

## RULES AND REGULATIONS

### ON PROCEEDINGS FOR THE RECOGNITION OF PROFESSIONAL

### QUALIFICATIONS

### IN THE BUILDING INDUSTRY IN POLAND OF PERSONS FROM THE

### EUROPEAN UNION MEMBER STATES, THE SWISS CONFEDERATION OR

### EUROPEAN FREE TRADE ASSOCIATION (EFTA) – PARTIES OF THE

### AGREEMENT OF THE EUROPEAN ECONOMIC AREA (EEA) WHO POSSESS PROFESSIONAL QUALIFICATIONS TO PURSUE A REGULATED PROFESSION COMPARABLE TO INDEPENDENT TECHNICAL FUNCTIONS IN THE BUILDING INDUSTRY IN THE REPUBLIC OF POLAND

#### General provisions

##### § 1.

Rules and regulations define proceedings of the recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

##### § 2.

Definitions of terms used hereafter in this document :

- 1) The National Board – The National Board of the Polish Chamber of Civil Engineers
- 2) Qualifications in the building industry – Professional qualifications to pursue the regulated technical functions in the building industry in respect to specialties as referred to in the article 14, sec. 1 of the Building Law Act,

3) Applicants – persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland and apply for recognition of these qualifications,

4) Proceedings of the recognition of professional qualifications – proceedings aiming at the recognition of qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

### § 3.

Proceedings on the recognition of the professional qualifications are conducted in particular based on the rules and regulations of the following legal acts:

- 1) Act dated 7 July 1994 – the Building Law (Journal of Laws of 2006 No. 156, item 1118 as amended),
- 2) Act dated 15 December 2000 on trade self-governments of architects, civil engineers and town planners (Journal of Laws of 2001 No. 5, item 42 as amended),
- 3) Act dated 14 June 1960 - The Administrative Proceedings Code (Journal of Laws of 2000 No. 98, item 1071 as amended),
- 4) Act dated 26 April 2001 on the principles of recognition of qualifications acquired In the European Union Member States to pursue regulated professions (Journal of Laws No. 87, item 954 as amended), with secondary provisions,
- 5) Act dated 16 November 2006 on stamp duty (Journal of Laws No. 225, item 1635 as amended),
- 6) Regulation of the Minister of Transport and Construction dated 28 April 2006 on independent technical functions in the building industry (Journal of Laws No. 83, item 578),
- 7) Regulation of the Minister of Infrastructure dated 20 December 2002 on the authority of bodies and units to recognize qualifications In regulated professions (Journals of Laws No. 237, item 2007),
- 8) the Statutes of the Polish Chamber of Civil Engineers.

Proceedings on the recognition of the qualifications

§ 4.

1. Carrying out of the verification procedure shall be the competence of the National Board.
2. Procedure on recognition of qualifications is payable.

§ 5.

1. Applicants who want to have their Professional qualifications recognised shall submit the applications to the National Board.
2. Applications, scripts and documents in the course of the proceedings to recognize qualifications should be filed in Polish or together with certified Polish translation, with reservation to item 3.
3. Translation into Polish is not required in case of the documents confirming the following data:
  - 1) name, surname, date and place of birth of an applicant,
  - 2) name of the state an applicant comes from.
4. National Board provides the form of application to recognize Professional qualifications to perform a regulated profession free of charge.
5. A form as mentioned in item 4 is specified in attachments no. 1 and 2 to this rules and regulation document.

§ 6.

1. The following documents should be attached to the application:
  - 1) A curriculum vitae presenting the course of professional career,
  - 2) Documents confirming the completion of education preparing to practicing the profession by the applicant in their country plus, if additionally required vocational training, trial period or vocational practice the level and course of which are determined by the regulations of the applicant's country or undergo recognition by a special institution in the applicant's country,
  - 3) A copy of a valid document confirming the identity of an applicant,
  - 4) A receipt confirming the payment of a due fee for the procedure,

5) A receipt confirming the payment of the stamp duty.

2. An applicant submitting an application shall sign the clause included in it by which they agree to have their personal data processed by the National Board in the matters referring to the procedure of recognition of qualifications.

§ 7.

1. Head of the National Board appoints verifying teams consisting of 5 members each to carry out the recognition procedure.

2. Applications concerning the recognition of qualifications that are filed with the National Board are submitted to the appointed verifying team.

3. Head of the National Board indicates a chairman and a secretary of each appointed verifying team.

4. In the course of the proceedings on recognition of Professional qualifications, a head of a verifying team may appoint members of the National Qualifying Board as experts to assess the education of the applicants.

§ 8.

1. Should any data be found missing in an application or the documents attached, the verifying team will prepare a draft of a summons to complete the missing data within seven days.

2. A draft of a summons is submitted immediately to the decision taking committee appointed by the head of the National Board.

3. Should the deadline pass without the completion of an incomplete application, the application is left unprocessed.

4. Having received a complete application the verifying team examines it content wise.

5. Decisions of the verifying team are usually taken by ordinary majority of votes.

6. A verifying team decides whether the applicants seeking recognition of their Professional qualifications for which the following are needed:

1) graduation diploma of MA studies - have submitted the documents confirming these qualifications on the third level in the understanding of the article 2 item 7 of the Act pointer to in § 3 item 4 of these rules and regulations,

2) higher vocational studies – have submitted the documents confirming the qualifications on the third or second level In the understanding of article 2 item 7 and 8 of the Act pointer to in § 3 item 4 of these rules and regulations.

7. In case of doubts the head of a verifying team may turn to the National Board, which can check the opinion of the Office of Recognition of Education and International Exchange whether the studies completed abroad by the applicant can be recognized as equal.

8. A protocol is drawn from the verifying proceeding. Head of the verifying team submits the protocol immediately to the National Board.

9. In the protocol the verifying team concludes whether an applicant fulfills the requirements to recognize their qualifications as set in item 6 or not.

10. A model form of summons to complete the missing parts of data is included as Attachment No.3 to his rules and regulations document.

11. A model form of a notification form to the applicant stating that their application is left unrecognized is included as Attachment No. 4 hereto.

12. A model form of a protocol from the verifying proceeding is included as Attachment No.5 hereto.

§ 9.

In case when the educational path completed by the applicant differs considerably from the educational requirements of the Republic of Poland or if the competences of the profession in the applicant's country differ considerably from those required in his profession in the Republic of Poland and his difference refers to particular education or training carried out in Poland, the decision taking committee of the National Bard may condition the positive decision on completion by the applicant an adaptation practice or taking a competence test if the knowledge acquired by the applicant during the professional training did not allow balancing educational requirements differences between their home state and the Republic of Poland.

§ 10.

1. National Board cannot oblige an applicant to submit all together - the documents stating their professional experience, completion of an adaptation practice and taking a competence test.

2. The choice between the adaptation practice and taking a competence test is left to the applicant.

3. National Board decides about the necessity of taking an adaptation practice or a competence test in the form of a provision.

4. A model form of such a provision mentioned in item 3 above is included as Attachment No.6 hereto.

§ 11.

Completing an adaptation practice and taking a competence test takes place based on the regulations of the Minister of Infrastructure of 21 July 2005 on an adaptation practice and competence test In the course of proceeding to recognize qualifications to pursue regulated professions (Journals of Laws No. 147, item 1226).

§ 12.

1. Proceeding on the recognition of qualifications shall end with issuing a decision within the deadline of four months from submitting all the required documents by an applicant.
2. If an applicant is taking an adaptation practice or taking a competence test, the deadline set in item 1 is suspended to the date of reception by the National Board an assessment of the acquired abilities in the course of the practice or results from the test.

§ 13.

1. Based on the proceeding of recognizing the qualifications, the decision taking committee of the National Bard set by the Head of the National Bard recognizes or refuses to recognize the professional qualifications of an applicant in the form of an administrative decision.
2. A model form of a decision recognizing professional qualifications is included as Attachment No.7 hereto.
3. A model form of a decision refusing to recognize Professional qualifications is included as Attachment No.8 hereto.
4. There's the right for a motion to reenter proceedings to the National Board from the decisions stated in § 13 item 1.

§ 14.

Having recognized the qualifications of an applicant, the National Bard obliges the regional chamber of engineers of the building industry pointed to by the applicant to enter the applicant on the list of members of his regional chamber.

§ 15.

Members of a verifying team and experts taking part in the work of the verifying team shall be remunerated according to the terms and in amount determined by the National Board.

§ 16.

An applicant shall possess the knowledge of Polish language enabling them to perform independent technical functions in the Republic of Poland.

§ 17.

1. An applicant is obliged to pay cost of the proceeding in amount of 1000 PLN. Remittance shall be made on bank account of Polish Chamber of Civil Engineers.
2. An applicant is also obliged to pay treasure charge in height of 523 PLN on the bank account or in cash-desk of the District Hall of Warszawa Śródmieście.

Attachment No. 1

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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Attachment No. 2

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or

the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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Attachment No. 3

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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Attachment No. 4

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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Attachment No. 5

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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#### Attachment No. 6

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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#### Attachment No. 7

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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#### Attachment No. 8

To the rules and regulations of the proceedings for recognition of professional qualifications in the building industry of persons being the citizens of the European Union Member States, The Swiss Confederation or the European Free Trade Association (EFTA) – parties of the agreement of the European Economic Area who possess professional qualifications to pursue a regulated profession comparable to independent technical functions in the building industry in the Republic of Poland.

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