

Message 001

Communication from the Commission - TRIS/(2026) 1348

Directive (EU) 2015/1535

Notification: 2026/0247/PL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261348.EN

1. MSG 001 IND 2026 0247 PL EN 18-05-2026 PL NOTIF

2. Poland

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4. 2026/0247/PL - T30T - Rail transport

5. Regulation of the Minister for Infrastructure of ... 2026 amending the Regulation on the technical conditions to be met by railway structures and their location

6. Pursuant to the Construction Law Act, the Minister, in consultation with the Minister responsible for construction, may lay down, by way of a regulation, the required technical conditions for other construction works, including the technical conditions relating to their location.

7.

8. The changes made consist, first and foremost, in incorporating the new wording of Article 7(4) of the Construction Law Act into the proposed Regulation.

Also in view of the fact that the Regulation of the Minister for Transport and the Maritime Economy of 10 September 1998 on the technical conditions to be met by railway structures and their location has been in force for more than 20 years and that changes have occurred during that period with regard to the technical solutions applied to railway structures and their location, the draft Regulation is adapted to the current state of the art in this field. In particular, the current regulation contains numerous references to Polish Standards which are now out of date or have not been published in Polish, which contravenes the provisions of the Act of 12 September 2002 on standardisation (Journal of Laws [Dziennik Ustaw] of 2015, item 1483). In the draft Regulation, this problem has been eliminated by referring only to the current Polish Standards published in Polish.

A significant problem with the current regulation is the presence of provisions which, in essence, do not constitute technical requirements, and provisions which are deemed to exceed the scope of the delegated legislation, as well as provisions imposing specific obligations on designated entities, which, in principle, is a matter for legislation. Furthermore, numerous provisions of the current regulation contain vague wording that leaves considerable room for interpretation (e.g. The reference of 'difficult terrain'). The proposed Regulation has been recast in such a way as to ensure compliance with the principles of legal drafting technique. In addition, in view of the numerous doubts concerning the interpretation of the provisions of the regulation currently in force, certain conclusions, demands, proposals and doubts submitted to the Ministry of Infrastructure by the rail infrastructure operators, rail undertakings, administrative bodies, organisations and other entities were taken into account when drafting new legislation.

In order to implement the guideline referred to in Article 7(4) of the Construction Law Act, the draft Regulation contains provisions related to ensuring accessibility for persons with special needs. It follows from § 87 of the draft Regulation that facilities for passenger services covered by the essential requirements for railway interoperability must be designed, constructed or refurbished in accordance with the technical requirements of the railway system interoperability specifications and in compliance with the requirements of the Accessibility Act.

9. The need for the Minister of Infrastructure to issue a new regulation on the technical requirements to be met by railway structures and their location stems from the addition of paragraph 4 to Article 7 of the Act of 7 July 1994 – Construction Law (Journal of Laws of 2026, item 524, as amended), hereinafter referred to as the 'Construction Law Act', pursuant to which the competent ministers, when specifying the technical

requirements to be met by construction works and their location, are required to take into account, amongst other things, the needs of persons with special needs, as referred to in the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws of 2024, item 1411), hereinafter referred to as the 'Accessibility Act'.

At the same time, in accordance with Article 66 of the Accessibility Act, the existing implementing regulations issued pursuant to, inter alia, Article 7(2) and (3) of the Construction Law Act shall remain in force until the date of entry into force of the implementing regulations issued pursuant to Article 7(2) and (3) of the Construction Law Act, but for no longer than 84 months from 20 September 2019.

In the light of the above, the Regulation of the Minister for Transport and the Maritime Economy of 10 September 1998 on the technical conditions to be met by railway structures and their location (Journal of Laws, item 987, as amended) remains in force until a new regulation is issued in this field, but not beyond 20 September 2026.

9a. The need for the Minister of Infrastructure to issue a new regulation on the technical requirements to be met by railway structures and their location stems from the addition of paragraph 4 to Article 7 of the Act of 7 July 1994 – Construction Law (Journal of Laws of 2026, item 524, as amended), hereinafter referred to as the 'Construction Law Act', pursuant to which the competent ministers, when specifying the technical requirements to be met by construction works and their location, are required to take into account, amongst other things, the needs of persons with special needs, as referred to in the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws of 2024, item 1411), hereinafter referred to as the 'Accessibility Act'.

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9b. The need for the Minister of Infrastructure to issue a new regulation on the technical requirements to be met by railway structures and their location stems from the addition of paragraph 4 to Article 7 of the Act of 7 July 1994 – Construction Law (Journal of Laws of 2026, item 524, as amended), hereinafter referred to as the 'Construction Law Act', pursuant to which the competent ministers, when specifying the technical requirements to be met by construction works and their location, are required to take into account, amongst other things, the needs of persons with special needs, as referred to in the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws of 2024, item 1411), hereinafter referred to as the 'Accessibility Act'.

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9c. The need for the Minister of Infrastructure to issue a new regulation on the technical requirements to be met by railway structures and their location stems from the addition of paragraph 4 to Article 7 of the Act of 7 July 1994 – Construction Law (Journal of Laws of 2026, item 524, as amended), hereinafter referred to as the ‘Construction Law Act’, pursuant to which the competent ministers, when specifying the technical requirements to be met by construction works and their location, are required to take into account, amongst other things, the needs of persons with special needs, as referred to in the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws of 2024, item 1411), hereinafter referred to as the ‘Accessibility Act’.

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10. References to basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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