

Enforcement Handbook

This draft document provides a basic overview of enforcement regulations, national interpretations and practices across the EU. It aims at providing practical information for freight and passenger transport operators when subject to roadside checks in individual EU Member States.

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Austria

a) Liability of undertaking/driver	In general, pursuant to Austrian law not only direct offenders can be punished for the commitment of a criminal or regulatory offence. Criminal and administrative law also provide for other (natural and legal) persons to be punished. Apart from direct offenders, persons instigating or contributing to a criminal offence can also be punished. The same minimum and maximum penalties are applicable to them as to the direct offender.	
b) Sanction/Fines	The employer is responsible for the following infringements:	
	All infringements of Art. 6 para. 1-3 and 5, Art. 7, Art. 8 para. 2, 4 and 5, Art. 9, Art. 10 para. 1 and 2, Art. 12 sentence 2, Art. 16 para. 2 and 3 Reg 561/2006; Not safeguarding that the drivers act in accordance to their obligations under Chapter II of Reg 561/2006	Monetary penalty from €72 up to €1,815 1st case of recurrence: from €145 up to €1,815 Serious infringements: from €200 up to €2,180 1st case of recurrence: from €200 up to €3,600 Very serious infringements: from €300 up to €2,180 1st case of recurrence: from 350 € up to 3,600 €
	Infringements of Art. 8 para 6 and 7, Art. 12 sentence 2 Reg 561/2006 regarding weekly rests	Monetary penalty from €72 up to €2,180 Case of recurrence: from €145 up to €2,180
	Exceed of the daily and weekly maximum working time	Monetary penalty from €72 up to €1,815 1st case of recurrence: from €145 up to €1,815
	No breaks as stipulated by law	
	Exceed of the maximum driving time	
	No driving breaks	
	No daily rest periods	
	No record in case of justified deviation from the rules	
	Use of drivers exceeding the maximum driving time	
Information and record of the drivers' working time	Monetary penalty from €145 up to €2.180 1st case of recurrence: from €200 up to €3,600 € Serious infringements: from €200 up to €2,180 1st case of recurrence: from €200 up to €3,600 Very serious infringements: from €300 up to €2,180 1st case of recurrence: from €350 up to €3,600 €	
Infringements of employer obligations regarding the recording equipment, the record sheets or the driver cards under Art. 3 para. 1, Art. 13, Art. 14, Art. 15 (except para. 6) or Art. 16 Reg 3821/85 are to be punished under Section. 28 para. 5		

	<p>Not safeguarding that their drivers act in accordance with their obligations under Reg 3821/85</p>	<p>Minor infringements: Monetary penalty from € 72 up to € 1,815 1st case of recurrence: from € 145 up to € 1,815 Serious infringements: from € 200 up to € 2,180 1st case of recurrence: from € 200 up to € 3,600 Very serious infringements: from € 300 up to € 2,180 1st case of recurrence: from € 350 up to € 3,600 €</p>
	<p>The driver and/or the transport operator are responsible for the following infringements:</p>	
	<p>All infringements of Art. 5-9 and Art. 10 para. 4 and 5 Reg 561/2006</p>	<p>Monetary penalty up to € 5,000 1st case of recurrence: alternatively 6 weeks imprisonment From the 2nd case of recurrence on: Imprisonment and monetary penalty</p>
	<p>All infringements of Reg 3821/85</p>	<p>Monetary penalty up to € 5,000 1st case of recurrence: alternatively 6 weeks imprisonment From the 2nd case of recurrence on: Imprisonment and monetary penalty</p>
<ul style="list-style-type: none"> • means of payment accepted 	<p>Usually, all means of payment are accepted. Credit cards accepted: Visa Card, MasterCard, Diners CLUB, JCB, American Express, Maestro Card, V Pay.</p>	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	<p>N/A</p>	
<p>c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)</p>	<p>If the caution for the expected penalty is not paid on the spot, the vehicle is stopped for up to 72 hours. The vehicle is confiscated in case the payment is not done during this time.</p>	
<p>d) Appeal procedures</p>		

<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	There is the appealing court UVS in each of the Austrian provinces. Information on how and where the appeal is given on every fine statement.						
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	N/A						
<ul style="list-style-type: none"> deadlines 	Usually within 14 days after receiving the fine statement.						
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	The language of business for all courts is German. In some courts the use of Burgenland-Croat, Hungarian or Slovenian is permitted for minority language groups.						
e) National legislation for cabotage	Cabotage operations are considered to be posting of workers. Thus, these operations are subject to the provision of the Austrian Law Amending the Labour Contract Law (AVRAG). Therefore, cabotage operations are only permitted if a notice of this posting is submitted to the Ministry of Finance at least 1 week in advance of start of operations. The 1 week notice is not applicable to cabotage operations carried out at short notice. In this case, the notice can be given before start of operations. (Development and implementation of EU road cabotage – p 22-23)						
f) Other useful contacts	<table border="1"> <tr> <td>Federal Ministry for Transport, Innovation and Technology (bmvit) division II/ST7 Transport of Goods and Passengers</td> <td>Radetzkystraße 2, A-1030 Vienna fax: +43 (0) 1 711 62 extension 65 5866</td> </tr> <tr> <td>Police (non-emergency calls)</td> <td>059-133</td> </tr> <tr> <td>Police (emergency calls)</td> <td>133 or 122</td> </tr> </table>	Federal Ministry for Transport, Innovation and Technology (bmvit) division II/ST7 Transport of Goods and Passengers	Radetzkystraße 2, A-1030 Vienna fax: +43 (0) 1 711 62 extension 65 5866	Police (non-emergency calls)	059-133	Police (emergency calls)	133 or 122
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Police (non-emergency calls)	059-133						
Police (emergency calls)	133 or 122						
g) Specific national legal provisions and interpretations, enforcement practices	In case of recidivism, an administrative offence becomes a criminal offence.						

Belgium

h) Liability of undertaking/driver	Undertakings may also be held liable for offences committed by their drivers.	
i) Sanction/Fines	The driver and the undertaking are responsible for the following infringements:	
	Exceeding the authorised daily driving time	The penalty may include: A fine of € 40 up to € 1,600
	Exceeding the authorised weekly driving time	€ 100 for every hour exceeding the authorised weekly driving time
	Exceeding the authorised continuous driving times	A fine of € 20 up to € 2,000
	Not respecting the compulsory minimum daily rest period	A fine of € 50 for every 30 minutes of daily resting time missing
	Not respecting the compulsory minimum weekly rest period	A fine of € 100 for every hour of weekly resting time missing
	Working six consecutive hours without a break	Offence of 2nd degree punished with either:
	Working time not interrupted by a break of at least 30 minutes, if working hours total between six and nine hours	A fine of € 150 up to € 1,500
	Working time not interrupted by a break of at least 45 minutes, if working hours total more than nine hours	OR
	Exceeding the daily working time of ten hours in each 24 period when night work is performed	A fine from € 300 up to € 3,000
	The equipment in the vehicle broke down or performs poorly and the repair has not been executed as required	€ 1,200
	The recording equipment in the vehicle is not used properly: in case of a double crew, the recording is made on the wrong record sheet	
	The recording equipment in the vehicle is not used properly: the switching devices are not activated or used incorrectly	€ 50
	The recording equipment in the vehicle is not used properly: the country code was not introduced into the digital tachograph (if data entry is manual) and/or the driver has not manually entered the periods of time when he was away from the vehicle	

	<p>Manipulation of the recording equipment in order to prevent a correct record: data has been changed or deleted, the recorded data is not accessible or destroyed, a device was set up with the intent to commit these offences</p> <p>Data on record sheets have been falsified, erased or destroyed</p>	€ 2,400
	<p>The driver is not able to produce recording sheets (or particular sheets) for control, for the time period that follows the last weekly rest time he had taken</p> <p>Without any valid reason, one or more record sheets have been removed before the end of the work day from the recording device or the latter has been opened before the end of the work day</p> <p>The driver has failed to mention the following data on record sheets: surname and name, start date of the use of record sheet, the licence number of the vehicle.</p>	€ 1,200
	<p>Without any valid reason, one or more record sheets have been removed before the end of the work day from the recording device or the latter has been opened before the end of the work day. However, the control of the driving and resting time remains possible</p> <p>The driver does not strictly apply the regulation</p>	€ 50
	<p>The driver has failed to mention the following data on record sheets: the end date of the use of record sheet, the odometer reading at the beginning of the first journey and the end of the last journey and at the time of a possible change of vehicle, the start time of change of vehicle, if appropriate, the location at the beginning and the end of the use of the record sheet</p>	€ 50
<ul style="list-style-type: none"> means of payment accepted 	<p>When the immediate monetary penalty is applicable (<i>perception immédiate</i>), the persons not having their permanent and ordinary residence in Belgium can pay it by cash or by credit card.</p>	
<ul style="list-style-type: none"> discount schemes – waiving further appeals in exchange for the reduction of fines 	N/A	

j) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	If the foreign driver refuses to pay the monetary penalty or to give the equivalent sum in consignment, the vehicle may be detained for a maximum period of 96 hours after the establishment of the infringement. If the penalty is still not paid during this period, the vehicle may be sold to cover the fine and the expenses related to court proceedings. A controlling officer can also order the immobilisation of the vehicle or the replacement of the driver to ensure, for instance, that the driver takes an adequate rest period.
k) Appeal procedures	
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	In case the driver does not agree with the controller's decision he can refuse to pay the monetary penalty (<i>perception immédiate</i>) and ask for the drafting of an official report (procès - verbal). The choice of a policeman's report gives rise to the possibility of filing an appeal. The foreign driver must, however, pay a deposit (equivalent to the monetary penalty). This deposit would eventually be used for covering the fine or the court costs. The report is then forwarded to the Auditor of Labour or the King's Prosecutor responsible for the judicial district where the offense was found. One could contact these two persons in order to contest the infringements noted (considering them unfair) or to invoke mitigating circumstances.
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	Own initiative.
<ul style="list-style-type: none"> deadlines 	N/A
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	In principle, the language is determined by the geographical location of the competent court. Pursuant to Section 42 of the Act, there are three linguistic regions: the French, the Dutch and the German linguistic regions. There is also the bilingual conurbation of Brussels (French/Dutch) which, for the purposes of the application of the law, includes the following municipalities: Anderlecht, Auderghem, Berchem-Sainte-Agathe, Brussels, Etterbeek, Evere, Forest, Ganshoren, Ixelles, Jette, Koekelberg, Molenbeek-Saint-Jean, Saint-Gilles, Saint-Josse-ten-Noode, Schaerbeek, Uccle, Watermael-Boitsfort, Woluwé-Saint-Lambert and Woluwé-Saint-Pierre. Under certain circumstances, a matter can, however, be referred to a court that uses a different procedural language. Under certain conditions, a change of procedural language may be requested, in principle at the start of the proceedings.
l) National legislation for cabotage	The EU rules apply

m) Other useful contacts	Service public fédéral Mobilité et Transports Direction Transport par Route	City Atrium Rue du Progrès 56 1210 Bruxelles tel: 02/277.31.11 info@mobilite.fgov.be
	Police (emergency calls)	101/112
n) Specific national legal provisions and interpretations, enforcement practices	Penal sanctions may be avoided if the transporter accepts to pay a monetary penalty (<i>perception immédiate</i> in French) imposed by the controlling agents during a roadside check.	

Czech Republic

a) Liability of undertaking/driver	Both the undertaking and the driver are responsible in case of infringements of the Regulations 561/2006 (Driving time and rest periods) and 3821/85 (165/2014) (Regulation on tachographs in road transport).																					
b) Sanction/Fines	<table border="1"> <tr> <td colspan="2" data-bbox="752 368 2074 400">The driver is responsible for the following infringements:</td> </tr> <tr> <td data-bbox="752 405 1615 437">Failure to keep a record on driving time</td> <td data-bbox="1628 405 2074 437">Fine of up to CZK 10,000.</td> </tr> <tr> <td data-bbox="752 442 1615 608">Non-compliance with specified period of driving time: Working time over -13 hours daily, or -48 hours weekly (maximum 60 hours), or -10 hours during consecutive 24 hours when working at night</td> <td data-bbox="1628 442 2074 608">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 612 1615 708">Failure to submit a record on driving time.</td> <td data-bbox="1628 612 2074 708">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 713 1615 809">Failure to keep a record on rest periods.</td> <td data-bbox="1628 713 2074 809">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 813 1615 909">Non-compliance with specified rest periods./</td> <td data-bbox="1628 813 2074 909">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 914 1615 1010">Failure to submit a record of rest periods.</td> <td data-bbox="1628 914 2074 1010">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 1015 1615 1110">Failure to keep a record of breaks.</td> <td data-bbox="1628 1015 2074 1110">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 1115 1615 1211">Non-compliance with specified period of breaks.</td> <td data-bbox="1628 1115 2074 1211">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> <tr> <td data-bbox="752 1216 1615 1311">Failure to submit a record of breaks.</td> <td data-bbox="1628 1216 2074 1311">Fine of up to CZK 10,000. Disqualification ranging from six months to one year.</td> </tr> </table>		The driver is responsible for the following infringements:		Failure to keep a record on driving time	Fine of up to CZK 10,000.	Non-compliance with specified period of driving time: Working time over -13 hours daily, or -48 hours weekly (maximum 60 hours), or -10 hours during consecutive 24 hours when working at night	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Failure to submit a record on driving time.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Failure to keep a record on rest periods.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Non-compliance with specified rest periods./	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Failure to submit a record of rest periods.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Failure to keep a record of breaks.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Non-compliance with specified period of breaks.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	Failure to submit a record of breaks.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.
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	Counterfeiting a document attesting the driver's absence from work (i.e. so called "public document") or substantially altering its contents with the intention of using it as if it were authentic or using such document as if it were authentic.	Criminal sanction: Prison sentence of up to three years.
Tachograph is not installed, used or submitted.	Fine of up to CZK 10,000. Disqualification ranging from six months to one year.	
Failure to use tachograph in the prescribed manner. This involves not entering the following information into the tachograph: first name and surname of a driver, date of start or end of use of the sheet missing, place of start or end of use of the sheet missing, registration number missing on record sheet, odometer reading (start) missing on record sheet, odometer reading (end) missing on record sheet, time of driving, rest period and safety break, and reason for extended driving time.		
Speed control equipment is not installed, not used or not submitted.		
The transport operator is responsible for the following infringements:		
Failure to ensure compliance with specified maximum number of driving hours.	Fine of up to CZK 500,000.	
Failure to ensure compliance with specified rest periods.		
Failure to keep in a vehicle a record of rest periods taken.		
Non-maintenance of drivers' documents for the prescribed period of five years.	Fine of up to CZK 100,000.	
Exceeding the average (48 h) or maximum (60 h) weekly working time.	Fine of up to CZK 1,000,000.	
Working more than six consecutive hours without abreak.		

	Not having rest periods of at least 45 minutes after not more than six hours of continuous work if working hours amount to more than nine hours.	
	If, in the case of a night shift, the total amount of hours worked on the day exceeds 10 hours in the 24 hours.	Fine of up to CZK 400,000.
	Failure to record the working time of persons undertaking mobile road transport.	
	Failure to keep the records of the working time of persons for one year after the end of the period covered.	Fine of up to CZK 500,000.
	Failure to give information regarding the relevant national requirements, the internal rules (in particular collective agreements and any company agreements).	Fine of up to CZK 200,000.
	Failure to ensure installation of tachograph in a vehicle.	Fine of up to CZK 500,000.
	Failure to ensure its proper management. This entails entering: first name and surname of a driver, date of start or end of use of the sheet missing, place of start or end of use of the sheet missing, registration number missing on record sheet, odometer reading (start) missing on record sheet, odometer reading (end) missing on record sheet, time of driving, rest period and safety safety break, and reason for extended driving time.	
	Alteration, or damage of the seals of the tachograph.	
	Failure to ensure installation of speed control equipment. - Lack of a tachograph or related record sheets. - Malfunctioning of speed control equipment or tachograph.	Fine of up to CZK 100,000.
	Use of the recording equipment or a tachograph that does not comply with the requirements set out by Regulation 478/200 Coll.	

	Repeated lack of a tachograph or its malfunctioning at least three times within five years.	Cancellation or amendment of concession.
<ul style="list-style-type: none"> means of payment accepted 	Cash or bank transfer. Bank card is accepted only in some control units.	
<ul style="list-style-type: none"> discount schemes – waiving further appeals in exchange for the reduction of fines 	None in place.	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	The driver and the undertaking have the right to disagree with the statement or the result of the control agent. In case of disagreement, the control agent may ask for a deposit up to CZK 100,000. Until this deposit is paid, the vehicle can be detained or it can be directed to a secure parking place, which can be subject to a fee. Means of blocking the vehicle can be used as well. If bank transfer is the chosen means of payment; the vehicle can be blocked until the money is received.	
d) Appeal procedures		
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	<p>If the driver or the undertaking does not agree with a fine, a deposit must be paid and the case must be dealt in administrative procedure. The relevant authority (contact details included) is always mentioned on the protocol.</p> <p>There is a two-step appealing procedure. For the undertaking, the relevant authority is the regional authority where the check was conducted. A higher appealing authority is the Ministry of Transport, the department of road transport. In the driver's case the authority is the city where the check was conducted and the higher appealing authority is the regional one.</p> <p>The Customs Administration is the relevant authority as far as customs related administrative procedures are concerned.</p>	
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	The authority has 12 months to start the procedure. The driver/undertaking can wait until it receives the summons with the information that a procedure has been released and normally with a date when driver/undertaking should visit the authority for hearing. The authority can ask for other documents or data in line with the case.	

<ul style="list-style-type: none"> • deadlines 	12 months in principle. In case of appeals in the second step it depends on the concrete case, normally up to 3 years.											
<ul style="list-style-type: none"> • language regimes when dealing with the competent authority 	Czech language only.											
e) National legislation for cabotage	There are no specific rules. 1072/2009 (Regulation on common rules for access to the international road haulage market) and 1073/2009 (Regulation on common rules for access to the international market for coach and bus services) are in force for EU countries. For third countries, an extra permit is always necessary according to relevant bilateral agreement on road transport.											
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="739 545 1411 651">National Emergency Line (For calls reporting traffic accidents, road blockages, towed vehicles)</td> <td data-bbox="1411 545 2078 651">158</td> </tr> <tr> <td data-bbox="739 651 1411 687">Municipal Police</td> <td data-bbox="1411 651 2078 687">156</td> </tr> <tr> <td data-bbox="739 687 1411 724">Medical Emergencies</td> <td data-bbox="1411 687 2078 724">155</td> </tr> <tr> <td data-bbox="739 724 1411 761">Integrated Emergency System:</td> <td data-bbox="1411 724 2078 761">112</td> </tr> <tr> <td data-bbox="739 761 1411 888">Ministry of Transport Nábřeží Ludvíka Svobody 1222/12 110 15 Praha 1</td> <td data-bbox="1411 761 2078 888">Operator: 225 131 111 Mail room fax: 225 131 184</td> </tr> </table>		National Emergency Line (For calls reporting traffic accidents, road blockages, towed vehicles)	158	Municipal Police	156	Medical Emergencies	155	Integrated Emergency System:	112	Ministry of Transport Nábřeží Ludvíka Svobody 1222/12 110 15 Praha 1	Operator: 225 131 111 Mail room fax: 225 131 184
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g) Specific national legal provisions and interpretations, enforcement practices	There are no extra national interpretations or practices. Control units respect TRACE and Guidance notes. All transports within article 13 of reg. 561/2006 are excluded from 561/2006 and drivers are subject to domestic regulation, but the rules are very similar to 561/2006.											

France

a) Liability of undertaking/driver	The driver is generally deemed liable because no one is criminally liable except for his own conduct. However, the transport manager should be held liable of its own negligence if he has not taken any measure in order to guarantee the respect of the Regulation. The transport undertaking could also be held liable for the offences committed by its managers.																														
b) Sanction/Fines	<p>In France, criminal sanctions due to the infringement of transport regulations belong to the category of petty offences. According to the maximum amount of the fine, petty offences can be of: first class (max. 38€), second class (150€), third class (450€), fourth class (750€) and fifth class (1500€). In case of recidivism, higher fines are applied.</p> <p>Misdemeanors are the most serious offences and come under the courts of summary jurisdiction. They consist of a fine, whose amount, to be set by the judge, exceeds 3750 € and may, for certain offences, reach 75000 € with or without a prison sentence attached.</p> <table border="1" data-bbox="741 651 2101 1377"> <thead> <tr> <th colspan="2" data-bbox="741 651 2101 683">The driver and transport manager/undertaking are responsible for the following infringements:</th> </tr> </thead> <tbody> <tr> <td data-bbox="741 686 1615 718">Exceeding the daily driving time up to 2 hours</td> <td data-bbox="1619 686 2101 718">Fine up to € 750</td> </tr> <tr> <td data-bbox="741 721 1615 753">Exceeding the daily driving time of more than 2 hours</td> <td data-bbox="1619 721 2101 753">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 756 1615 788">Exceeding the weekly driving time up to 14 hours</td> <td data-bbox="1619 756 2101 788">Fine up to € 750</td> </tr> <tr> <td data-bbox="741 791 1615 823">Exceeding the weekly driving time of more than 14 hours</td> <td data-bbox="1619 791 2101 823">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 826 1615 858">Exceeding the biweekly driving time up to 22 hours and a half</td> <td data-bbox="1619 826 2101 858">Fine up to € 750</td> </tr> <tr> <td data-bbox="741 861 1615 925">Exceeding the biweekly driving time of more than 22 hours and a half</td> <td data-bbox="1619 861 2101 925">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 928 1615 960">Exceeding the interrupted driving time up to 1 hour and a half (</td> <td data-bbox="1619 928 2101 960">Fine up to € 750</td> </tr> <tr> <td data-bbox="741 963 1615 1027">Exceeding the interrupted driving time of more than 1 hour and a half</td> <td data-bbox="1619 963 2101 1027">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 1031 1615 1094">Not respecting the rules on daily rest period up to 2 hours and a half</td> <td data-bbox="1619 1031 2101 1094">Fine up to € 750</td> </tr> <tr> <td data-bbox="741 1098 1615 1161">Not respecting the rules on daily rest of a period exceeding 2 hours and a half</td> <td data-bbox="1619 1098 2101 1161">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 1165 1615 1197">Not respecting the rules on reduced daily rest up to 2 hours</td> <td data-bbox="1619 1165 2101 1197">€ 750</td> </tr> <tr> <td data-bbox="741 1200 1615 1264">Not respecting the rules on reduced daily rest of a period exceeding 2 hours</td> <td data-bbox="1619 1200 2101 1264">Fine up to € 1,500</td> </tr> <tr> <td data-bbox="741 1267 1615 1299">Not respecting the rules on split daily rest up to 2 hours</td> <td data-bbox="1619 1267 2101 1299">€ 750</td> </tr> <tr> <td data-bbox="741 1302 1615 1366">Not respecting the rules on split daily rest of a period exceeding 2 hours</td> <td data-bbox="1619 1302 2101 1366">Fine up to € 1,500</td> </tr> </tbody> </table>	The driver and transport manager/undertaking are responsible for the following infringements:		Exceeding the daily driving time up to 2 hours	Fine up to € 750	Exceeding the daily driving time of more than 2 hours	Fine up to € 1,500	Exceeding the weekly driving time up to 14 hours	Fine up to € 750	Exceeding the weekly driving time of more than 14 hours	Fine up to € 1,500	Exceeding the biweekly driving time up to 22 hours and a half	Fine up to € 750	Exceeding the biweekly driving time of more than 22 hours and a half	Fine up to € 1,500	Exceeding the interrupted driving time up to 1 hour and a half (Fine up to € 750	Exceeding the interrupted driving time of more than 1 hour and a half	Fine up to € 1,500	Not respecting the rules on daily rest period up to 2 hours and a half	Fine up to € 750	Not respecting the rules on daily rest of a period exceeding 2 hours and a half	Fine up to € 1,500	Not respecting the rules on reduced daily rest up to 2 hours	€ 750	Not respecting the rules on reduced daily rest of a period exceeding 2 hours	Fine up to € 1,500	Not respecting the rules on split daily rest up to 2 hours	€ 750	Not respecting the rules on split daily rest of a period exceeding 2 hours	Fine up to € 1,500
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Not respecting the rules on the weekly rest up to 9 hours	Fine up to € 750
Not respecting the rules on the weekly rest of a period exceeding 9 hours	Fine up to € 1,500
Not respecting the rules on reduced weekly rest up to 4 hours	Fine up to € 750
Not respecting the rules on reduced weekly rest of a period exceeding 4 hours	Fine up to € 1,500
The driver is sanctioned for the following infringements:	
Not carrying enough paper for printouts	Fine up to € 450
Use dirty or damaged record sheets not adequately protected	Fine up to € 450
Not carrying a sufficient number of record sheets	Fine up to € 750
Model of record sheet not approved	Fine up to € 750
Unauthorised withdrawal of sheets or driver card which has no impact on the record of relevant data	Fine up to € 750
Record sheet or driver card used to cover a period longer than that for which it is intended but no data is lost	Fine up to € 750
Symbol of country not entered in recording device	Fine up to € 750
Time recorded on the sheet does not agree with official time of the country of registration of the vehicle	Fine up to € 750
Missing on the record sheet: <ul style="list-style-type: none"> ○ Beginning or end date of use; ○ Place of begin or end of use; ○ Registration number; ○ Odometer reading start or end; ○ Time of change of vehicle; 	Fine up to € 750
Signature missing on temporary sheet	Fine up to € 750
Failure to apply for replacement of damaged, malfunctioning, lost or stolen driver card within 7 calendar days	Fine up to € 1,500
Incorrect use of switch mechanism	Fine up to € 1,500
Unable to produce records of the current day or of the previous 28 days	Fine up to € 1,500
Unable to produce driver card	Fine up to € 1,500

	Not repaired by an approved fitter or workshop	Fine up to € 1,500
	Driver Card number or name or driving licence number missing on temporary sheets	Fine up to € 1,500
	The driver/transport manager/undertaking is responsible for the following infringements:	
	<ul style="list-style-type: none"> ○ Falsify, suppress, destroy data recorded on record sheets ○ Give false information ○ No device installed ○ Manipulation of the device or of the recording equipment 	Administrative sanction: compulsory immobilisation of the vehicle until the situation is regularized Criminal sanction: fine up to 30 000€, 1 year prison
	Driving with a defective or expired driving card or which is not the driver's own valid card. Refuse to be checked and to provide sheets or data.	Fine up to 3750€ 6 months prison
<ul style="list-style-type: none"> • means of payment accepted 	Fines can be paid by cash only.	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	The amount of the fine will decrease if the fine is paid in the three days following the finding of the infringement. On the contrary, if the fine is paid after 45 days after the finding of the infringement, it will increase.	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	<p>When the offence is a misdemeanor or a minor offence not subject to immediate payment, drivers of foreign companies not residing in France have to pay a deposit (i.e an amount to guarantee payment of the fine to be subsequently set by the court). For minor offences, the amount is set as follows:</p> <ul style="list-style-type: none"> ○ € 11 for class 1 minor offences; ○ € 35 for class 2 minor offences; ○ € 68 for class 3 minor offences; ○ € 135 for class 4 minor offences; ○ € 750 for class 5 minor offences; <p>For misdemeanors, the amount is set by the Public Prosecutor, within minimum and maximum ceilings set by a ministerial decree:</p> <ul style="list-style-type: none"> ○ € 125 – € 2,250 for misdemeanors sanctioned by a maximum fine of 15000 €; ○ € 2,250 - € 4,500 for misdemeanors sanctioned by a maximum fine of over 15000 € 	

	<p>In the case of a flat-rate fine, no deposit is necessary if the flat-rate fine is paid on the spot, since the legal action then abates.</p> <p>If several minor offences are established, the relevant deposits are cumulative. If several misdemeanors are established, only one deposit is payable, in an amount corresponding to the misdemeanor which carries the highest fee.</p>
d) Appeal procedures	
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	<p>In case of minor offences (class 1, 2, 3 and 4), appeals must be lodged with the Prosecutor of the Police Court.</p> <p>In case of class 5 minor offences, appeals (by opposition channel) must be lodged with the Prosecutor of the Police Court having issued the judgment.</p> <p>Appeals against decisions by the Police Court must be lodged with the Prosecutor of the Police Court.</p> <p>Appeals against sanctions pronounced by the summary jurisdiction (misdemeanors) must be lodged with the clerk of the court's office.</p>
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	Own initiative
<ul style="list-style-type: none"> deadlines 	<p>In case of minor offences, appeals must be lodged within 30 days from the official report of the offence.</p> <p>In case of class 5 minor offences, appeals (by opposition channel) must be lodged within 30 days from the dispatch of the letter notifying the criminal judgment.</p> <p>Appeals against decisions by the Police Court within 10 days from the date of the decision or, in case of absence of the accused, within 10 days from the notification of the decision.</p> <p>Appeals against sanctions pronounced by the summary jurisdiction (misdemeanors) must be lodged within 10 days from the date of the judgment by the court of the summary jurisdiction or, in case of absence of the accused, within 10 days from notification of the judgment.</p>
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	French language
e) National legislation for cabotage	There is no specific national legislation. The European regulation CE 1072/2009 is transposed in France in the law no 2009 – 1503 of 8 December 2009.

f) Other useful contacts	<table border="1"> <tr> <td data-bbox="739 225 1411 260">Police:</td> <td data-bbox="1411 225 2094 260">17</td> </tr> <tr> <td data-bbox="739 260 1411 432">DGEC/SCEE Sous-Direction de la sécurité et des émissions des véhicules SD6 :</td> <td data-bbox="1411 260 2094 432"> Tel : +(33-1)40818265 Email : sd6.scee.dgec@developpement-durable.gouv.fr Address : Tour Séquoia, 92055 La Défense Cedex </td> </tr> </table>	Police:	17	DGEC/SCEE Sous-Direction de la sécurité et des émissions des véhicules SD6 :	Tel : +(33-1)40818265 Email : sd6.scee.dgec@developpement-durable.gouv.fr Address : Tour Séquoia, 92055 La Défense Cedex
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g) Specific national legal provisions and interpretations, enforcement practices	<p>Loi Macron applies to transport operators established outside France. The posting transport company is required to present a certificate of posting. The validity of this certificate is a maximum of six months. The certificate is drawn up in French before the start of the first posting operation.</p>				

Denmark

a) Liability of undertaking/driver	<p>In Denmark an objective employer liability applies when drivers infringe current driving and rest regulations. In principle, an employer is fined double the amount of what the driver is fined. The owner/operator of the vehicle is objectively liable for any infringement of the rules on driving time and/or rest periods, i.e. the owner/operator will be penalised with a fine regardless of whether or not he has acted negligently.</p>													
b) Sanction/Fines	<table border="1"> <tr> <td colspan="2" data-bbox="752 424 2060 459"> <p>The driver and operator are responsible for the following infringements:</p> </td> </tr> <tr> <td data-bbox="752 464 1406 528">Exceeding the daily driving time up to 5%, cf. Regulation 561/2006, art. 6 and 7.</td> <td data-bbox="1420 464 2060 595">Fine (driver DKK 100 and operator DKK 200 each time the limit of driving time is exceeded with 1 per cent) or imprisonment (of maximum four months).</td> </tr> <tr> <td data-bbox="752 533 1406 596">Exceeding the weekly driving time with 5%, cf. Regulation 561/2006, art. 6 and 7.</td> <td data-bbox="1420 600 2060 762">Prosecution is only initiated, if the limit of driving time and/or rest periods is exceeded with 5 per cent or more. Suspension of driver's driving license if infringement of more than 30 per cent.</td> </tr> <tr> <td data-bbox="752 601 1406 762">Not respecting the rules on daily rest period exceeding with 5%, cf. Regulation 561/2006, art. 6 and 7.</td> <td data-bbox="1420 767 2060 930">Fine (driver DKK 1,500, operator DKK 3,000) or imprisonment (of maximum four months). Suspension of driver's driving license if both the rules on driving time as well as the total break is exceeded by more than 30 per cent.</td> </tr> <tr> <td data-bbox="752 767 1406 930">Infringements of break time rules with a 5 minutes tolerance limit on each break, cf. Regulation 261/2006, art. 8 and 9.</td> <td data-bbox="1420 935 2060 1369">Fine (DKK 3,000 for the driver and DKK 6,000 for the owner) or imprisonment (of maximum four months). Only one fine is fixed for the driver respectively the company for noncompliance with Section 9 (cf. Section 15 (7) of regulation 3821/1985/EEC) cf. Section 2 of circular letter no. 9988 of 31 October 2006 regarding the change of the practice regarding the sanctions of driving time and rest periods The fine is not increased in case of recidivism. Conditional suspension of driver's driving license if the rules have been infringed 6 times in three</td> </tr> <tr> <td data-bbox="752 935 1406 1369"> Record sheets - Non responding to the standards - Supply all manual record sheets to the company Driver cards - Non responding to the standards Company cards - Failure to register - Failure to back-up data - Failure to transfer data to external media </td> <td data-bbox="1420 935 2060 1369"></td> </tr> </table>		<p>The driver and operator are responsible for the following infringements:</p>		Exceeding the daily driving time up to 5%, cf. Regulation 561/2006, art. 6 and 7.	Fine (driver DKK 100 and operator DKK 200 each time the limit of driving time is exceeded with 1 per cent) or imprisonment (of maximum four months).	Exceeding the weekly driving time with 5%, cf. Regulation 561/2006, art. 6 and 7.	Prosecution is only initiated, if the limit of driving time and/or rest periods is exceeded with 5 per cent or more. Suspension of driver's driving license if infringement of more than 30 per cent.	Not respecting the rules on daily rest period exceeding with 5%, cf. Regulation 561/2006, art. 6 and 7.	Fine (driver DKK 1,500, operator DKK 3,000) or imprisonment (of maximum four months). Suspension of driver's driving license if both the rules on driving time as well as the total break is exceeded by more than 30 per cent.	Infringements of break time rules with a 5 minutes tolerance limit on each break, cf. Regulation 261/2006, art. 8 and 9.	Fine (DKK 3,000 for the driver and DKK 6,000 for the owner) or imprisonment (of maximum four months). Only one fine is fixed for the driver respectively the company for noncompliance with Section 9 (cf. Section 15 (7) of regulation 3821/1985/EEC) cf. Section 2 of circular letter no. 9988 of 31 October 2006 regarding the change of the practice regarding the sanctions of driving time and rest periods The fine is not increased in case of recidivism. Conditional suspension of driver's driving license if the rules have been infringed 6 times in three	Record sheets - Non responding to the standards - Supply all manual record sheets to the company Driver cards - Non responding to the standards Company cards - Failure to register - Failure to back-up data - Failure to transfer data to external media	
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		years cf. Highway Code Section 125 (1) no 7. If the rules have been infringed 12 times in three years, the suspension of the drivers driving license is absolute.
	Any person (physical or legal) infringing the following mentioned provisions:	
	<p>Tachograph:</p> <ul style="list-style-type: none"> - not installed - failure to install, test and inspect - incorrect use of Tachograph - failure to repair when operation is disturbed - failure to note time periods when the recording equipment is unserviceable or malfunctioning. <p>Driver card:</p> <ul style="list-style-type: none"> - Incorrect use of <p>Record sheets:</p> <ul style="list-style-type: none"> - Failure to supply - incorrect storage 	<p>Fine (DKK 3,000 for the driver and DKK 6,000 for the owner) or imprisonment (of maximum four months).</p> <p>The fine is not increased in case of recidivism. Conditional suspension of driver's driving license, if the rules have been infringed 6 times in three years cf. Highway Code Section 125(1) no. 7. If the rules have been infringed 12 times in three years, the suspension of the drivers driving license is absolute.</p>
<ul style="list-style-type: none"> • means of payment accepted 	Payment can be performed by means of cash and the most common credit cards. Some types of fuel cards are accepted if the card issuers claim, over the phone, that they will guarantee the amount.	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	The fine can be halved, provided the annual income of the accused (before deduction of paid taxes) does not exceed DKK 158,925 (about Euro 21,000) at the time of the crime.	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	<p>Upon approval of the fine the payment of the fine amount must take place – in practice this is done by immediate payment to the police on site. If immediate payment is not possible, the vehicle is detained until the payment is carried out.</p> <p>If the fine cannot be approved and the case is to be placed before the Danish courts, a guarantee must be provided for the fine. This guarantee must be paid to the police to a temporary account until the case is closed.</p> <p>The person approving the infringement decides if the payment needs to be carried out or if a guarantee must be provided.</p>	

d) Appeal procedures								
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	<p>The authority is stated in the fine notice. A fine notice turns automatically into a judgment if left unanswered. In case of appeal, the case must be submitted to the first court (the town court) in the jurisdiction where the case occurred.</p>							
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	<p>The driver or the company must take own initiative if appeal is made.</p>							
<ul style="list-style-type: none"> deadlines 	<p>30 days from the date stated in the fine notice.</p>							
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	<p>According to the Danish Administration of Justice Act the accused can claim to be notified of the charge against him in his mother tongue, like he is also entitled to defend himself in his mother tongue. In practice, communication will however primarily take place in English or German.</p>							
e) National legislation for cabotage	<p>A foreign haulier's transport of empty containers, empty trailers, empty returns within Denmark is regarded as transport of goods and is counted as a cabotage operation. It should be noted that transport of empty containers, empty trailers, empty returns in connection with an international carriage to Denmark is not considered a cabotage operation. If e.g. a carriage of a container with goods is carried out between Germany and Denmark, the empty container can be driven to the designated location stated in the consignment note after unloading of the goods.</p>							
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="741 1043 1413 1182">Danish Transport Authority</td> <td data-bbox="1413 1043 2080 1182">Edvard Thomsens Vej 14 DK-2300 Copenhagen S Phone (+45) 7221 8800 E-mail: info@trafikstyrelsen.dk</td> </tr> <tr> <td data-bbox="741 1182 1413 1254">Danish national police</td> <td data-bbox="1413 1182 2080 1254">Polititorvet 14 / DK-1780 Copenhagen V +45 33 14 88 88</td> </tr> <tr> <td data-bbox="741 1254 1413 1394">Ministry of Transport, Building and Housing</td> <td data-bbox="1413 1254 2080 1394">Frederiksholms Kanal 27 F 1220 Copenhagen K T: +45 41 71 27 00 E: trm@trm.dk</td> </tr> </table>		Danish Transport Authority	Edvard Thomsens Vej 14 DK-2300 Copenhagen S Phone (+45) 7221 8800 E-mail: info@trafikstyrelsen.dk	Danish national police	Polititorvet 14 / DK-1780 Copenhagen V +45 33 14 88 88	Ministry of Transport, Building and Housing	Frederiksholms Kanal 27 F 1220 Copenhagen K T: +45 41 71 27 00 E: trm@trm.dk
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Ministry of Transport, Building and Housing	Frederiksholms Kanal 27 F 1220 Copenhagen K T: +45 41 71 27 00 E: trm@trm.dk							

g) Specific national legal provisions and interpretations, enforcement practices	<p>In order to comply with Regulation 1072/2009, cabotage rules are (as reported by the Danish Transport Authority) enforced in the following way:</p> <ul style="list-style-type: none">- A cabotage operation can have multiple drop-off or multiple loading points (but not both) – this is irrespective of the number of different receivers <i>or</i> senders of the transport (it is not possible to have multiple receivers <i>and</i> multiple senders);- There is no requirement concerning the return of the vehicle to the home country, before the vehicle is allowed to re-enter Danish territory for carrying out an international transport operation;- There is not requirement concerning the period the vehicle has to spend outside of Danish territory before it can re-enter the country for carrying out an international transport operation;- There is no specific requirement on the type of the international transport operation that allows an undertakings to carry out a subsequent cabotage operation on Danish territory (i.e. the transport of empty pallets or partial loads is sufficient).
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Germany

a) Liability of undertaking/driver	Undertakings, tour operators, prime contractors, subcontractors have to ensure that transport time schedules are in compliance with Regulation 561/2006 (Driving time and rest periods).																						
b) Sanction/Fines	<p>Fines, depending on the seriousness of the infringement, start from 30 EUR.</p> <table border="1" data-bbox="723 379 2056 1348"> <tr> <td colspan="2" data-bbox="723 379 2056 411">The carrier (<i>Unternehmer</i>) is responsible for the following infringements:</td> </tr> <tr> <td data-bbox="723 411 1765 515">Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more (Art.1 a) of Annex 4 to the EU Reg. if committed intentionally or negligently</td> <td data-bbox="1765 411 2056 515" rowspan="3">Fine of up to € 15,000</td> </tr> <tr> <td data-bbox="723 515 1765 619">Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without uninterrupted rest period of at least 4.5 hours if committed intentionally or negligently</td> </tr> <tr> <td data-bbox="723 619 1765 655">Not having a tachograph if committed intentionally or negligently</td> </tr> <tr> <td colspan="2" data-bbox="723 655 2056 687">The driver is responsible for the following infringements:</td> </tr> <tr> <td data-bbox="723 687 1765 791">Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more (Art.1 a) of Annex 4 to the EU reg. if committed intentionally or negligently</td> <td data-bbox="1765 687 2056 791" rowspan="2">Fine of up to € 5,000</td> </tr> <tr> <td data-bbox="723 791 1765 895">Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without uninterrupted rest period of at least 4.5 hours if committed intentionally or negligently</td> </tr> <tr> <td colspan="2" data-bbox="723 895 2056 927">The owner (<i>Halter</i>) is responsible for the following infringements:</td> </tr> <tr> <td data-bbox="723 927 1765 999">Not having a speed limiter if committed intentionally or negligently</td> <td data-bbox="1765 927 2056 999" rowspan="2">Fine of up to € 2,000</td> </tr> <tr> <td data-bbox="723 999 1765 1086">Please note : Only relevant regarding the classification as a most serious infringement within the meaning of Annex IV of Reg. (EC) Nr. 1071/2009 if the administrative fine is higher than 200 €</td> </tr> <tr> <td colspan="2" data-bbox="723 1086 2056 1158">Criminal sanctions are applied for the following infringements (addressees of the sanctions are not mentioned):</td> </tr> <tr> <td data-bbox="723 1158 1765 1230">Using a fraudulent device able to modify the records of the recording equipment. (Forgery of technical records and forgery of evidentiary data)</td> <td data-bbox="1765 1158 2056 1348" rowspan="2">Imprisonment of up to 5 years or fine; aiding and abetting and attempt are also punishable</td> </tr> <tr> <td data-bbox="723 1230 1765 1348">Please note: The offence must have been committed in connection with the use of recording equipment in order to be able to be classified as a most serious infringement within the meaning of Annex IV of Reg. (EC) Nr. 1071/2009. Aiding and</td> </tr> </table>		The carrier (<i>Unternehmer</i>) is responsible for the following infringements:		Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more (Art.1 a) of Annex 4 to the EU Reg. if committed intentionally or negligently	Fine of up to € 15,000	Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without uninterrupted rest period of at least 4.5 hours if committed intentionally or negligently	Not having a tachograph if committed intentionally or negligently	The driver is responsible for the following infringements:		Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more (Art.1 a) of Annex 4 to the EU reg. if committed intentionally or negligently	Fine of up to € 5,000	Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without uninterrupted rest period of at least 4.5 hours if committed intentionally or negligently	The owner (<i>Halter</i>) is responsible for the following infringements:		Not having a speed limiter if committed intentionally or negligently	Fine of up to € 2,000	Please note : Only relevant regarding the classification as a most serious infringement within the meaning of Annex IV of Reg. 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	<p>Using a fraudulent device able to modify the records of the recording equipment. (abuse of odometer and speed regulator)</p> <p>Please note: The offence must have been committed in connection with the use of recording equipment in order to be able to be classified as a most serious infringement within the meaning of Annex IV of Reg. (EC) Nr. 1071/2009. Aiding and abetting (sections 26 and 27 of the German Penal Code) and attempt (section 22 and 23 of the German Penal Code) are sufficient.</p>	<p>Imprisonment of up to 1 year or fine; aiding and abetting are also punishable</p>
	<p>Using a fraudulent device able to modify the records of the speed limiter.</p> <p>Please note: Aiding and abetting (sections 26 and 27 of the German Penal Code) are sufficient.</p>	<p>Imprisonment of up to 1 year or fine; aiding and abetting are also punishable</p>
	<p>Falsifying record sheets</p> <p>Please note: The offence must have been committed in connection with the use of recording equipment in order to be able to be classified as a most serious infringement within the meaning of Annex IV of Reg. (EC) Nr. 1071/2009. Aiding and abetting (sections 26 and 27 of the German Penal Code) and attempt (section 22 and 23 of the German Penal Code) are sufficient.</p>	<p>Imprisonment of up to 5 years or fine; aiding and abetting and attempt are also punishable</p>
	<p>Falsifying data downloaded from the tachograph and/or the driver card</p> <p>Please note: The offence must have been committed in connection with the use of recording equipment in order to be able to be classified as a most serious infringement within the meaning of Annex IV of Reg. (EC) Nr. 1071/2009. Aiding and abetting (sections 26 and 27 of the German Penal Code) and attempt (section 22 and 23 of the German Penal Code) are sufficient.</p>	<p>Imprisonment of up to 2 years or fine; aiding and abetting and attempt are also punishable</p>
<ul style="list-style-type: none"> • means of payment accepted 	Cash (Euro only) or credit card.	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals 	There are no discount schemes in Germany.	

in exchange for the reduction of fines	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	Non-residents have to pay a deposit (not the fee) on the spot. This deposit represents the guarantee for a possible later appointed fine from the appropriate authority. The driver has to provide this deposit even if the fine is addressed to the employer/haulier. When a security deposit cannot be provided on the spot, authorities are allowed to refuse continuation.
d) Appeal procedures	
<ul style="list-style-type: none"> • contacts with the competent authority responsible for appeals 	For a few insignificant offences which are specifically set out the inspectors can issue a warning. If the driver accepts this warning on the spot, the issue is closed. In these cases there is no right to appeal. In all other cases the person concerned can submit a German written or transcript objection against the fine - to the appropriate administrative authority which has appointed the fine. Then either the authority withdraws the fine or sends the file to the court for an adjudication. 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.
<ul style="list-style-type: none"> • information on whether driver/operator is prompted by the competent authority or has to take own initiative 	Own initiative
<ul style="list-style-type: none"> • deadlines 	2 weeks
<ul style="list-style-type: none"> • language regimes when dealing with the competent authority 	The language of the courts is German.
e) National legislation for cabotage	Cabotage is governed by Sect. 17a German Regulation on the International Road Carriage of Goods and Cabotage. The German Regulation is in accordance with the European one. However, article 7a of the German Road Haulage Act 17 obliges the road haulage company (German or foreign) to have liability insurance (minimum amount 600 000 € for each claim and no less than 1.2

	<p>million € for a year) covering damages to goods and losses. The haulier needs to make sure that the drivers have the certificate of insurance while carrying out transport operations.</p> <p>Cabotage in Germany is allowed after a full or partial unloading of the vehicle following a cross-border transport. A cabotage service containing more than one loading or unloading point is seen as a single service in case there is only one single sender of the cargo or, respectively, only one single receiver of the cargo, irrespective of the number of loading or unloading points. In case there are multiple senders and/or receivers of the transported cargo, the operation cannot be counted as single a cabotage operation (HK Hamburg, 2015). According to German authorities, an international transport operation into Germany (after which a cabotage operation can start) is counted as such if it can be seen as an 'economic activity' – in practice, international shipping documents provide the necessary evidence, however, no official threshold values/guidelines have been established here that make it evident which transport can or cannot be seen as a true 'economic activity'. There are no requirements for vehicles to return to their home country or to spend a certain period out of Germany before re-entering the German territory in order to carry out new cabotage activities.</p>				
f) Other useful contacts	<p>The Federal Office for Goods Transport (BAG) carries out roadside checks on federal motorways and trunk roads and monitors driving and rest periods. The Head office is located in Cologne. The BAG has 11 field offices in Bremen, Dresden, Erfurt, Hannover, Kiel, Mainz, München, Münster, Saarbrücken, Schwerin and Stuttgart.</p> <table border="1" data-bbox="730 871 2080 975"> <tr> <td data-bbox="730 871 1218 943">Federal Office for Goods Transport (BAG)</td> <td data-bbox="1227 871 2080 943">Contact form: https://www.bag.bund.de/DE/Service/Kontakt/kontakt_node.html</td> </tr> <tr> <td data-bbox="730 949 1218 975">Police (hotline for all cases)</td> <td data-bbox="1227 949 2080 975">0800 6 888 000</td> </tr> </table>	Federal Office for Goods Transport (BAG)	Contact form: https://www.bag.bund.de/DE/Service/Kontakt/kontakt_node.html	Police (hotline for all cases)	0800 6 888 000
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g) Specific national legal provisions and interpretations, enforcement practices	<p>As of 1 January 2015 the German Minimum Wage Act (known as MiLoG) establishing a minimum hourly rate of EUR 8.50 has also been applicable to all employees who carry out their work on German territory only on a temporary basis, and to transit coach drivers, regardless of where their employers are permanently based. Reporting on the beginning, end, and duration of working time to the German customs service is an obligation. All documents required under MiLoG must be in German. The only derogation from the obligations under MiLoG applies to certain employees whose gross monthly wage exceeds EUR 2,000.</p>				

Italy

a) Liability of undertaking/driver	The undertaking is always held liable together with the driver, unless proved otherwise. (Highway Code – Legislative decree No. 245/2010)	
b) Sanction/Fines	The drivers and the crew members are responsible for the following infringements:	
	Exceeding the daily driving time up to 10%.	From 38 € up to 152 €
	Exceeding the daily driving time of more than the 10%.	From 300 € up to 1,200 €
	Exceeding the daily driving time from 10 % up to 20%.	From 300 up to 1,200 €
	Exceeding the daily driving time of more than 20%.	From 400 up to 1,600 €
	Exceeding the weekly driving time up to 10%.	From 38 € up to 152 €
	Exceeding the weekly driving time from 10 % up to 20%.	From 250 € up to 1,000 €
	Exceeding the weekly driving time of more than 20%.	From 400 € up to 1,600 €
	Exceeding the biweekly driving time up to 10%	From 38 € up to 152 €
	Exceeding the biweekly driving time from 10 % up to 20%	From 250 € up to 1,000 €
	Exceeding the biweekly driving time of more than 20%.	From 400 € up to 1,600 €
	Not respecting the rules on daily rest period up to 10%.	From 200 € up to 800 €
	Not respecting the rules on daily rest period from 10% to 20 %	From 350 € up to 1,400 €
	Not respecting the rules on daily rest period of more than 20%.	From 400 € up to 1,600

	Not respecting the rules on weekly rest period over 10%	From 250 € up to 1,000 €
	Not respecting the rules on the weekly rest period from 10% to 20 %.	From 350 € up to 1,400 €
	Not respecting the rules on the weekly rest period of more than 20%.	From 400 € up to 1,600 €
	Infringements of break time rules	From 155 € up to 620 € Inceasable of 1/3 from 22 p.m and 7 p.m.
	Recurrence of all the infringements provided for in Article 174, paragraphs 4, 5, 6, 7, 8, 9 of the Highway Code	From 1.769 € up to 7.078 € and Temporary withdrawal by the Road agent of the driver's driving licence and circulation card.
The driver is responsible for the following infringements:		
	<p>Tachograph:</p> <ul style="list-style-type: none"> - not installed or used; - non responding to the standards, or - malfunctioning. <p>Non-insertion of:</p> <ul style="list-style-type: none"> - record sheets, or - the driver's card. 	From 798 € up to 3,194 € Suspension of the driving license from 15 days up to 3 months (Paragraph 9).
The driver and/or the transport operator is responsible for the following infringements:		
	<ul style="list-style-type: none"> - Use of record sheets non complying with standards - Non- fill in of record sheets - Use of dirty, damaged or non recordable record sheets; - Non correspondence between effective time indicated and the recording time; 	From € 48 up to € 94

	- Impossibility to show record sheets of the running week or of the last day of the previous working week. All further non specified infringements of Regulation 1463/70 as amended (e.g. refusal to be checked, surname missing on record sheets, date of begin missing).	
• means of payment accepted	Credit card, fuel card, cash.	
• discount schemes – waiving further appeals in exchange for the reduction of fines	If the payment of the fine is done on the spot a reduction of 30% is applied. If the payment is to be done later, a deposit of at least half of the maximum value of the fine is required.	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	In case of the driver's inability to provide a deposit, the vehicle is blocked for a period of no more than 60 days.	
d) Appeal procedures		
• contacts with the competent authority responsible for appeals	<p>(Highway Code – art.203) Appeal to the Prefect of the region where the offence occurred (also indicated in the formal notice) must be made in writing. The appeal letter can be sent either to the Prefecture (territorial office of the Government) or to the Traffic Police Station mentioned in the report.</p> <p>Highway Code - art. 204a Appeal to the Justice of the Peace should be made to the Justice of the Peace stated in the report of the notification within 30 days (60 for residents abroad) from receipt of the formal notice. It can also be presented without the assistance of a lawyer.</p> <p>Highway Code - art. 205 Appeal against the payment injunction issued by the Prefect should be made to the Magistrates' Court.</p>	
• information on whether driver/operator is prompted by the		

competent authority or has to take own initiative								
<ul style="list-style-type: none"> deadlines 	60 days from receipt of the formal notice for appeals to the Prefect of the region 30 days (60 for residents abroad) from receipt of the formal notice by the Justice of the Peace 30 days (60 for residents abroad) from receipt of the notification of the measure in case of appeals against the payment injunction issued by the Prefect							
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	Italian language							
e) National legislation for cabotage	Circolare Ministero dei Trasporti n. 5/2013 – Decreto legislativo 285/2005							
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="725 628 1397 743">Ministry of Transport</td> <td data-bbox="1404 628 2076 743">Phone: +39 06 4412.3200 Fax: +39 06 4412.3205 E-mail: ufficio.stampa@mit.gov.it</td> </tr> <tr> <td data-bbox="725 748 1397 783">Police (emergency calls)</td> <td data-bbox="1404 748 2076 783">112 or 113</td> </tr> <tr> <td data-bbox="725 788 1397 845">Police (general information)</td> <td data-bbox="1404 788 2076 845">Contact form : http://poliziadistato.it/scrivici/message/</td> </tr> </table>		Ministry of Transport	Phone: +39 06 4412.3200 Fax: +39 06 4412.3205 E-mail: ufficio.stampa@mit.gov.it	Police (emergency calls)	112 or 113	Police (general information)	Contact form : http://poliziadistato.it/scrivici/message/
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Police (general information)	Contact form : http://poliziadistato.it/scrivici/message/							
g) Specific national legal provisions and interpretations, enforcement practices	The Decree n. 136 dated 17.07.2016 that entered into force on 22 July 2016 applies to the whole road transport sector, including road cabotage. The company which posts workers to Italy is obliged to inform the Italian Ministry of Labor within the 24 hours preceding the start of the posting and by communicate all possible changes related to the posting within 5 days.							

The Netherlands

a) Liability of undertaking/driver	Subject to exceptions - the employer of the driver is deemed to have violated the provision in case the driver is an employee. However, this not applies if the employer proves that he gave the proper orders, took the necessary measures, provided the necessary means and carried out the supervision that can reasonably be required from an employer to assure the compliance with the subject provision.	
b) Sanction/Fines	The employer/ self-employed person is responsible for the following infringements:	
	Insufficient daily rest period of less than 11 hours, in case a reduction of the daily rest period is not allowed	€ 100
	Insufficient daily rest period of less than 10 hours, in case a reduction of the daily rest period is not allowed	€ 200
	Insufficient daily rest period of less than 8 hours 30, in case a reduction of the daily rest period is not allowed	€ 550 + € 100 for each additional missing hour
	Insufficient daily rest period of less than 9 hours, in case a reduction is allowed	€ 100
	Insufficient daily rest period of less than 8 hours, in case a reduction is allowed	€ 200
	Insufficient daily rest period of less than 7 hours, in case a reduction is allowed	€ 550 + € 100 for each additional missing hour
	Insufficient reduced weekly rest period of less than 24 hours	€ 100
	Insufficient reduced weekly rest period of less than 22 hours	€ 200
	Insufficient reduced weekly rest period of less than 20 hours	€ 550 + € 100 for each additional hour with a maximum of € 1000
	Insufficient weekly rest period of less than 45 hours, in case a reduction of the weekly rest period is not allowed	€ 100

Insufficient weekly rest period of less than 42 hours, in case a reduction of the weekly rest period is not allowed	€ 200
Insufficient weekly rest period of less than 36 hours, in case a reduction of the weekly rest period is not allowed	€ 550 + € 100 for each additional hour with a maximum of € 1000
More than 6 times 24 hours (up to + 12 hours) between weekly rest periods	€ 100
More than 6 times 24 hours (up to + 24 hours) between weekly rest periods	€ 200
More than 6 times 24 hours (more than 24 hours) between weekly rest periods	€ 550 + € 100 for each additional hour with a maximum of € 1000
Exceeding the daily driving time of 9 hours, in case an extension to 10 hours is not allowed (more than 9 hours)	€ 100
Exceeding the daily driving time of 9 hours, in case an extension to 10 hours is not allowed (more than 10 hours)	€ 200
Exceeding the daily driving time of 9 hours, in case an extension to 10 hours is not allowed (more than 11 hours)	€ 550 + € 100 for each additional hour with a maximum of € 1350
Exceeding the daily driving time of 10 hours, in case an extension is allowed (more than 10 hours)	€ 100
Exceeding the daily driving time of 10 hours, in case an extension is allowed (more than 11 hours)	€ 200
Exceeding the daily driving time of 10 hours, in case an extension is allowed (more than 12 hours)	€ 550 + € 100 for each additional hour with a maximum of € 1350
Exceeding the weekly driving time (more than 56 hours)	€ 100
Exceeding the weekly driving time (more than 60 hours)	€ 200
Exceeding the weekly driving time (more than 70 hours)	€ 550

Exceeding the bi-weekly driving time (more than 90 hours)	€ 100
Exceeding the bi-weekly driving time (more than 100 hours)	€ 200
Exceeding the bi-weekly driving time (more than 112 hours 30)	€ 550
Exceeding the uninterrupted driving time (more than 4 hours 30)	€ 100
Exceeding the uninterrupted driving time (more than 5 hours)	€ 200
Exceeding the uninterrupted driving time (more than 6 hours)	€ 550 + € 100 for each additional hour with a maximum of € 1950
Longer than 6 hours without break	€ 100
No 30 minutes (or 2x 15 minutes break) during 6 up to and including 9 hours work	€ 100
No 45 minutes (or 3x 15 minutes break) during more than 9 hours work	€ 100
Average working time of 48 hours per week	€ 100
Working time of more than 60 hours per week	€ 100
Not keeping an original proper registration for at least 52 weeks (tachograph) – Per driver, per day	€ 4.400
The record sheets, print-outs, and transferred data have not been submitted or handed over upon request of the control officer (art. 14 par. 2 Reg. (EEC) No. 3821/85 – Per driver, per day	€ 4.400
Making use of another driver card than the valid driver card of the driver	€ 1.300, € 550
Falsifying, leaving out or destroying data which is registered on the record sheets and saved in the recording equipment or on the driver card or print-outs of the recording equipment	€ 1.300, € 550
Manipulation of the recording equipment, the record sheet or the driver card which can have as effect that the data and/or print-outs are falsified	€ 1.300, € 550

Having the means for manipulation present in the vehicle (switch/wire etc.) which can be used to falsify data and/or information on print-outs	€ 1.300, € 550
Recording equipment (analog) - Not ensuring the inspection of the recording equipment within 6 years	€ 200
Recording equipment (digital) - Not ensuring the inspection of the recording equipment within 2 years or the provision with an installation plate after inspection	€ 200
The recording equipment does not function correctly. The settings are not correct, but the registration of driving and rest times is correct	€ 200
Not having issued a sufficient number of record sheets	€ 200
The model of the record sheet is not approved	€ 200
Not enough paper for print-outs	€ 200
The driver is responsible for the following infringements:	
The driver has more than one valid driver card	€ 550
Use of a defect or expired driver card	€ 550
Use of dirty or damaged record sheets or driver cards with legible data	€ 100
Use of dirty or damaged registrations sheets or driver cards with illegible data	€ 550
Not requested for a replacement of a damaged, disfunctional, lost or stolen driver card within 7 calendar days	€ 200
Use record sheet - not making use of a record sheet	€ 1.100
Use a driver card - not making use of a driver card. A driver card is provided.	€ 1.100
Incorrect use of record sheets / driver cards	€ 550
Unauthorized withdrawal of record sheets or driver cards with consequences for the data registered - record sheet or driver card has been withdrawn	€ 550

	unauthorized before the end of the daily working period from the tachograph	
	Unauthorized removal of registration sheets or driver cards without consequences for the registered data - registration sheet or driver card has been withdrawn unauthorized before the end of the daily working period from the tachograph	€ 100
	The record sheet is used during a longer time than for which it is designated (no data lost)	€ 100
	The record sheet is used during a longer period than for which it is designated (data has been lost)	€ 550
	No manual input when this is required	€ 550
	The time indication on the sheet does not match the official time of the country of registration of the vehicle	€ 200
	Incorrect use of switch mechanisms	€ 550
	Family name is missing on the record sheet	€ 550
	Surname is missing on the record sheet	€ 550
	Date at the beginning or the end of the use of the sheet is missing	€ 200
	The place at the beginning or the end of the use of the sheet is missing	€ 100
	Number plate is missing on the record sheet	€ 100
	The odometer reading (for the first drive which is registered on the record sheet) is missing on the record sheet	€ 200
	The odometer reading (at the end of the last drive which is registered on the record sheet) is missing on the record sheet	€ 100
	The time on which the vehicle has been changed has been missing on the record sheet	€ 100
	The country symbol (country of beginning or country of destination) has not been entered into the recording equipment	€ 100

	<p>Not being capable to present the record sheets, print-outs, manual registration data, data driver card of the day itself and the preceding 28 days</p> <p>The driver has not marked all information for the various periods of time which is not recorded correctly by the equipment</p> <p>The number of the driver card and/or name of the driver and/or the number of the driver's licence are missing on the temporary sheet</p> <p>The signature is missing on the temporary sheet</p> <p>The loss or theft of the driver card has not formally been reported to the competent authorities</p>	<p>€ 550</p> <p>€ 550</p> <p>€ 550</p> <p>€200</p> <p>€ 550</p>
<ul style="list-style-type: none"> • means of payment accepted 	<p>Immediate payment is not mandatory. All fines are paid by means of a transaction form that will be sent to the company/driver.</p>	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	<p>N/A</p>	
<p>c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)</p>	<p>In case of foreign drivers, the regulatory authorities can demand prompt payment of the administrative fine. Furthermore, they are authorized to bring the vehicle to another place and put it in custody or prevent the vehicle from driving away with mechanical means, by way of provisional order (Article 10:18 Atw).</p>	
<p>d) Appeal procedures</p>		
<ul style="list-style-type: none"> • contacts with the competent authority responsible for appeals 	<p>If the transaction proposed by the police is not accepted, a recording of proceedings is provided. After receiving the recording of proceedings, the judicial officer can also propose a transaction – if the offender accepts this proposal he gives up to his right to appeal. If the amount of the transaction is not paid, the offender is summoned. An appeal against the summoning can be made at the court where the offender is due to present himself.</p>	

<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	Own initiative							
<ul style="list-style-type: none"> deadlines 	8 days – appeals against the summoning							
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	Dutch language							
e) National legislation for cabotage	There are no limits on cabotage in Belgium, the Netherlands and Luxembourg for hauliers from these 3 countries.							
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="721 686 1397 762">Dutch Human Environment and Transport Inspectorate</td> <td data-bbox="1406 686 2078 762">+31 (0)88 489 00 00</td> </tr> <tr> <td data-bbox="721 769 1397 801">Police (emergency)</td> <td data-bbox="1406 769 2078 801">112</td> </tr> <tr> <td data-bbox="721 807 1397 833">Police (non-emergency)</td> <td data-bbox="1406 807 2078 833">0900-8844</td> </tr> </table>		Dutch Human Environment and Transport Inspectorate	+31 (0)88 489 00 00	Police (emergency)	112	Police (non-emergency)	0900-8844
Dutch Human Environment and Transport Inspectorate	+31 (0)88 489 00 00							
Police (emergency)	112							
Police (non-emergency)	0900-8844							
g) Specific national legal provisions and interpretations, enforcement practices	N/A							

Poland

a) Liability of undertaking/driver	Drivers, managers, transport undertakings are held liable for infringements of <u>Regulation (EC) No 561/2006</u> . The driver, manager of the undertaking, manager of transport in the undertaking, person performing the road transport activities are subject to sanctions for infringements of Regulation 3821/1985/EEC.	
b) Sanction/Fines	The driver is responsible for the following infringements:	
	Exceeding the daily driving limit: 1. by up to 1 hour; 2. for each subsequent commenced hour.	1) PLN 100.00 2) PLN 100.00
	Exceeding the non-stop driving time: 1) by over 15 minutes up to 30 minutes; 2) for each subsequent commenced 30 minutes.	1) PLN 150.00 2) PLN 150.00
	Shortening the daily rest period: 1. by over 15 minutes up to 1 hour; 2. for each subsequent commenced hour.	1) PLN 100.00 2) PLN 100.00
	Shortening the weekly rest period: 1) by up to 1 hour; 2) for each subsequent commenced hour.	1) PLN 50.00 2) PLN 50.00
	Exceeding the weekly driving time: 1) by over 30 minutes up to 2 hours; 2) for each subsequent commenced hour.	1) PLN 50.00 2) PLN 50.00
	Transport undertaking , entity performing the road transport activities are responsible for the following infringements:	
	Exceeding the daily driving limit: 1) by over 15 minutes up to 1 hour; 2) for each subsequent commenced hour	1) PLN 100.00 2) PLN 200.00
	Exceeding the maximum non-stop driving time:	1) PLN 150.00

	1) by over 15 minutes up to 30 minutes; 2) for each subsequent commenced 30 minutes.	2) PLN 200.00
	Shortening the daily rest period: 1) by over 15 minutes up to 30 minutes; 2) for each subsequent commenced 30 minutes.	1) PLN 100.00 2) PLN 200.00
	Shortening the weekly rest period: 1) by up to 1 hour; 2) for each subsequent commenced 1 hour.	1) PLN 50.00 2) PLN 100.00
	Exceeding the weekly driving time: 1) by over 30 minutes up to 2 hours; 2) for each subsequent commenced hour.	1) PLN 50.00 2) PLN 100.00
	Exceeding the total biweekly driving time: 1) by over 1 hour up to 4 hours; 2) for each subsequent commenced hour.	1) PLN 100.00 2) PLN 150.00
The manager of the undertaking, manager of transport in the undertaking, person performing the road transport activities are subject to sanctions for the following infringement:		
	Allowing infringement of provisions regarding driving time, obligatory breaks and rest period.	PLN 2,000.00 (criminal sanction)
The employer, person acting on behalf of the employer is responsible for the following infringement:		
	Infringement of the rules on working time.	from PLN 1,000.00 to PLN 30,000.00 (criminal sanction)
The driver is subject to <u>criminal sanctions</u> for the following infringements:		
	Performance of a road transport by a vehicle with registration device to which additional unauthorised device was connected;	PLN 2,000.00
	Failure to register the vehicle's speed, driver's activity or distance travelled	PLN 2,000.00

Improper use of a switch of a registration device	from PLN 100.00 to PLN 1,000.00
Performance of the road transport activities with non-functioning or malfunctioning registration device	PLN 1,000.00
Performance of the road transport activities without a valid driver's card or with damaged driver's card	PLN 500.00
Performance of the road transport activities with a vehicle with disconnected registration device	PLN 2,000.00
Unauthorised interference with operation of the registration device	PLN 2,000.00
Unjustified use of couple of register sheets during 24-hour period	PLN 100.00 for each day
Use of a register sheet exceeding a period for which it is designated	from PLN 100.00 to PLN 1,000.00
Use of a register sheet of not certified type or of a type which is not suitable for a particular type of registration device	PLN 200.00
Presentation of a dirty or damaged register sheet	PLN 200.00
Presentation of a register sheet or a driver's card without required entries	PLN 100.00 for each day
Use of the same register sheet or driver's card by a few drivers	PLN 2,000.00
Simultaneous use of a few register sheets or driver's cards	PLN 2,000.00
Presentation of a register sheet which does not contain the required entry	PLN 50.00 for lack of each entry
Discrepancy between a time on register sheet and official time in the country of vehicle's registration	from PLN 100.00 to PLN 1,000.00
performance of road transport by a driver without a required print-out from the tachograph	from PLN 200.00 to PLN 1,000.00

	<p>Transport undertaking , entity performing the road transport activities are subject to administrative sanctions for the following infringements:</p> <table border="1"> <tr> <td>- infringement of different rules and conditions on equipment of the vehicles with registration device (tachograph)</td> <td>from PLN 100.00 to PLN 3,000.00</td> </tr> <tr> <td>- performance of road transport with interference in operation of a registration device.</td> <td>PLN 5,000.00</td> </tr> <tr> <td>infringement of the rules and conditions on use of the registration devices or digital registration devices.</td> <td>from PLN 50.00 to PLN 5,000.00</td> </tr> <tr> <td colspan="2">The manager of the undertaking, manager of transport in the undertaking, person performing the road transport activities are subject to criminal sanctions for the following infringement:</td> </tr> <tr> <td>infringement of the provisions on use of devices automatically registering the driving speed, driving time, rest period and driver's activity.</td> <td>PLN 2,000.00</td> </tr> </table>	- infringement of different rules and conditions on equipment of the vehicles with registration device (tachograph)	from PLN 100.00 to PLN 3,000.00	- performance of road transport with interference in operation of a registration device.	PLN 5,000.00	infringement of the rules and conditions on use of the registration devices or digital registration devices.	from PLN 50.00 to PLN 5,000.00	The manager of the undertaking, manager of transport in the undertaking, person performing the road transport activities are subject to criminal sanctions for the following infringement:		infringement of the provisions on use of devices automatically registering the driving speed, driving time, rest period and driver's activity.	PLN 2,000.00
- infringement of different rules and conditions on equipment of the vehicles with registration device (tachograph)	from PLN 100.00 to PLN 3,000.00										
- performance of road transport with interference in operation of a registration device.	PLN 5,000.00										
infringement of the rules and conditions on use of the registration devices or digital registration devices.	from PLN 50.00 to PLN 5,000.00										
The manager of the undertaking, manager of transport in the undertaking, person performing the road transport activities are subject to criminal sanctions for the following infringement:											
infringement of the provisions on use of devices automatically registering the driving speed, driving time, rest period and driver's activity.	PLN 2,000.00										
<ul style="list-style-type: none"> means of payment accepted 	Cash and credit cards.										
<ul style="list-style-type: none"> discount schemes – waiving further appeals in exchange for the reduction of fines 	N/A										
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	The fine must be paid on-site if the infringement is committed by a foreign driver or a foreign transport company. If not paid on the spot, the vehicle is immobilised until the sanction is paid.										
d) Appeal procedures											
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	In case of the administrative procedure, the appeal should be addressed to the General Inspectorate of Road Transport (GIRT) but sent to the Voivodship (Regional) Inspectorate which carried out the control.										

<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	A fine issued to the driver is a penalty ticket and once it is signed an appeal cannot be lodged afterwards.							
<ul style="list-style-type: none"> deadlines 	An appeal against a fine issued to the transport undertaking can be lodged within 14 days from the date the fine has been issued.							
<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	Polish language							
e) National legislation for cabotage	Art 29a of the Polish Road Transport Act specifies that the driver of the vehicle engaged in cabotage operations in Poland must present upon request all relevant documents (including waybills and invoices) for the cabotage operations carried out on Polish territory. The Posted Workers Directive does not seem to apply to the Polish transport and road haulage industry.							
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="710 770 1364 911">General Road Transport Inspectorate</td> <td data-bbox="1373 770 2078 911">Postępu 21 str. PL – 02 –676 WARSAW Phone: +(48-22) 2204000 info@gitd.gov.pl</td> </tr> <tr> <td data-bbox="710 917 1364 1050">Ministry of Infrastructure and Development Road Transport Department</td> <td data-bbox="1373 917 2078 1050">Chałubińskiego str. 4/6 PL – 00 – 928 WARSAW Phone: +(48-22) 630 1240 info.td@mi.gov.pl, sekretariatDTD@mir.gov.pl</td> </tr> <tr> <td data-bbox="710 1056 1364 1082">Police</td> <td data-bbox="1373 1056 2078 1082">997</td> </tr> </table>		General Road Transport Inspectorate	Postępu 21 str. PL – 02 –676 WARSAW Phone: +(48-22) 2204000 info@gitd.gov.pl	Ministry of Infrastructure and Development Road Transport Department	Chałubińskiego str. 4/6 PL – 00 – 928 WARSAW Phone: +(48-22) 630 1240 info.td@mi.gov.pl , sekretariatDTD@mir.gov.pl	Police	997
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Ministry of Infrastructure and Development Road Transport Department	Chałubińskiego str. 4/6 PL – 00 – 928 WARSAW Phone: +(48-22) 630 1240 info.td@mi.gov.pl , sekretariatDTD@mir.gov.pl							
Police	997							
g) Specific national legal provisions and interpretations, enforcement practices	N/A							

Romania

a) Liability of undertaking/driver	<p>According to the Romanian legislation, the undertaking is liable for several of the offences, but there is also liability of the driver or tachograph workshop for some offences.</p> <p>In all cases when during the control, the transport undertaking/operator cannot be identified from the documents presented by the professional driver, the fine is to be applied to the professional driver.</p>																					
b) Sanction/Fines	<table border="1"> <tr> <td colspan="2" data-bbox="752 411 2074 448">The undertaking/road transport operator is responsible for the following infringements:</td> </tr> <tr> <td data-bbox="752 451 1783 651">Breach of the obligation of the undertaking/road transport operator to keep the records regarding the driving periods, the breaks and the rest periods of the drivers for at least a year from their execution, in chronological order and separately for each driver</td> <td data-bbox="1796 451 2074 651">Fine between RON 8,000 and RON 16,000 (≈ between EUR 1,830 and EUR 3,660)</td> </tr> <tr> <td data-bbox="752 654 1783 751">Exceeding the daily, respectively the maximum daily driving period, by two or more hours</td> <td data-bbox="1796 654 2074 823" rowspan="7">Fine between RON 4,000 and RON 8,000 (≈ between EUR 920 and 1,840)</td> </tr> <tr> <td data-bbox="752 754 1783 791">Exceeding the weekly driving period by 14 hours or more</td> </tr> <tr> <td data-bbox="752 794 1783 863">Exceeding the maximum driving period, in two consecutive weeks, by 22 hours and 30 minutes or more</td> </tr> <tr> <td data-bbox="752 866 1783 935">Exceeding the maximum uninterrupted driving period by one hour and 30 minutes or more</td> </tr> <tr> <td data-bbox="752 938 1783 1007">Breaching the minimum daily rest period by two hours and 30 minutes or more</td> </tr> <tr> <td data-bbox="752 1010 1783 1046">Breaching the minimum reduced daily rest period by two hours or more</td> </tr> <tr> <td data-bbox="752 1050 1783 1086">Breaching the fractioned daily rest period by two hours or more</td> </tr> <tr> <td data-bbox="752 1090 1783 1158">Breaching the minimum daily rest period, within 30 hours, when the vehicle is driven by a crew, by two or more hours</td> <td data-bbox="1796 1209 2074 1343" rowspan="3">Fine between RON 3,000 and RON 6,000 (≈ between</td> </tr> <tr> <td data-bbox="752 1161 1783 1198">Breaching the minimum reduced weekly rest period by 4 or more hours</td> </tr> <tr> <td data-bbox="752 1201 1783 1238">Breaching the minimum normal weekly rest period by 9 or more hours</td> </tr> <tr> <td data-bbox="752 1241 1783 1278">Exceeding the maximum daily driving period, by more than one hour and less than two hours</td> <td data-bbox="1796 1281 2074 1343"></td> </tr> <tr> <td data-bbox="752 1281 1783 1343">Exceeding the weekly driving period by more than 4 hours and less than 14 hours</td> <td data-bbox="1796 1281 2074 1343"></td> </tr> </table>		The undertaking/road transport operator is responsible for the following infringements:		Breach of the obligation of the undertaking/road transport operator to keep the records regarding the driving periods, the breaks and the rest periods of the drivers for at least a year from their execution, in chronological order and separately for each driver	Fine between RON 8,000 and RON 16,000 (≈ between EUR 1,830 and EUR 3,660)	Exceeding the daily, respectively the maximum daily driving period, by two or more hours	Fine between RON 4,000 and RON 8,000 (≈ between EUR 920 and 1,840)	Exceeding the weekly driving period by 14 hours or more	Exceeding the maximum driving period, in two consecutive weeks, by 22 hours and 30 minutes or more	Exceeding the maximum uninterrupted driving period by one hour and 30 minutes or more	Breaching the minimum daily rest period by two hours and 30 minutes or more	Breaching the minimum reduced daily rest period by two hours or more	Breaching the fractioned daily rest period by two hours or more	Breaching the minimum daily rest period, within 30 hours, when the vehicle is driven by a crew, by two or more hours	Fine between RON 3,000 and RON 6,000 (≈ between	Breaching the minimum reduced weekly rest period by 4 or more hours	Breaching the minimum normal weekly rest period by 9 or more hours	Exceeding the maximum daily driving period, by more than one hour and less than two hours		Exceeding the weekly driving period by more than 4 hours and less than 14 hours	
The undertaking/road transport operator is responsible for the following infringements:																						
Breach of the obligation of the undertaking/road transport operator to keep the records regarding the driving periods, the breaks and the rest periods of the drivers for at least a year from their execution, in chronological order and separately for each driver	Fine between RON 8,000 and RON 16,000 (≈ between EUR 1,830 and EUR 3,660)																					
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	Exceeding the maximum driving period, in two consecutive weeks, by more than 10 hours and less than 22 hours and 30 minutes	EUR 690 and EUR 1,380)
	Exceeding the maximum uninterrupted driving period by more than 30 minutes and less than one hour and 30 minutes	
	Breaching the minimum daily rest period by more than one hour and less than two hours and 30 minutes.	
	Breaching the minimum reduced daily rest period by more than one hour and less than two hours	
	Breaching the fractioned daily rest period by more than one hour and less than two hours	
	Breaching the minimum daily rest period, within 30 hours, when the vehicle is driven by a crew, by more than one hour and less than two hours	
	Breaching the minimum reduced weekly rest period by more than two and less than 4 hours	
	Breaching the minimum normal weekly rest period by more than 3 and less than 9 hours	
	Exceeding the maximum daily driving period, by less than one hour	
	Exceeding the weekly driving period by less than 4 hours	
	Exceeding the maximum driving period, in two consecutive weeks, by less than 10 hours	
	Exceeding the maximum uninterrupted driving period by less than 30 minutes	
	Breaching the minimum daily rest period by less than one hour	
	Breaching the minimum reduced daily rest period by less than one hour	
	Breaching the fractioned daily rest period by less than one hour	
	Breaching the minimum daily rest period, within 30 hours, when the vehicle is driven by a crew, by less than one hour	
	Breaching the minimum reduced weekly rest period by less than two hours	
	Breaching the minimum normal weekly rest period by less than 3 hours	Fine between RON 8,000 and 1RON 6,000 (≈ between EUR 1,830 and EUR 3,660)
	Use of a vehicle without a tachograph according to the regulations in force or of a vehicle registered for the first time after 1 January 2007, equipped with an analogical tachograph	
	Use of tachographs that are uncertified, unsealed, uncalibrated, defect or that have the term of validity of the verification/calibration overdue	

	Assigning a vehicle with a digital tachograph to a driver not holding a tachograph card	
	Deletion, destruction of the data registered on the tachograph diagrams, of the ones stored in the tachograph or on the tachograph card or of the reports printed by the tachograph	
	The driver is responsible for the following infringements:	
	Refusal of the driver, during traffic control, to allow the verification, retention or copying of any registration regarding the driving periods, breaks and rest periods of the driver	Fine between RON 4,000 and RON 8,000 (≈ between EUR 920 and 1,840)
	Driving a vehicle equipped with a tachograph without using tachograph diagrams and/or the tachograph card	
	Voluntary deterioration of the tachograph	
	Possession by a driver of more than one valid tachograph card	
	Use by a driver of a tachograph card issued to another person	
	Use of a defect or expired tachograph card	
	Use of dirty or deteriorated, with illegible data, tachograph diagrams or tachograph cards	
	Incorrect use of tachograph diagrams or of the tachograph card by the driver	
	Unauthorised removal of the tachograph diagram from the tachograph or of the tachograph card from the digital tachograph before the end of the workday, affecting the registration of the relevant data	
	Use of the tachograph diagram or of the tachograph card for a longer period than that provided for, affecting the registration of the relevant data	
	Breach by the driver of the obligation regarding the introduction by hand of certain data	
	Breach of the provisions regarding the use of the tachograph switch	
	Non-filling on the tachograph diagram of the data regarding the surname and/or name of the driver	
	Use of illegal devices for the manipulation of the tachograph, of the tachograph diagrams and/or of the tachograph cards	
	Non-declaration by the driver of the loss or theft of the tachograph card at the competent authority of the state on the territory of which this has occurred	

	<p>Non-submission by the driver to the competent authority of a request for replacement of the tachograph card that is deteriorated, with a faulty functioning, lost or stolen, within 7 calendar days from the date of noticing the deterioration, faulty functioning, lost or theft thereof</p> <p>Breaching the provisions regarding the adjustment of the analogical tachograph watch</p> <p>Non-filling on the tachograph diagram of the data regarding the start and the end of the drive</p> <p>Non-filling on the tachograph diagram of the data regarding the registered kilometres from the departure</p> <p>Lack of the driver's signature on the registrations done by hand since the tachograph was damaged or on the printed reports in case of damage, loss or theft of the tachograph card</p>	<p>Fine between RON 3,000 and RON 6,000 (≈ between EUR 690 and EUR 1,380)</p>
	<p>Unauthorised removal of the tachograph diagram from the tachograph or of the tachograph card from the digital tachograph before the end of the workday, removal that does not affect the registration of the relevant data</p> <p>Using the tachograph diagram or the tachograph card for a longer period than that provided for, use that does not affect the registration of the relevant data</p> <p>Non-filling on the tachograph diagram of the data regarding the departure and arrival points</p> <p>Non-filling on the tachograph diagram of the data regarding the registration number of the vehicle</p> <p>Non-filling on the tachograph diagram of the data regarding the number of kilometres at arrival</p> <p>Non-filling on the tachograph diagram of the data regarding the time of the change of the vehicle</p> <p>Non-filling of the country symbol in the tachograph</p>	<p>Fine between RON 1,500 and 3,000 (≈ between EUR 340 and 690)</p>
<ul style="list-style-type: none"> • means of payment accepted 	<p>The fines can be paid by bank transfer in the IBAN accounts mentioned in the minute of the fine.</p>	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	<p>The fine can be reduced if paid within 48 hours. Offender can pay on the spot or in maximum 48 h since the date of the minute of the fine or since the date when it was communicated, only half of the minimum of the fine, as mentioned by the enforcement officer in the minute of the fine.</p>	

<p>c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)</p>	<p>The vehicle is blocked on the spot, if safety and security of the transport is ensured or in a space designated to this purpose and which is close to the spot of the control. Also, the plates with registration number of the vehicle will be withdrawn until the legal conditions are met in order to continue the transport. When withdrawing the plates, enforcement officers will issue a proof - the model of this proof and the procedure to return the plates by enforcement officers/road police are established through common procedures by State Inspectorate for Control in Road Transport (ISCTR) and General Inspectorate of Road Police.</p> <p>The professional driver will be advised to pay the amount of the fine applied according to the legislation in force or to pay the value of an amount equal with the fine in an available account opened in the name of I.S.C.T.R. at the state treasury and according to the final ruling of the justice court, this amount will be returned or remitted, as the case, to state budget accounts as stipulated by Governmental Ordinance 2/2001 concerning the legal regime of offences.</p> <p>The permission to continue the transport is granted under condition to pay the fine of an equal amount, as well as under condition that all the legal conditions are met in order to continue the transport.</p>
<p>d) Appeal procedures</p>	
<ul style="list-style-type: none"> • contacts with the competent authority responsible for appeals 	<p>Competent control authorities are the State Inspectorate for Control in Road Transport (ISCTR), General Inspectorate of Road Police, Labour Inspection and National Sanitary- Veterinary Authority and for Food Safety.</p>
<ul style="list-style-type: none"> • information on whether driver/operator is prompted by the competent authority or has to take own initiative 	<p>The appeal can be made against the minute of the fine and against the authority which concluded it. The name of the authority is mentioned in the minute of the fine.</p> <p>Jurisdiction: The complaint has to be submitted in person or by post to the court in whose jurisdiction the infringement was found.</p>
<ul style="list-style-type: none"> • deadlines 	<p>15 calendar days</p>
<ul style="list-style-type: none"> • language regimes when dealing with the competent authority 	<p>Romanian language</p>

e) National legislation for cabotage	<p>In Romania, national legislation on cabotage is transposing entirely Regulations 1072 (Regulation on common rules for access to the international road haulage market) and 1073 (Regulation on common rules for access to the international market for coach and bus services).</p> <p>The national legislation on cabotage: Ordinance 27/2011 concerning road transports and its application norms provided by Order 980/2011.</p> <p>The sanctions are established by Decision 69/2012 concerning the offences to Regulations 1071, 1072, 1073/2009.</p>									
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="750 464 1406 635">State Inspectorate for Road Transport Control</td> <td data-bbox="1417 464 2074 635">Address: București, District 1, B-dul. Dinicu Golescu, Nr. 38; Phone no.: 0040 213 136 320 Fax no.: 0040 213 116 680; E-mail: relatii-publice@isctr-mt.ro</td> </tr> <tr> <td data-bbox="750 635 1406 738">General Inspectorate of Road Police</td> <td data-bbox="1417 635 2074 738">Bd. George Coșbuc, nr. 83 - 85, sect. 5, București oug41.2016.dr@politiaromana.ro</td> </tr> <tr> <td data-bbox="750 738 1406 775">Romanian Police (emergency calls)</td> <td data-bbox="1417 738 2074 775">112</td> </tr> <tr> <td data-bbox="750 775 1406 805">Romanian Police</td> <td data-bbox="1417 775 2074 805">Phone no: 021/208.25.25</td> </tr> </table>		State Inspectorate for Road Transport Control	Address: București, District 1, B-dul. Dinicu Golescu, Nr. 38; Phone no.: 0040 213 136 320 Fax no.: 0040 213 116 680; E-mail: relatii-publice@isctr-mt.ro	General Inspectorate of Road Police	Bd. George Coșbuc, nr. 83 - 85, sect. 5, București oug41.2016.dr@politiaromana.ro	Romanian Police (emergency calls)	112	Romanian Police	Phone no: 021/208.25.25
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Romanian Police (emergency calls)	112									
Romanian Police	Phone no: 021/208.25.25									
g) Specific national legal provisions and interpretations, enforcement practices	<p>The control performed by ISCTR officers is according to Order 1058/2007 establishing the application norms concerning the control of compliance with the driving and rest time rules and the use of recording equipment.</p>									

Spain

a) Liability of undertaking/driver	<p>The undertaking is liable for several of the offences but there is liability also for the driver. In accordance to Article 19 of Regulation (EC) No 561/2006, a transport operator may be punished for infringements discovered in Spain even though it might have originated in another Member State or third country. In this case, the relevant Spanish legislation (LOTT and ROTT) is applicable for these infringements, including the respective fines.</p>	
b) Sanction/Fines	<p>The person holding the transport authorisation is responsible for the following infringements:</p>	
	<p>Excess of over 50% of the maximum driving times or uninterrupted driving, as well as when there is a reduction in excess of 50% of the mandatory rest periods</p>	<p>3301-4600 € 4601-6000€ (if previously sanctioned) Vehicle's immobilisation</p>
	<p>Excess of over 20% of the maximum driving times or uninterrupted driving, as well as when there is a reduction in excess of 20% of the established rests periods, except when the excess or reduction shall be considered as a very serious infringement in accordance to articles 140.20 LOTT (197.20 ROTT)</p>	<p>1501-200 € 2001-3300 € (if previously sanctioned) Vehicle's immobilisation</p>
	<p>Excess in the maximum driving times or uninterrupted driving, as well as when there is a reduction of the established rests periods or breaks, except when they shall be considered as a serious or very serious infringement</p>	<p>301-400 € 401-1000 € (if previously sanctioned) Vehicle's immobilisation when the remaining distance until destination exceeds 30 kilometers</p>
	<p>The driver is responsible for the following:</p>	
	<p>Excess in more than a 50% of driving times or the reduction in more than a 50% of rest periods established in the legislation applicable to road transport</p>	<p>500€ This fine may be increased up to a 30% in the situations described in article 68 (relevance of the infringement, the infringing person's background, recidivism, potential danger of the infringement to the infringing party and to the road's users, proportionality).</p>
<p>The person holding the transport authorisation is responsible for the following infringements:</p>		

	Lack of tachograph	Fines will be in a range between 4601 to 6000 € (articles 143.1i LOTT and 201.1i ROTT. The fine will range from 6001 to 18000 € if the person liable had been fined for another very serious infringement within the previous 12 months.
	Significant lack of registry sheets or of data registered in the tachograph or in the driver's cards	Fines will be in a range between 4601 to 6000 € (articles 143.1i LOTT and 201.1i ROTT. The fine will range from 6001 to 18000 € if the person liable had been fined for another very serious infringement within the previous 12 months.
	Falsification of registry sheets, driver's cards or other control devices, as well as of its contents and alteration of mandatory data in the registry sheets or the driver's cards	Fines will be in a range between 4601 to 6000 € (articles 143.1i LOTT and 201.1i ROTT. The fine will range from 6001 to 18000 € if the person liable had been fined for another very serious infringement within the previous 12 months.
	Registry sheet or driver's card not inserted into the tachograph; insertion of registry sheet without the driver's name and last name or insertion of registry sheets or driver's cards belonging to another driver	Fines will be in a range from 3301 to 4600 € (articles 143.1h and 201.1h ROTT). The fine will range from 4601 to 6000 € if the person liable had been fined for another very serious infringement within the previous 12 months.
	Lack of registry sheets or lack of necessary manual annotations when the tachograph is out of service	Fines will be in a range from 2001 to 3300 € (articles 143.1g LOTT and 201.1g ROTT). The fine will range from 3301 to 4600 € if the person liable had been fined for another very serious infringement within the previous 12 months.
	Inadequate functioning of the tachograph attributable to the transport operator when this shall not be considered as a very serious infringement in accordance to articles 140.10 and 197.10 ROTT, and lack of periodic inspection in accordance to the law	Fines will be in a range from 1501 to 2000 € (articles 143.1f LOTT and 201.1f ROTT). The fine will range from 2001 to 3300 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.

	Use of the same registry sheet during several journeys making it impossible to read it because of the data overlapping	The fine will range from 2001 to 3300 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.
	Lack of manual annotations by the driver in the tachograph or in the registry sheets when this duty is established by law, unless this is considered a very serious infringement in accordance with article 140 LOTT, paragraphs 22 and 24 and 197 ROTT, paragraphs 22 and 24, or a minor infringement in accordance with articles 142.5 LOTT and 199.5 ROTT	Fines will be in a range from 1501 to 2000 € (articles 143.1f LOTT and 201.1f ROTT). The fines will range from 2001 to 3300 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.
	Use in the tachograph of more than one registry sheet by the same person during one journey, except when the vehicle is changed and the registry sheet from the first vehicle is not homologated for use in the second vehicle	Fines will be in a range from 1501 to 2000 € (articles 143.1f LOTT and 201.1f ROTT). The fines will range from 2001 to 3300 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.
	Non-significant lack of registry sheets or data registered in the tachograph or in the driver's cards that need to be archived at the transport operator's premises at the request of the authorities	Fines will be in a range from 1001 to 1500 € The fines will range from 1501 to 2000 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.
	Lack of manual annotations by the driver in the tachograph or in the registry sheets when the law establishes this duty and, notwithstanding the lack of annotations, it is possible to determine its contents out of the same tachograph or out of the preceding or subsequent registry sheets.	Fines will be in a range from 1001 to 1500 € The fines will range from 1501 to 2000 € if the person liable had been fined for another identical serious infringement or for a very serious infringement within the previous 12 months.

	As for tachograph infringements, the operators may avoid the fine if they prove that a compliance programme has been implemented within the company and that the driver that did not follow the rules has been penalised internally. (source:2016 ex-post-evaluation-social-legislation-report)
<ul style="list-style-type: none"> • means of payment accepted 	Cash (Euro)
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	If the infringing party pays the fine immediately or within 15 days after the infringement notice has been notified, there is a 50% reduction on the fine amount.
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	If the infringing party's residence is not in Spain, the authorities will request that a provisional fine deposit be made. If the deposit is not made, the vehicle will be immobilised.
d) Appeal procedures	
<ul style="list-style-type: none"> • contacts with the competent authority responsible for appeals 	This is an administrative procedure: Once the infraction is detected and denounced by the competent authority, there is a mandatory notification send out to the company's address. 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. The address and the name of the competent authority for appeal are also included in the mentioned notification.
<ul style="list-style-type: none"> • information on whether driver/operator is prompted by the competent authority or has to take own initiative 	N/A
<ul style="list-style-type: none"> • deadlines 	The deadline is also included in the mentioned notification.

<ul style="list-style-type: none"> language regimes when dealing with the competent authority 	Spanish language							
e) National legislation for cabotage	It is also possible to enter the Spanish territory with an empty vehicle and perform a single cabotage operation provided that: (i) this is carried out no later than three days from the entry and until the seventh day from the entry; and (ii) the vehicle has performed a prior international transport which concluded in another Member State.							
f) Other useful contacts	<table border="1"> <tr> <td data-bbox="707 483 1388 587">Dirección General de Tráfico ☐</td> <td data-bbox="1397 483 2078 587">C/ Josefa Valcárcel 28, Madrid Phone: +(34-91) 301 8100 info@dgt.es</td> </tr> <tr> <td data-bbox="707 593 1388 651">Dirección General de Transporte Terrestre ☐</td> <td data-bbox="1397 593 2078 651">Phone : +(34-91) 597 8041 atencionciudadano@fomento.es</td> </tr> <tr> <td data-bbox="707 657 1388 691">Police</td> <td data-bbox="1397 657 2078 691">112</td> </tr> </table>		Dirección General de Tráfico ☐	C/ Josefa Valcárcel 28, Madrid Phone: +(34-91) 301 8100 info@dgt.es	Dirección General de Transporte Terrestre ☐	Phone : +(34-91) 597 8041 atencionciudadano@fomento.es	Police	112
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Dirección General de Transporte Terrestre ☐	Phone : +(34-91) 597 8041 atencionciudadano@fomento.es							
Police	112							
g) Specific national legal provisions and interpretations, enforcement practices	<p>Drivers' checks are conducted by the police in coordination with the regional authorities. The police reports the identification of an infringement following a road check to regional authorities, who then initiate proceedings.</p> <p>The involvement of the regional authorities in the enforcement of the Regulation 561/2006 is considered positive in terms of the presence of a wide network to cover the country. However, it reportedly also leads to differences in the interpretation of the rules among the regional transport departments: regional discrepancies in the application of the LOTT-ROTT rules have been reported (Grimaldi, 2013).</p> <p>Spanish authorities are allegedly (Trans.eu, n.d.) supportive of the position taken by the French and Belgian authorities' approach of imposing fines in the case of drivers spending nights in their compartments during their regular weekly rest.</p>							

Sweden

a) Liability of undertaking/driver	Drivers are responsible for all infringements they commit. The company shall be able to demonstrate that it is well organised and that its drivers were well informed regarding the regulation to be followed. The company also has to control the driver's driving and rest periods and take measures if the rules are not followed. For checks at the premises, the undertaking is always responsible.	
b) Sanction/Fines	The driver is responsible for the following infringements:	
	The driver has violated the rules on driving time.	3000 SEK
	The driver has violated the rules on breaks.	
	The driver has violated the rules on rest periods.	
	The driver has violated the rules on weekly rest periods.	
	The deferred weekly rest period has not been sufficient.	
	The driver has not indicated the reasons for depart from 561/2006 on the record sheet of the recording equipment, on a printout from the recording equipment or in the duty roster.	
	The driver and the employer are responsible for the following infringements:	
	Exceeding the daily driving by 1 or up to more than 2 hours.	From 1000 to 4000 SEK
	Exceeding the weekly driving time by 4 or up to more than 14 hours.	
	Exceeding the driving time for 2 weeks by 10 or up to more than 22.5 hours.	
	Not respecting the rules on daily rest period (less than 11 hours) by 1 up to more than 2.5 hours.	
	Not respecting the rules on daily rest period (less than 9 hours, reduced rest period) by 1 or up to more than 2 hours.	
	Not respecting the rules on splitted daily rest period (less than 3+9 hours) by 1 up to more than 2 hours.	
	Not respecting the rules on daily rest period (less than 9 hours, reduced rest period) when the crew is more extensive by 1 up to more than 2 hours.	
Not respecting the rules on daily rest period (less than 24 hours) by 2 up to more than 4 hours.		
Not respecting the rules on the weekly rest period (less than 45 hours, no reduced rest period) by 3 up to more than 9 hours.		

Not respecting the rules on the weekly rest period (less than 90 hours, referred weekly rest) by 6 up to more than 14 hours.	
Not respecting the rules on the weekly rest period (less than 69 hours, no referred weekly rest) by 4 up to more than 12 hours.	
Infringements of rules on breaks.	
Not installed or used tachograph (no sanction if the vehicle is equipped with tachograph pursuant to 2:1).	4000 SEK
The driver has more than 1 valid driver card, uses a driver card that is not his own or uses a driver card which is damaged or expired.	
The driver uses damaged or dirty sheets or driver card (not legible data)	
The driver uses damaged or dirty sheets or driver card (legible data) .	1000 SEK
Delayed application for replacement of damaged, lost or stolen driver card, with more than 7 days.	2000 SEK
Misuse of diagram sheets/driver card or illicit use removal of sheet or driver card, affecting the registration of relevant data.	4000 SEK
Use of sheets or driver card for longer than they are intended for (lost data), no manual input or wrong sheet or driver card in wrong place.	
Illicit removal of sheet or driver card, not affecting the registration of relevant data or use of sheets or driver card for longer than they are intended for (no lost data).	1000 SEK
Registered time on the sheet and the official time of the vehicle's registration country is not congruent.	2000 SEK
Incorrect use of conversion equipment.	4000 SEK
Missing data on diagram sheet: surname, last name, date and place for initiated and finished use, registration number, odometer reading (start and finish) and time for vehicle change.	1000-4000 SEK
Country symbol not cited in the tachograph.	1000 SEK
Not been able to display driver card, diagram sheet, manual registration or print.	4000 SEK
Not inserted data which is not registered due to failure of tachograph.	4000 SEK
Missing data on print: driver card number, name, driver licence number or signature.	2000 or 4000 SEK
Lost or stolen driver card has not been formally reported to competent authority.	4000 SEK

	<p>Not exempted transport after tachograph not being inspected or when defects have been found.</p> <p>Driven vehicle with tachograph without driver card.</p> <p>Violation of rules on tachograph card pursuant to (EEG) nr 3821/85.</p>	4000 SEK
<ul style="list-style-type: none"> means of payment accepted 	<p>Cards accepted: Visa and Master Card. Fuel card is accepted only if it has a VISA chip or similar. Not accepted: American Express, Visa Electron among others.</p>	
<ul style="list-style-type: none"> discount schemes – waiving further appeals in exchange for the reduction of fines 	N/A	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	<p>Foreigners infringing Swedish rules on road commercial transport in Sweden are sanctioned like Swedish citizens. There are no special rules imposing the seizure of the vehicle in case of non-immediate payment of the fine.</p>	
d) Appeal procedures		
<ul style="list-style-type: none"> contacts with the competent authority responsible for appeals 	<p>Appeals against fines should be submitted to the court in writing. The judgment/decision will state the latest date by which the appeal against the judgment should be made and the procedure to follow. If the appeal has been submitted in good time, the payment can be deferred until the next instance has decided in the matter.</p> <p>If the judgment has been changed by the court of appeal and the payment made is more than the one decided by the court of appeal, the National Police Board will repay the difference.</p>	
<ul style="list-style-type: none"> information on whether driver/operator is prompted by the competent authority or has to take own initiative 	N/A	

<ul style="list-style-type: none"> • deadlines 	<p>If the payment is not made within 30 days from when the period for appeals against the judgment has expired, a payment reminder is sent. If the payment is still not made within two weeks, the matter will be handed over to the Enforcement Service for collection. This will result in further costs.</p>							
<ul style="list-style-type: none"> • language regimes when dealing with the competent authority 	<p>The language of the court is Swedish.</p>							
<p>e) National legislation for cabotage</p>	<p>The Swedish law (SFS 2013/14:234) implementing Regulation No 1072/2009 entered into force on 1 January 2015. According to this law, national enforcement authorities require that all supporting documents to cabotage operations are provided by the drivers on the spot at roadside checks. The Swedish police interpret the timeframe enshrined in Art. 8(2) of Regulation No 1072/2009 as starting from the moment the driver enters into the country in the course of an incoming international carriage.</p>							
<p>f) Other useful contacts</p>	<table border="1"> <tr> <td data-bbox="739 625 1406 703">Swedish Transport Agency</td> <td data-bbox="1406 625 2078 703">+46 771 503 503 kontakt@transportstyrelsen.se</td> </tr> <tr> <td data-bbox="739 703 1406 740">Police (urgent help)</td> <td data-bbox="1406 703 2078 740">112</td> </tr> <tr> <td data-bbox="739 740 1406 804">Police (all matters except for urgent help) Languages: Swedish and English</td> <td data-bbox="1406 740 2078 804">114 14</td> </tr> </table>		Swedish Transport Agency	+46 771 503 503 kontakt@transportstyrelsen.se	Police (urgent help)	112	Police (all matters except for urgent help) Languages: Swedish and English	114 14
Swedish Transport Agency	+46 771 503 503 kontakt@transportstyrelsen.se							
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Police (all matters except for urgent help) Languages: Swedish and English	114 14							
<p>g) Specific national legal provisions and interpretations, enforcement practices</p>	<p>N/A</p>							

United Kingdom

a) Liability of undertaking/driver	Driver is liable for infringements found at the roadside. If the infringements are most serious then the undertaking in the UK would be prosecuted, for non-UK undertakings the infringement would be reported to the undertaking's home member state in accordance with the current reporting arrangements.		
b) Sanction/Fines	Fixed penalties are set out in the Fixed Penalty (Amendment) Order 2009		
	Driver or any other person (being that driver's employer or a person to whose orders that driver was subject) who caused or permitted the contravention:		
	Exceeding 9 hours daily driving time in contravention of Article 6(1) of Regulation 561/06/EC.	£60 - More than 9 hours but less than 10 hours driving; £120 - 10 hours or more but less than 11 hours driving £200 - 11 hours or more driving	
	Exceeding 10 hours daily driving time in contravention of paragraph 2 of Article 6(1) of Regulation 561/06/EC	£60 - More than 10 hours but less than 11 hours driving; £120 - 11 hours or more but less than 12 hours driving £200 - 12 hours or more driving	
	Exceeding the weekly driving time of 56 hours in contravention of Article 6(2) of Regulation 561/06/EC	£60 - More than 56 hours but less than 58 hours driving; £120 - 58 hours or more but less than 59 hours driving £200 - 59 hours or more driving	
	Exceeding 90 hours accumulated driving time in any two consecutive weeks in contravention of Article 6(3) of Regulation 561/06/EC	£60 - More than 90 hours but less than 93 hours driving; £120 - 93 hours or more but less than 94 hours driving £200 - 94 hours or more driving	
	Exceeding 4.5 hours driving without a break in contravention of Article 7 of Regulation 561/06/EC.	£60 - More than 4.5 hours but less than 5.5 hours driving; £120 - 5.5 hours or more but less than 6.5 hours driving £200 - 6.5 hours or more driving	

	Insufficient daily rest period in 24 hour period in contravention of articles 8(1) and (2) of Regulation 561/06/EC	£60 – less than 11 hours but more than 10 hours daily rest; £120 – less than 10 hours but more than 9 hours daily rest £200 – less than 9 hours daily rest
	Insufficient reduced daily rest period in 24 hour period in contravention of articles 8(1) and (2) of Regulation 561/06/EC	£60 – less than 9 hours but more than 8 hours daily rest; £120 – less than 8 hours but more than 7 hours daily rest £200 – less than 7 hours daily rest
	Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by article 4(g) and in contravention of articles 8(1) and (2) of Regulation 561/06/EC	£60 – less than 3 hours but more than 2 hours rest; £120 – less than 2 hours but more than 1 hours rest £200 – less than 1 hour rest
	Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by article 4(g) and in contravention of articles 8(1) and (2) of Regulation 561/06/EC	£60 – less than 9 hours but more than 8 hours rest; £120 – less than 8 hours but more than 7 hours rest £200 – less than 7 hours rest
	Failure to take daily rest period of at least 12 hours in total where daily rest period is split, as required by article 4(g) and in contravention of articles 8(1) and (2) of Regulation 561/06/EC	£60 – less than 12 hours but more than 11 hours rest; £120 – less than 11 hours but more than 10 hours rest £200 – less than 10 hours rest
	Insufficient rest in a 30 hour period by a driver engaged in multi-manning in contravention of articles 8(1) and (5) of Regulation 561/06/EC.	£60 – less than 9 hours but more than 8 hours rest; £120 – less than 8 hours but more than 7 hours rest £200 – less than 7 hours rest
	Insufficient weekly regular rest period in contravention of articles 8(1) and (6) of Regulation 561/06/EC .	£60 – less than 9 hours but more than 8 hours rest; £120 – less than 8 hours but more than 7 hours rest £200 – less than 7 hours rest

	Not respecting the rules on rest periods for two successive working days of a driver	£60 - Less than 11 hours but more than 10 hours daily rest; £120 - 10 hours or less but more than 9 hours daily rest; £200 - 9 hours or less
	Not respecting the daily rules on rest periods for daily driving	£60 - Being on duty for up to 1 hour beyond the required break £120 - Being on duty for 1 hour or more, but less than 2 hours, beyond the required break; £200 - Being on duty for 2 hours or more beyond the required break.
Infringements of Regulation 3821/1985/EEC		
	Tachograph: - not installed or used in accordance with Article 3(1) of Regulation 3821/1985/EC; - non responding to the standards; - malfunctioning Non-insertion of: - record sheets, or - the driver's card	Fixed Penalty of £200
	Failure to deliver record sheet within 21 days or failure on part of employer to ensure this requirement complied with	On summary conviction to a fine not exceeding £2500
	Alteration, or -damage to the seals of the tachograph	On summary conviction to a fine not exceeding £5000. On indictment to imprisonment of a term not exceeding 2 years.
	Speed control equipment: - not installed, - non responding to the standards, or malfunctioning	On summary conviction to a Fine not exceeding £5000

	<p>-Non-delivery of record sheets or manual records and printouts not made in accordance with the Community Recording Equipment Regulation</p> <p>-Failure of employer to ensure delivery obligation complied with</p>	<p>On summary conviction to a Fine not exceeding £2500</p>
	<p>Failure to ensure correct functioning of recording equipment or driver card in accordance with article 13 of Regulation 3821/1985/EC</p>	<p>Fixed Penalty of £60</p>
	<p>Failure to ensure proper use of recording equipment in accordance with article 13 of Regulation 3821/1985/EC.</p>	<p>Fixed Penalty of £120</p>
	<p>Failure to ensure proper use of the driver card in accordance with article 13 of Regulation 3821/1985/EC</p>	<p>Fixed Penalty of £200</p>
	<p>Using driver card of which driver is not a holder in accordance with article 14(1) of Regulation 3821/1985/EC .</p>	<p>Fixed Penalty of £200</p>
	<p>Using defective driver card otherwise than in accordance with article 14(4) of Regulation 3821/1985/EC</p>	<p>Fixed Penalty of £60</p>
	<p>Failure at start of journey to print out information required in accordance with article 15(1)(a) of Regulation 3821/1985/EC.</p>	<p>Fixed Penalty of £120</p>
	<p>Failure at start of journey to print out information required in accordance with article 15(1)(b) of Regulation 3821/1985/EC.</p>	
	<p>Failure to use record sheets or driver card in accordance with article 15(2) of Regulation 3821/1985/EC</p>	<p>Fixed Penalty of £200</p>
	<p>Unauthorised withdrawal of record sheet or driver card, contrary to article 15(2) of Regulation 3821/1985/EC .</p>	<p>Fixed Penalty of £120</p>
	<p>Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with article 15(2) of Regulation 3821/1985/EC .</p>	<p>Fixed Penalty of £120</p>
	<p>Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in</p>	<p>Fixed Penalty of £120</p>

	accordance with article 15(2) of Regulation 3821/1985/EC.	
<ul style="list-style-type: none"> • means of payment accepted 	Fines, whether a fixed penalty issued to drivers with a verifiable UK address, or a court deposit issued to other drivers, can be paid by cash or credit card only.	
<ul style="list-style-type: none"> • discount schemes – waiving further appeals in exchange for the reduction of fines 	None in place.	
c) Guarantees - security deposits, vehicle blockage or other (level, means of payment, blocking deadlines)	Vehicles may be immediately prohibited if the infringement is deemed to have an immediate impact on road safety; these vehicles may also be immobilised to ensure compliance with the prohibition. Fee for removal of immobilisation device can be paid by cash or credit card only. Continued non-payment of deposit requirements and/or continued non-compliance may result in seizure of the vehicle and additional charges.	
d) Appeal procedures		
<ul style="list-style-type: none"> • contacts with the competent authority responsible for appeals 	Appeals are only permitted against the refusal to remove a prohibition, this procedure is printed on the reverse of the paperwork issued to the driver. For other issues there is a complaints procedure of which the examiner can advise the driver.	
<ul style="list-style-type: none"> • information on whether driver/operator is prompted by the competent authority or has to take own initiative 	The information relative to the appeals procedure on rear.	
<ul style="list-style-type: none"> • deadlines 	For prohibition notices the complaint should be received within 14 days of the prohibition being issued.	
<ul style="list-style-type: none"> • language regimes when dealing with the competent authority 	Examiners make use of translated documents in most of the more common European languages and translation line available to examiners at roadside if required.	

e) National legislation for cabotage	Undertakings that are found to be in breach of the Cabotage requirements are considered to be in breach of the UK Operator Licensing Regulations, which are in line with Regulations 1071 and 1073/2009, and are dealt with accordingly.	
f) Other useful contacts	Department for Transport	Great Minster House 33 Horseferry Road London SW1P 4DR Public enquiries : 0300 330 3000 Contact form : https://forms.dft.gov.uk/contact-dft-and-agencies/
	Driver & Vehicle Standards Agency	Contact form : https://www.gov.uk/contact-dvsa
	Police (emergency calls)	999
	Police (non-emergency calls)	101
g) Specific national legal provisions and interpretations, enforcement practices	The regulatory requirements and processes are slightly different in some aspects in Scotland to that in England and Wales. The UK also enforces an HGV Levy, paid in advance, for all goods vehicle combinations with a legal weight of over 12,000kg.	

Sources

IRU Members' contribution

Belgium - Yves Mannaerts (Former Director) from FBAA

Czech Republic - Jan Medved (Legislative and International Relations) from CESMAD BOHEMIA

Denmark - Lars Nielsen (Senior Consultant, Public Affairs) from ITD (Association for the Danish road transport of goods)

Germany - Tobias Kothy (Law and Economics) from the German Bus and Coach Operators Association (bdo)

Italy: Roberta Proietti (Legal Affairs and International Relations) from ANAV

United Kingdom - Peter J Cullum (Head of International Affairs) from the Road Haulage Association Ltd

Romania - Roxana Ilie (Responsible - Representation & Information) from UNTRR

Studies, surveys, guidelines

[Study on the harmonisation of sanctions in the field of commercial road transport \(2012 - 2013\)](#)

[Development and implementation of EU road cabotage - Annex \(2013\)](#)

[Ex-post evaluation of social legislation in road transport and its enforcement \(2016\)](#)

[Ex-post evaluation of Regulation \(EC\) No 1071/2009 and Regulation \(EC\) No 1072/2009 \(2015\)](#)

[Overview and evaluation of enforcement in the EU social legislation for the professional road transport sector \(2012\)](#)

[Traffic Law Enforcement across the EU. Tackling the Three Main Killers on Europe's Roads \(ETSC - 2011\)](#)

[Sanctions in ECR member states \(2007\)](#)

[Danish Transport Authority, Cabotage Guidelines, June 2015](#)

[AIJA Prague Annual Congress 2014 - Answers to Questionnaire](#)

[Legislation setting up framework for assessing the legality of road cabotage operations](#)

IRU Questionnaire on accepted payment methods for fines during road checks

Websites

[European e-Justice Portal](#)

[FBBA – Dossiers Pays](#)

[FNTR – Le cabotage](#)

[ITF – National Control Bodies](#)

[Freights.EU - Requirements that a carrier must meet to be able to undertake a cabotage journey](#)

[BNT - Change of minimum wage in Germany. Does this change affect you?](#)

[Government of the Netherlands – Road haulage](#)

[Swedish Courts - Fines](#)



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