

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

ESTONIA

Information provided by: **Association of Estonian International Road Carriers (ERAA), Estonia**

1. ENFORCING AUTHORITIES

In Estonia¹ foreign road vehicles may be checked by such called extra-judicial body: Police and Border Guard Board, Veterinary and Food Board, the Rescue Board, the Tax and Customs Board, the Environmental Inspectorate (§ 52 of the Code of Misdemeanour Procedure).

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
- sanctions: entry into Estonia prohibited and a fine up to 100 fine units (§ 31² of the Road Transport Act)
- compromise settlement: no information
- other measures: if a driver from a foreign state is not carrying a transport permit or a certified copy of community licence, the officials have the right to suspend the transport operation until the circumstances which caused the suspension are clarified or cease to exist (§ 31 (2) of the Road Transport Act)

2.1.2 ADR permit

- person(s) sanctioned: carrier
- sanctions: a fine of up to 200 fine units (§ 256 - 258 of the Traffic Act) but carriage of radioactive substances, explosive substances without the corresponding special permit, violation of the requirements for handling radiation source

¹ Any document specifying a sanction must indicate a competent body and time-limit for appeal (§ 74 of the Code of Misdemeanour Procedure).

² For a misdemeanour, a court or an extra-judicial body may impose a fine of three up to three hundred fine units. A fine unit is the base amount of a fine and is equal to four euros.

A court or an extra-judicial body may impose a fine of 32 up to 32,000 euros on a legal person who commits a misdemeanour (§ 47 of the Penal Code).

and explosive substances is punishable by a pecuniary punishment or up to 5 years' imprisonment (§ 392, 412, 416 of the Penal Code)

- compromise settlement: no information
- other measures: no information

2.2 Driver's Documents (foreign vehicle)

2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: entry prohibited, a fine of up to 200 fine units or detention (§11¹, 17¹, 17² of the State Borders Act)
- compromise settlement: no information
- other measures: no information

2.2.2 Driving permit

- person(s) sanctioned: driver, carrier
- sanctions: entry prohibited if offence is established at the border
On the territory of Estonia - fine of up to 300 fine units or detention (for a term of up to 30 days) sentence, carrier - up to € 3200 (§ 201, 202 of the Traffic Act)
- compromise settlement: none foreseen
- other measures: entry prohibited if offence is established at the border

2.2.3 AETR record sheet, tachograph discs, digital tachograph?

- person(s) sanctioned: carrier, driver
- sanctions: carrier - fine of up to € 3200, driver - fine of up to 300 fine units (§ 211, 212, 214, 215, 217 of the Traffic Act)
- compromise settlement: no information
- other measures: no information

2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: carrier - fine of up to € 3200, driver - fine up to 200 fine units (§ 256 - 258 of the Traffic Act)
- compromise settlement: no information
- other measures: no information

2.2.5 Document from employer certifying driver's employment

- person(s) sanctioned: the driver (§ 22 of the Road Transport Act). If the driver and carrier who leases the vehicle are two different persons, the driver shall carry a contract of employment or an extract thereof certified by the employer. The extract of the contract of employment shall set out the names of the employer and employee, the date of entry into the contract and the period of validity of the contract.
- sanctions: none foreseen
- compromise settlement: no information
- other measures: no information

2.3 Foreign vehicle's documents

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: driver (§ 203 of the Traffic Act), carrier (§ 204 of the Traffic Act)

- sanctions: fine up to 100 fine units, carrier - fine up to € 3200
 - compromise settlement: no information
 - other measures: no information
- 2.3.2 Regular technical inspection
- person(s) sanctioned: driver (§ 207 of the Traffic Act), carrier (§ 208 of the Traffic Act)
 - sanctions: driver: fine of up to 50 fine units, carrier: fine of up to € 3200
 - compromise settlement: no information
 - other measures: no information
- 2.3.3 ECMT technical certificate
- person(s) sanctioned: carrier
 - sanctions: fine up to 100 fine units (§ 31³ of the Road Transport Act)
 - compromise settlement: no information
 - other measures: the officials have the right to suspend the transport operation until the circumstances which caused the suspension are clarified or cease to exist (§ 31 (2) of the Road Transport Act)
- 2.3.4 Compulsory nationality plate
- person(s) sanctioned: driver
 - sanctions: fine of up to 200 fine units (§ 205 of the Traffic Act)
 - compromise settlement: no information
 - other measures: no information
- 2.3.5 ADR certificate of approval
- person(s) sanctioned: carrier, driver
 - sanctions: carrier - fine of up to € 3200, driver - fine up to 200 fine units (§ 256 - 258 of the Traffic Act)
 - compromise settlement: no information
 - other measures: no information
- 2.3.6 ATP certificate of compliance
- person(s) sanctioned: no information
 - sanctions: entry prohibited if offence is established at the border
 - compromise settlement: no information
 - other measures: no information
- 2.3.7 Hired vehicles
- person(s) sanctioned: If the carrier leases the vehicle, the carrier shall be marked as the user on the vehicle's registration certificate
 - sanctions: entry into Estonia prohibited
 - compromise settlement: no information
 - other measures: no information
- 2.4 Transport documents on board foreign vehicles**
- 2.4.1 Consignment note / CMR international consignment note
- sanctions: in cabotage - a fine up to 200 fine units, carrier - up to € 3200 (§ 31⁷ of the Road Transport Act)
- 2.4.2 Loading list (groupage)
- sanctions: no sanction

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

- person(s) sanctioned: carrier
- sanctions: fine of up to € 3200, fine up to 200 fine units (§ 256 - 258 of the Traffic Act)
- compromise settlement: no information
- other measures: no information

2.4.4 Container packing certificate

- person(s) sanctioned: carrier
- sanctions: fine of up to € 3200 (§ 256 - 258 of the Traffic Act)
- compromise settlement: no information
- other measures: no information

2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: carrier, driver
- sanctions: violation of the requirements for the transboundary movement of waste is punishable by a fine of up to 300 fine units. The same act, if committed by a legal person, is punishable by a fine of up to € 32 000 (§ 120⁴, 120⁵ of the Waste Act)
- compromise settlement: no information
- other measures: no information

2.5 **Excess load of foreign vehicle**

- person(s) sanctioned: driver, carrier
- sanctions: fine of up to 200 fine units. The same act, if committed by a legal person, is punishable by a fine of up to € 3200 (§ 40¹ - 40² of the Roads Act)
- compromise settlement: no information
- other measures: no information

2.6 **Third-party insurance**

- person(s) sanctioned: driver
- sanctions: fine of up to 100 fine units (§ 66¹ of the Motor Third Party Liability Insurance Act)
- compromise settlement: no information
- other measures: Based on the State Borders Act, police officers shall prevent the passing of vehicles if they lack valid insurance cover. The Guarantee Fund shall ensure that there is the opportunity to enter into a contract at all customs offices located at the points of entry.

2.7 **Obligation to produce required documents**

- person(s) sanctioned: driver, carrier
- sanctions: at the border: entry into the territory of Estonia prohibited
 - (1) A fine of up to 300 fine units, carrier - fine up to € 3200 (§ 79 of the Customs Act)
 - (2) Disregard of a lawful order given by a representative of state authority is punishable by a fine of up to 200 fine units or by detention (§ 276 of the Penal code).

In case of altered documents used:

 - (1) Counterfeiting a document, seal or blank document form on the basis of which it is possible to obtain rights or release from obligations is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment (§ 344 of the Penal Code)

(1) Use of a counterfeit document, seal or blank document form with the intention to obtain rights or release from obligations is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment. (§ 345 of the Penal Code)

- compromise settlement: no information
- other measures: no information

2.8 Obligation to submit to a decision to immobilise the vehicle § 20 of the Traffic Act

- sanctions: no information

3. APPEALS AGAINST SANCTIONS

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

- authority with which the appeal should be lodged: County Court

- time-limit to lodge an appeal: 15 days from the day the decision of extra-judicial body is available at such extra-judicial body (§ 114 of the Code of Misdemeanour Procedure)

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

- authority with which the appeal should be lodged: County Court

- time-limit to lodge an appeal: 15 days from the day the decision of extra-judicial body is available at such extra-judicial body (§ 114 of the Code of Misdemeanour Procedure)

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: Circuit Court

- time-limit to lodge an appeal: If a party to a court proceeding wishes to exercise the right of appeal, the party must notify the County Court thereof in writing within seven days as of the pronouncement of the court judgment or the final part thereof. An appeal shall be filed with the County Court which made the court judgment, within 15 days as of the date when the judgment became available for examination by the parties to the court proceeding in the court (§ 137 of the Code of Misdemeanour Procedure)

4. SANCTIONS IN CASE OF INCORRECT LOADING OR STOWAGE

- person(s) sanctioned: driver in case of incorrect loading
- sanctions: fine up to 100 fine units (§ 238 of the Traffic Act)
- compromise settlement: no information
- other measures: no information

Contact /Information: Mrs Victoria METS: [mailto: victoria@eraa.ee](mailto:victoria@eraa.ee)

October 2013