

Civil Engineer – provision of cross-border services in Poland

Provision of a cross-border service by a civil engineer – temporary and occasional performance of a regulated profession involving the performance of independent technical functions in the construction industry in a given specialisation.

A civil engineer who is a citizen of a Member State of the European Union or of Norway, Iceland, Liechtenstein or Switzerland, having professional qualifications of a construction engineer in their country (i.e. the country of origin), who conducts lawful activity in another Member State, has the right to temporarily and occasionally practise as a construction engineer on the territory of the Republic of Poland.

A cross-border service may be provided without carrying out the procedure for the recognition of professional qualifications. However, the following conditions must be met.

Before providing cross-border services for the first time on the territory of the Republic of Poland, a citizen qualified to practice the profession of a civil engineer must **submit a declaration of intention to provide such services**. This declaration may be submitted by persons whose qualifications acquired in an EU Member State correspond to Polish qualifications that allow persons to perform independent technical functions in the construction industry, i.e. construction license.

The declaration of intention to provide a cross-border service must be accompanied by:

- proof of the nationality,
- an attestation issued by the competent authority of a Member State certifying that the civil engineer is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation,
- evidence of professional qualifications, including documents confirming a professional title awarded in the Member State in which the service provider obtained their professional qualification (certificates, diplomas, qualifications, etc.)
- a statement confirming the knowledge of the Polish language necessary to pursue the regulated profession
- documents allowing to determine whether the service provided in Poland does not exceed the scale of the activity pursued in the country of registration.

A declaration of intention to provide cross-border services should be submitted to the Regional Council of the Regional Chamber of Civil Engineers before the commencement of their provision. The provision of a cross-border service is subject to individual assessment by the competent Regional Chamber Council, which takes into account in particular such criteria as the length, frequency, regularity and continuity of the provided service.

Subsequently, after a positive verification of the documents received, the competent Regional Chamber Council enters the applicant temporarily and free-of-charge on the list of members of the Regional Chamber of Civil Engineers. An entry is made by way of a resolution.

Where cross-border services are to be provided in subsequent years, a declaration of intention to provide cross-border services must be re-submitted once a year to the relevant Regional Council of the Regional Chamber of Civil Engineers.

The temporary entry on the list of members of the Regional Chamber of Civil Engineers is made within 2 months from the date of application for the entry.

A construction engineer providing cross-border services is subject to the law regulating the profession of construction engineer in the Republic of Poland, which is directly related to the protection and safety of consumers, including to the regulations addressing the definition of profession, the use of professional titles and serious professional misconduct. They use a professional title awarded by the Member State in which they became qualified to pursue that profession.

The cross-border service procedure is conducted, in particular, on the basis of the following acts of law:

- Act of 22 December 2015 on the rules for recognition of professional qualifications acquired in the Member States of the European Union (Journal of Laws of 2020, item 220, as amended),
- Regulation of the Minister of Science and Higher Education of 18 July 2016 on the template of the declaration of the intention to provide a cross-border service in the territory of the Republic of Poland (Journal of Laws, item 1156),
- Act of 7 July 1994 Construction Law (Journal of Laws of 2020, item 1333, as amended),
- Act of 15 December 2000 on professional self-governments of architects and civil engineers (Journal of Laws of 2019, item 1117).