



IZBA ARCHITEKTÓW
RZECZYPOSPOLITEJ POLSKIEJ

KRAJOWA RADA IZBY ARCHITEKTÓW

Warsaw, 20 April 2004

L.dz. 098/KRIA/2004

Dear All,

In relation to the accession of the Republic of Poland to the European Union taking effect on 1st May 2004, and the possibility for architects to work abroad, The National Council of the Chamber of Architects of the Republic of Poland would like to present the following basic conditions and forms of employment of EU citizens in Poland. We hope that this information will enlighten interested architects as to the formal requirements they need to comply with to work in Poland. More detailed information can be obtained from the office of The National Council of the Chamber of Architects, e-mail izba@izbaarchitektow.pl

The following information reflects on the legal status to take effect in the Republic of Poland as of 1st May 2004.

However I would greatly appreciate if you could provide us with information on the conditions for Polish architects to gain employment in your countries.

Yours faithfully,

Olgierd Dziekonski

Vice-president National Council of the Chamber of Architects of the Republic of Poland

ENROLMENT OF EU CITIZENS WITH RELEVANT DISTRICT CHAMBER OF ARCHITECTS
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Architects who are EU citizens and are willing to work as such in the Republic of Poland must enrol with relevant District Chamber of Architects.

Only persons enrolled with relevant professional bodies are allowed to perform independent technical functions in the construction industry as well as act regionally and locally as independent spatial designers or lead teams conducting such design activities. Under Polish law, independent functions in the construction industry are deemed to be positions involving professional assessment of technical phenomena or independent solving of architectural and technical as well as technical-organisational issues, particularly including design, verification of architectural and construction designs as well as the execution of independent supervision (...).

Candidates are allowed to enrol with the District Chamber of Architects after having been duly verified. The verification proceedings are intended to effect the granting of Polish construction entitlements (licence) to construction architects from EU member states. Such entitlements are granted based on their educational achievements and professional experience gained outside the Republic of Poland.



IZBA ARCHITEKTÓW
RZECZYPOSPOLITEJ POLSKIEJ

KRAJOWA RADA IZBY ARCHITEKTÓW

Verification proceedings are conducted by The National Council of the Chamber of Architects, which also grants construction entitlements (licence).

Verification proceedings will be successfully passed by EU citizens, who:

- a/ are entitled to perform independent technical functions in the construction industry in another country;
- b/ gained foreign university degrees that are recognised in Poland;
- c/ have at least two years of professional experience in the preparation of designs or working on construction site.

The requirements referred to in items 2 and 3 do not have to be complied with by persons granted by a EU members state with the professional title of architect for particular achievement in the field of architecture.

Once a candidate is granted with construction entitlements (licence) by The National Council of the Chamber of Architects, he/she may apply for enrolment with the district chamber of architects.

Persons enrolled with district chambers of architects receive certain entitlements, but also are obliged to comply with regulations identical to those applicable to Polish architects.

CENTRAL REGISTER OF CONSTRUCTION ENTITLEMENTS (LICENCE) HOLDERS

Apart from enrolment with relevant district chamber of architects, people wishing to perform independent technical functions in the construction industry must enrol with the central register of construction entitlements (licence) holders kept by the General Inspector of Construction Supervision.

FORMS OF PRACTICING ARCHITECTURE

Architects, who are EU citizens and have been enrolled with relevant District Chamber of Architects and with the central register of construction entitlements (licence) holders, are allowed to engage into employment in the Republic of Poland in any form selected by them. Forms of employment particularly include:

- a/ employment agreements;

Pursuant to article 50 clause 1 of the act on employment and counteracting against unemployment (to take effect on the date of Poland's accession to the EU), foreigners who are citizens of the European Union will not be required to go through the complicated procedure of gaining work permits.

- b/ agreements under the civil law e.g. agreements on performance of specific tasks and commissioning agreements;



IZBA ARCHITEKTÓW
RZECZYPOSPOLITEJ POLSKIEJ

KRAJOWA RADA IZBY ARCHITEKTÓW

if an architect is conducting an organised and continuous practice, which is conducted for profit, i.e. business activity – the best form of conducting such activity is:

- c/ individual business activity registered with the business register (if practicing individually or within a civil partnership);
- d/ companies under the commercial law – such companies are allowed to engage into business activity once registered with the register of entrepreneurs, however limited liability companies and joint stock companies under organisation are allowed to engage into business activity before being registered with the register of entrepreneurs (provided that the architect is practicing within a partnership – i.e. general partnership, registered partnership, limited joint stock partnership, limited liability company or joint stock company);
- e/ cooperatives – once registered with the register of entrepreneurs.

Pursuant to article 44 of the European Agreement, the Republic of Poland “will ensure that companies established in Poland by European Community entrepreneurs or citizens are treated no less favourably than those established by Polish entrepreneurs or citizens. If in certain areas of business activity in Poland, the existing regulations do not guarantee equal treatment of European Community entrepreneurs and citizens, being applied as soon as this Agreement takes effect, Poland will change the concerned regulations to ensure such equal treatment ...”. Bearing this in mind, the Polish government prepared a draft Act on Freedom of Business Activity, which in article 13 provides that foreigners from the European Union and the European Economic Zone are allowed to engage into and conduct business activity under the same conditions as Polish entrepreneurs. For the purpose hereof, “foreigner” is deemed to be:

- a/ an individual, who is not a Polish citizen and is permanently residing abroad;
- b/ a body corporate seated abroad;
- c/ an organisational unit, which is not a body corporate, is seated abroad and holds full legal capacity abroad.

Once Poland becomes a member of the European Union, EU citizens and their families, who wish to reside in Poland for more than 3 months, will be required to obtain permanent or temporary residence permits. This requirement will not be applied to EU citizens who are legally employed/working as freelancers in Poland (e.g. architects) or conduct business activity in the Republic of Poland, provided that they remain permanently resident in an EU member state - i.e. return there every day or at least once a week.

EU citizens will be granted with residence permits if:

- a/ they are engaged into employment or intend to do so (including work performed agreements on performance of specific tasks and commissioning agreements, or hold positions on company management or supervisory bodies) are freelancers or have been conducting business activity in the Republic of Poland for more than 12 months, or
- b/ have valid health insurance and sufficient funds to cover the costs of their stay in Poland without the necessity to draw any social security benefits.



IZBA ARCHITEKTÓW
RZECZYPOSPOLITEJ POLSKIEJ

KRAJOWA RADA IZBY ARCHITEKTÓW

Temporary permits for EU citizens to reside in Poland will be issued to those, who have valid health insurance and sufficient funds to cover the costs of their stay in Poland without the necessity to draw any social security benefits, and intend to engage into employment, work as freelancers or intend to conduct business activity in the Republic of Poland for a period of 3 to 12 months, or are seeking employment.

EU citizens, who have been granted permanent or temporary residence permits or extension thereof, will be issued with Resident's Cards for EU Citizens valid for the duration of the relevant residence permit. Decisions on permanent and temporary residence permits as well as Resident's Cards for EU Citizens and other residence documents will be issued by Voivode relevant to the place of intended residence of the EU citizen in the Republic of Poland.

BASIC ACTS OF LAW

1. Act on Construction Law dated 7th July 1994 (Journal of Laws dated 2003 No. 207 item 2016 as amended);
2. Act on professional bodies of architects, construction engineers and urban planners dated 15th December 2000 (Journal of Laws dated 2001 No. 5, item 42 as amended);
3. Act on principles and conditions of entry into and residence of EU citizens and their family members in the Republic of Poland dated 27th July 2002 (Journal of Laws dated 2002 No. 141, item 1180 as amended) – this Act is to take effect on the date of Poland's accession to the European Union;
4. Act on the amendment of the Act on employment and counteracting against unemployment dated 26th April 2002 (Journal of Laws dated 2002 No. 74 item 675);
5. Draft Act on Freedom of Business Activity.