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1. What is the difference between roadside check of national and foreign transport companies/drivers?	
AT	No difference only kind of payment of penalties
DE	In principle there is no difference. We do random checks of national and foreign vehicles and of national and international transports of an adequate percentage. The only difference arises from question 2:
ES	There are no significant differences at all. The only difference deals with question 2.
LT	There is not difference between roadside check of national and foreign transport drivers.
NL	None, only that the foreign driver has to pay at the spot
PL	There are no fundamental differences. The main difference concerns the time of payment for the infringement committed. National companies/drivers are obliged to pay within 21 days from the moment of imposing a penalty, whereas non –residents have to pay at the spot
UK	None, the standard of inspection is the same except for the documents that need to be produced by drivers of non UK vehicles.
BE	Check in Belgium = policeman’s report if infringement
RO	It is no difference, only that foreign driver are obliged to pay at the spot.
LU	No difference, both are penalised by writing up a “Pro Justicia”
BG	No difference.
IE	There is no difference between roadside check of national or foreign transport companies/drivers.
HU	Nothing at all

<b>2. Are non-residents obliged to pay at the spot? Which forms of payment are accepted (cash/credit card/...)</b>	
AT	Non residents, except of D, have to pay a caution for the expected penalty on the spot. Usually all kinds of payment are accepted.
DE	<p><u>Non-residents</u> have to pay a deposit on the spot. That doesn't mean that they have to pay the fine on the spot. They pay a deposit for a possible later appointed fine from the appropriate authority. <u>Residents</u> don't have to pay on the spot at all (reason: no difficulties of compulsory enforcement).</p> <p>The deposit can be ordered from the present driver as well as from the absent haulier / employer. In the second case, it is necessary to explain to the driver that he has to pay a deposit for a possible fine of his haulier / employer.</p> <p>The deposit can be paid cash (only in Euro) or by all major credit cards. Fleet cards (e.g. for paying everything at all petrol stations of a corporate group) can unfortunately not be used.</p>
ES	<p>Yes, non-residents are obliged to pay at the spot. But this is only a guarantee of payment for a possible later appointed fine from the appropriate authority.</p> <p>The unique form of payment accepted by the moment is cash (only in Euro).</p>
LT	If is appointed infringement, then driver must to pay at the spot. The forms of payments are cash and credit card.
NL	Yes, cash and credit cards are accepted
PL	<p>Non – residents are obliged to pay at the spot.</p> <p>The form of payment can be chosen by the driver – with cash against receipt or by credit card.</p>
UK	Not currently, this is expected to change in later in 2007 or early in 2008
BE	Yes
RO	Yes, non-residents are obliged to pay cash at the post-office a guarantee of payment for a possible later appointed fine from the appropriate authority.

LU	<p>Yes for the chargeable warnings in the Highway Code (The obligation of a consignment for Community foreigners will be abolished shortly, however).</p> <p>No for the Tickets (the obligation of a security payment was abolished in 2006)</p>
BG	<p>They do not pay at the spot of the inspection.</p> <p>They pay the fine by bank transfer.</p>
IE	<p>There is no on the spot system for transport regulations for either national or foreigner drivers/companies. However proposals for a fixed penalty charge system have been submitted to the Department of Transport. New legislation will be required to facilitate the introduction of a fixed charge penalty regime for road transport offences.</p>
HU	<p>No, an administrative penalty is imposed about which an official letter will be addressed to the company.</p> <p>In case of control by police, customs a cash payment check is handed over on the spot, but no payment occurs at the roadside.</p>

<b>3. What are the consequences for the national/foreign driver/company for not paying at the spot?</b>	
AT	For foreign, except of D, the vehicle is stopped for up to 72 hours; if the payment is not done during this time the vehicle will be confiscated.
DE	National drivers and companies don't have to pay a deposit on the spot at all. If a foreign driver / company refuses to pay the ordered deposit the inspector prohibits the driver from continuing his journey and withholds the vehicle registration certificate and the transport documents. There is no personal search of the driver and no search of the vehicle. There is also no confiscation of things or means of payment.
ES	National companies/drivers are not obliged to pay at the spot. For non-residents the consequence of not paying at the spot is the immobilization of the vehicle and the withhold of the transport and vehicle documents.
LT	If national driver not paying at the stop, then the control officer draw up the report and later is receivable act and then must pay fine. If foreign driver not paying at the stop, then while will be paying fine is keeping vehicle registration certificate
NL	Vehicle will be blocked until payment is done
PL	If the foreign driver is not able to pay at the spot, the car is kept at the monitored parking lot (at the expense of the driver/company) for the period of 30 days. If the penalty is not paid within this period, the car is subject to sale at auction.
UK	Not applicable at the moment
BE	He is held until he pays
RO	Vehicle will be blocked until the payment is done.
LU	Immobilisation (see question 2, however)

BG	No consequences. They do not pay during the inspection. Drivers pay by bank transfer.
IE	There is no on the spot system for transport regulations for either national or foreigner drivers/companies. However proposals for a fixed penalty charge system have been submitted to the Department of Transport. New legislation will be required to facilitate the introduction of a fixed charge penalty regime for road transport offences.
HU	In case of a control by police/customs vehicle is retained until the amount indicated on the check has been settled.

<b>4. If the fine is imposed, what is the procedure for appeal, if there is an appealing system?</b> <ul style="list-style-type: none"> <li>- where can you find address and the name of the institution authorized for appeal?</li> <li>- What is the deadline for appeal?</li> </ul>	
AT	<p>Appealing is possible, there is the appealing court UVS in each of the Austrian provinces.</p> <p>Information about how and where to appeal is given on every fine statement.</p> <p>Usually the deadline is within 14 days after receiving the fine statement.</p>
DE	<p>For a few insignificant offences which are specifically set out the inspectors can issue a warning from 5 to 35 Euro. If the driver accepts this warning on the spot, the issue is closed. In these cases there is no right to appeal.</p> <p>In all other cases the person concerned can submit a German written or transcript objection against the fine</p> <ul style="list-style-type: none"> <li>- to the appropriate administrative authority which has appointed the fine,</li> <li>- within two weeks after delivery.</li> </ul> <p>Then either the authority withdraws the fine or sends the file to the court for an adjudication.</p> <p>Against this adjudication the person concerned has the right of a further appeal in special cases (e.g. if the fine decided by the court is more than 250 Euro). There is an instruction on the right of appeal at the end of every administrative fine.</p>
ES	<p>This is an administrative procedure:</p> <p>Once the infraction is detected and denounced by the competent authority, there is a mandatory notification send out to the company's address.</p> <p>This notification, in all the cases includes information about the infraction and the fine that has been imposed. After this notification is received, it is always possible to appeal.</p> <p>The address and the name of the competent authority for appeal, as well as the deadline, are also included in the mentioned notification.</p>
LT	<p>Offender can appeal to court of the Republic of Lithuania in 10 days.</p> <p>There is all information <a href="http://www.lvat.lt">http://www.lvat.lt</a></p> <p>10 days.</p>

NL	<p>First: objection at the Bureau who imposed the fine, then appeal at the Administrative Court and finally appeal at the Council of State</p> <p>The address etc can be found on the last page of the decisions</p> <p>Deadline is six weeks</p>
PL	<p>The fine is imposed by one of the 16 Voivodship (Regional) Inspectorates of Road Transport (VIRT), mainly in form of administrative decision or in form of mandate/fine/ticket.</p> <p><u>Administrative procedure:</u></p> <p>This procedure applies to the majority of cases, when there is an infringement of sanctions mentioned in Annex to the Act of 2001 on Road Transport and sanctions mentioned in Annex to the Act of 1985 on Public Road regarding exceeding authorized axle loads and other vehicles dimensions.</p> <p>The appeal should be translated into Polish, addressed to General Inspectorate of Road Transport (GIRT) but sent to the Voivodship Inspectorate which carried out the control.</p> <p>The appeal should be sent to the competent Inspectorate in the period of 14 days from the date of delivery of the decision imposing the fine.</p> <p>The VIRT can then decide the appeal in favour of the company, if not the appeal is then sent to GIRT (2<sup>nd</sup> instance). The GIRT can also decide in favour of the company, if not, the sanction is sustained. The company has also the right to appeal to the administrative court in the period of 30 days from the moment sustaining the appeal by GIRT.</p> <p>The address and the name of the institution you can find on the last page of the decision imposing the fine. Moreover on every decision there is an information how to appeal and what is the deadline.</p> <p><u>The fine procedure</u></p> <p>This is a procedure that can only be applied to drivers. The procedure is less complicated than the administrative procedure, the fines are much lower, for one infringement max. 500 zloty (aprox.120 EURO) and for more than 1 infringement max.1000 zloty.</p> <p>The fines can be imposed on drivers mainly in cases that concern safety issues, technical condition of a vehicle, lack of necessary documents, exceeding daily driving, violating driver's rest and breaks rules.</p>
UK	<p>Not applicable at the moment</p>

BE	The choice of a policeman's report gives rise to the possibility of filing an appeal (consignment of an amount for a foreign driver)
RO	If the fine is imposed, the appeal should be sent to the our local Romanian Road Transport Authority Agency in 15 days from the date of delivery. The address and the name of the institution you can find on the page of the decision imposing the fine.
LU	- No appeal in the event of payment of a chargeable warning - Appeal possible after judgement in the event of ticket
BG	Imposed fines can be appealed in the district court of the place of offence. The deadline for appeal is seven days from the receipt of the statement for the imposed sanction.
IE	Fines are only imposed in a court on the successful service of a summons on the offender. On conviction, an offender can seek an appeal to the Circuit Court. The dead line to lodge an appeal is normally stated in the District Court.
HU	Yes, there is. Address and name of competent institution, where the appeal can be sent is clearly shown on the decision itself. 15 days counting from the reception of the decision. (regulated by national law about administrative procedures)

<b>5. Who can be responsible for the infringements found – the driver or/and the company?</b>	
AT	Both, it depends on the different infringement
DE	<p>Fines can be the responsibility of the driver, the driver and the haulier, only the haulier and additionally others like the loader, the sender, the orderer ...etc.</p> <p>For all administrative offences there is a law paragraph specifying each party's potential responsibilities.</p> <p>For example both the driver is responsible for carrying a particular document with him <u>and</u> the haulier is also responsible for making sure that the driver carries this document with him.</p>
ES	<p>The company is always responsible for any infringement committed in the field of the road transport regulation.</p> <p>But also drivers can be responsible for infringements dealing with traffic and road safety (including driving and resting time infringements).</p>
LT	Responsible for the infringements found – the driver.
NL	The driver is only directly responsible for infringing the articles 1, 3 par. 1, 13, 14, 15 and 16 of EEC Reg 3821/85 when the driver is specifically mentioned in these articles. For all the other infringements the entrepreneur is responsible, unless he proves to have given all the necessary orders, all the necessary set of measures, all the necessary means and proves to have kept the reasonably demanded supervision to ensure the compliance with the article. If he has proven these four elements, the responsibility switches to the driver.
PL	The company in the majority of cases and the driver in some cases (see for detail the fine procedure).
UK	Only the driver.
BE	In certain cases both
RO	The company in the majority of cases and the driver in some cases.
LU	Both

BG	The driver or/and the company.
IE	There are both driver and owner offences
HU	We're operating according to the provisions laid down in 10§ (2)-(3) of regulation 561/2006/EC.

6. What is the highest financial fine for infringing transport regulations?	
AT	€ 1453,-- per infringement.
DE	<p>The BAG is the appropriate authority for administrative offences in the goods transport sector. If an inspector suspects someone is making a criminal offence he has to call the appropriate authorities. That can be first of all the Police, but also the customs or others. For administrative offences, only financial fines exist (besides some related consequences like e.g. prohibition of driving).</p> <p>The highest fine in the German Road haulage law (called: Güterkraftverkehrsgesetz – GüKG) is 200000 Euro for the haulier or the orderer (e.g. assignment of drivers without driver attestation) .</p>
ES	The highest single economic fine that contemplates our transport regulation is 4.601 Euros.
LT	2600 Litas (about 750 €)
NL	<p>For a natural body: € 11250,00</p> <p>for a legal body, it is € 45000,00</p>
PL	The highest financial fine relates to performing transport of goods on the territory of Poland by a foreign transport operator (cabotage) – <u>15 000 zloty (aprox. 3800 Euros)</u> .
UK	£5000 per offence for the most serious offence
BE	/
RO	The highest financial fine is aprox. 7700 €
LU	<p>149 € per chargeable warning</p> <p>251 to 1239 € of fine and/or 8 days of imprisonment per Ticket</p>

BG	The maximum fine is 20 000 BGN. 1 BGN= 1.95583 EUR.
IE	€5,000.
HU	800.000 HUF (3200 EUR) for a single fact finding

7. Do you have in your system maximum/total penalty that can be imposed during one roadside check? And if yes, how much?	
AT	E 1453,--
DE	<p>Non-residents have to pay a deposit – not the fine - on the spot. There is no limit in total, but the highest single deposits (including the administrative fee) which have to be paid by the haulier are:</p> <ul style="list-style-type: none"> <li>- 2625 Euro (assignment of Non-EU drivers which are not correctly employed),</li> <li>- 1575 Euro (tachograph not installed) and</li> <li>- 1312 Euro and 50 Cent (international transport without permission).</li> </ul> <p>These are the standard fines for negligent, non-intentional behaviour.</p>
ES	<p>There is a maximum amount for each single infringement according to our transport regulation. But there is no limit for the total amount to be imposed during one roadside check.</p>
LT	1900 Litas (about 550 €)
NL	<b>No</b>
PL	<p>The Polish law specifies that maximum penalty which can be imposed during one roadside check is <u>15 000 zloty</u> and during company check – 30 000 zloty (but this does not regard to foreign companies).</p> <p>Penalties for exceeding maximum authorized measurements/dimensions (weight, width, axle loads) are not limited by law to any amount.</p>
UK	No
BE	Yes, except in the case of fraud .(3750 eur )

RO	The Romanian law specifies that in the decision of imposing, when we find few or more infringements, we can gather the fines for each infringement but no more double of the highest financial fine (in the case of the transport regulations no more 15400 €)
LU	Yes (it is the judge who sets the fine within a range which can vary from legislation to legislation Minimum : 251 Maximum : 251 to 27.789 € of fine and/or 8 days to 5 years of imprisonment
BG	A maximum sanction is not envisaged. For every single case we impose a sanction according to the legal provisions.
IE	No
HU	No

8. Can you give a written document of infringements and fines existing in your country?	
AT	Not available at the moment
DE	You can download the German states standard offence catalogue <u>for the road traffic legislation</u> in general on the internet site <a href="http://www.kba.de">www.kba.de</a> under the title "Bundeseinheitlicher Tatbestandskatalog" (unfortunately no English translation available). Concerning the special administrative offences <u>for the goods transport sector</u> (e.g. road transport market / social legislation / dangerous goods / illegal employments / waste) I will send you <u>by e-mail</u> the BAG pocket book edition which is made for the BAG inspectors to guide them on the level of deposits to be charged, called "Verwarnungsgeldkatalog-Straße und Sicherheitsleistungen" (unfortunately no English translation available).
ES	Yes, there is a standard road transport offence catalogue. It is a document in Spanish, which can also be downloaded in the following web: <a href="http://www.fomento.es">www.fomento.es</a>
LT	The Lithuania Administrative Code
NL	Yes
PL	The whole Annex to the Act of 2001 on Road Transport in Polish and in English only the part which relates to social rules infringements.
UK	Not currently as the new fines system is subject to the finalisation of new regulations
BE	Soon .the new catalogue has been completed
RO	No, because in this moment in our country the law of transport will be modified. In few months we will can give a written document of infringements and fines in my country.

LU	<p>Yes (see annex: Sanctions summary Luxembourg_rev_060203.doc)</p> <p>The social regulation sanctions are not included there. They are :</p> <p>Imprisonment from eight days to five years and a fine from 251 euros to 25,000 euros or only one of these penalties.</p> <p>A catalogue of chargeable warnings for the offences of lesser risk is being prepared</p>
BG	Yes
IE	See information supplied to ECR questionnaire 07-ECR-HAR(NO.005)EN sent to ECR on 20 September 2007.
HU	Yes we could send you the related governmental decree, but it is unfortunately only available in Hungarian. Nevertheless you can get an overview based on document 07-ECR-HAR(NO-005)EN.