

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:

Article 41. °

Liability of carriers

1 – The carrier that shall transport into portuguese territory, whether through air, sea or land, foreign citizen who does not verify the conditions of entry, is liable for the return of the said foreign citizen, within the shortest period of time possible, to the location where the transportation was initiated, or, in the event that such return is not possible, to the country in which the travel document was issued or to any other location in which the admission is granted.

2 – Until the date of return, the carrier shall be liable for the passenger, including the fees pursuant to the housing of the passenger in a centre of temporary accommodation or equivalent.

3 – If required, the foreign citizen who does not verify the conditions of entry shall be removed from portuguese territory under escort, which shall be provided by SEF.

4 – The carrier shall be liable for the expenses and charges that such escort shall provide, including the relevant fees.

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:

Article 194. °

Transportation of unauthorized citizen to the Country

The transportation, into portuguese territory, of foreign citizen that shall not possess valid travel document or visa, by a carrier or by any other person pursuant to the professional activity of the same, is an administrative offence subject to a penalty, regarding each foreign citizen transported, ranging from € 4000 to € 6000, if the carrier is a legal person, or ranging from € 3000 to € 5000, if the carrier is a natural person.