



Support to the Ministry of Infrastructure of Ukraine in Strengthening of Safety

Standards of Commercial Road Transport

UA/14/ENP/TR/43

**Component B: Certification of professional competence
of road transport
operators and drivers in Poland**

Kiev , May 2016

Component B: Certification of professional competence of road transport operators and drivers

The following presentation below provides information on legal and regulatory framework for the system of certification of professional competence of road transport operators and drivers according to EU acquis (Regulation 1071/2009 and Directive 2003/59/EC) is drafted.

The twinning project shall assist the Ministry of Infrastructure in preparing the relevant legislation (e.g. ministerial order or resolution of the Cabinet of Ministers, as it may be required).

Current achievements

As a result of performing the activities included in Component B of the Twinning Programme, the stakeholder gained knowledge about specific legislation procedures.

The programme was also helpful in:

- Obtaining clear understanding of existing legislation in Ukraine in the field of professional competence of drivers as well as of the EU acquis;
- Obtaining clear understanding of legal gaps in the field of certifying the professional competence of drivers and road company staff (managers and experts) that operate passenger and goods services;
- Elaborating draft recommendations for enforcement of legal provisions.

Certification procedures in the Polish legal system



I. Certification of professional competence of road transport undertakings

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I. Certification of professional competence of road transport undertakings under EU Regulation No.1071/2009



Legal basis of implementation



The main act in the field of professional competence of staff is **Regulation No.1071/2009** of 21 October 2009. Specific conditions relating to the requirement of professional competence are enlisted in art. 8-9, art. 21 and, of course, amendment 1,2,3.

The above-mentioned articles are essential in the entire certification process. The intention of the EU is to unify systems of all European Union member state into one authoritative and reliable order.

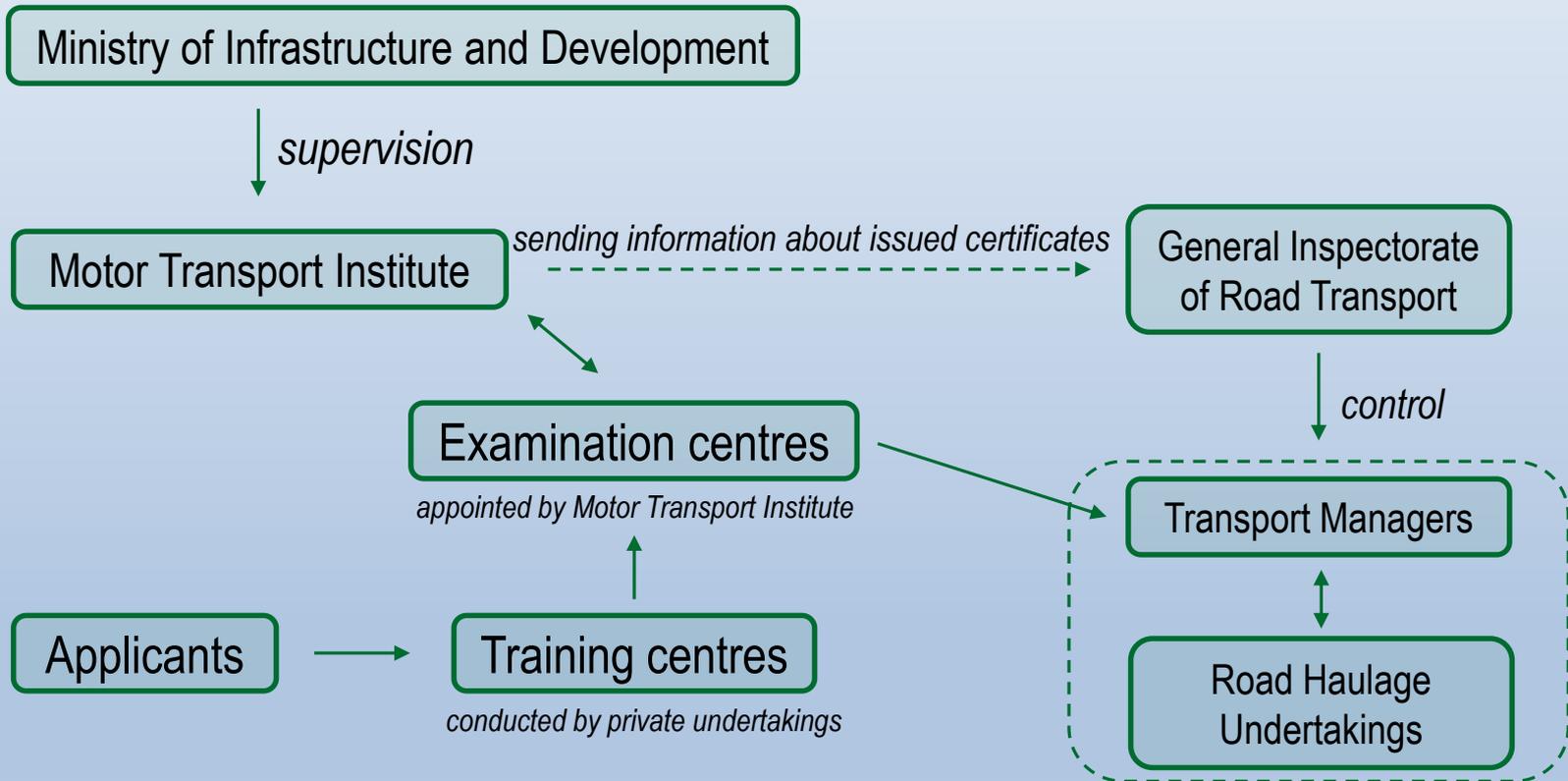
Transposition into the national legal system



The certification process is described in Regulation No.1071/2009 and specified (via transposition forms) in :

1. **The Polish Road Transport Act - Chapter 7**
2. **Instruction No. 26 of the Minister of Infrastructure and Development of 28 August 2013,**
3. **Regulation of the Minister** on the conduct of the certification process of professional competence in road transport and the security certificate of professional competence of **1 July 2013,**
4. **Regulation of the Minister** on the amount of fees for administrative tasks associated with the performance of road transport and for the examination and issuance of a certificate of professional competence of **6 August 2013.**

Structure of the certification process



National authorities:

General Inspectorate of Road Transport

Possession of the certificate of professional competence is crucial to obtain a license for international road transport of goods/persons.



National authorities: Motor Transport Institute



The Institute conducts, co-ordinates and popularises scientific research and implementation activity on the subject of road transport.

The most fundamental tasks for the Institute's operation are:

- general improvement in functioning and organisation of road transport,
- limiting harmful effects of the road transport and traffic development with regard to road safety and environmental protection,
- developing new material solutions for the automotive industry, including improvement of the service materials such as oils, coolants, etc.
- **certification of professional competence of road transport undertakings.**

The Motor Transport Institute has nearly **120 000** issued certificates in its database .

Training centres



Training centres are conducted by **private undertakings**, so national authorities can only check knowledge at the end of the process - at the exam. The basis for this is the Act on Freedom of Economic Activity.

This act recognizes a training centre as a body which does not need any other state permission. **These private training centres are chosen individually by road transport undertakings, because of the free market character of Polish economy.**

The Motor Transport Institute maintains a list of training centres on its website (www.its.waw.pl). Management boards of training centres may send the MTI a request to be placed on the general MTI list of training centres. This solution allows undertakings to efficiently search for closest training centres.

There are over 200 training centres all around the country (209 precisely).

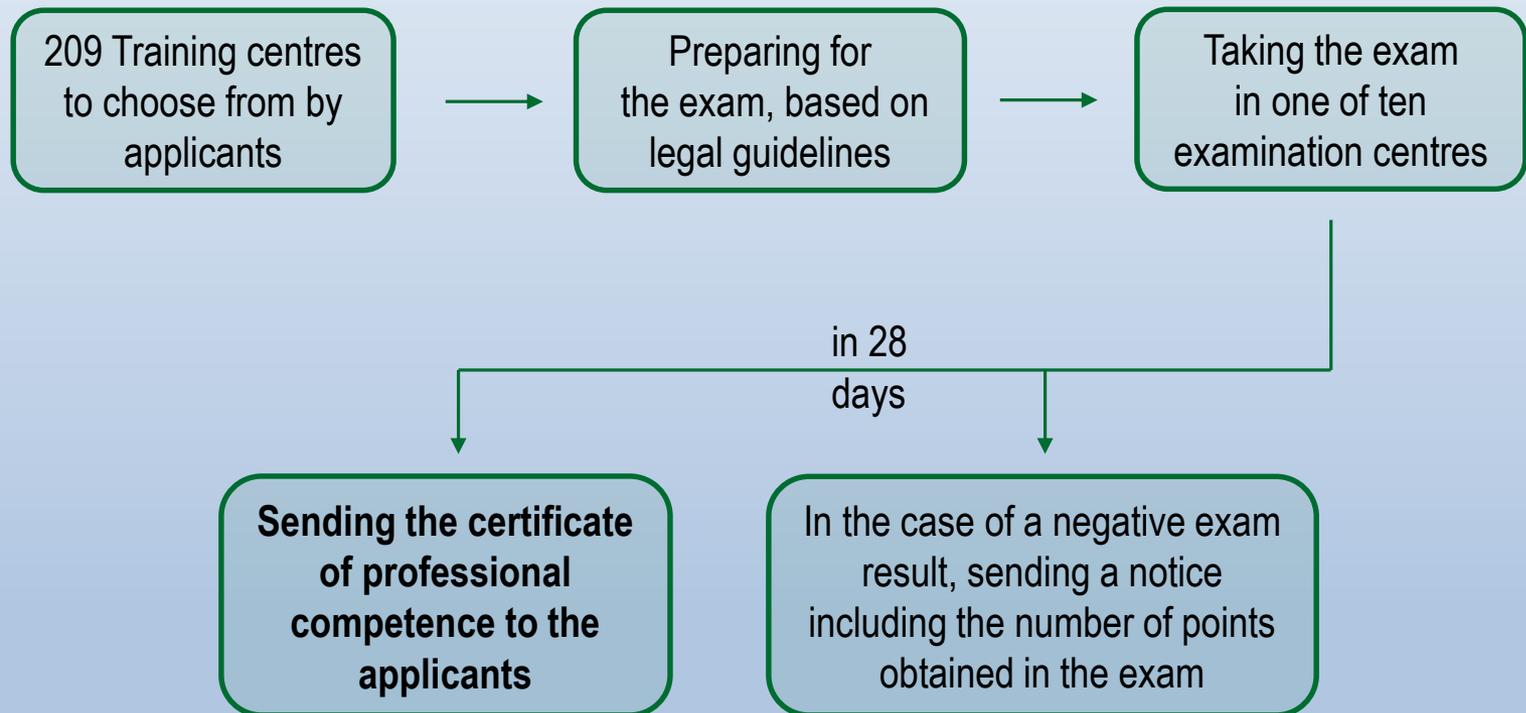
Training program



LIST OF SUBJECTS REFERRED TO IN ARTICLE 8 (Regulation No.1071/2009)

- Civil law
- Commercial law
- Social law
- Fiscal law
- Business and financial management of the undertaking
- Access to the market
- Technical standards and technical aspects of operation
- Road safety

Structure of the training process



Examination centres

The Motor Transport Institute has 10 examination centres all around the country. **Every year, 14 days before the first examination session, the MTI informs the Ministry of Infrastructure and Development about the examination plans for the following year.** The plans also appear on its website.



Professional certificate of competence for carriers/staff

The certificate must have at least two of the following security features:

- a hologram,
- special fibres in the paper which become visible under UV light,
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines),
- tactile characters, symbols or patterns,
- double numbering: serial number and issue number,
- a security design background with fine guilloche patterns and rainbow printing.

Professional certificate of competence for carriers/staff

MODEL DOCUMENT

(1) WSPÓLNOTA EUROPEJSKA

INSTYTUT TRANSPORTU SAMOCHODOWEGO
03-301 Warszawa, ul. Jagiellońska 80⁽²⁾

CERTYFIKAT
KOMPETENCJI ZAWODOWYCH
W DROGOWYM TRANSPORCIE RZECZY/OSÓB⁽³⁾

Nr _____
Instytut Transportu Samochodowego

stwierdza, że⁽⁴⁾ _____
urodzony(a) dnia _____ w _____

zdał(a) egzamin (rolę _____) (5) niezbędne w celu uzyskania certyfikatu kompetencji zawodowych w drogowym transporcie rzeczy/osób⁽³⁾ zgodnie z rozporządzeniem Parlamentu Europejskiego i Rady (WE) nr 1071/2009 z dnia 21 października 2009 r. ustanawiającym wspólne zasady dotyczące warunków wykonywania zawodu przewoźnika drogowego⁽⁶⁾.

Niniejszy certyfikat stanowi wystarczający dowód kompetencji zawodowych, o którym mowa w art. 21 rozporządzenia Parlamentu Europejskiego i Rady (WE) nr 1071/2009.

Wydano w _____ dnia _____ (7)

Kierownik jednostki certyfikującej _____
(podpis)

(1) Zanki występujące parafce członkowskie: (B) Belgia, (C) Dania, (D) Niemcy, (E) Estonia, (F) Finlandia, (G) Grecja, (H) Hiszpania, (I) Francja, (J) Włochy, (K) Cypr, (L) Łotwa, (M) Litwa, (N) Luksemburg, (P) Węgry, (R) Malta, (S) Niemcy, (T) Austria, (U) Polska, (V) Portugalia, (W) Rumunia, (X) Słowacja, (Y) Słowenia, (Z) Szwecja, (AA) Zjednoczone Królestwo.
(2) Organ lub podmiot wyznaczony w ramach państwa członkowskiego Wspólnoty Europejskiej do wydawania tego certyfikatu.
(3) Niezależnie od kwalifikacji.
(4) Nazwisko i imię, miejsce i data urodzenia.
(5) Ciężarowniki ogólnego.
(6) Dyrektywa L 2002 z 14.11.2009, s.24.
(7) Pieczęć i podpis upoważnionego organu lub upoważnionego podmiotu wydającego certyfikat.

European quality control system



Reporting is a common EC instrument to check the process of the transposition of the EU regulation into the national legal system.

Every 2 years, Member States shall draw up a report on the activities of the competent authorities and shall forward it to the Commission. This report shall comprise:

- an overview of the sector with regard to good repute, financial standing and professional competence,
- the number of authorisations granted by year and by type, those suspended, those withdrawn, the number of declarations of unfitness and the reasons on which those decisions were based,
- **the number of certificates of professional competence issued each year,**
- core statistics relating to the national electronic registers and their use by the competent authorities,
- an overview of exchanges of information with other Member States pursuant to Article 18(2), including in particular the annual number of established infringements notified to other Member States and the replies received, as well as the annual number of requests and replies received pursuant to Article 18(3).

II. Certificates of professional competence of drivers



Legal basis



Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC

The Traffic Law Act of 20 June 1997

The Road Transport Act of 6 September 2001

The Ordinance of the Minister of Transport, Construction and Maritime Economy of 13 July 2012 on the training of persons applying for driving qualifications, instructors and lecturers

The Ordinance of the Minister of Infrastructure of 1 April 2010 on the training of drivers performing road carriage

The Ordinance of the Minister of Infrastructure of 15 April 2004 on additional training courses for drivers performing road carriage

The Ordinance of the Minister of Health of 17 July 2014 on medical examinations of persons applying for driving competence certificates and drivers

The system of professional competence certificates

Nowadays, professional drivers are required to have very high and versatile professional competences. This is largely the result of a dynamic development of the transport market as well as the technological development in the field, which leads to frequent changes of the drivers' working environment.

To this end, all across the European Union new competence courses and periodic training for professional drivers have been introduced.

Their aim is to improve the safety of traffic and drivers as well as to increase drivers' competences, i.e. so that a driver who has obtained the necessary qualifications could instantly perform his professional duties according to the standards required for the given position (in accordance with safety regulations, time restrictions, quality, etc.)



Moreover, a modern character of the profession of a driver should make more young people interested in this occupation, contributing to the employment of new drivers.

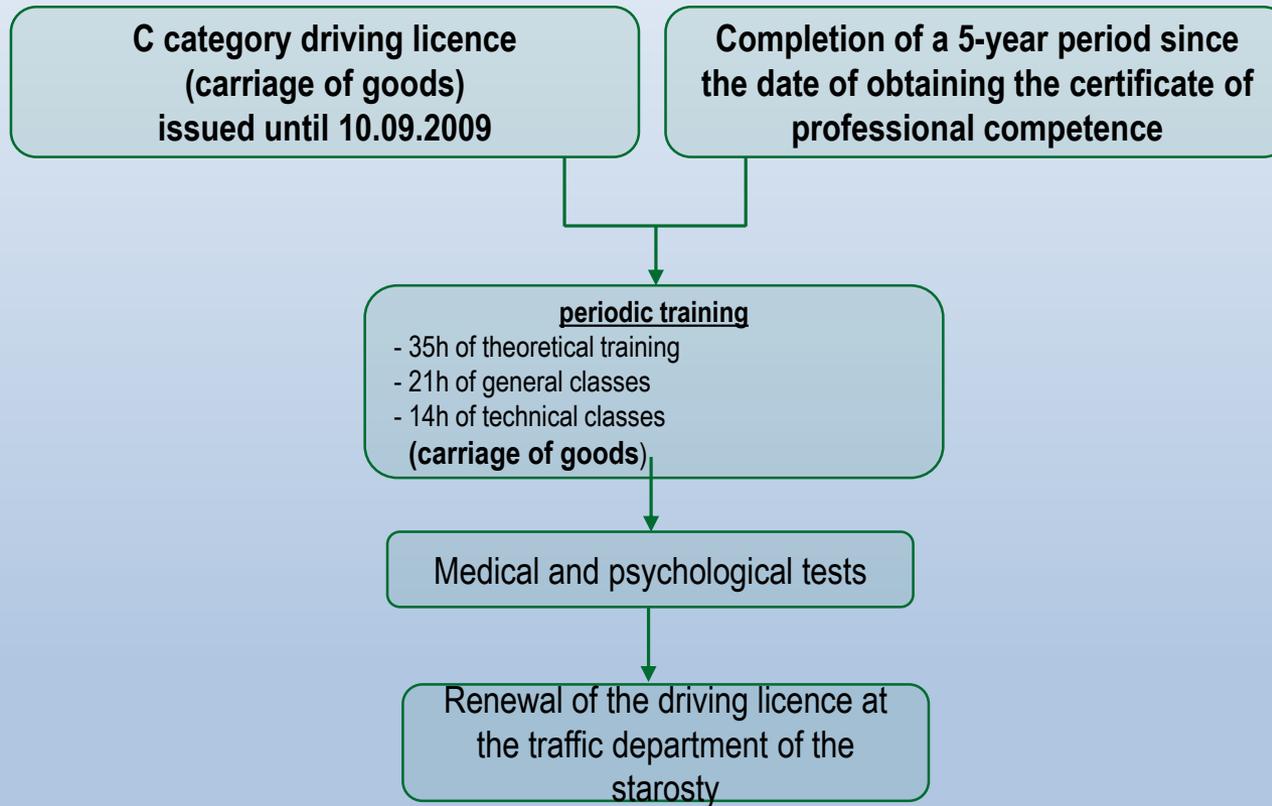
The system of professional competence certificates

During the training process, the candidate for the position of a professional driver should acquire the knowledge and skills necessary for performing road carriage including:

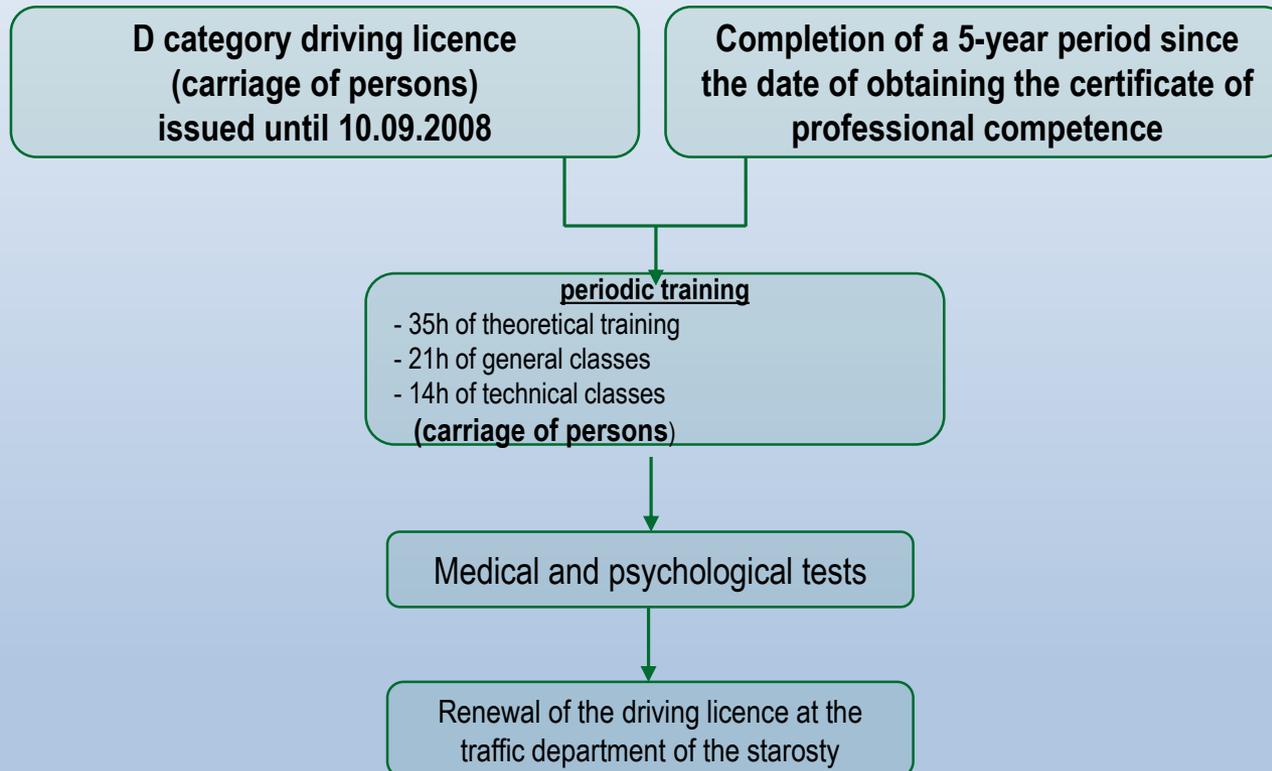


- the knowledge of technical properties and the functioning of the safety elements of vehicles;
- the ability to optimize fuel consumption;
- the ability to maintain safety with regard to the transported goods;
- the ability to maintain the safety of passengers;
- the ability to secure loads safely;
- the ability to apply regulations concerning the performance of road transport;
- the ability to prevent dangers related to the performed profession, including road and environmental safety;
- the abilities concerning proper service and logistics, including protecting the image of the company and the knowledge of the road transport market and its organisation.

The structure of the process – periodic training



The structure of the process – periodic training



The structure of the process – initial qualification

**C category driving licence (carriage of goods)
issued after 10.09.2009**

Initial qualification

- 18 – 20 years old
- 260h of theoretical classes
- 20h of practical classes
 - 16h in traffic
 - 4h on a sliding plate

Accelerated initial qualification

- completed 21 years of age
- 130h of theoretical classes
- 10h of practical classes
 - 8h in traffic
 - 2h on a sliding plate

Complementary initial qualification

- 18 – 20 years old
- has an initial qualification certificate for the carriage of persons
- 65h of theoretical classes
- 5h of practical classes

Accelerated complementary initial qualification

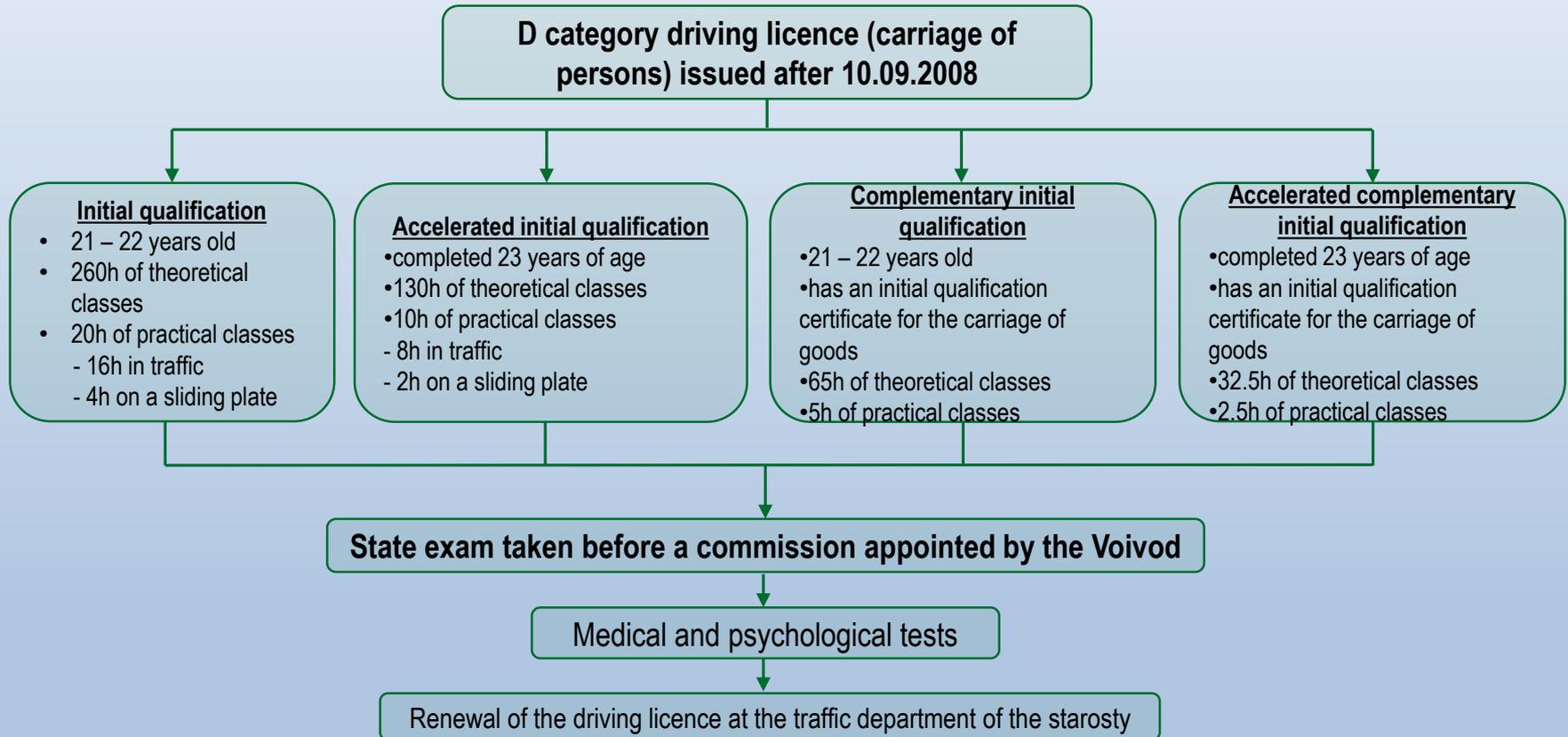
- completed 21 years of age
- has an initial qualification certificate for the carriage of persons
- 32.5h of theoretical classes
- 2.5h of practical classes

State exam taken before a commission appointed by the Voivod

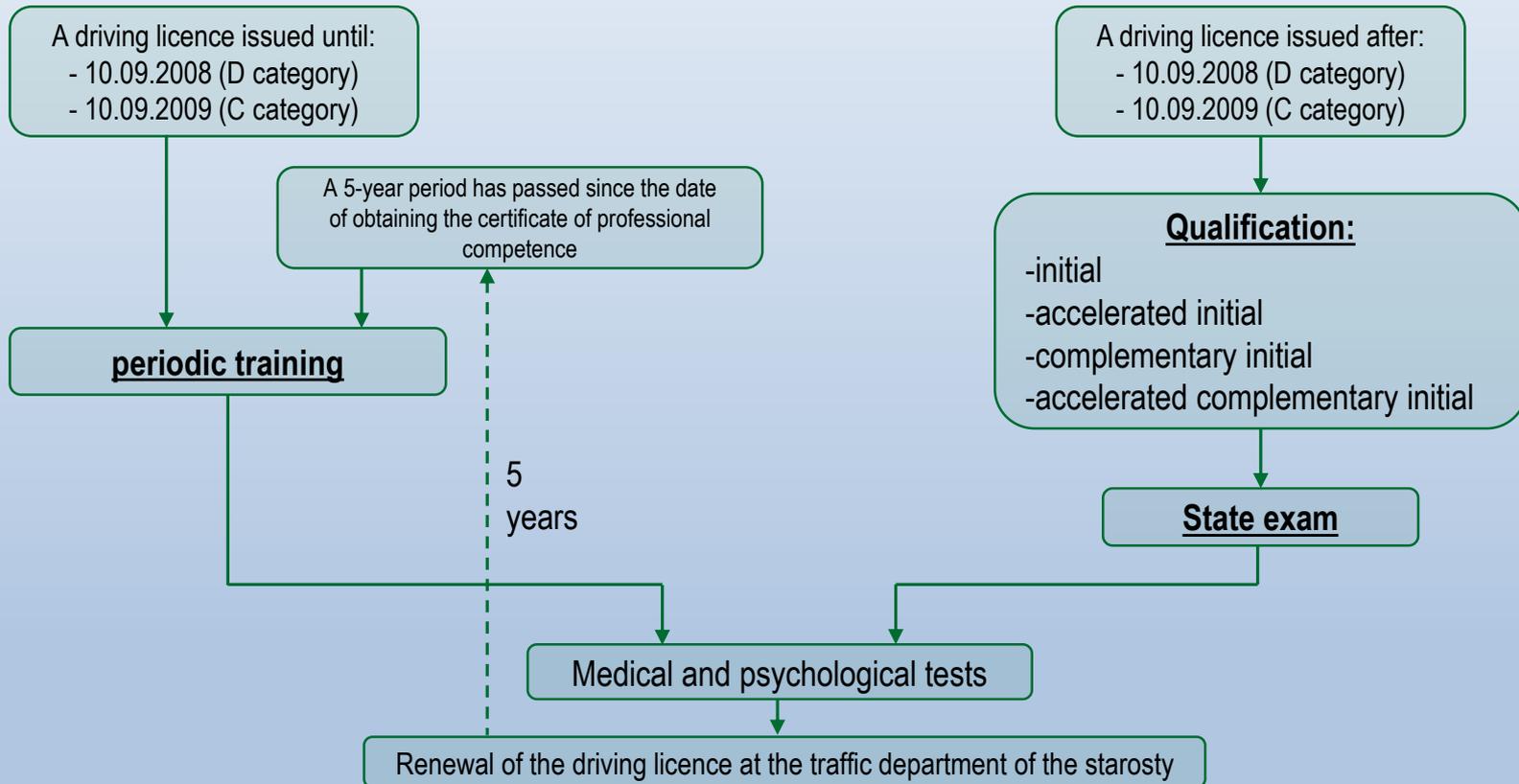
Medical and psychological tests

Renewal of the driving licence at the traffic department of the starosty

The structure of the process – initial qualification



The structure of the process – summary



The issuance of driving licences

The driving licence is issued by the starost relevant for the place of residence of the driver after submitting the Certificate of Professional Competence and a certificate concerning the undergone medical and psychological tests.

	9.	10.	11.	12.
AM				
A1				
A2				
A				
B1				
B		09.09.98	10.09.29	
C1				
C		09.09.09	09.09.19	95.09.09.19
D1				
D		11.09.08	09.09.19	95.09.09.19
BE				
C1E				
CE		09.09.09	09.09.19	95.09.09.19
D1E				
DE		11.09.08	09.09.19	95.09.09.19
T				
12.				

1. Nazwisko 2. Imię (imię) 3. Data i miejsce urodzenia 4a. Data wydania
prawy jazdy 4b. Data ważności prawa jazdy 4c. Organ wydający 5. Numer
prawy jazdy 10. Ważne od 11. Ważne do 12. Ograniczenia

The proof of obtaining the entitlement to perform work as a professional driver is an entry into the driving licence of table 12, code 95 and the expiry date of the Certificate of Professional Competence (95,DD.MM.YY).

Training centres in Poland

In Poland there are 8600 driver training centres, 75% of which are micro-companies (employing fewer than 10 persons) and 25% of which are small companies (employing fewer than 50 persons). The staff consists of over 37 000 instructors and lecturers and about 4 000 persons performing other tasks.



Thank you for your attention



Anna Brzezińska - Rybicka