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| <p><b>Draft name</b><br/>Regulation of the Minister for Infrastructure on the technical conditions to be met by hydraulic engineering structures and their location</p> <p><b>Lead ministry and cooperating ministries</b><br/>Ministry of Infrastructure<br/>Ministry of Development and Technology — in consultation</p> <p><b>Person responsible for the draft: Minister, Secretary of State or Undersecretary of State</b><br/>Mr Przemysław Koperski — Undersecretary of State at the Ministry of Infrastructure</p> <p><b>Contact details for the draft supervisor</b><br/>Ms Anna Mazurek — Chief Specialist at the Department of Water Management and Inland Navigation, Ministry of Infrastructure<br/>E-mail: <a href="mailto:Anna.Mazurek@mi.gov.pl">Anna.Mazurek@mi.gov.pl</a><br/>tel. + 48 22 522 56 25<br/>Ms Małgorzata Żelazko — Division Head at the Department of Water Management and Inland Navigation of the Ministry of Infrastructure, tel. 22 522 55 33</p> | <p><b>Date of preparation</b><br/>1 September 2025</p> <p><b>Source:</b><br/>Statutory authorisation:<br/>Article 7(2)(2) of the Construction Law Act of 7 July 1994 (Journal of Laws [Dziennik Ustaw] 2025, item 418, as amended)</p> <p><b>Number on the list of legislative works of the Minister for Infrastructure</b><br/>35</p> |
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## REGULATORY IMPACT ASSESSMENT

### 1. What issue is being addressed?

The normative act currently in force concerning the technical conditions to be met by hydraulic engineering structures, is the Regulation of the Minister for the Environment of 20 April 2007 on the technical conditions to be met by hydraulic engineering structures and their location (Journal of Laws, item 579), hereinafter referred to as ‘the 2007 Regulation’. The long-term applicability of the 2007 Regulation (more than 15 years) has made it possible to identify certain interpretative trends and problems that have arisen in the practical application of technical and construction regulations, in particular by designers, hydraulic engineering structure operators, the scientific community and the construction industry. In the practice of applying the current technical and construction regulations, the designers and users of the structures drew attention in particular to the lack of references to the current Polish Standards referred to in the Regulation, or the need to verify the provisions in order to adapt to current technical knowledge as well as the applicable legal provisions.

The need to amend the provisions of the 2007 Regulation also arises from the provisions of the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws 2024, item 1411), hereinafter referred to as the ‘Accessibility Act’, which introduced provisions on the expiry of technical and building regulations within a certain period of time. However, Article 2 of the Act of 24 March 2022 amending the Act on the protection of the rights of tenants, municipal housing and amending the Civil Code and the Act on ensuring accessibility for persons with special needs (Journal of Laws, item 975) amended Article 66 of the Act on ensuring accessibility. As follows from the wording of Article 66 of this Act, the existing implementing provisions (technical and construction-related) issued pursuant to Article 7(2) and (3) of the Construction Law Act of 7 July 1994 remain in force until the date of entry into force of the implementing provisions issued pursuant to the aforementioned Article 7 of the Construction Law Act of 7 July 1994 (Journal of Laws of 2025, item 418, as amended), but for no longer than 60 months from the date of entry into force of the Act on ensuring accessibility for persons with special needs, i.e. until 20 September 2024. Subsequently, the provisions of Article 1 of the Act of 28 June 2024 amending the Act on ensuring accessibility for persons with special needs, the Act on public documents and the Act on State aid in housing savings, the time in force of the existing implementing provisions has been extended to 84 months, i.e. until 20 September 2026.

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

The recommended solution is for a regulation on the technical conditions which hydraulic engineering structures and their location should meet to be issued by the Minister for Infrastructure, as the minister responsible for water management. The draft Regulation will be issued in consultation with the minister responsible for construction, planning, land-use planning and housing.

The expected effect of the draft Regulation is to ensure the appropriateness and continuity of the legislation concerning the technical and construction conditions for hydraulic engineering structures after 20 September 2026. The objective of the proposed regulation cannot be achieved by other means.

The proposed regulation, compared to the 2007 regulation, introduces changes which include:

- the introduction of new terminology or the clarification of existing terminology;
- the deletion of Annex 1, entitled ‘The list of Polish Standards referred to in the Regulation’, the application of which, in accordance with the Standardisation Act of 12 September 2002 (Journal of Laws 2015, item 1483), is

voluntary;

- adaptation to the existing nomenclature with regard to the classification of land on which hydraulic engineering structures are situated;
- adaptation to the current legal provisions, including the Act on ensuring accessibility for people with special needs;
- the replacement in most provisions of legal rules of a relatively binding nature by rules of a mandatory nature in order to eliminate any doubts on the part of the addressees of those rules as regards the obligations imposed on them by the provisions of the proposed regulation;
- editorial changes.

It is not possible to achieve the objective pursued by the draft Regulation by other means.

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

The Polish Committee on Large Dams is a consultative body of the Minister responsible for water management with respect to the participation of the Republic of Poland in the International Commission on Large Dams — ICOLD / Comission Internationale des Grands Barrages — CIGB (<https://polcold.imgw.pl/#polcold>).

The International Commission on Large Dams is a leader in setting standards and guidelines to ensure that dams are built and operated in a safe, efficient, economical, environmentally and socially sustainable manner ([https://www.icold-cigb.org/GB/icold/organization\\_\\_mission.asp](https://www.icold-cigb.org/GB/icold/organization__mission.asp)).

Prior to the establishment of the ICOLD in 1928, knowledge of dam safety was inconsistent and the demand for the construction of water storage infrastructure was very high and growing. Therefore, disseminating knowledge about the design and operation of dams based on the experience of the world engineering community has become a priority of the ICOLD. Attention was focused on the safety of dams, which continues to this day. The ICOLD has played a key role in improving the safety of dams through its work to collect and analyse lessons learned from past successes and failures.

Since its establishment, the ICOLD and thousands of professionals from member countries have continually contributed to improving dam safety through the publication of technical articles and the exchange of experiences at annual meetings and congresses.

The ICOLD Technical Committees prepare newsletters that summarise the current state of knowledge. Since the creation of the ICOLD, the number of failures, in comparison with the total number of dams in operation, has been significantly reduced, which is a positive achievement that reflects the worldwide role of the ICOLD in the design of dams and management standards. Nevertheless, continuous vigilance and commitment are still required to continue this trend towards improving the security of the dams. (<https://polcold.imgw.pl/2022/07/17/deklaracja-icold/>).

### 4. Entities affected by the draft

| Group                                                                                              | Size                                                | Data source                                                            | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| owners, operators and users of hydraulic engineering structures                                    | impossible to estimate                              | proprietary                                                            | Ensure the continuity of regulations on technical conditions for hydraulic engineering structures after 20 September 2026.                                                                                                                                                                                                                                                                                                                                                     |
| designers                                                                                          | 118 0187 (Polish Chamber of Construction Engineers) | Polish Chamber of Construction Engineers (data as at 31 December 2021) | Ensure the continuity of regulations on technical conditions for hydraulic engineering structures after 20 September 2026.<br>In addition, the proposed provisions will be more user-friendly for designers due to:<br>– adapting the provisions to current technical knowledge and the current principles of legislative technique, which will consequently facilitate their interpretation,<br>– unification of the terminology used and the references to Polish Standards. |
| contractors performing tasks related to the construction and execution of other construction works | impossible to estimate                              | general                                                                | Greater transparency, compared to the current Regulation, of the proposed provisions with regard to the                                                                                                                                                                                                                                                                                                                                                                        |

on hydraulic engineering  
structures (economic  
activities related to the  
construction industry)

technical and construction conditions applicable to hydraulic engineering structures.

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

The draft has been made available in the Public Information Bulletin on the website of the Government Legislation Centre under the tab 'Government Legislation Process' in accordance with § 52(1) of the Cabinet Resolution No. 190 of 29 October 2013 — Regulations on the work of the Council of Ministers (Polish Gazette [Monitor Polski] of 2024, item 806) and in accordance with the requirements of Article 5 of the Act of 7 July 2005 on lobbying in the legislative process (Journal of Laws of 2025, item 677).

This draft Regulation has been entered in the archive List of legislative works of the Minister for Infrastructure under number 206. The previous legislative process is described below.

The draft regulation was presented for **pre-consultation** to 55 entities, followed by a public consultation by 60 entities, including, inter alia, the State Water Management Authority, the Institute of Meteorology and Water Management - State Research Institute, the scientific community, representatives of the construction, metallurgy and chemical industries, as well as selected non-governmental organisations whose statutory activities concern, for example, engineering, hydrology, fisheries, energy and ecology. The pre-consultation ran from 20 December 2019 to 14 February 2020. Communication took place by written and electronic means. Data was received by the then Ministry of Maritime Affairs and Inland Navigation in both tabular and descriptive form. Pre-consultations allowed for a preliminary determination of the scope of expectations of the entities in relation to the amended Regulation.

**The public consultation and opinion seeking** started on 21 April 2022 and lasted 14 days. The consultations and opinion seeking were held electronically. The comments were sent to the Ministry of Infrastructure mainly in tabular and descriptive form. In the context of the public consultation, comments were submitted, inter alia, by: ‘Państwowe Gospodarstwo Wodne Wody Polskie’, the Institute of Meteorology and Water Management — State Research Institute, Association for the Development of Small Water Plants, Polish Union of Construction Employers, ‘Polska Grupa Energetyczna S.A.’, ‘Zarząd Morskich Portów Szczecin i Świnoujście S.A’. The draft regulation was reviewed by the State Water Management Council, which, pursuant to Article 363(1)(4) and (5) of the Water Law Act of 20 July 2017 (Journal of Laws of 2025, item 960), gives its opinion on draft normative acts regulating water management matters and expresses opinions on matters commissioned by the minister responsible for water management. The draft regulation also received an opinion from the National Committee for Standardisation. After further analyses of the proposed legislation, it became necessary to subject the draft to an additional expert opinion. The draft regulation was therefore submitted to the Hydraulic Engineering Structure Section of the Committee of Civil Engineering of the Polish Academy of Sciences for opinion on 9 October 2023. The deadline for receiving opinions was 14 days. The opinion of the Hydraulic Engineering Structure Section of the Committee of Civil Engineering of the Polish Academy of Sciences influenced the content of the proposed regulation, increasing its substantive quality. In sum the results of the public consultation and opinion seeking, it should be noted that the Ministry of Infrastructure received a total of 209 comments, of which 144 comments were positively considered (taken into account), 54 comments were negatively considered (not taken into account) and 11 comments were partially taken into account. The manner in which the comments were dealt with is contained in the public consultation and opinion report.

Following the change in the composition of the Council of Ministers on 13 December 2023 and the updated entry in the list of legislative and programme work of the Minister of Infrastructure (No. 35) , **the inter-ministerial consultation, public consultation and opinion seeking** were repeated (letters: GM-DGWizS-6.0210.32.2021 of 26 February 2024). The repetition of public consultations and opinion seeking resulted from the recommendations of the Chancellery of the Prime Minister, which drew attention to the fact that the wording of the draft had changed. The repeated public consultation and opinion seeking lasted 10 days. A total of 129 comments were received, of which 36 comments were considered positively, 79 comments were considered negatively and 14 comments were considered in part.

The proposed Regulation will not have an impact on the budgets of local government units, thus the draft does not require consultation with the Joint Commission of the Government and Territorial Self-Government. The draft does not concern matters referred to in Article 1 of the Act of 24 July 2015 on the Social Dialogue Council and other social dialogue institutions (Journal of Laws of 2018, item 2232, as amended). Due to the scope of the draft Regulation, which does not concern the rights and interests of employers' organisations or the tasks of trade unions, the draft Regulation has not been subjected to opinion seeking from representative employers' organisations or trade union organisations.

## 6. Impact on the public finance sector

[illegible]

|                          |   |   |   |   |   |   |   |   |   |   |   |   |
|--------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| local government units   | – | – | – | – | – | – | – | – | – | – | – | – |
| other units (separately) | – | – | – | – | – | – | – | – | – | – | – | – |
| <b>Total expenditure</b> | – | – | – | – | – | – | – | – | – | – | – | – |
| state budget             | – | – | – | – | – | – | – | – | – | – | – | – |
| local government units   | – | – | – | – | – | – | – | – | – | – | – | – |
| other units (separately) | – | – | – | – | – | – | – | – | – | – | – | – |
| <b>Total balance</b>     | – | – | – | – | – | – | – | – | – | – | – | – |
| state budget             | – | – | – | – | – | – | – | – | – | – | – | – |
| local government units   | – | – | – | – | – | – | – | – | – | – | – | – |
| other units (separately) | – | – | – | – | – | – | – | – | – | – | – | – |

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| Sources of financing                                                                                         | The entry into force of the draft Regulation will not have financial consequences for the state budget and local government units (it will not directly affect the public finance sector). |
| 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<br>(PLN million, fixed prices for [year]) | large enterprises                           | –                                                                                                                                                                        | – | – | – | – | –  | –            |
|                                                             | micro-, small- and medium-sized enterprises | –                                                                                                                                                                        | – | – | – | – | –  | –            |
|                                                             | families, citizens and households           | –                                                                                                                                                                        | – | – | – | – | –  | –            |
| In non-monetary terms                                       | large enterprises                           | No impact on the situation of large companies.                                                                                                                           |   |   |   |   |    |              |
|                                                             | micro-, small- and medium-sized enterprises | No impact on the situation of the micro-, small- and medium-sized enterprises sector.                                                                                    |   |   |   |   |    |              |
|                                                             | families, citizens and households           | No impact on the economic and social situation of families, citizens and households.<br>No impact of on the economic and social situation of disabled or elderly people. |   |   |   |   |    |              |
| Unmeasurable                                                |                                             | None.                                                                                                                                                                    |   |   |   |   |    |              |

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| Additional information, including the identification of data sources and assumptions made in the calculation | None. |
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## 8. Change in the regulatory burdens (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<br><input type="checkbox"/> no<br><input checked="" type="checkbox"/> not applicable                                                                                                                       |
| <input type="checkbox"/> reduction in the number of documents<br><input type="checkbox"/> reduction in the number of procedures<br><input type="checkbox"/> shortening of the time to settle the matter<br><input type="checkbox"/> other: | <input type="checkbox"/> increase in the number of documents<br><input type="checkbox"/> increase in the number of procedures<br><input type="checkbox"/> extension of the time to settle the matter<br><input type="checkbox"/> other: |

|                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| The introduced burdens are suitable for digitisation.                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> yes<br><input type="checkbox"/> no<br><input checked="" type="checkbox"/> not applicable |                                                                             |
| Comment: None.                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| <b>9. Impact on the labour market</b>                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| No impact on the labour market.                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| <b>10. Impact on other aspects</b>                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| <input checked="" type="checkbox"/> natural environment<br><input checked="" type="checkbox"/> regional standing and development<br><input type="checkbox"/> ordinary, administrative or military courts |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> demography<br><input type="checkbox"/> state property<br><input type="checkbox"/> other: | <input type="checkbox"/> computerisation<br><input type="checkbox"/> health |
| Discussion of the impact                                                                                                                                                                                 | Hydraulic engineering structures covered by the proposed Regulation affect the management and use of water resources, depending on the function of the given structure. Hydraulic engineering structures primarily affect flood safety (e.g. flood barriers and gates) and protection against drought (e.g. retention tanks). In addition, hydraulic engineering structures provide the conditions for water transport (e.g. sluices and ramps) and enable water sports and recreation (reservoirs, embankments, quays). Structures such as hydroelectric power plants enable the production of electricity. |                                                                                                                   |                                                                             |
| <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 will the impact of the draft be assessed, and what measures will be applied?</b>                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| No evaluation is foreseen.                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| <b>13.Annexes (important source documents, research, analyses, etc.)</b>                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |
| None.                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |                                                                             |