

ECONOMIC DEVELOPMENT STRATEGY

UDC 35.073.537(4)(045)

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IN POLAND AND EUROPEAN UNION**^{1,4}The International University of Logistics and Transport in Wrocław
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Abstract. *Transport law in Poland is defined as a set of regulations governing not only the issues related to transport itself but also as a set of standards governing the organization of transport. The article presents brief characteristics of logistics law and regulations in Poland and European Union as well as industry enforced standards that complement the formal laws.*

Keywords: certification; legislation; logistics; transport law; TSL industry.

1. Introduction

There is no one general separate freight forwarding and logistics law in Poland, rather there are several legislations that complement each other and govern the transport and logistics industry. In Poland, there is no uniform legal regulation encompassing all branches of transport. Due to the criterion of means of transport, the following sections of transportation law can be distinguished: railway law, road transport law (automotive law), maritime law, inland navigation law and air law. Also the legal regulations referring to the postal transport or municipal transport, as well as combined transport performed using different means of transport are included. Transport Law in Poland is defined as a set of regulations governing not only the sphere of transport, and thus the movement of persons or carrying things (goods, mail, freight) using dedicated transport, but also as a set of standards governing the organization of transport, defined as branch of national economy, and the services side of the carriage. At present following Poland EU accession, most of Polish regulation is on different levels connected to EU or worldwide regulations [<http://www.en.transport.gov.pl>; Fechner, Szyszka 2004]. Over last twenty years, big part of regulations in Poland has been changed or modified in line with EU wide trend to unify legislation of member states. Unification and standardization of EU law is a permanent process within EU [Juscinski, Piekarski 2005].

Polish law system can be divided into three groups. First group includes strictly domestic laws such as: Civil Law, Code of Administrative Procedure, Insurance Law, the Commercial Code, Postal Law, Transport Law, Road Transport Act, the Law on Road Traffic, Aviation Law, Maritime Code or Labor Law. All above mentioned laws have been implemented in Poland years ago. Secondly, after the accession to EU, these laws have been changed and adapted accordingly in some areas [Klepacki, Sabak 2012]. Most important example is European Customs Code or Convention on a Common Transit Procedure - one law implemented in the entire EU [Kubisa 2006]. Finally there is a large number of worldwide regulations which has been signed or ratified by Polish government.

2. The certification processes for logisticians in Poland and Europe

Currently valid Polish regulations for professional certification in transportation and logistics industry, are mostly in line and adjusted to the EU laws. Still there are some areas that are not fully in line with EU regulations [<http://logistics...>]. There is a number of professionals that require specific certification and these include: customs agent / customs broker; manager involved in transport - certificate of competence; truck driver - for the carriage of goods, railway driver - the carriage for certain sections; consultants of dangerous goods

[<http://logistics...>; <http://nm.pl...>]. The certification process for these professionals is supervised by specialized government agencies. These relatively difficult exams are usually preceded by a range of training courses conducted in accordance with the content of applicable laws. The same rules very rigidly define all aspects of the requirements faced by the course participants and examiners [<http://praca...>].

Despite the differences in examination procedures from country to country, in accordance with the EU laws, the certificate obtained in one country of the European Union, in most cases guarantees its recognition in other countries. Practice shows that such system of recognition does not fully allow to unify certification schemes across the countries. It is best seen in the number of people joining the exam for the transport of hazardous materials advisor and the number of people who receive such a certificate.

Comparing the situation in two countries Poland and Austria; in Poland, the percentage of people passing the exam among all eligible to attend the exam is around 30%, in Austria it is 80%. These differences are not the result of significantly different knowledge requirements but rather result from variations in methodology used to score and assess the candidates.

It is commonly seen that EU regulations are more generic and are the basis for legislation in member countries. Country regulations are usually more strict and precise than general EU laws. In such cases, EU wide access to certain professions, might be limited despite owning the certificate from other EU member state.

In Poland, we can observe a tendency to move away from the restrictive certification in certain professions [<http://praca...>]. Main task of deregulation is to simplify access to selected occupations. The list of professions within transport industry that has been liberalized in last two years is presented below:

- Driving Instructor;
- Taxi Driver;
- Sailor inland waterway certificate;
- Ship Mechanic inland waterway certificate;
- Carrier inland waterway certificate;
- Skipper IWT certificate;
- Sailor motorman inland waterway certificate;
- Seaman inland waterway certificate;
- Bosman inland waterway certificate;
- Skipper IWT certificate.

3. Industry self regulations

Poland over last 20 years has not developed yet a comprehensive industry self-regulation regime that is commonly seen in well developed democracies, such as UK or Germany. Neither the fragmentation of Polish industry, one of the highest in EU, nor the specificity of Polish law, often very detailed, supports such initiatives. There is a number of training schemes offered by private institutions with aim to provide level of reference. Yet in fact the only two comprehensive certification schemes that has been developed are the result of implementing self regulatory schemes from abroad. These are:

- Scheme developed by international organization for professional development of the industry: CILT- Chartered Institute of Logistics and Transport;

- Scheme developed by European wide organization for professional development of the industry ELA- European Logistics Association.

Each of the certification schemes has been widely recognized by industry and at present can offer benchmark or reference. The Table 1 compares these schemes.

Table 1. Comparison of self-industry regulation schemes in Poland

Bologna system for brief reference	CILT	ELA
5	MILT	Junior Logistitian
6		
7	CMILT	Senior Logistitian
8	FCILT	Master Logistitian

One of the differences between these schemes is that ELA certification requires passing the exam to achieve certain level. On contrary CILT certification allows for combination of experience and education to obtain specific level. For instance a person with secondary education can become MILT level member, should he / she have at least three years of relevant work experience. The accredited diploma from University or passing the exams can shorten the required experience necessary for certain level yet it does not substitute it. Further on the highest level in CILT, the Chartered Fellow Member is solely provided based on experience. As the highest grade of Institute membership, fellowship of the Institute is open for application if you have at least seven years' experience in a position, or positions, of high responsibility in the management of logistics or transport immediately prior to application.

Fellowship can also be granted to individuals who have attained a position of eminence in logistics or transport. There might be some other requirements as well, such as required number of referees for specific grade. The CILT accreditation scheme is presented in Table 2.

Table 2. Membership grade system for CILT members

Grade	Required expertise	Required qualifications
Affiliate/student	Not required	Not applicable
Member (MILT)	2 years	Relevant level 4 or 5 qualification
	3 years	Relevant level 3 qualification
	5 years including 3 years at junior management level	Not applicable
CHARTERED MEMBER (CMILT)	4 years including 2 years at senior level	Accredited degree
	5 years including 2 years at senior level	Relevant level 6 qualification
	7 years including 2 years at senior level	Non-accredited degree
	7 years including 2 years at senior level plus a portfolio of evidence	Not applicable
CHARTERED FELLOW (FCILT)	7 years at senior level and current CILT(UK) Chartered Member	Not applicable

4. Conclusions

The legislative environment that governs the industry shapes its competitiveness and has a strong influence over its structures. The globalization and

world-wide standardization support and strengthen the unification of laws governing transport and logistics industry across the world. Within Europe such trend is specifically visible with the unification of national legislation followed by EU regulations. Nevertheless specificity of the industry in different countries requires the law to reflect certain level of uniqueness. The self-regulatory standards provided by the industry for the industry are the indispensable part of the entire legislative regime. They strengthen the generic law and assure that the good name of logistics and transport industry is sustained. They also provide the benchmark of reference for new members of the industry professional or corporate assuring that good and ethical practices are transferred across generations.

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Received 21 November 2013.

Марчин Павеска¹, Д.О. Бугайко², М.Ю. Григорак³, Роберт Мендрун⁴. Транспортне право та сертифікаційний процес у Польщі та Європейському Союзі

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Показано, що транспортне законодавство у Польщі визначається як набір правил, що регулюють не тільки транспортні питання, але і набір стандартів, що регулюють організацію транспорту. Наведено коротку характеристику логістичних законів і нормативних актів в Польщі та Європейському Союзі, а також промислових стандартів, які доповнюють формальні закони.

Ключові слова: законодавство; логістика; ринок транспортно-логістичних послуг; сертифікація; транспортне право.

Марчин Павэска¹, Д.А. Бугайко², М.Ю. Григорак³, Роберт Мендрун⁴. Транспортное право и сертификационный процесс в Польше и Европейском Союзе

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Показано, что транспортное право в Польше определяется как набор правил, регулирующих не только транспортные вопросы, но и набор стандартов, регулирующих организацию транспорта. Приведена краткая характеристика логистических законов и нормативных актов в Польше и Европейском Союзе, а также промышленных стандартов, которые дополняют формальные законы.

Ключевые слова: законодательство; логистика; рынок транспортно-логистических услуг; сертификация; транспортное право.

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