

<p>Draft name Regulation of the Minister for Climate and the Environment on methods of testing the quality of liquid fuels</p> <p>Lead ministry and cooperating ministries Ministry of Climate and Environment</p> <p>Person responsible for the draft: Minister, Secretary of State or Under-Secretary of State Miłosz Motyka Undersecretary of State</p> <p>Contact details for the draft supervisor Małgorzata Warakomska malgorzata.warakomska@klimat.gov.pl</p>	<p>Date of preparation 4.3.2024</p> <p>Source: Article 26(1) of the Act on the Fuel Quality Control and Monitoring System of 25 August 2006 (Journal of Laws of 2023, items 846 and 1681).</p> <p>Number in the list of the legislative work items of the Minister for Climate and the Environment 1117</p>
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REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

The purpose of the draft Regulation of the Minister for Climate and the Environment *on methods of testing the quality of liquid fuels* is to implement the legal authorisation contained in Article 26(1) of the Act of 25 August 2006 *on the system of monitoring and controlling the quality of fuels* (Journal of Laws of 2023, items 846 and 1681), hereinafter referred to as the ‘Act’.

Article 26(1) of the Act was amended by Article 10 of the Act of 11 February 2016 amending the Act on government administration departments and certain other acts (Journal of Laws, item 266), referred to as the ‘Amendment’. The above-mentioned amendment consisted in changing the authority responsible for issuing secondary legislation pursuant to Article 26(1) of the Act (from the Minister for Economy to the Minister for Energy). At the same time, Article 32 of the amendment provides that the existing implementing regulations issued on the basis of, inter alia, Article 26(1) of the Act, as amended, shall remain in force until the date of entry into force of the implementing regulations issued on the basis of Article 26(1) of the Act, as amended. In view of the above, it is necessary to adopt a new regulation.

The current Regulation of the Minister for Economy of 25 March 2010 *on methods of testing the quality of liquid fuels* (Journal of Laws of 2017, item 247) defines methods of testing the quality of petrol and diesel fuel. The above mentioned regulation is based on PN-EN 228:2013-04 Automotive fuels – Unleaded petrol – Requirements and test methods, and PN-EN 590:2013-12 Automotive fuels – Diesel – Requirements and test methods.

The draft Regulation, in accordance with the guideline contained in Article 26 (1) of the Act, which prescribes that the methods set out in the relevant standards in this area be taken into account, adapts the scope of quality testing methods for petrol and diesel in accordance with the latest editions of PN-EN 228+A1:2017-06 Automotive fuels – Unleaded petrol – Requirements and test methods and PN-EN 590:2022-08 Automotive fuels – Diesel – Requirements and test methods. The provisions of this regulation are necessary for the assessment of the quality of samples of liquid fuels taken by the Trade Inspectorate under the fuel quality monitoring and control system.

Compared to the current regulation, the draft Regulation introduces, among other things, changes to the quality test methods for diesel parameters: cetane number, oxidative stability, fractional composition, viscosity, flash point and opacity, and for the fractional composition parameter in petrol.

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

The recommended solution is to issue a regulation that implements the statutory delegation and adapts the methods for testing the quality of liquid fuels to the current editions of the standards. If no action is taken, regulations on methods of testing the quality of liquid fuels would be based on outdated standards.

The expected effect of the entry into force of this Regulation is to monitor and control the quality of fuels in accordance with the standards in force in this area and to adapt the methods of testing the quality of liquid fuels to the most up-to-date knowledge available, resulting from PN-EN 228+A1:2017-06 Automotive fuels – Unleaded petrol – Requirements and test methods and PN-EN 590:2022-08 Automotive fuels – Diesel – Requirements and test methods.

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

Other EU member states, like Poland, are obliged to fully implement EU law, i.e. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ EC L 350, 28.12.1998, p. 58 — OJ UE, special edition in Polish, chapter 13, Volume 26, p. 65, as amended) as regards the need to use methods of testing the quality of petrol and diesel fuel.

4. Entities affected by the draft			
Group	Size	Data source	Impact
The Office of Competition and Consumer Protection (Urząd Ochrony Konkurencji i Konsumentów)	1	https://www.uokik.gov.pl/	Inclusion of quality testing methods in the managed fuel quality monitoring and control system
Provincial Inspectorates of Trade Inspection	16	https://www.uokik.gov.pl/	Inclusion of methods as part of the liquid fuel quality checks carried out
Accredited testing laboratories that perform tests on the quality of liquid fuels	Approx. 30	https://www.pca.gov.pl/akredytowane-podmioty/akredytacje-aktywne/laboratoria-badawcze/	Adaptation to liquid fuel quality test methods and possible accreditation of new test methods
Entities licensed for the production of liquid fuels	31	https://rejstry.ure.gov.pl	Inclusion of methods in the quality testing of produced liquid fuels

5. Information on the scope, duration, and summary of consultation results
<p>The scope of the draft Regulation has already been partially consulted and commented on in the draft Regulation of the Minister for Climate and the Environment amending the regulation on methods of testing the quality of liquid fuels. The draft Regulation takes into account comments made during inter-ministerial arrangements, public consultations and opinions on the draft amendment of the Regulation of the Minister for Economy of 25 March 2010 on methods of testing the quality of liquid fuels.</p> <p>In accordance with Article 5 of the Act on Lobbying Activities in the Process of Lawmaking of 7 July 2005 (Journal of Laws of 2017, item 248) and Article 52 of Resolution No. 190 of the Council of Ministers of 29 October 2013 — Rules of Procedure of the Council of Ministers (Polish Gazette of 2022, item 348), the Draft was made available in the Public Information Bulletin on the website of the Government Legislation Centre in the Government Legislative Process tab. As changes to the methods for testing the quality of liquid fuels have already been the subject of interministerial agreement, public consultation and comment, the deadlines for agreement, consultation, and comment have been shortened.</p> <p>As part of the public consultation, the draft was sent (5 days) to the following stakeholders:</p> <ol style="list-style-type: none"> 1. Polish Chamber of Liquid Fuels (Polska Izba Paliw Płynnych); 2. Polish Organisation of Oil Industry and Trade [Polska Organizacja Przemysłu i Handlu Naftowego]; 3. PERN S.A.; 4. BP Polska Sp. z o.o.; 5. ORLEN S.A.; 6. Shell Polska Sp. z o.o.; 7. Slovnaft Polska S.A.; 8. Circle K Polska Sp. z o.o.; 9. Unimot S.A.; 10. Tanquid Polska Sp. z o.o.; 11. AMIC Polska; 12. HUZAR PSP S.A.; 13. ANWIM S.A. <p>The draft was submitted for opinion (5 days) to the following entities:</p> <ol style="list-style-type: none"> 1) The Energy Regulatory Office (Urząd Regulacji Energetyki); 2) The Office of Competition and Consumer Protection (Urząd Ochrony Konkurencji i Konsumentów); 3) Oil and Gas Institute (Instytut Nafty i Gazu); 4) Łukasiewicz Research Network — Industrial Automotive Institute (Sieć Badawcza Łukasiewicz – Przemysłowy Instytut Motoryzacji). <p>There have been no notifications from interested entities under the provisions on lobbying activities in the legislative process.</p>

Due to the scope of the draft, which does not concern the trade union tasks, the draft was not subject to assessment by representative trade unions.

Due to the scope of the draft, which does not concern the rights and interests of employer associations, the draft was not subject to assessment by representative employer organizations.

The Draft is not subject to assessment by the Joint Commission of the Government and Local Government because it does not concern matters relating to local government referred to in the Act of 6 May 2005 on the Joint Commission of the Government and Local Government and the representatives of the Republic of Poland in the European Committee of the Regions (Journal of Laws of 2005, item 759, as amended).

The Draft does not concern matters referred to in Article 1 of the Act of 24 July 2015 on the Council of Social Dialogue and other institutions of social dialogue (Journal of Laws of 2018, item 2232, as amended), therefore it does not require an opinion by the Council of Social Dialogue.

The draft Regulation does not require to be submitted to competent authorities and institutions of the European Union, including the European Central Bank, for the purpose of obtaining opinions, submitting a notification, consultation, or agreement of the draft.

The results of opinions and public consultations were discussed in a report on consultations containing a summary of the presented positions or opinions and a reference to them by the requesting authority made available on the website of the Government Legislation Centre, in the Government Legislative Process tab no later than the date on which the Draft is forwarded to the next stage of the legislative process.

6. Impact on the public finance sector

(fixed prices for the year)	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
other units (separately)	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
other units (separately)	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
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0

Sources of financing	The Regulation does not have financial consequences for public finance sector units, including the state budget and the budgets of local government units consisting of increasing their expenditures or reducing their revenues compared to the amounts resulting from the applicable regulations. The proposed regulations shall not affect the costs of operating the fuel quality monitoring and control system.
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Additional information, including the identification of data sources and assumptions made in the calculation	None
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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	0	1	2	3	5	10	Total (0–10)

the amendments								
In monetary terms (PLN million, fixed prices for ... [year])	large enterprises							
	micro-, small- and medium-sized enterprises							
	families, citizens and households							
	persons with disabilities and the elderly							
	(add/remove)							
In non-monetary terms	large enterprises	Not applicable						
	micro-, small- and medium-sized enterprises	Not applicable						
	families, citizens and households	Not applicable						
	persons with disabilities and the elderly	Not applicable						
Additional information, including the identification of data sources and assumptions made in the calculation								
8. Change in the regulatory burden (including disclosure obligations) resulting from the draft								
<input checked="" 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 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 type="checkbox"/> no <input type="checkbox"/> not applicable				
Comment: The entry into force of the draft Regulation shall not generate regulatory burdens as the changes concern a change in the methods for testing the quality of liquid fuels.								
9. Impact on the labour market								
Not applicable								
10. Impact on other aspects								
<input type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development			<input type="checkbox"/> demographics <input 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	Not applicable.	
11.Planned implementation of the provisions of the act		
This regulation shall enter into force 14 days after the day of its announcement.		
12. How and when shall the impact of the draft regulation be assessed, and what measures shall be applied?		
Not applicable.		
13.Annexes (important source documents, research, analyses, etc.)		
None		