

**TRANSLATION OF THE CRUCIAL PROVISIONS
OF THE DIRECTIVE CARRIERS LIABILITY 2001/51/EC**

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Article 3: Member States shall take the necessary measures to oblige carriers which are unable to effect the return of a third-country national whose entry is refused to find means of onward transportation immediately and to bear the cost thereof, or, if immediate onward transportation is not possible, to assume responsibility for the costs of the stay and return of the third-country national in question.

Translation:

Art. 136(2) of the Act on Aliens (AA)

If the carrier is not able to fulfil the obligation referred to in sec. 1 [*to return the alien*], it shall be obliged to find means of transportation and to bear the cost thereof in order to ensure the alien's departure without delay from the territory of the Republic of Poland.

Art. 137(2) of the Act on Aliens

The carrier referred to in art. 135 sec. 1 shall cover the costs of the alien's stay on the territory of the Republic of Poland till the time of his / her departure from this territory only if the alien is not in possession of a travel document and a visa or is not authorised to enter another country or to return to this country of origin, if such a authorisation is required. In other events the costs shall be born by the State Treasury.

Article 4, §1: Member States shall take the necessary measures to ensure that the penalties applicable to carriers under the provisions of Article 26(2) and (3) of the Schengen Convention are dissuasive, effective and proportionate and that:

- (a) either the maximum amount of the applicable financial penalties is not less than EUR 5000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, for each person carried, or
- (b) the minimum amount of these penalties is not less than EUR 3000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, for each person carried, or

(c) the maximum amount of the penalty imposed as a lump sum for each infringement is not less than EUR 500000 or equivalent national currency at the rate of exchange published in the Official Journal on 10 August 2001, irrespective of the number of persons carried.

Translation:

Art. 138 of the Act on Aliens

1. If the carrier brought by sea or by air into the territory of the Republic of Poland an alien who does not have the travel document required border crossing, referred to in art. 13 sec. or who is not authorised to enter another country or to return to the country of origin, if such an authorisation is required, an administrative fine in the amount of PLN equal to the sum not less than EUR 3000 to EUR 5000 for each person carried shall be imposed on the carrier. The total sum of PLN for one carriage of the group of persons may not exceed equivalent of EUR 500 000.

2. The provisions of sec. 1 shall also apply to international carriers transporting group overland by coach, with the exception of border traffic.

3. The rate of exchange EUR for PLN shall be determined according to the medial rate of exchange published by the National Bank of Poland at the date of rendering the decision on imposing administrative fine.