

Carsharing – shared-use vehicle system in legislative process

31 March 2021 | Contributed by [Kubas Kos Gaikowski](#)

Carsharing is a well-known initiative globally which continues to gain popularity. In Poland, the Ministry of Transport, Construction and Maritime Economy recently prepared a proposal for a legal definition of 'carsharing'. According to the glossary of terms provided for the Transport Development Strategy to 2020 (with an outlook to 2030),⁽¹⁾ 'carsharing' is a system of shared use of passenger cars, which by definition leads to a significant reduction in the number of registered private cars. Vehicles in the system may be made available for a fee and the operators of the system which facilitate this include companies, public agencies and individuals.⁽²⁾

In addition, according to the draft amendment to the Act of 11 January 2018 on Electromobility and Alternative Fuels,⁽³⁾ the Ministry of Climate and Environment plans to include a carsharing initiative in the statutory regulations and provide a statutory definition of this activity therein. Carsharing will be added to the legal definitions covered by Article 2 of the act under the term 'sharing service'. The legislature defines a 'sharing service' as "a form of short-term rental of an M1, M2, and M3 category vehicle... performed via an electronic communication system for a period not exceeding 24 hours".⁽⁴⁾ Vehicles covered by said definition are categorised in Appendix 2 to the Act of 20 June 1997 on Road Traffic. According to this document, all motor vehicles with at least four wheels which are intended for passenger transport will be subject to the sharing service.⁽⁵⁾

In the explanatory memorandum to the draft act, the legislature indicates that a special incentive system will be created for potential users and operators which provide carsharing services. This will include, among other things, the possibility of using bus lanes and an exemption from parking fees in parking zones.⁽⁶⁾ Therefore, according to the proposed amendment to Article 148a(1) of the Road Traffic Act, vehicles subject to the sharing service will be able to use bus lanes until 1 January 2026 based on the same principles as e-vehicles.⁽⁷⁾

Carsharing is an important alternative to the use of private transport. Considering the proposed changes and exemptions, the inclusion of a sharing service in the existing legislation will significantly contribute to the development of carsharing. Thus, it will have a positive impact on not only the environment, but also the organisation of urban traffic.

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 or kamil.zawicki@kkg.pl). The Kubas Kos Galkowski website can be accessed at www.kkg.pl.

Endnotes

(1) Available in Polish [here](#).

(2) *Id* at p3.

(3) Available in Polish [here](#).

(4) Draft amendment to the Act of 11 January 2018 on Electromobility and Alternative Fuels, p2.

(5) Appendix 2 to the Act of 20 June 1997 the Road Traffic (*Journal of Laws of 2020*, Item 110, as amended).

(6) Available in Polish [here](#).

(7) Draft amendment to the Act of 11 January 2018 on Electromobility and Alternative Fuels, p22.

AUTHORS

[Magdalena Krawczyk](#)



[Kamil Zawicki](#)

