

Questions and Answers on Support for Ukraine - humanitarian transport and carriage

What does carriage of goods for humanitarian purposes mean? Does it require a license?

Carriage of goods for humanitarian purposes means carriage by means of a vehicle in order to provide aid and support needed due to the existence of a crisis. The goods which may be carried in this respect are all goods understood to be necessary aid and support to persons. In case of doubts as to whether given goods satisfy the conditions for humanitarian transport, one can send the appropriate request to a local humanitarian aid coordinator indicated by the National Revenue Administration Information Centre (*Krajowa Informacja Skarbowa*)

The Ministry of Foreign Affairs has also offered to coordinate humanitarian aid efforts, which will simplify the supply and receipt of humanitarian aid and coordinate such activities. Once notified, the Ministry will deal with all customs formalities related to export and transit.

No permit is required for carriage by means of a road vehicle weighing less than 2.5 tons.

What constitutes carriage of goods for hire or reward and other than for hire or reward? What counts as carriage?

In principle, carriage is a paid activity, constituting an element of a given entity's business. In order to engage in carriage in Poland, one must hold the appropriate licenses and/or permits, and in the case of carriage by air, one must also hold the appropriate certificate (an Air Operator's Certificate; *Certyfikat Przewoźnika Lotniczego*). Documents concerning carriage by road are issued by the appropriate county administrator (*starosta*) for the entrepreneur's registered office or the General Inspector of Road Transport (*Główny Inspektor Transportu Drogowego*), or, in the case of carriage by air, the President of the Civil Aviation Authority (*Prezes Urzędu Lotnictwa Cywilnego*). In principle, carriage is a paid activity, which means that it should have financial value and the entity engaging in it must earn income from doing so.

The circumstances are different with respect to non-commercial transport or carriage. Insofar as they are constitute non-commercial activities, one can engage in both road and air transport without holding the relevant permits (so-called, carriage on own account). Note that transport will not have commercial value where the principal covers certain costs, such as fuel. Such cases will also be regarded as activities other than for hire or reward, and thus they will not require one to hold additional authorisations.

Is a special permit required to engage in the carriage of goods within the European Union?

Yes. In order to engage in such carriage between Member States, one must hold a community licence. Such a licence will be required where the carriage is for hire or reward. If a person engages in carriage by road on own account (i.e., not for hire or reward, but within their business activities), such an entrepreneur must give notice of such circumstances to the supervisory authority. This also applies to non-commercial air operations undertaken by an air carrier or other entrepreneur. However, in the latter case, the entity must also prepare detailed procedures, including procedures covering the differences between operations engaged in for hire or reward and other than for hire or reward.

The duty to hold a licence does not cover carriage by motor vehicles weighing less than 2.5 tons (until 22 May 2022, less than 3.5 tons).

I am from Ukraine, is a permit required to engage in the carriage of goods by road from Poland to Ukraine?

Yes. In such circumstances a permit issued by the Polish authorities is necessary. Such permits are issued by the General Inspectorate of Road Transport (*Główny Inspektor Transportu Drogowego*). This body is currently processing applications around the clock.

Is a permit required to engage in the humanitarian transport of goods by road if one does not have an enterprise in Poland?

In principle, yes. Foreign entities without a registered office in Poland are required to hold a permit in order to engage in the international carriage of goods by road. This also applies where one transits a given route without any goods.

However, where one intends to engage in humanitarian transport, such a permit may not be necessary. In such cases, an application must be submitted to the General Inspector of Road Transport. Merely engaging in carriage by road in order to provide humanitarian or medical aid alone is insufficient to substantiate a road hauler's exemption from the duty to obtain the necessary permit. Such an exemption is granted by way of an administrative decision issued by an administrative authority. Specific documents are required in order to receive such a decision (see "*What documents are required to receive an exemption from the duty to obtain a permit for the humanitarian transport of goods by road*" below).

It should also be noted that exemptions for Ukrainian entities are currently issued on an expedited basis. One can contact the authority even outside of its opening hours.

What if a Polish entity is planning to engage in humanitarian transport to Ukraine?

In such circumstances, it is also necessary to receive an exemption from the permitting requirements for carriage. Polish entities can receive such exemptions from the Ukrainian Embassy. However, based on current information, it appears that, on account of the war, Polish entities have been entirely exempted from the requirement to obtain such a permit with respect to humanitarian transport to Ukraine. One can contact the Ukrainian Embassy around the clock in this regard.

What documents are required to receive an exemption from the duty to obtain a permit for the humanitarian transport of goods by road?

1. Application form.
2. A declaration issued by the entity organising carriage no more than 7 days prior to the departure date.
3. A copy of the articles of association or statute of the entity ordering such carriage, or a certificate issued by the appropriate commune administrator (*wójt*), mayor, or city president for the registered office of the entity organising carriage which confirms that they have organised such carriage, or a document confirming the same issued by a diplomatic mission or foreign consular office or by a consul of the Republic of Poland.

What information should be included in the declaration issued by the entity organising humanitarian transport? Who can order such transport?

The entrepreneur's business name, the vehicle's details and the dates on which such carriage will take place, as well as the names of all border crossings transited in the case of international carriage. Additionally, the purpose and scope of carriage must be indicated. A document confirming that a given entity may organise such transport should also be included, which can take the form of a:

- > copy of the articles of association or statute of the entity ordering such carriage,
- > certificate issued by the appropriate commune administrator (*wójt*), mayor, or city president for the registered office of the entity organising carriage which confirms that they have organised such carriage, or
- > a document confirming the same issued by a diplomatic mission or foreign consular office or by a consul of the Republic of Poland.

Any entity which is allowed to render humanitarian aid within its activities can act as the entity organising carriage, and thus also the entity issuing the necessary declaration.

Who can act as the driver of humanitarian transport by road?

In the case of the non-commercial carriage of humanitarian aid, only the requirements regarding the entitlement to drive a vehicle of a given type and category must be satisfied, in accordance with the requirements for the drivers of vehicles in road traffic.

However, in the case of carriage of humanitarian goods for hire or reward, the driver must also hold a medical certificate issued by a doctor stating that there are no health or psychological contraindications regarding transport activities, have completed the necessary training, and received a special qualification to engage in transport activities.