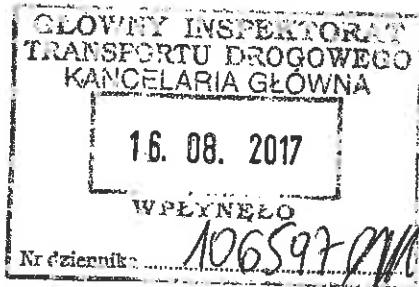


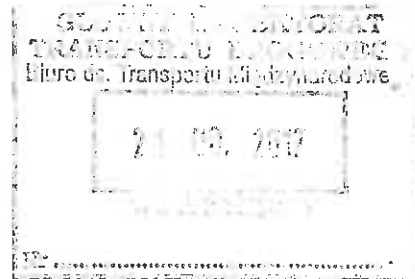
Ministry of Transport

nábřeží Ludvíka Svobody 1222/12
PO BOX 9, 110 15 Praha 1



Prague 10, August 2017
Ref: 280/2017-110-SDNA/1
BTM.08343.1.2017.0170

Główny Inspektorat Transportu Drogowego
Al. Jerozolimskie 94
00-807 Warszawa



Subject: Driver attestation

Dear Sirs,

I received your request concerning recognition of driver attestation issued by the Polish authorities without marked code 95 according to article 10 Directive 2003/59/EC of the European parliament and the Council of 15 July 2003. Conditions for issuing of the driver attestation are listed in article 5 Regulation (EC) No 1072/2009 of the European parliament and the Council of 21 October 2009 on common rules for the access to the international road haulage market. According to the article 5 the driver attestation shall be issued by the competent authorities of the Member State of establishment of the haulier, at the request of the holder of the Community licence, for each driver who is neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC whom that haulier lawfully employs, or for each driver who is neither a national of a Member State nor a long-term resident within the meaning of that Directive and who is put at the disposal of the haulier. The purpose of legal regulation of this issue is an implementation of united form, which attests that a driver, who is neither a national of a Member State nor a long-term resident, is employed in accordance with the conditions listed in article 5 (1) Regulation (EC) No 1072/2009, i.e. that the driver is employed according to laws, regulations or administrative provisions, therefore even in compliance with regulations regarding professional training defined by Directive 2003/59/EC. Marking the code 95 on driver attestation would be therefore redundant, as the attestation may be issued to the haulier only for a driver who meets mentioned requirements. Furthermore, the driver attestation model defined in Annex III Regulation (EC) No 1072/2009 does not contain the appropriate space for the entry of code 95 and even instructions for the authorities of

Member States regarding the filling of the driver attestation does not mention aforementioned code 95. This fact is also reflected in the proposed Directive of the European parliament and the Council, which should be amending Directive 2003/59/EC and which, in its text proposed so far, states that driver attestation shall be mutually recognised for the purposes of this Directive, i.e. Directive 2003/59/EC, even if the relevant Union code was not marked upon it.

There is no reason for other Member States to question the validity of the driver attestation, if the driver attestation is issued in accordance with article 5 of Regulation (EC) No 1072/2009 and complies with the model set out in Annex III Regulation (EC) No 1072/2009 and therefore contains at least two of the security features listed in Annex I. Competent authorities of the Czech Republic proceed in accordance to article 5 of Regulation (EC) No 1072/2009 and do not enter code 95 in a driver attestation nor do they require mentioned code to be filled by other Member States. I have not been informed that this caused any problem for Czech hauliers so far. In case that other Member States would refuse to accept a driver attestation of Czech haulier due to the lack of entry of code 95, I would request a statement from European Commission on this matter.

Yours faithfully,



Mgr. Pavol Baran

Director

Road Transport Department