

# Professional Standards for Individuals Performing Independent Technical Functions in Construction

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DOI: <https://doi.org/10.24040/sap.2024.11.2-3.165-177>

## Abstract:

SMARŻ, Joanna: *Professional Standards for Individuals Performing Independent Technical Functions in Construction*. The appropriate level of construction-related services is guaranteed primarily by high requirements imposed on individuals performing these functions. Independent technical functions in construction may only be carried out by individuals with relevant technical education and professional experience, tailored to the type, degree, and complexity of the activity, and other requirements associated with the performed function, as confirmed by the decision granting construction qualifications issued by the professional self-government body.

Individuals performing independent technical functions in construction are responsible for carrying out these functions under regulations and principles of technical knowledge. They are also accountable for due diligence in performing their work, proper organization, safety, and quality. The quality of performing these functions is subject to control by the professional self-government, of which the individual performing independent technical functions in construction is a member. This stems from the fundamental task of this self-government, which is to oversee the proper execution of these professions within the bounds of public interest and for its protection.

## Key words:

construction standards, practice of the profession, construction law, architect, construction engineer

## Introduction

Construction is a specialized field of activity related to the erection of building structures but also encompasses reconstruction, rebuilding, modernization, and preservation of existing structures, as well as their demolition in cases where they do not meet technical requirements.

In connection with the above, all activities related to the design and supervision of construction works may be carried out exclusively by individuals possessing

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the appropriate technical education and professional experience, confirmed by the administrative decision of the relevant authority.<sup>1</sup>

Individuals performing such functions are responsible for carrying them out in accordance with regulations and principles of technical knowledge. They are also accountable for due diligence in performing their work, proper organization, safety, and quality. The above points to the fundamental standards applicable in construction, for compliance with which individuals holding construction qualifications are responsible.

The above is subject to control not only by the administrative authorities operating in the field of construction but also by the relevant self-government bodies, which establish professional practice standards for architects and civil engineers, respectively.

The legal solutions indicated, applicable in Poland, are similar to those in force in Slovakia. The purpose of the article is to analyze these regulations using the dogmatic-legal and comparative method.

## 1. Defining standalone technical functions in construction

The concept of standalone technical functions in construction has been defined in Article 12(1) of the Act of July 7, 1994 - Construction Law.<sup>2</sup> According to the above, as a standalone technical function in construction is considered an activity related to the necessity of professional assessment of technical phenomena or independent resolution of architectural, technical, and technical-organizational issues. This includes activities such as:

1. designing, checking architectural and construction projects, and technical projects, as well as conducting authorial supervision;
2. managing construction or other construction works;
3. managing the production of structural building elements, as well as supervising and controlling the technical aspects of their production;
4. performing investor supervision;
5. conducting technical control of the maintenance of construction objects.

The above enumeration is not exhaustive, as evidenced by the phrase „in particular“ used in the indicated provision.<sup>3</sup>

While the mentioned list in the Construction Law provides examples of activities considered as performing standalone technical functions in construction, it doesn't rule out the possibility of other types of activities falling into this category. However,

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1 Currently, decisions regarding the granting of construction qualifications are issued by the self-government bodies of architects and civil engineers. Before 1995, such decisions were issued by various authorities, including voivodes. For more detailed information on this topic, please refer to additional sources: J. SMARŽ. *Samodzielne funkcie techniczne w budownictwie w ciągu 90 lat nadawania uprawnień budowlanych*, Budownictwo i Prawo 2018, nr 2, s. 3-7.

2 Dz.U. z 2023 r., poz. 682 ze zm.

3 Z. NIEWIADOMSKI - T. ASMAN - J. DESSOULAVY-ŚLIWIŃSKI - E. JANISZEWSKA-KUROPATWA - K. KUCHARSKI - A. PLUCIŃSKA-FILIPOWICZ - J. SIEGIEN. *Prawo budowlane. Komentarz*, Legalis el. 2024, komentarz do 12.

it's important to note that legal acts related to construction specifically address and regulate only those types of activities listed in Article 12(1) of the Construction Law. Therefore, only the specified forms of activity require individuals to possess high qualifications and professional preparation, confirmed by the final decision on granting construction qualifications.

The provision above indicates that individuals performing independent technical functions in construction must have the relevant technical education and practical experience qualifying them for roles such as a designer, construction manager, site manager, or investor supervision inspector.

Due to the stipulation that the discussed activity involves “independently solving architectural, technical, and technical-organizational issues”, performing auxiliary tasks, or carrying out such activities under the supervision of an individual holding construction qualifications and under their responsibility is not considered a standalone technical function in construction. Whether such activities are performed regularly as a professional occupation or occasionally and sporadically does not affect the classification of tasks as independent technical functions in construction.

The right to perform independent technical functions in construction is not dependent on citizenship. Therefore, individuals eligible to perform these functions can include Polish citizens as well as citizens of European Union member states, the Swiss Confederation, and member states of the European Free Trade Association (EFTA) - parties to the agreement on the European Economic Area if they obtain construction qualifications in accordance with the applicable legal provisions. This is stipulated in Article 12a of the Construction Law, which states that individuals whose relevant professional qualifications have been recognized under rules specified in separate regulations can also perform independent technical functions in construction.<sup>4</sup>

The verification procedure in this matter is conducted by the relevant professional self-government body, which issues a decision regarding the recognition of professional qualifications. This decision is equivalent to the decision on granting construction qualifications. Such proceedings are carried out based on the provisions of the Act of December 15, 2000, on the professional self-governments of architects and construction engineers.<sup>5</sup>

## 2. Principles of granting construction qualifications

The authorization to perform independent technical functions in construction covers the entire range of technical and construction specialties that may be required for various types of investments. According to Article 14(1) of the Construction Law, construction qualifications are issued in the following specialties:

1. architectural;
2. structural and construction;

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4 By separate provisions, one should understand the provisions of the act z dnia 22 grudnia 2015 r. o zasadach uznawania kwalifikacji zawodowych nabytych w państwach członkowskich Unii Europejskiej (tekst jedn. Dz.U. z 2023 r. poz. 334), which ensure uniform treatment of professional qualifications for all persons within the EU.

5 Dz. U. z 2023 r., poz. 551.

3. engineering:
  - a) bridge,
  - b) road,
  - c) railway - in the scope of railway construction facilities,
  - d) railway - in the scope of railway traffic control,
  - e) hydrotechnical,
  - f) demolition;
4. installation - in the scope of networks, installations, and devices:
  - a) telecommunication,
  - b) heating, ventilation, gas, water supply, and sewage,
  - c) electrical and power engineering.

The confirmation of granting construction qualifications is an administrative decision issued after the qualification procedure conducted by the district qualification committee of the relevant professional self-government chamber and a positive result in the examination by the applicant. An individual dissatisfied with the exam result has the right to appeal to the National Qualification Commission, and in case of dissatisfaction with the decision of this body, an appeal can be lodged with the Provincial Administrative Court in Warsaw.

Depending on the education level and the scope of professional practice completed, the examination for construction qualifications is conducted for either design authorization in a specific specialty, site management authorization in a specific specialty, or both design and site management authorization in a specific specialty combined (Article 14(4c) of the Construction Law). The level of education determines the extent of the granted qualifications. For individuals with higher education relevant to a specific specialty, qualifications may be granted without limitations. However, for those with secondary or vocational education, qualifications may be granted in a limited scope.

The examination for construction qualifications is of a state examination nature. It consists of a written part, conducted in the form of a test, and an oral part, during which the knowledge of the construction process and the ability to apply technical knowledge practically are assessed (Article 12(4) and (4a) of the Construction Law).

Examinations for construction qualifications are organized by professional self-governments of architects and construction engineers at least twice a year, with dates determined by the chamber (Article 12(4e) of the Construction Law). However, it is specified that during a state of epidemic threat or an epidemic, the relevant professional self-government chamber may deviate from this requirement (Article 12(4ea) of the Construction Law). This means that in the event of a declared state of epidemic threat or epidemic, the appropriate professional self-government chamber may organize only one exam per year or, for safety reasons, decide not to conduct the exam at all.

### **3. The basis for performing independent technical functions in the construction industry**

The mere possession of construction qualifications does not entitle one to perform independent technical functions resulting from the granted decision. The basis for such

entitlement is only the inclusion on the list of members of the relevant professional self-government chamber, confirmed by a certificate issued by that chamber with a specified validity period (Article 12(7) of the Construction Law). This requirement is related to mandatory membership in the professional self-government of a public trust profession and applies to all individuals wishing to practice the profession.<sup>6</sup>

Additionally, individuals receiving construction qualifications are subject to entry into the central register of persons holding construction qualifications maintained by the Chief Inspector of Building Control (Article 88a(1) point 3 letter a of the Construction Law). Such entries are made by the regional chambers of professional self-governments of architects and construction engineers in the electronic version of e-CRUB. The mentioned register serves as an informational tool for both citizens and supervisory and administrative authorities in the architectural and construction domain. However, the scope of information available to these entities differs. For citizens, the register allows them to find a professional in a specific industry. Meanwhile, for administrative authorities, it facilitates the verification of the scope of qualifications and membership in the relevant professional self-government chamber.

#### 4. Standards in construction

According to the analysis conducted so far, the appropriate level of services related to construction, which involves possessing adequate technical knowledge and professional experience, is primarily guaranteed by high requirements imposed on individuals performing these functions.

Following the above, independent technical functions in construction can only be performed by individuals with appropriate technical education and professional practice, tailored to the type, degree, and complexity of the activity and other requirements associated with the performed function. This is confirmed by the decision to grant construction permissions issued by a professional self-government body (Article 12, paragraph 2 of the Construction Law).

Granting specific construction permissions to an individual enables them to perform specific tasks and simultaneously serves as a certificate of their qualifications to prepare projects and supervise construction works covered by the granted construction permissions.<sup>7</sup> Such a certificate is therefore significant for assessing the qualifications and competence of an individual. Its purpose is to ensure the certainty of safety in construction and the execution of a specific construction investment in accordance with the art of building. Such a certificate establishes the role of the person presenting it in the investment process.<sup>8</sup> Therefore, such a certificate has a public character, and

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6 J. SMARŹ. *Charakter członkostwa w samorządach zawodowych w świetle art. 17 ust. 1 Konstytucji RP*, Przegląd Prawa Konstytucyjnego 2023, nr 4 (74), s. 193-205.

7 J. SMARŹ. *System nadawania uprawnień budowlanych oraz nadzór nad wykonywaniem zawodu inżyniera, jako wyraz troski o bezpieczeństwo publiczne*, [w:] *Aksjologia prawa administracyjnego*, t. II, red. J. Zimmermann, Warszawa 2017 r., s. 619-629.

8 Wyrok NSA z dnia 31 marca 2023 r., III OSK 7520/21, Legalis nr 2952639.

the identification by an individual with construction permissions constitutes public information.<sup>9</sup>

Individuals performing independent technical functions in construction are responsible for carrying out these functions in accordance with regulations and principles of technical knowledge. They are also accountable for due diligence in performing their work, proper organization, safety, and quality (Article 12, paragraph 6 of the Construction Law). This provision sets the standards that should be implemented and adhered to by individuals overseeing projects and construction works in the investment process.

**a) Compliance with regulations**

Analyzing the mentioned provision, it should be emphasized that individuals undertaking the roles of a designer, construction manager, or inspector of investor supervision are obligated to perform these functions in accordance with applicable regulations.<sup>10</sup> This involves not only the provisions of relevant laws that regulate issues related to the design and implementation of construction projects but also technical regulations that govern the technical aspects of the design and construction process of building structures.

The provision of the Building Law that refers to the requirement for professionalism and competence of individuals performing independent technical functions in construction includes, among others, Article 5 of the aforementioned law. This article specifies substantive requirements in the scope of designing, construction, and use of a building structure. According to the above, the building structure as a whole and its parts, along with associated building installations, should be designed and constructed, taking into account the anticipated period of use, in a manner specified by regulations, including technical and construction regulations, and in accordance with the principles of technical knowledge.

Fulfilling the specified conditions can be guaranteed only by individuals who can authenticate themselves with the appropriate construction permissions. These individuals not only possess the required technical education but also have the necessary practical experience. In this way, such individuals acquire the proper preparation for meeting the legal requirements in the construction process, including technical and construction regulations, and the principles of technical knowledge.

The above requirement is universal, as it applies to every stage of the construction process, regardless of the level of technical complexity and the functional purpose of the building structure.

**b) Compliance with the principles of technical knowledge**

The concept of the principles of technical knowledge has not been legally defined. Doctrine comes to the aid in defining this term. According to L. Bar and E. Radziszewski,<sup>11</sup> the principles of technical knowledge refer to a body of professional

9 Wyrok WSA w Poznaniu z dnia 24 września 2021 r., IV SAB/Po 142/21, Legalis nr 2655929.

10 Z. NIEWIADOMSKI (red.) Z. NIEWIADOMSKI - T. ASMAN - J. DESSOULAVY-ŚLIWIŃSKI - E. JANISZEWSKA-KUROPATWA - K. KUCHARSKI - A. PLUCIŃSKA-FILIPOWICZ - J. SIEGIEŃ. *Prawo budowlane. Komentarz*, Legalis el. 2024, komentarz do art. 5.

11 L. BAR - E. RADZISZEWSKI. *Kodeks budowlany. Komentarz*, Warszawa, 1999, s. 27.

knowledge based on the achievements of current science and technology, acquired through practical activities.

On the other hand, according to J. Czupajło,<sup>12</sup> the principles of technical knowledge arise from construction practice and the previous experiences of participants in construction processes and manufacturers of construction products. They also stem from due diligence and specific principles that enable the correct and defect-free execution of works.

According to other authors, the principles of technical knowledge constitute a body of specialized knowledge related to the design and construction of building structures, derived from the current state of science and practice in this field. Reference to the principles of specialized knowledge is often used in legal acts regulating the duties of individuals in professions burdened with significant legal responsibilities, including professional liability, due to so-called “errors in the art”.<sup>13</sup> The consequences of not applying the principles of technical knowledge include design errors and defects in the executed construction works.<sup>14</sup>

The jurisprudence also refers to doctrinal views<sup>15</sup>. In one of the judgments, it is stated that the principles of technical knowledge (construction art) are defined in doctrine as „professional knowledge“ based on the achievements of current technology and science, as well as acquired through practical activities. Therefore, it is a general concept that does not find its reflection in regulations.

However, it can be acknowledged that the set of technical principles is defined by Polish Standards, the application of which is voluntary according to Article 5(3) of the Act of September 12, 2002, on standardization.<sup>16</sup> An exception is made for Polish Standards invoked in legal regulations.

On the other hand, according to GUNB’s opinion,<sup>17</sup> this term refers to a set of knowledge principles related to the construction process, developed through years of practice, which can assist in solving problems encountered in the construction process. Therefore, it can be considered that the principles of technical knowledge constitute a set of regulations, standards, rules, and customs determining the manner and scope of applying these resources in construction practice. These principles specify, among other things, which technical knowledge resources will be useful in

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12 J. CZUPAJŁO. *Założenia projektowe niezgodne z zasadami wiedzy technicznej jako częsty powód braków wykonawczych*, Inżynier budownictwa 2013, nr. 12, s. 37.

13 Z. NIEWIADOMSKI (red.) Z. NIEWIADOMSKI - T. ASMAN - J. DESSOULAVY-ŚLIWIŃSKI - E. JANISZEWSKA-KUROPATWA - K. KUCHARSKI - A. PLUCIŃSKA-FILIPOWICZ - J. SIEGIEŃ. *Prawo budowlane. Komentarz*, Legalis el. 2024, komentarz do art. 5.

14 P. KARKOSZKA - T. WOJTKIEWICZ. *O zasadach wiedzy technicznej w budownictwie*, Przegląd budowlany 2019, nr 6, s. 34.

15 Wyrok WSA w Opolu z dnia 21 lipca 2015 r., II SA/Op 54/15, Legalis nr 1342510.

16 Dz. U. z 2015 r., poz. 1483.

17 Pismo GUNB z dnia 24 kwietnia 2018 r., znak: DPR.022.249.2018., niepubli. – por. L. WIĘCŁAW-BATOR - A. JÓWKO - L. KRUSZKA. *Umowy o roboty budowlane i usługi związane z realizacją przedsięwzięć budowlanych*, Warszawa 2021, s. 47.

the ongoing construction process, to construct the intended building structure or carry out planned construction works.

Despite the absence of a specific indication in the Building Law that the principles of technical knowledge should relate to contemporary knowledge resources, it should be acknowledged that individuals applying these principles should refer to current technical knowledge. This should be linked to the obligation of individuals performing independent technical functions in construction to continuously update and enhance their professional qualifications. Within this concept, updating one's technical knowledge should also be understood.

The Civil Code<sup>18</sup> also refers to the principles of technical knowledge. According to Article 647 of the Civil Code, in a contract for construction works, the contractor undertakes to deliver the object specified in the contract, constructed in accordance with the project and the principles of technical knowledge. The investor, in turn, undertakes to carry out the actions required by the relevant regulations related to the preparation of the works, especially to provide the construction site and deliver the project, and to accept the object and pay the agreed remuneration.

### c) Due diligence

Individuals performing independent technical functions in construction are also responsible for due diligence in their work. Although the Construction Law uses the term "due diligence", it does not provide a specific definition. Therefore, it is necessary to refer again to the provisions of the Civil Code, which require fulfilling obligations arising from a contract with "due diligence" (Article 355 § 1 of the Civil Code). This is particularly important for individuals conducting business activities, as they must consider the professional nature of their activities. Failure to exercise due diligence can lead to legal consequences and liability for such individuals.

The due diligence of a debtor in the scope of their business activities is determined with consideration for the professional nature of this activity (§ 2). This provision defines the concept of due diligence and establishes the obligation to exercise diligence in the performance of contracts.

Therefore, due diligence should be understood as a specific way of proceeding that leads to the fulfillment of an obligation, a certain model or pattern constructed from rules of conduct (duties). This refers to positively evaluated behavior. The term "diligent" is synonymous with words such as careful, cautious, prudent (foreseeing), thoughtful, attentive, and reasonable.<sup>19</sup>

However, there is no single universally applicable standard of behavior for „due diligence“ because it cannot be created for all situations and professions. It is generally accepted that it refers to the normal, average diligence expected in a given situation.

However, due diligence defines an objective standard of conduct (cf. Article 355 of the Civil Code). The requirements of due diligence supplement the legal provisions, legal acts, social coexistence norms, and customs characterizing the proper behavior of the debtor, who is not only obligated to fulfill the performance but also, during the

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18 Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny (Dz. U. z 2023 r., poz. 1610 ze zm.), k.c.

19 E. GNIEWEK - P. MACHNIKOWSKI. *Kodeks cywilny. Komentarz*, Legalis el. 2023, komentarz do art. 355.



activities aimed at fulfilling the performance, is obliged to act in accordance with this objective standard of conduct. Due diligence pertains to the debtor's manner of acting, not the results achieved.<sup>20</sup>

Therefore, when assessing whether due diligence has been observed, objective criteria are taken into account, considering the nature of the obligation, the subject matter of the contract, and the circumstances of its performance. Establishing the application of due diligence involves comparing the behavior of the evaluated person with the model of correct behavior under similar conditions. Concluding that the behavior of the evaluated person (debtor) deviated from this hypothetical model leads to the conclusion that the person did not exercise due diligence (acted negligently).<sup>21</sup>

A person who fulfills a contract must therefore maintain a certain level of diligence (Article 355 § 1, Article 472 of the Civil Code). Executing a contract without due diligence implies fault in the form of negligence, which can lead to liability for non-performance or improper performance of the contract.

It should be emphasized that the standard of due diligence is the same regardless of whether the debtor's liability is dependent on ordinary or gross negligence. The degree of negligence is determined by the extent of the discrepancy between the debtor's behavior and the standard of due diligence. Negligence is gross when the debtor has significantly failed to fulfill a specific duty or improperly performed a duty of fundamental importance.<sup>22</sup>

## 5. Compulsory membership in a professional association

Performing independent technical functions in construction is based on the decision to grant construction qualifications and inclusion on the list of members of the relevant professional self-government chamber, confirmed by a certificate issued by that chamber with a specified validity period (Article 12(7) of the Construction Law). The clear requirement for issuing certificates with a specified validity period is intended to ensure the safety of transactions.<sup>23</sup>

The performance of these functions, in terms of the specified compliance with regulations and principles of technical knowledge, as well as an objective measure of due diligence, is subject to the control of the professional self-government, of which the person performing independent technical functions in construction is a member. This arises from the fundamental task of this self-government, which is to oversee the proper execution of these professions within the limits of the public interest and for its protection (Article 17(1) of the Constitution of the Republic of Poland<sup>24</sup>).<sup>25</sup>

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20 M. ZAŁUCKI (red.). *Kodeks cywilny. Komentarz*, Legalis el. 2023, komentarz do art. 355.

21 M. ZAŁUCKI (red.). *Kodeks cywilny. Komentarz*, Legalis el. 2023, komentarz do art. 355.

22 E. GNIEWEK - P. MACHNIKOWSKI. *Kodeks cywilny. Komentarz*, Legalis el. 2023, komentarz do art. 355.

23 D. OKOLSKI (red.). *Prawo budowlane. Komentarz*, [w:] *Prawo rynku nieruchomości. Komentarz*, Legalis el. 2024, komentarz do art. 12.

24 Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Dz.U. Nr 78, poz. 483).

25 J. SMARŻ. *Zakres konstytucyjnej pieczy nad wykonywaniem zawodów zaufania publicznego*, Przegląd Prawa Konstytucyjnego 2022, nr 5 (69), s. 93-108.

While membership in a professional self-government chamber is voluntary, the lack of registration on the list of members of the relevant chamber makes it impossible to perform independent technical functions in construction. This stems from Article 12(7) of the Construction Law and Article 6 of the Act of December 15, 2000, on professional self-governments of architects and construction engineers.<sup>26</sup> There are no exceptions to the principles outlined above. Therefore, individuals with construction qualifications must be members of the relevant professional self-government chamber to carry out independent technical functions in construction.

An individual performing an independent technical function in construction, without being a member of the relevant chamber, is subject to criminal liability under Article 91(1) point 2 of the Construction Law, as a person without the right to perform independent technical functions in construction.

Obligatory membership in professional self-government is justified by the fact that one of the fundamental tasks of professional self-government is to assess the principles of the profession's execution by its members in terms of compliance with the aforementioned legal regulations.

## **6. The principles of practicing the professions of architect and civil engineer in Slovakia**

Similar legal regulations regarding the admission criteria for practicing the professions of architect and civil engineer, as well as the principles of their practice, apply in Slovakia.

Analysing the legal solutions contained in Act No. 138/1992 on authorized architects and authorized civil engineers,<sup>27</sup> it should be noted that the professions of architect and civil engineer, similarly to Poland, are regulated professions (§ 3).

In Slovakia, similar to Poland, individuals planning to perform the discussed functions should successfully pass a professional competency examination for the roles of designer as well as construction and works supervisor (§ 21, 22, and 23a). Similarly, such a state-level examination precedes the obligation to demonstrate the required education and relevant professional experience (§ 16(11) and § 16b). Analogous to Polish regulations, the law on authorized architects and authorized civil engineers provides for the recognition of professional qualifications of citizens of European Union member states (§ 15(1) letter b and § 16c).

Representatives of these professions, similar to architects and engineers in Poland, can practice these professions if they are duly registered on the list of authorized architects or civil engineers (§ 3(1) and 3). In Slovakia, the legislation also allows for voluntary membership, but mandatory membership is a prerequisite for practicing the profession, similar to the situation in Poland.

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<sup>26</sup> Dz.U. z 2023 r., poz. 725.

<sup>27</sup> Act of the Slovak National Council of 28 February 1992 on Chartered Architects and Chartered Civil Engineers (<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/138/20210101> - dostęp: 17 lutego 2024 r.)

Authorized architects and engineers are obliged to adhere to the generally applicable regulations. As stated in § 6(1) of the aforementioned law, this primarily refers to provisions stemming from the Constitution, constitutional laws, laws, and other generally applicable legal regulations.

Additionally, they are obligated to protect the rights and legitimate interests of the client, to act honestly and diligently, to utilize all available technical solutions, and to apply the latest professional knowledge that they consider useful in the client's interest (§ 6(3)). Furthermore, as indicated in § 14a(2), the fulfillment of professional tasks by architects and engineers practicing their profession as employees must not compromise the professionalism of their work.

Similarly, to Poland, in Slovakia, both the Slovak Chamber of Architects and the Slovak Chamber of Civil Engineers oversee the practice of the architect and civil engineer professions, respectively. This is confirmed, among other things, by § 24(1) lit. c and d, which state that the task of the Slovak Chamber of Architects includes ensuring the professional practice of architects and landscape architects following ethical principles and the provisions of the Chamber's laws and regulations. The Chamber is also responsible for the development of professional knowledge among architects and landscape architects and ensuring their lifelong professional education.

Similarly, the task of the Slovak Chamber of Civil Engineers, as per § 31(1) lit. c and d, includes overseeing the professional practice of civil engineers, and ensuring compliance with ethical principles, laws, and regulations of the Chamber. Additionally, the Chamber is responsible for developing the competencies of civil engineers and promoting their continuous professional education.

In the case of serious or repeated failures to fulfill obligations arising from the law on authorized architects and authorized civil engineers, according to § 39(1), disciplinary measures specified in the law can be imposed on a member of the chamber. This indicates the regulatory nature of the chamber's activity concerning its members.

## Conclusion

As indicated by the analysis of the titular topic, there are certain standards in the construction industry governing the professional conduct of individuals performing independent technical functions in construction. Such individuals, as professionals with relevant technical education, experience, and professional practice, are obliged to carry out their tasks under regulations and principles of technical knowledge, while ensuring due diligence.

Meeting the above requirements is subject to control by the professional self-government authorities, of which the person performing the role of a designer or construction and works supervisor should be a member.

The analysis of regulations in force in Poland and Slovakia indicates a significant similarity in legal solutions in this area in both countries. On the one hand, this points to the importance that the legislation of these countries places on compliance with construction standards. On the other hand, it facilitates the recognition of professional qualifications of citizens of European Union member states. Therefore, citizens of

Poland and Slovakia can apply for the recognition of their qualifications in these countries on the basis of reciprocity.

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**Summary: Professional Standards for Individuals Performing Independent Technical Functions in Construction**

Construction-related services rely on individuals with specific technical education and professional experience. Only those who meet high standards, including relevant qualifications and expertise, are allowed to perform independent technical functions in construction. These qualifications are confirmed by a decision from the professional self-government body.

Individuals with construction qualifications must adhere to regulations and technical knowledge principles. They are responsible for ensuring due diligence, proper organization, safety, and quality in their work.

The quality of their work is monitored by the professional self-government, to which these individuals belong. The self-government's primary task is to oversee the proper execution of construction professions in the public interest and for its protection.

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