



JOURNAL OF LAWS OF THE REPUBLIC OF POLAND

Warsaw, 9 November 2023

Item 2442

**Regulation
OF THE MINISTER FOR DEVELOPMENT AND TECHNOLOGY ¹⁾**

of 27 October 2023

**amending the Regulation on the technical conditions to be met by
buildings and their location²⁾**

Pursuant to Article 7(2)(1) of the Building Law Act of 7 July 1994 (Journal of Laws of 2023, item 682, as amended³⁾) the following is decreed:

§ 1. The following amendments shall be made to the Regulation of the Minister for Infrastructure of 12 April 2002 on the technical conditions to be met by buildings and their location (Journal of Laws 2022, item 1225):

- 1) in § 3, in point 26 the full-stop shall be replaced with a semicolon and point 27 shall be added, reading as follows:
‘27) public square – shall mean an area available to the general public and designed for recreation, communication, and representative use; it is a site designated in the local land use plan as a square or market area or as a public road transport area, and in the absence of a local land use plan – as a land-use area marked in the cadastre as recreational and leisure areas or as a road, marked with the symbol BZ or dr., respectively.’;
- 2) in § 12:
 - a) Paragraphs 1 to 3 shall read as follows:
‘1. Unless other requirements are stipulated in the provisions of § 13, § 19, § 23, § 36, § 40, § 60 and § 271 to 273, or in separate regulations governing the permissible distances between certain structures and buildings, a building shall be located on a building plot at a distance from the border of that plot not shorter than:
 - 1) 4 m – for buildings where a wall with windows or doors faces the boundary in question;
 - 2) 3 m – for buildings where a dead wall faces the boundary in question;
 - 3) 5 m – for multi-family residential buildings with more than 4 overground storeys where a wall with windows or doors faces the boundary in question;
 - 4) 5 m – for multi-family residential buildings with more than 4 overground storeys where a dead wall faces the boundary in question.

¹⁾ The Minister for Development and Technology heads the government department for the construction, land use planning and zoning and housing pursuant to § 1(2) (1) of the Regulation of the Prime Minister of 15 April 2022 on the detailed scope of activities of the Minister for Development and Technology (Journal of Laws [Dziennik Ustaw], item 838).

²⁾ This Regulation was notified to the European Commission on 13 June 2023 under number 2023/0368/PL, 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, 19.9.2015, p. 1).

³⁾ Amendments to the consolidated text of the Act referred to above were notified in the Journal of Laws of 2023, item 553, 967, 1506, 1597, 1681, 1688, 1762, 1890, 1963, and 2029.

2. In the cases referred to in paragraph 1 points 2 and 4, a building may be located at a distance of not less than 1.5 m from the border or directly at that border, if the local land use plan provides for such a possibility.

3. It is permitted, taking into account separate regulations and the provisions of § 13, § 19, § 23, § 36, § 40, § 60 and § 271 to 273, to locate a building directly at the boundary of the building plot provided that its whole wall will adjoin the wall of a building located on the adjacent plot, and provided that its height will be in accordance with the local land use plan or with the planning permission issued for the area in question.’,

b) paragraph 6 shall read as follows:

‘6. The distance to the boundary of a building plot shall be at least:

- 1) 1.5 m from the eaves or a cornice facing the boundary in question, and from a balcony, porch roof, access deck, terrace, external staircase or ramp – except for ramps for people with disabilities;
- 2) 4 m from a roof window facing the boundary in question;
- 3) 3 m from a balcony in the building referred to in paragraph 1 points 3 and 4.’,

c) paragraph 8 shall read as follows:

‘8. Livestock buildings or utility buildings, taking into account separate regulations and the provisions of § 13, § 60 and § 271–273, shall not be located with a wall with windows or doors situated less than 8 m from the wall of a located on the adjacent building plot residential building, communal residential building or public utility building, or a building with a final building permission or with a construction notification against which no objection has been made by an architecture and construction authority or for which a certificate of absence of grounds for objection, as referred to in Article 30(5aa) of the Construction Law Act of 7 July 1994, has been issued, subject to paragraph 4 point 3.’,

d) paragraph 10 shall read as follows:

‘10. Keeping the distance referred to in paragraphs 1 to 9 shall not be required if the adjacent plot is a road plot or a public square,’,

e) paragraph 11 shall be added, reading as follows:

‘11. Production or storage buildings with a footprint area exceeding 1 000 m², taking into account separate regulations and the provisions of § 13, § 60 and § 271 to 273, shall be located with a wall situated not less than 30 m from the wall of:

- 1) a residential building or a communal residential building existing on another building plot;
- 2) a residential building or a communal residential building planned to be constructed on another building plot, for which there is a final building permission or a construction notification against which no objection has been made by an architecture and construction authority or for which a certificate of absence of grounds for objection, as referred to in Article 30(5aa) of the Construction Law Act of 7 July 1994, has been issued.’;

3) § 20 shall read as follows:

‘§ 20. Parking spaces for passenger cars used only by people with disabilities, in a number not exceeding 6 % of the total number of parking spaces, as referred to in § 18(2), but not smaller than 1, can be placed next to windows of buildings without any restrictions. Such parking spaces shall be appropriately marked.’;

4) § 39 and § 40 shall read:

‘§ 39. 1. On building plots intended for the construction of multi-family residential buildings, health care facility buildings, with the exception of clinics, and educational facility buildings, at least 25 % of the plot area shall be arranged as biologically active land, unless another percentage is stipulated in the local land use plan.

2. On plots of land ^{intended for a public square with an area of more than 1 000 m²} at least 20 % of the area shall be arranged as a biologically active area, unless a higher percentage is stipulated the local land use plan.

§ 40. 1. A playground accessible also to persons with special needs shall be arranged in situations where one multi-family residential building with more than 20 dwelling units is constructed, as well as in situations where a multi-family residential complex with more than 20 dwelling units is constructed, whereas at least 30 % of the playground area shall be located within a biologically active area.

2. A recreational area with leisure spaces, accessible also to persons with special needs, shall be arranged in situations where a multi-family residential complex with more than 20 dwelling units is constructed, whereas at least

30 % of the recreational area shall be located within a biologically active area.

3. Exposure of at least 50 % of the playground area to sunlight shall last for at least 2 hours, calculated on equinox dates, between 10 a.m. and 4 p.m. In the case of developments in the city centre, exposure to sunlight of at least 1 hour shall be acceptable.

4. The distance from playgrounds, sports grounds for children and youths and recreational areas to street boundaries, roads, shared zones, windows of rooms intended for human occupancy, and waste collection sites shall be at least 10 m, subject to the requirements referred to laid down in § 19(1).

5. Playgrounds shall be fenced.

6. A playground fence at the side of a road, street, parking lot or shared zone shall be made of materials and in a way ensuring the safety of people and animals. The fence shall:

- 1) be not less than 1.0 m high;
- 2) have a gate with a width of at least 1.2 m, which does not hinder access for people with special needs.

7. In cases other than those mentioned in paragraph 6, a playground fence in the form of a hedge shall be allowed.

8. The surface area of the playground shall be at least:

- 1) 1 m² per a single dwelling unit – if there are between 21 and 50 dwelling units in a building or complex of buildings;
- 2) 50 m² – if there are between 51 and 100 dwelling units in a building or complex of buildings;
- 3) 0.5 m² per a single dwelling unit – if there are between 101 and 300 dwelling units in a building or complex of buildings;
- 4) 200 m² – if there are more than 300 dwelling units in a building or complex of buildings.

9. A playground may be divided into parts, whereas a minimum surface area of each of such parts shall be 50 m².

10. The playground surface and equipment shall meet the requirements set out in the Polish Standards for playground surfaces and equipment.

11. The playground shall be provided with equipment offering various playing possibilities, adapted to different child age categories, allowing at least 5 children to use the equipment simultaneously per every 20 m² of the playground surface area.

12. Playgrounds shall not be arranged on roof slabs situated more than 5 m above ground level.

13. Playgrounds arranged on a roof slab covering an overground storey shall be:

- 1) set back 10 m from the roof slab edge;
- 2) protected against children falling out and toys being thrown out;
- 3) located in an area open to the public, fenced off with a railing not lower than 1.6 m, which prevents climbing and ensures safety.

14. In a situation where a single multi-family residential building is constructed with more than 20 dwelling units, it shall be permitted to:

- 1) relinquish the arrangement of a playground if within 750 m from the border of the plot on which the building is located, counted along a pedestrian access route open to the public, there is a public playground;
- 2) arrange a playground with a surface area equal to at least 50 % of the surface area referred to in paragraph 8, but not less than 20 m², if the building is located in a city centre;
- 3) relinquish the arrangement of a playground and arrange inside the building a playroom with a floor area as specified in paragraph 8, but not smaller than 50 m², if the building is located in a city centre.

15. In a situation where a multi-family residential complex is constructed in a city centre, with more than 20 dwelling units, it shall be permitted to:

- 1) relinquish the arrangement of a playground if within 300 m from the border of the plot on which the complex is located, counted along a pedestrian access route open to the public, there is a public playground;
- 2) arrange a playground with a surface area equal to at least 50 % of the surface area referred to in paragraph 8, but not less than 20 m²;

5) § 56a shall be added after § 56, reading as follows:

‘§ 56a. 1. Commercial premises in a building shall have a useful floor area of not less than 25 m².

2. It is permitted to section off commercial premises with a smaller useful floor area if the premises are located on the first or second overground storey and are directly accessible from the outside of the building.

3. The requirement referred to in paragraph 1 shall not apply to premises located in:

- 1) communal residential buildings or single-family residential buildings in which commercial premises have been sectioned off;
- 2) buildings for which, before 1 January 2024, a building permit decision was issued or a construction notification was submitted to which the architectural and construction administration authority has not raised an objection or a certificate of lack of grounds for objection has been issued as referred to in Article 30(5aa) of the Construction Law Act of 7 July 1994.’;

6) § 76 shall read as follows:

‘§ 76. The requirements for sanitation facilities are laid down in the regulation, as well as in regulations concerning health and safety at work and civil protection. Sanitation facilities shall include baths, saunas, showers, bathrooms, lavatories, washrooms, cloakrooms, changing rooms, laundry rooms, personal hygiene facilities for women, rooms adapted and designed solely for feeding and changing children, rooms adapted and designed for changing adults with special needs and rooms for decontamination, cleaning and drying of clothing and footwear, as well as for the storage of cleaning equipment.’;

7) § 85a shall read as follows:

‘§ 85a. 1. In a catering, retail, or service building with a floor area exceeding 1,000 m², and a petrol station with a floor area exceeding 100 m², a room adapted and intended exclusively for the feeding and changing of children shall be sectioned off.

2. In a building:

- 1) intended for public administration purposes, with a useful floor area of more than 2 000 m²,
- 2) intended for cultural or sports activities, commercial or retail purposes, or for servicing rail, road or air transport passengers, with a useful floor area of more than 10 000 m²,
- 3) of a fuel filling station with a useful floor area greater than 300 m², located near a motorway or an expressway,
- 4) designed for health care purposes

– a room shall be sectioned off that is adapted and designed for changing adults with special needs.

3. The room referred to in paragraph 2:

- 1) shall have a useful floor area of not less than 12 m² and a width of at least 3 m;
- 2) shall be provided with equipment for changing an adult with special needs in a lying position;
- 3) shall be situated not more than 20 m from the entrance to the building, on the same floor as the entrance to the building.

4. The room referred to in paragraphs 1 and 2 shall be equipped with a washbasin.

5. The provisions of paragraphs 1 to 4 shall not apply to fuel filling stations located in an enclosed area.

6. The room referred to in paragraph 2 may be arranged in a public toilet for persons with disabilities if it additionally meets the conditions referred to in paragraph 3.

7. The requirement referred to in paragraph 2 shall not apply to buildings for which, before 1 January 2024, a building permit decision was issued or a construction notification was submitted to which the architectural and construction administration authority has not raised an objection or a certificate of lack of grounds for objection has been issued as referred to in Article 30(5aa) of the Construction Law Act of 7 July 1994.’;

8) § 95a shall be added after § 95, reading as follows:

‘§ 5a. 1. Where the balconies of adjacent dwelling units in a multi-family residential building are located on a single balcony slab, a full vertical separation in the form of a fixed partition, ensuring comfort of use, with a light transmittance of not less than 30 % and not more than 50 %, shall be installed between these balconies.

2. The partition referred to in paragraph 1 shall have a height of at least 2.2 m measured from the level of the balcony floor and a width of not less than 2 m, or, where the balcony is less than 2 m wide, equal at least to the width of the balcony, taking into account the width of the balustrade.

3. Adjacent loggias in a multi-family residential building shall be separated with a partition meeting the requirements set out in paragraphs 1 and 2.

4. The partition referred to in paragraphs 1 and 3, may be omitted when determining the minimum distance

between a building with rooms intended for human occupancy and other facilities in terms of ensuring the natural illumination of those rooms and meeting the required minimum sunlight exposure time for living rooms.’;

9) § 98a shall be added after § 98, reading as follows:

‘§ 98a. 1. A utility room for bicycle and pram storage shall be provided in a multi-family residential building. The utility room shall be located near the entrance to the building or on the underground floor if access thereto is provided with a lift that meets the requirements laid down in § 193(2) or with a ramp, taking into account the conditions referred to in § 70.

2. The utility room referred to in paragraph 1 may be provided in the form of a utility building, a summer house, or an open-sided shed.

3. The utility room referred to in paragraph 1 and the utility building, summer house or open-sided shed referred to in paragraph 2 shall have a floor area of at least 15 m².’;

10) in § 326:

a) in paragraph 2(1), the following phrase shall be added after the phrase ‘airborne sound insulation’:

‘, whereas the sound insulation capacity of the entrance door to a dwelling unit from a staircase or a general circulation corridor shall be not less than 37 dB’;

b) paragraphs 4a and 4b shall be added after paragraph 4, reading as follows:

‘4a. Interior walls and floors separating dwelling units in a single-family residential building shall meet acoustic requirements identical with those for partitions between dwelling units in a multi-family residential building, as specified in the Polish Standard concerning the sound insulation required for partitions in buildings.

4b. In a:

- 1) single-family residential building with two dwelling units,
- 2) terraced or semi-detached, single-family residential building,
- 3) multi-family residential building

– the execution of construction works in a dwelling unit shall not impair the acoustic requirements set out in the analysis in terms of technical and material solutions aimed at meeting the acoustic requirements, as referred to in the regulations adopted pursuant to Article 34(6)(1) of the Construction Law Act of 7 July 1994.’;

11) in Annex 1 to this Regulation:

a) Item 1a shall be added after Item 1, reading as follows:

1a	§ 40(9) and (10)	PN-EN 1176-1:2017-12	Playground equipment and surfacing – Part 1: General safety requirements and test methods
		PN-EN 1176-2+AC:2020-01	Playground equipment and surfacing – Part 2: Additional specific safety requirements and test methods for swings
		PN-EN 1176-3:2017-12	Playground equipment and surfacing – Part 3: Additional detailed safety requirements and test methods for slides
		PN-EN 1176-4+AC:2019-03	Playground equipment and surfacing – Part 4: Additional detailed safety requirements and test methods for cableways
		PN-EN 1176-5:2020-03	Playground equipment and surfacing – Part 5: Additional detailed safety requirements and test methods for carousels
		PN-EN 1176-6+AC:2019-03	Playground equipment and surfacing – Part 6: Additional specific safety requirements and test methods for rocking equipment

		PN-EN 1176-7:2020-09	Playground equipment and surfacing – Part 7: Guidance on installation, inspection, maintenance and operation
		PN-EN 1176-10:2009 PN-EN 1176-10:2009/Ap1:2013-08	Playground equipment and surfacing – Part 10: Additional safety requirements and testing methods for fully enclosed play equipment

b) Items 60a to 67 shall read as follows:

60a	§ 323(2)	PN-B-02151-4:2015-06	Building acoustics – Protection against noise in buildings – Part 4: Requirements concerning reverberant conditions and speech intelligibility in rooms, and measurement guidelines
		PN-B-02151-2:2018-01	Building acoustics – Protection against noise in buildings – Part 2: Permissible values of sound level in rooms
		PN-B-02151-3:2015-10, PN-B-02151-3:2015-10/Ap1:2016-02	Building acoustics – Protection against noise in buildings – Part 3: Requirements concerning sound insulation of partitions in buildings and of building elements
61	§ 324	PN-B-02151-2:2018-01	Building acoustics – Protection against noise in buildings – Part 2: Permissible values of sound level in rooms
		PN-B-02170:2016-12, PN-B-02170:2016-12/Ap1:2017-10	Evaluation of the harmfulness of buildings vibrations due to ground motion
		PN-B-02171:2017-06	Evaluation of the effect of vibrations on humans in buildings
62	§ 325(1)	PN-B-02151-2:2018-01	Building acoustics – Protection against noise in buildings – Part 2: Permissible values of sound level in rooms
		PN-B-02170:2016-12, PN-B-02170:2016-12/Ap1:2017-10	Evaluation of the harmfulness of buildings vibrations due to ground motion
		PN-B-02171:2017-06	Evaluation of the effect of vibrations on humans in buildings
63	§ 325(2)	PN-B-02151-3:2015-10, PN-B-02151-3:2015-10/Ap1:2016-02	Building acoustics – Protection against noise in buildings – Part 3: Requirements concerning sound insulation of partitions in buildings and of building elements
64	§ 326(1)	PN-B-02151-2:2018-01	Building acoustics – Protection against noise in buildings – Part 2: Permissible values of sound level in rooms
		PN-EN ISO 10052:2007	Acoustics – Field measurements of airborne and impact sound insulation and of service equipment sound – Simplified method
		PN-EN ISO 16032:2006	Acoustics – Measurement of sound pressure level from service equipment in buildings – Accurate method
		PN-B-02171:2017-06	Evaluation of the effect of vibrations on humans in buildings

65	§ 326(2)	PN-B-02151-3:2015-10, PN-B-02151-3:2015-10/Ap1:2016-02	Building acoustics – Protection against noise in buildings – Part 3: Requirements concerning sound insulation of partitions in buildings and of building elements
		PN-EN ISO 16283-1:2014-05, PN-EN ISO 16283-1:2014-05/A1:2018-02	Acoustics – Field measurements of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation
		PNEN ISO 1405:1999	Acoustics – Measurement of sound insulation in buildings and of building elements – Field measurements of airborne sound insulation of external walls and elements thereof
		PNEN ISO 1407:2000	Acoustics – Measurement of sound insulation in buildings and of building elements – Field measurements of impact sound insulation of floors
		PNEN ISO 108482:2007	Acoustics – Laboratory measurement of the flanking transmission of airborne and impact sound between adjoining rooms – Part 2: Applies to light elements when the junction has little influence
		PN-EN ISO 10140-2:2011	Acoustics – Laboratory measurement of sound insulation of building elements – Part 2: Measurement of airborne sound insulation
		PN-EN ISO 10140-3:2011, PN-EN ISO 10140-3:2011/A1:2015-07	Acoustics – Laboratory measurement of sound insulation of building elements – Part 3: Measurement of impact sound insulation
66	§ 326(3)	PN-B-02151-3:2015-10, PN-B-02151-3:2015-10/Ap1:2016-02	Building acoustics – Protection against noise in buildings – Part 3: Requirements concerning sound insulation of partitions in buildings and of building elements
67	§ 326(4)	PN-B-02151-2:2018-01	Building acoustics – Protection against noise in buildings – Part 2: Permissible values of sound level in rooms
		PN-EN ISO 16032:2006	Acoustics – Measurement of sound pressure level from service equipment in buildings - Accurate method
		PN-EN ISO 10052:2007	Acoustics – Field measurements of airborne and impact sound insulation and of service equipment sound – Simplified method
		PN-B-02171:2017-06	Evaluation of the effect of vibrations on humans in buildings

c) Item 67a shall be added after Item 67 and shall read as follows:

67a	§ 326(4a)	PN-B-02151-3:2015-10, PN-B-02151-3:2015-10/Ap1:2016-02	Building acoustics – Protection against noise in buildings – Part 3: Requirements concerning sound insulation of partitions in buildings and of building elements
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d) Item 68 shall read as follows:

68	§ 326(5)	PNEN ISO 354:2005	Acoustics – Measurement of sound absorption in a reverberation room
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		PN-B-02151-4:2015-06	Building acoustics – Protection against noise in buildings – Part 4: Requirements concerning reverberant conditions and speech intelligibility in rooms, and measurement guidelines
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§ 2. For a construction project with regard to which, before the effective date hereof:

- 1) an application for a building permit, an application for a separate decision approving a plot or land development project or building plans and specifications, an application for an amendment to the building permit has been submitted,
 - 2) a building permit or a separate decision approving a plot or land development project or building plans and specifications has been issued,
 - 3) a notification of construction or of the performance of other construction works has been submitted in a situation where obtaining a building permit is not required,
 - 4) a legalisation decision, as referred to in Article 49(4) of the Construction Law Act of 7 July 1994 – and the decisions referred to in Article 51(4) of the Construction Law Act of 7 July 1994 – have been issued
- the hitherto regulations shall apply.

§ 3. This Regulation shall enter into force on 1 April 2024.

Minister for Development and Technology: *W. Buda*