

Clean transport zones: amending Act on Electromobility and Alternative Fuels

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Introduction

In order to prevent the negative impact of transport pollutant emissions on human health and the environment, the legislature passed the Act of 11 January 2018 on Electromobility and Alternative Fuels, which introduced the possibility for community councils to create clean transport zones.⁽¹⁾ In such zones, vehicle traffic restrictions were introduced, from which certain vehicles were exempt. However, [according to the Ministry of Climate and Environment](#), this act received many comments regarding its content; thus, in response to public expectations, the ministry has proposed draft amendments to the act. The planned changes to the regulation and establishment of clean transport zones in communities are the main element of the draft amendments.⁽²⁾

Proposed amendments

Pursuant to Article 39 of the abovementioned act, community councils could establish clean transport zones in communities with a population exceeding 100,000 for city centre developments or parts thereof which constitute an area of intensive development in the city centre, including roads managed by the community. If such a zone has been established, vehicles other than e-vehicles powered by hydrogen or natural gas are subject to entry restrictions. According to the wording of the explanatory memorandum to the draft amendment to the act, the planned amendment will introduce an obligation to establish clean transport zones in all communities with a population exceeding 100,000, with remaining communities allowed to introduce the same restrictions.⁽³⁾ Moreover, the list of vehicles exempt from entry restrictions will be extended. The current act provides such an exemption to three types of vehicle:

- electric;
- those powered by hydrogen or natural gas; and
- special vehicles enumerated in Article 39(3) of the act.

This list will be extended to include:

- liquified petroleum gas-powered vehicles;
- zero-emission buses;
- municipal service vehicles;
- vehicles used to assist people in need of everyday life support; and
- vehicles belonging to micro or small entrepreneurs carrying out economic activities within the zone.⁽⁴⁾

Further, a regulation providing for the admission to the clean transport zone of vehicles meeting the selected requirements of the Euro emission classes will be added.⁽⁵⁾ In the explanatory memorandum to the draft amendments, the legislature has also indicated that in view of the need to easily and unequivocally determine whether a given vehicle can move in a designated area, such vehicle should have a special designation depending on its mode of propulsion.⁽⁶⁾ The community council may allow vehicles other than those indicated in the act to move in the clean transport zone, provided that they pay a fee. The fee amount remains unchanged and the only element that appears in the draft amendment to the act concerns a possible additional fee in the form of a one-time payment.⁽⁷⁾

Comment

The described changes clarify the provisions already in force and constitute a real response to the demands raised and comments submitted. The obligation to introduce clean transport zones in communities with a

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population exceeding 100,000, and allowing their introduction in other communities, will contribute to the reduction of pollutant emissions and positively affect human health and the environment. However, extending the list of vehicles admitted into restricted areas and the possibility of granting other vehicles permission to enter may have a negative impact on the environment and air pollution, reversing the effects of the restriction zones introduced so far. This would conflict with the objective for which the clean transport zones were originally introduced.

For further information on this topic please contact [Magdalena Krawczyk](#) or [Kamil Zawicki](#) at Kubas Kos Galkowski by telephone (+48 22 206 83 00) or email ([magdalena.krawczyk@kkg.pl](mailto:magdalen.krawczyk@kkg.pl) or kamil.zawicki@kkg.pl). The Kubas Kos Galkowski website can be accessed at www.kkg.pl.

Endnotes

- (1) Act of 11 January 2018 on Electromobility and Alternative Fuels (Journal of Laws from 2020, Item 908 as amended).
- (2) Draft amendments to the Act of 11 January 2018 on Electromobility and Alternative Fuels. Available [here](#) (in Polish).
- (3) Justification of the draft amendment of 18 November 2020 to the Act on Electromobility and Alternative Fuels, Government Legislation Centre. Available [here](#) (in Polish).
- (4) Draft amendments to the Act of 11 January 2018 on Electromobility and Alternative Fuels, pp 10-11.
- (5) Justification of the draft amendment of 18 November 2020 to the Act on Electromobility and Alternative Fuels, Government Legislation Centre, p 20.
- (6) *Id*, p 9.
- (7) Draft amendments to the Act of 11 January 2018 on Electromobility and Alternative Fuels, p 12.

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