

ROAD GOODS CARRIERS' HANDBOOK

Administrative and/or penal sanctions against foreign carriers in case of missing or non complying documents accompanying an international road transport operation

DENMARK¹

Information provided by: Danish Transport and Logistics Association (DTL).

1. ENFORCING AUTHORITIES

In Denmark, foreign road vehicles may be checked by: Customs and Police

2. SANCTIONS IN CASE OF MISSING OR NON-COMPLYING DOCUMENTS

2.1 Foreign carrier's documents

2.1.1 EU Licence, ECMT Authorisation, Bilateral or Transit Transport Authorisation

- person(s) sanctioned: carrier, driver
- sanctions: typical fine² of min DKK 500³ which police may claim on the spot (GKL)
- compromise settlement: no information
- other measures: Vehicle and driver detention until the fine is paid

2.1.2 ADR permit

- person(s) sanctioned: carrier, driver
- sanctions: minimum fine of DKK 500 which the police may claim on the spot (FL FGBKG)
- compromise settlement: no information
- other measures: Vehicle and driver detention until the fine is paid.

2.2 Driver's Documents (foreign vehicle)

2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot. Jail up to 6 months is a possibility in grave cases (Law nr. 808 of 8. july 2008).
- compromise settlement: no information
- other measures: Vehicle and driver detention until the fine is paid

2.2.2 Driving permit

- person(s) sanctioned: driver

¹ GKL: Law nr. 108 of 19. February 2003 on goods transport
RPL: Law nr. 1069 of 6. November 2008 on judicial proceedings
FL: Law nr. 1058 of 4. November 2008 on Road Traffic

FGBKG: Ministerial Order nr. 705 of 21. june 2007 on transport of Dangerous Goods

² In Denmark, there is no maximum limit for fines. The minimum is DKK 500, and any other amount above this one should be in multiples of 500. There are catalogues for setting the amount of the fine for each specific case.

³ € 1 = DKK 7.4499 (20.11.2008)

- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL)
- compromise settlement: no information
- other measures: Vehicle and river detention until the fine is paid
immobilisation

2.2.3 AETR record sheet, tachograph discs, digital tachograph?

- person(s) sanctioned: carrier, driver
- sanctions: typical combined fine of DKK 3000 - 9000 which the police may claim on the spot (FL)
- compromise settlement: no information
- other measures: Vehicle and driver detention until the fine is paid, national withdrawal of drivers licence

2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL and FGBKG)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.2.5 Document from employer certifying driver's employment

In Denmark this document is not required except for driver attestation in accordance with Regulation (EC) No 484/2002 for non-community drivers.

2.3 **Foreign vehicle's documents**

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (Ministerial Order nr. 673 of 26. of June 2008)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.3.2 Regular technical inspection

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

2.3.3 ECMT technical certificate

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

2.3.4 Compulsory nationality plate

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the driver must pay on the spot (Ministerial Order nr. 673 of 26. of June 2008) (EU vehicles travelling on EU territory and bearing the European symbol as well as their country's initials as per EC Regulation 2411/98 are not required to display their country's distinguishing sign at the rear of the vehicle as foreseen by the UN Conventions on road traffic)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL, FGBKG)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.3.6 ATP certificate of compliance

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL FGBKG)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.3.7 Hired vehicles

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the driver must pay on the spot (Ministerial Order nr. 524 of 19. June 1997 on hiring of motor vehicles without a driver)
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.4 **Transport documents on board foreign vehicles**

2.4.1 Consignment note / CMR international consignment note

- person(s) sanctioned: carrier, driver
- sanctions: Typical fine of 500 – 1.000 kr. (Law nr. 867 of 13. September 2005) in case of failure to produce the CMR consignment note (forgotten, lost) or of compulsory items checked by the Administration not filled in
- compromise settlement: no information
- other measures: Vehicle, cargo and driver detention until fine is paid

2.4.2 Loading list (groupage)

- person(s) sanctioned: carrier, driver
- sanctions: Typical fine of 500 – 1.000 kr. (Law nr. 867 of 13. September 2005)) in case of inaccurate loading list or failure to produce it within three days
- compromise settlement: no information
- other measures: Vehicle, cargo and driver detention until fine is paid

2.4.3 ADR transport document, consignor's declaration, ADR security instructions

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL, FGBKG) in case of failure to draw up or to produce document or for submission of incomplete or non complying document
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.4.4 Container packing certificate

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (FL, FGBKG) in case of failure to draw up or produce the certificate
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: carrier, driver
- sanctions: typical fine of DKK 500 which the police may claim on the spot (Ministerial Order Nr. 799 of 28. of June 2007)
- compromise settlement: no information
- other measures: Vehicle and driver detention until the fine is paid

2.5 Excess load of foreign vehicle

- person(s) sanctioned: carrier, driver
- sanctions: Fine calculated after DKK 250 times # percent of excess load (carrier) and DKK 100 times the percentage for the driver
- compromise settlement: no information
- other measures: Vehicle and driver detention until fine is paid

2.6 Third-party insurance

- person(s) sanctioned: driver, carrier
- sanctions: typical fine of DKK 500 which the driver must pay on the spot (FL, FGBKG) (Ministerial Order no. 673 of 26. June 2008)
- compromise settlement: no information
- other measures: vehicle and driver detention until fine is paid

2.7 Obligation to produce required documents

- person(s) sanctioned: carrier, driver
- sanctions: Typical fine of 500 – 1.000 kr. (Law nr. 867 of 13. September 2005) in case of refusal to produce required documents
Fine from 500 DKK (But typically higher) Prison up to 8 years in grave cases. (Law nr.1168 of 6. November 2008, The Penal Code) in case altered documents are used or in case of document forgery
- compromise settlement: no information
- other measures: Vehicle immobilisation, cargo immobilisation, custody of the driver

2.8 Obligation to submit to a decision to immobilise the vehicle

- person(s) sanctioned: no information
- sanctions: Typical fine of 1,500 – 5,000 DKK (FL and RPL)
- compromise settlement: no information
- other measures: Vehicle and cargo immobilisation, possibly custody for the driver

3. APPEALS AGAINST SANCTIONS

3.1 Appeals against sanctions pronounced by enforcing agents (police, customs, other)

- authority with which the appeal should be lodged: Court of law
- time-limit to lodge an appeal: no information

3.2 Appeals against sanctions pronounced by an authority reviewing fines (minor offences)

- authority with which the appeal should be lodged: Court of law
- time-limit to lodge an appeal: no information

3.3 Appeals against sanctions pronounced by a court reviewing misdemeanours (serious offences subject to penal sanctions)

- authority with which the appeal should be lodged: High Court
- time-limit to lodge an appeal: 4 weeks

4. SANCTIONS IN CASE OF INCORRECT LOADING OR STOWAGE

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

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