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Bundesministerium  
für Verkehr,  
Innovation und Technologie

GZ. BMVIT-167.530/0028-IV/ST5/2015 DVR:0000175

Republic Of Poland  
Ministry of Infrastructure and Development  
Att. Mr Sławomir Lewandowski  
Deputy Director of the  
Road Transport Department  
Ul. T.Chalubinskiego 4/6  
00-928 Warschau  
Polen

Vienna, 02.09.2015

**Registration of the Community Code on a driver attestation**

Dear Mr. Lewandowski,

With reference to your written reply no. DTD-I-021/170/KL/15 – NK: 225121/15 dated 20.08.2015 concerning your request to instruct the Austrian control authorities not to require the inscribed Community Code ("95") on a valid driver attestation, the Austrian Federal Ministry for Transport, Innovation and Technology would like to give its opinion as follows:

In Austria the inscribed Community code ("95") on a valid driver attestation issued to professional drivers of third countries that are lawfully employed or used by undertakings established in another Member State is – according to Austrian law – generally checked by the control authorities.

Due to the fact that in the Republic of Poland the driver attestation will only be issued to professional drivers of third countries *that have passed the initial qualification* wherefore no Community Code is inscribed, the Federal Ministry for Transport, Innovation and Technology will instruct the Austrian control authorities not to impose penalties to professional drivers of third countries that are lawfully employed or used by Polish undertakings when a valid driver attestation without the inscribed Community code ("95") issued by Polish authorities is presented during a traffic control.

However, the problem of the unclear wording of relevant Community law as such remains pending and a solution should be sought by requesting the European Commission for a clarification. Austria will do so as soon as possible.

**Für den Bundesminister:**  
Mag. Christian Kainzmeier

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