

Most important amendments introduced under the Act of 15 June 2018 amending the Act on monitoring system for the carriage of goods by road and rail (Dz. U. [Journal of Laws] item 1539).

The monitoring system for the carriage of goods was launched under provisions of the Act of 9 March 2017 *on monitoring system for the carriage of goods by road and rail*. Consequently, economic operators were obligated to notify the carriage of so-called “sensitive” goods by public roads to the SENT record of notifications.

Under the Act of 15 June 2018 *amending the Act on monitoring system for the carriage of goods by road and rail*, hereinafter referred to as “amending act”, changes concerning the obligation to transfer geolocation data of means of transport carrying goods were introduced in the monitoring system. Entry into force of the new regulations – 1 October 2018.

Source: Act of 9 March 2017 on monitoring systems for the carriage of goods by road and rail (Dz. U. [Journal of Laws] item 708, as amended).

Changes introduced in the monitoring system for the carriage of goods by road and rail:

Obligation to equip a means of transport with a device transferring geolocation data

A carrier is obliged to equip his means of transport with a device such as:

- a locator, that is a device (e.g. a tablet, smartphone) with software provided by the Head of the National Revenue Administration, which is used for monitoring the carriage of goods, or
- a system used by a carrier, which collects and transfers geolocation data of a means of transport, so called, an external location system (ZSL).

The application for monitoring the carriage of goods (locator) called **SENT GO** will be available free for devices with the following systems:

- Google Android – available in the Google Play Store;
- Apple IOS – available in the App Store.

One of the functions of the locator is informing you about its malfunction and down time.

Technical specification for SENT-GEO module (external location system) can be found on the PUESC platform in the NEWS tab: <https://puesc.gov.pl/e-przewoz>

Type of data to be sent

The transferred geolocation data include: geographic coordinates of the means of transport, its speed, date and time of their collection, azimuth of the means of transport, error when transferring satellite data and locator number or external location system number.

Carrier’s obligations

A carrier, during the carriage of goods covered in the notification, is obliged to transfer the current geolocation data of a means of transport covered by this notification.

Breach of this obligation shall be subject to penalty payment in the amount of PLN 10,000.

Moreover, the carrier should enter the locator number or external location system number in the notification of the carriage of goods.

Driver’s obligations

If a means of transport is equipped with a locator, a driver is obliged to turn the locator on (before start of the carriage of goods in Poland or as of the moment of entry to Poland) and turn the locator off (not earlier than after delivery of goods or departure from Poland).

In the case where the locator or external location system is not working for over an hour, the driver is obliged to stop immediately in the nearest car park or lay-by.

Failure to comply with the obligations is subject to a contractual penalty ranging from PLN 5,000 to PLN 7,500.

Malfunction of the locator or external location system

In the case where the locator or external location system is not working for over an hour, the driver is obliged to stop immediately in the nearest car park or lay-by. Failure to comply with this obligation shall be subject to a contractual penalty ranging from PLN 5,000 to PLN 7,500.

Depending on the carrier's decision, who can choose one of the alternative options, further carriage of goods can be continued:

- 1) as soon as the locator or external location system is repaired, or
- 2) after transloading of goods to a means of transport equipped with a functional locator or a means of transport whose geolocation data are transferred to a register from external location system, or
- 3) after equipping a means of transport with a functional (new) locator, or
- 4) after transferring information by the carrier to the head of the customs and tax office operating in the territory of which a locator or external location system malfunction lasting more than one hour has been detected, and:
 - a) applying official customs seals, or
 - b) ordering convoy mentioned in Art. 67 of the Act of 16 November 2016 on National Revenue Administration (Dz. U. [Journal of Laws] of 2018 item 508, as amended).

The locator will inform the driver about its malfunction and down time by displaying appropriate messages on the screen. Detecting other faults, e.g. discharge of a smartphone, is the obligation of the driver.

Transitional provisions

1. With respect to the carriage of goods commenced and not completed prior to the day of entry into force of the amending Act, the provisions in force at the time of commencement of this carriage of goods shall apply.
2. **No penalties during the transitional period** Until 31 December 2018, in the case of failure to comply with the obligations concerning transferring geolocation data, no fines will be imposed on the carriers and drivers.