

<p><b>Draft name</b> Regulation of the Minister for Climate and the Environment on the minimum content of biocomponents in diesel fuel used in all means of transport (Originally: Regulation of the Minister for Climate and the Environment on the minimum content of biocomponents contained in <i>liquid fuels</i> used in all means of transport)</p> <p><b>Lead ministry and cooperating ministries</b> Ministry of Climate and the Environment</p> <p><b>Person responsible for the draft: Minister, Secretary of State or Undersecretary of State</b> Miłosz Motyka — Undersecretary of State at the Ministry of Climate and the Environment</p> <p><b>Contact details for the draft supervisor</b> Natalia Solonek, Junior Specialist Department of Renewable Energy Sources at the Ministry of Climate and the Environment e-mail: <a href="mailto:natalia.solonek@klimat.gov.pl">natalia.solonek@klimat.gov.pl</a> tel.: +48 22 3691256</p>	<p><b>Date of preparation</b> 09 May 2025</p> <p><b>Source:</b> Statutory authorisation pursuant to Article 23b(4) of the Act of 25 August 2006 on biocomponents and liquid biofuels (Journal of Laws [Dziennik Ustaw] of 2024, items 20, 834 and 1946; and 2025, item 303)</p> <p><b>Number in the list of legislative work items of the Minister for Climate and the Environment</b> 1236</p>
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REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

The obligation to add a minimum amount of biocomponents to liquid fuels, the so-called mandatory blending, is one of the more common instruments for the implementation of the requirements for the use of renewable energy sources in transport. This is an obligation imposed on entities required to achieve the National Index Target, hereinafter referred to as the ‘NIT’, consisting in the need to introduce, within a calendar year, a minimum content of biocomponents into liquid fuels used in all means of transport that have been managed by that entity through carrying out any legal or actual act resulting in the permanent disposal of those liquid fuels in the territory of the Republic of Poland or used by the entity for its own needs in that territory (Article 23b(1) of the Act of 25 August 2006 on biocomponents and liquid biofuels, hereinafter referred to as the ‘Act’).

Pursuant to Article 23b(3) of the Act, the minimum content of biocomponents referred to in paragraph 1 is:

1) 5.3 % — in motor gasolines falling within CN code 2710 12 45, where 4.59 % is the content of bioethanol;

1a) 3.2 % — in motor gasolines falling within CN code 2710 12 49;

2) 6,2 % — in diesel duels.

Article 23b(4) of the Act provides for an optional authorisation for the Minister responsible for climate to determine, by means of a regulation, a lower minimum content of biocomponents referred to in paragraph 1 than that specified in paragraph 3, taking into account the technical capabilities of the fuel industry to add biocomponents to liquid fuels.

The problem tackled concerns the minimum content of biocomponents in diesel fuel. That percentage in individual quarters and subsequently years was determined by means of amendments to the Act. The last amendment was made to the Act of 13 July 2023 on facilitating the preparation and implementation of investments in agricultural biogas plants and their operation (Journal of Laws 2023, item 1597, as amended). This amendment included the addition of Article 35d in the Act, subparagraph 2 of which set the value of compulsory blending in diesel oil at 5.2 % for the period 2024–2025. Currently, in connection with Article 35d(2) of the Act, which expires at the end of 2025, it is necessary to optimise the minimum percentage of biocomponents in diesel fuel for the following years at a level adapted to the technical capabilities of the covered operators in the fuel industry, which is fundamental in the context of ensuring the stabilisation of the sector and ensuring fuel security in the coming years. In view of the investment activities in the area of infrastructure for adding biocomponents to liquid fuels that have been carried out in recent years by operators required to implement the NIT and fuel storage companies, it is appropriate to set the minimum content of biocomponents in diesel fuel for subsequent years at a level higher than that set for the years 2024–2025.

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

The solution to the problem identified in section 1 is to make use of the statutory authorisation of the Minister responsible for climate to optimise the minimum percentage of biocomponents in diesel fuel.

The expected effect is to set the level of mandatory blending for diesel at 5.4 % in 2026 and 2027, and 5.6 % in the following years, i.e. at a level lower than the statutory level and higher than the current level, and at the same time enforceable by entrepreneurs required to implement the NIT. The above-mentioned values of the level of obligatory blending in diesel fuel for specific periods result from the need to set a temporary trajectory in this respect in order to allow for a gradual (adapted to the technical capabilities of the market) and increasing decarbonisation of road transport. Achieving the expected effect is not possible by means other than a normative act. The adoption of a regulation by the

Minister for Climate and the Environment on the basis of Article 23b(4) of the Act is a recommended solution because it will allow the expected objective to be achieved in a period shorter than the Act amendment process.

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

The mandatory blending solution has been implemented in many EU countries, as shown in the table below:

Source: Overview of biofuels policies and markets for road transport across the EU, June 2024, E-PURE

4.	Country	Energy/ Volume	Content of biocomponents in liquid fuels [%]		Energy/ Volume	Minimum overall biofuel target [%]
			Gasoline	Diesel fuel		
Entire EU implementing the Energy Union Index Target	Bulgaria	Volume	9.0	List of entities required to implement the National Index	Volume	-
	Croatia	Energy	-	Target in 2025, published in the Public Information Bulletin of the President of the ERO (list drawn up and published pursuant to Article 30b(3) of the Act)	Energy	-
	Cyprus	Energy	-	-	Energy	-
	Czech Republic	Volume	-	-	Volume	-
	Denmark	Energy	-	-	Energy	-
	Estonia	Energy	-	-	Energy	7.5
	Finland	Energy	-	-	Energy	13.5
	France	Energy	9.9	9.2	Energy	-
5. Information on the scope, duration, and summary of consultation results						
The draft was not the subject of pre-consultation.						
The draft Regulation has been subject to consultation with organisations and companies dealing with the market of biocomponents and liquid fuels.						
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, as amended) and § 52 of Resolution No. 190 of the Council of Ministers of 29 October 2013 — Rules of Procedure of the Council of Ministers (Polish Gazette [Monitor Polski] of 2024, item 806), the draft was made available in the Public Information Bulletin on the website of the Government Legislation Centre in the Government Legislative Process tab.						
The draft was submitted for consultation with a deadline of 21 days to the following entities:						
1) Krajowa Izba Biopaliw [National Chamber of Biofuels];						
2) Polska Izba Paliw Płynnych [Polish Chamber of Liquid Fuels];						
3) Polska Organizacja Przemysłu i Handlu Naftowego [Polish Organisation of Oil Industry and Trade];						
4) ORLEN S.A.;						
5) The Netherlands;						
6) PERK S.A.;						
7) ANWIM Spółka Akcyjna;						
8) BP Europa SE, a European company, Polish branch in Cracow;						
9) CIRCLE K POLSKA Sp. z o.o.;						
10) Shell Polska Sp. z o.o.;						
11) Slovnaft Polska S.A.;						
12) SPINMOT PALIWA Sp. z o.o.;						
13) SWARTER FUELS Spółka Akcyjna.						

The draft was submitted for opinion with a deadline of 21 days to the following entities:

- 1) Urząd Regulacji Energetyki [Energy Regulatory Office];
- 2) Urząd Ochrony Konkurencji i Konsumentów [Office for Competition and Consumer Protection];
- 3) SME Ombudsman;
- 4) Krajowy Ośrodek Wsparcia Rolnictwa [National Support Centre for Agriculture];
- 5) Instytut Nafty i Gazu — Państwowy Instytut Badawczy [Oil and Gas Institute — National Research Institute].

Taking into account the scope of the draft, which does not concern the activities of trade unions, the draft has not been subject to opinion of representative trade unions.

Taking into account the scope of the draft, which does not concern the rights and interests of employer associations, the draft has not been subject to assessment by representative employer organizations.

The draft was 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 2024, item 949).

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

The draft Regulation is subject to the procedure for notification of legal acts as specified in the Regulation of the Council

<sup>1)</sup> <https://bip.ure.gov.pl/bip/rejestr-y-i-bazy>; <https://rejestr-y.ure.gov.pl/o/17>;

of Ministers of 23 December 2002 on the functioning of the national system for notification of standards and legal acts (Journal of Laws item 2039, as amended).

The results of opinion-seeking and public consultations have been discussed in a consultation report, containing a summary of the presented positions or opinions and a response to them by the requesting authority, made available on the website of the Government Legislation Centre, in the Government Legislative Process tab. No interest in participation in the legislative work relating to the draft was expressed in the manner specified in the provisions on lobbying activities in the law-making process.

## 6. Impact on the public finance sector

[illegible]

Sources of financing	<p>The draft legal act will have no impact on the public finance sector. The purpose of the new legal act is to establish the minimum content of biocomponents in diesel fuel in view of the regulatory period ending in 2025, taking into account the technical capacity of the fuel industry to add biocomponents to diesel fuel.</p> <p>The draft will not have an impact on the State budget or the budgets of local government units.</p>
Additional information, including the identification of data sources and assumptions made in the calculation	Not applicable.

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

		Impact						
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0–10)
In monetary terms (PLN million, fixed prices for [year])	large enterprises	0	0	0	0	0	0	0
	micro-, small- and medium-sized enterprises	0	0	0	0	0	0	0
	families, citizens and households	0	0	0	0	0	0	0
	persons with disabilities and the elderly	0	0	0	0	0	0	0
In non-monetary terms	large enterprises	<p>Applicable.</p> <p>The draft Regulation does not affect the amount of biocomponents that must be purchased in order to meet the NIT, and therefore it does not have a financial (monetary) impact.</p> <p>However, the draft legal act will have an impact on the structure of the NIT implementation in organisational terms, related to the need to enable efficient logistics and rotation at fuel depots and stemming from the increased amount of biocomponents added to liquid fuels, due to the increase in the level of obligatory blending in diesel fuel.</p>						

	micro-, small- and medium-sized enterprises	Not applicable.
	families, citizens and households	Not applicable.
	persons with disabilities and the elderly	Not applicable.
Unmeasurable	(add/remove)	Not applicable.
Additional information, including the identification of data sources and assumptions made in the calculation	Not applicable. The purpose of the new legal act is to establish the minimum content of biocomponents in diesel fuel in view of the regulatory period ending in 2025, taking into account the technical capacity of the fuel industry to add biocomponents to diesel fuel.	
<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 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 purpose of the draft Regulation is to establish the minimum content of biocomponents in diesel fuel in view of the regulatory period ending in 2025, taking into account the technical capacity of the fuel industry to add biocomponents to diesel fuel.		
<b>9. Impact on the labour market</b>		
The draft Regulation has no impact on the labour market. No increase or reduction in employment is foreseen as a result of the proposed legislation. The specified legislation aims to guarantee the use of biocomponents and to optimise their content in diesel fuel.		
<b>10. Impact on other aspects</b>		
<input checked="" type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development <input type="checkbox"/> ordinary, administrative or military courts	<input type="checkbox"/> demographics <input type="checkbox"/> state property <input type="checkbox"/> other:	<input type="checkbox"/> computerisation <input type="checkbox"/> health
Discussion of the impact	The draft Regulation will have an impact on the environment due to the gradual facilitation of the use of biocomponents produced from conventional sources in diesel fuel, which will contribute to the decarbonisation of road transport.	
<b>11.Planned implementation of the provisions of the Act</b>		
This Regulation enters into force on 1 January 2026.		
<b>12. How and when will the impact of the draft be assessed, and what measures will be applied?</b>		
The evaluation of the effects of the draft Regulation will be carried out on a continuous basis as part of the market monitoring carried out by the President of the ERO and the analysis of the consolidated annual report presented by him, issued pursuant to Article 30b(7) of the Act.		
<b>13.Annexes (important source documents, research, analyses, etc.)</b>		
None.		