preparation:</b> 7 June 2024.</p> <p><b>Source:</b> initiative of the Minister for the Interior and Administration</p> <p><b>In the List of Legislative Works of the Minister for the Interior and Administration: 949</b></p>
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## REGULATORY IMPACT ASSESSMENT

### 1. What issue is being addressed?

The Polish legal system does not define the concept of a protective structure (shelter or refuge and emergency shelter) as a collective protection facility, and therefore no entity or authority is explicitly obliged to keep records of them, maintain them, plan their use and determine how they should be prepared. With regard to the preparation and maintenance of structures for protective functions, general provisions shall apply, establishing general obligations based on ownership or the right to dispose of property. The technical condition of existing protective structures remains unsatisfactory. This situation is significantly influenced by, among other things, the still low level of spending on the maintenance, upkeep and financing of the maintenance of protective structures in relation to existing needs.

The project contains systemic solutions for creating conditions for the maintenance, modernisation, expansion and construction of collective protection facilities (shelters, refuges, emergency shelters) and is in line with the assumptions of the draft Act on Civil Protection, which also contains provisions on protective construction projects. In view of the above, it is necessary to regulate in general regulations the issues related to the construction and maintenance of protective structures and the adaptation of existing buildings to perform a protective function. It is advisable to define in law the terms 'protective structure', 'shelter', 'refuge', 'emergency shelter' and the detailed requirements they must meet, as well as emergency preparedness.

Adequate funding should be sought for the construction, maintenance and upkeep of existing protective structures, and as many entities as possible, including tenants' associations and housing cooperatives, should be involved in this activity. In order to determine the direction of change, solutions have been adopted to ensure both public-private partnerships, i.e. the participation of the public administration in public investments carried out by private investors, and public participation in such projects, which create conditions for the provision of security and shelter. The above is in line with the assumption that civil defence should have a universal character, in accordance with the provision of the National Security Strategy in the section Resilience of the State and Common Civic Defence, i.e. 2.1 Build a system of common civic defence, making full use of the potential of the state and local government institutions, education and higher education entities, local communities, economic entities, non-governmental organisations and citizens, which will provide comprehensive resilience of the state to non-military and military threats.

Currently, according to the Assessment of Civil Protection and Civil Defence Preparations in Poland for 2021, there are 53 380 refuges and 2 881 shelters (excluding the Silesian Province), as defined in the 2018 guidelines of the Head of the National Civil Defence (OCK).

The Regulation applies to participants in the construction process and persons who prepare refuges for their own protection. The Regulation enables the design and construction of collective protection facilities in accordance with specific technical and functional requirements and the preparation of refuges that meet shelter requirements.

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

The draft regulation aims to create a legal framework for the development of protective construction project. To this end, the Regulation provides for:

- 1) classification of collective protection facilities;
- 2) requirements for the siting of collective protection facilities;
- 3) general safety requirements for collective protection facilities;
- 4) capacity and area requirements for collective protection facilities;

- 5) resilience requirements for collective protection facilities, including additional resilience requirements for shelters;
- 6) fire safety requirements for collective protection facilities;
- 7) requirements for entrances and passageways in collective protection facilities
- 8) requirements for back-up exits in collective protection facilities;
- 9) requirements for primary function rooms and staff amenity areas in collective protection facilities;
- 10) requirements for technical zone spaces in collective protection facilities;
- 11) requirements for ventilation in collective protection facilities;
- 12) requirements for water supply and sewage disposal in collective protection facilities;
- 13) requirements for electricity supply in collective protection facilities;
- 14) requirements for heating systems in collective protection facilities;
- 15) requirements for monitoring devices in collective protection facilities;
- 16) examples of protective solutions in single-family dwellings;
- 17) technical requirements for the adaptation of underground rail transport systems to function as protective structures;
- 18) technical requirements for the adaptation of existing built structures for refuges and emergency shelters and the preparation of self-contained refuges and emergency shelters;
- 19) protective solutions against the effects of extreme weather events;
- 20) levels of preparedness for collective protection facilities;
- 21) conditions for the use of collective protection facilities,
- 22) requirements for the day-to-day operation and upkeep of collective protection facilities;
- 23) rules for the signage of collective protection facilities;
- 24) rules for maintaining a graphic inventory of collective protection facilities.

The Regulation aims to strengthen civil protection capacities for collective protection, including against contamination, by restoring protective infrastructure (shelters and refuges) and creating conditions for civil protection authorities, legal and natural persons to act in the field of protective structures and the possibility of protection against weapons of mass destruction.

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

In general, 4 types of countries can be distinguished in their approach to protective construction:

1. Countries where the primary purpose of protective construction projects is to provide places of shelter for the entire population of the country. The construction of shelters is mandatory, the legislation clearly defines the responsibilities of the various actors in terms of construction and operation, as well as the means of financing them, and the rules are strictly enforced. This group includes the richest countries, such as Sweden and Denmark, where the level of protection required is around 90%;
2. Countries with limited implementation of protective construction projects due to financial capacity, e.g. Slovakia;
3. Countries that have discontinued their protective construction programmes and concentrate their efforts on maintaining the existing resources, e.g. Germany (0.5% of the population is protected in shelters);
4. Countries where protective construction projects are organised on an optional basis, mainly by private owners. The activity of the authorities is limited to legislation. Examples of such countries are Hungary and the Czech Republic.

Apart from the first group of very rich countries, traditionally known as 'welfare states', where shelter projects continue, the remaining countries, even those with as much potential as Germany or the United Kingdom, pursue a policy of providing shelter at a minimum level.

Against this background, Poland can be placed in the third group, i.e. countries that have stopped protective construction projects and concentrate on maintaining existing resources in good condition, with relatively modest financial outlays and a lack of basic provisions for this type of investments. In general, also in Poland, until the outbreak of the conflict in Ukraine, the actions of the Polish state were part of the prevailing trend in Europe to limit this activity. At present, in connection with the aforementioned war in Ukraine, an increased awareness of the importance of protective construction can be observed among both citizens and governments of EU countries.

### 4. Entities affected by the Draft

Group	Size	Data source	Impact
Population residing or residing in the territory of the Republic of Poland	38 162 000 persons	Population. Situation and structure and natural movement by area in 2021. Situation	positive, protection against air strikes and the effects of toxic, radioactive and biological

		on 30 June 2021 Central Statistical Office of Poland (GUS)	warfare agents
Rural municipality mayors, town and city mayors,	2477	Act of 24 July 1998 establishing the basic three- tier territorial division of the State	.
Chairs of the district executive boards	344 chairs of district executive boards and 66 mayors of towns and cities with county status	Act of 24 July 1998 establishing the basic three- tier territorial division of the State	
Province governors	16	Act of 24 July 1998 establishing the basic three- tier territorial division Act of 22 November 2013 on the emergency notification system	.
Managers of critical infrastructure systems and facilities and facilities important to national security	critical infrastructure information is classified		

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

The draft regulation has been submitted to the Joint Committee of Government and Local Self-Government for opinion. The draft as part of the public consultation has been sent to:

- 1) Association of Polish Cities (Związek Miast Polskich);
- 2) Union of Rural Municipalities of the Republic of Poland (Związek Gmin Wiejskich RP);
- 3) General Board of the Polish Red Cross (Zarząd Główny Polskiego Czerwonego Krzyża);
- 4) Council for Rescue Services under the Ministry for the Interior and Administration (Rada do spraw Ratownictwa działającej przy Ministrze Spraw Wewnętrznych i Administracji);
- 5) Inter-company Organisation No 14-017 Operators of Alarm Numbers OPZZ 'Confederation of Labour' (Organizacja Międzyzakładowa nr 14-017 Operatorów Numerów Alarmowych OPZZ „Konfederacja Pracy”);
- 6) National Fire Service Section of the NSZZ 'Solidarność' trade union (Krajowa Sekcja Pożarnictwa NSZZ „Solidarność”);
- 7) Związkowa Alternatywa trade union (Związek Zawodowy Związkowa Alternatywa);
- 8) Works Committee of the Free Trade Union 'Sierpień 80' at the Silesian Province Office in Katowice (Komisja Zakładowa Wolnego Związku Zawodowego „Sierpień 80” w Śląskim Urzędzie Wojewódzkim w Katowicach);
- 9) Warsaw University of Technology;
- 10) Military University of Technology;
- 11) Polish Association of Construction Engineers and Technicians (Polski Związek Inżynierów i Techników Budownictwa);

The draft has been submitted to the provincial governors for their opinion.

Many of the comments made during the public consultation and comment period have been taken into account.

The draft regulation pursuant to Article 5 of the Act of 7 July 2005 on lobbying in the legislative process and pursuant to Section 52(1) Cabinet Decision No 190 of 29 October 2013 – Rules of Procedure of the Council of Ministers has been published in the Public Information Bulletin of the Government Legislation Centre. No notifications from interested parties have been registered under the above-mentioned law.

## 6. Impact on the public finance sector (excluding inflation)

(fixed prices for the year .....)	Impact over 10 years from implementing the amendments (PLN million)											
	0 (2024)	1 (2025)	2 (2026)	3 (2027)	4 (2028)	5 (2029)	6 (2030)	7 (2031)	8 (2032)	9 (2033)	10 (2034)	Total (0– 10)
<b>Total revenue</b>												
state budget												
local government units												
other units (separately)												
<b>Total expenditure</b>												

state budget												
local government units												
other units (separately)												
<b>Total balance</b>												
state budget												
other units (separately)												

Sources of financing	<p>The Regulation is of a technical nature, i.e. it introduces technical requirements for protective structures which, according to the project promoter, will form the basis for assessing the technical condition of existing facilities and determining the level of expenditure necessary to adapt them to the parameters of the protective structure. In view of the above, it will only be possible to indicate the approximate costs of adapting existing facilities once the Regulation enters into force, which will allow a proper inventory and assessment of the technical condition of such facilities. The cost of renovation, modernisation or adaptation to the standards laid down in the Regulation will be different for each site.</p> <p>It is assumed that the financing model should be diversified, including the construction of new facilities and, given the significant construction costs and the limited financial capacity of state and local government budgets, the use of existing infrastructure, including the adaptation of existing facilities to meet the technical and operational requirements laid down in this Regulation. Private investments in protective structures can be financed, provided that they can be used for civil protection purposes if necessary. The funding will come from the following sources:</p> <ol style="list-style-type: none"> <li>1) public-private partnership funds based on an agreement between a civil protection authority with a budget as part of its own resources and a private investor for a public purpose. Under such an agreement, in addition to the civil protection authority's budget, it would also be possible to finance the investment with the investor's funds;</li> <li>2) State and local government budgets mobilised following an analysis of needs in this area.</li> </ol> <p>The expenditure resulting from the draft regulation will be financed within the annual expenditure limits for the various budget sections and will not constitute a basis for requesting additional resources from the State budget for this purpose, both in the first year of entry into force of the draft legislation and in subsequent years.</p> <p>The draft does not envisage the implementation of tasks with planned EU funding. The use of such funds by the implementing actor is voluntary and requires adaptation to a well-defined framework established by the EU for each type of project. EU funding should therefore be seen as an additional source of limited support. In view of the above, this source cannot be used as a basis for planning expenditure on statutory tasks.</p>
Additional information, including the identification of data sources and assumptions made in the calculation	<p>At present, state expenditure on civil protection is planned from the state budget. The cost of constructing new shelters is estimated at approx. PLN 21 000 per m<sup>2</sup>. These costs have been established on the basis of an evaluation of the bids submitted by economic operators active in the field of protective construction. These costs include the construction itself, as well as the equipment necessary for its operation, e.g. filtering equipment, regenerative absorbers, elements ensuring the airtightness of the facility, construction of emergency exits, etc.</p>

## 7. Impact on the competitiveness of the economy and entrepreneurship, including the functioning of enterprises, and impact on families, citizens and households

Effects								
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0–10)
In monetary	large enterprises							
	micro, small, and medium-							

terms (in PLN millions, fixed prices for ... [year])	sized enterprises families, citizens and households							
In non- monetary terms	large enterprises	It is assumed that the entry into force of the Regulation will increase the involvement of local entrepreneurs in the organisation and planning of protective construction projects. This may involve the following issues: 1) signing contracts between government and local authorities and entrepreneurs; 2) subsidising entrepreneurs who are prepared (where needs arise) to expand their business profile in order to meet the needs of the authorities in securing the needs of protective construction; 3) improving security by increasing the resilience of the administration to crises related to the inadequacy of its forces and resources to respond to threats.						
	Micro, small and medium-sized enterprises	It is assumed that the entry into force of the Regulation will increase the involvement of local entrepreneurs in the organisation and planning of protective construction projects.						
	families, citizens and households	The Regulation will increase the level of safety for families, citizens and households by increasing the number of places in shelters and refuges.						
Immeasurable	enterprises	Improving the functioning of businesses and ensuring continuity of operations in hazardous situations, emergencies and war, particularly in the event of conflict involving the possible use of weapons of mass destruction and aerial assault.						
Additional information, including the identification of data sources and assumptions made in the calculation								
<b>8. Change in the regulatory burdens (including disclosure obligations) resulting from the draft</b>								
<input checked="" type="checkbox"/> not applicable								
Burdens are placed outside those strictly required by the EU (see the reverse compatibility table for details).					<input type="checkbox"/> yes <input 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 type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> not applicable			
Comment:								
<b>9. Impact on the labour market</b>								
The proposed regulation will not have an impact on increasing employment in public administration, but will have some impact on the involvement of specialised construction enterprises.								
<b>10. Impact on other aspects</b>								
<input type="checkbox"/> natural environment <input checked="" type="checkbox"/> regional standing and development			<input type="checkbox"/> demographics <input checked="" type="checkbox"/> state property			<input type="checkbox"/> computerisation <input type="checkbox"/> health		

<input type="checkbox"/> common, administrative, or military courts		<input type="checkbox"/> other:	
Discussion of the impact	It is expected that the proposed Regulation will introduce solutions to enable the smooth implementation of protective construction tasks both in peacetime and in the event of a state of emergency or war.		
<b>11.Planned implementation of the provisions of the act</b>			
The draft regulation will enter into force 14 days after its publication.			
<b>12. How and when shall the impact of the draft regulation be assessed, and what measures shall be applied?</b>			
In view of the nature of the Regulation, no evaluation of the draft regulation is envisaged, but its performance will be monitored on an ongoing basis for adequacy in providing shelter for the population in the event of an emergency.			
<b>13.Annexes (important source documents, research, analyses, etc.)</b>			