



Rzeczpospolita Polska  
GŁÓWNY INSPEKTOR  
TRANSPORTU DROGOWEGO

Warsaw, 24 July 2017

BTM.083.43.1.2017.0170

**Control Bodies of the Member State**

I was informed by Polish haulier companies that the control bodies of other Member States are questioning validity of driver attestations, issued by the Polish authorities, in scope of qualification requirements or periodic training, due to the lack of entry of code 95 in these documents. Acting as a Polish authority competent to issue drivers' certificates under the Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market, I would like to ask you to provide a clarification on this issue.

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 in accordance with the conditions laid down in Article 5(2) Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009. In addition, according to the instructions of the Polish national regulations (Article 32b (5) (2) of the Road Transport Act), this driver attestation is issued only to drivers who meet the requirements for qualification or recurrent training in accordance with the conditions set out in the regulations of 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.

I would like to inform you that the driver attestation model is defined in Annex III Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 and it does not provide information on the driver's compliance with the requirements for which the code 95 is assigned. In our opinion, the fact that a driver receives an attestation confirms that he meets the requirements. Discussion on the marking of code 95 on driver attestation under Regulation 1072/2009 and professional competence under Directive 2003/59/EC was also an important part of the meeting of the EC Committee on the initial qualification and periodic training of driver of certain road vehicles for the carriage of goods or passengers, held on 5 of October 2015 in Brussels. Following a discussion on drivers from third countries who are employed by undertakings in the EU, the participants agreed on a harmonised approach ensuring that compliance with training under Directive 2003/59 is

checked before a driver attestation under Regulation 1072/2009 is issued, and that mutual recognition is ensured.

Therefore I would kindly ask you to take the above information into consideration and to answer whether it is sufficient for you as a control body of your country – for a driver who is not a citizen of EU and is employed by a Polish haulier company - to use a driver attestation issued by the Polish national authority without an additional entry of code 95 in such an attestation.

I look forward to hearing from you.

Yours faithfully,

**GLÓWNY INSPEKTOR  
TRANSPORTU DROGOWEGO  
z up.**  
  
**p.o. Zastępca Głównego Inspektora  
Transportu Drogowego**

They receive:

1. Bundesanstalt für Verkehr (BAV) im Bundesministerium für Verkehr, Innovation und Technologie (bmvit), Trauzlgasse 1, 1210 Wien
2. Federale Overheidsdienst Mobiliteit en Vervoer / Service public fédéral Mobilité et Transports, FOD Mobiliteit en Vervoer City Atrium Vooruitgangstraat 56, 1210 Brussel
3. Изпълнителна Агенция "Автомобилна Администрация" Министерство на транспорта, информационните технологии, и съобщенията, Ministry of Transport Department Road Transport Administration 5, Gourko Str. BU- 1000 SOFIA
4. Ministarstvo Pomorstva, Prometa i Infrastrukture, Prisavlje 14, 10 000 Zagreb
5. Ministère de l'Écologie, du Développement durable et de l'Énergie, Grande Arche Tour Pascal A et B FR-92055 Paris La Defense CEDEX France
6. Bundesamt für Güterverkehr (BAG), Werderstraße 34, 50672 Köln
7. Nemzeti Közlekedési Hatóság, Teréz krt. 62, 1066 Budapest
8. Road Safety Authority, Driver Testing Moy Valley Business Park, Primrose Hill, Ballina Co. Mayo, F26 V6E4
9. Valstybinė kelių transporto inspekcija prie susisiekimo ministerijos, Švitrigailos str. 42, LT-03209 Vilnius, Lithuania,
10. Administration des Douanes et Accises, Ministère du Développement durable et des Infrastructures, Département des transports, Place de l'Europe 4, L-1499 Luxembourg
11. Inspectie Leefomgeving en Transport (ILenT), PO Box 16191, 2500 BD Den Haag
12. IMT - Instituto da Mobilidade e dos Transportes, I.P., Av. das Forças Armadas, 40 1649-022 LISBOA
13. Inspectoratul de Stat pentru Controlul in Transportul Rutier (ISCTR), București, Sector 1, B-dul. Dinicu Golescu, Nr.38
14. Inšpektorat RS za promet energetiko in proctor, Transport Inspectorate of the Republic of Slovenia, Tržaška 19a, 1000 Ljubljana
15. Ministerio de Fomento, Paseo de la Castellana 67, 28046 Madrid
16. Driver & Vehicle Standards Agency (DVSA), Berkeley House, Croydon St, Bristol BS5 0DA, UK
17. Ministero delle infrastrutture e dei trasporti, Via Caraci, 36 - 00157 Roma
18. Satiksmes ministrijas, Gogoļa iela 3, LV-1743 Rīga,
19. Inšpektorát prace, Za kasárňou 315/1, 831 03 Bratislava,
20. Swedish Transport Agency, Tunnländsgatan 5, 703 46 Örebro,

21. Centrum Služeb Pro Silniční Dopravu, nábr. L. Svobody 1222/12, 110 15 Praha 1
22. Ministry of Infrastructure, Transport and Networks, Αναστάσεως 2 και Τσιγάντε, Τ.Κ 101 91, Παπάγου
23. Ministry for Transport and Infrastructure, Block B, Triq Francesco Buonamici, Floriana FRN 1700, Malta, EU
24. Ministry of Transport and Communications, PO Box 31, FI-00023 Government, Finland
25. Ministry of Economic Affairs and Communications, Harju 11, 15072 Tallinn, Estonia
26. Ministry of Transport, Building and Housing, Frederiksholms Kanal 27 F, 1220 Copenhagen K
27. Ministry of Transport, Communications and Works, Αχαϊών 28, Nicosia 1424, Cypr
28. a/a.

