

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

GERMANY

Information provided by: **Bundesverband Güterkraftverkehr, Logistik und Versorgung e.V (BGL)**

1. ENFORCING AUTHORITIES

In Germany, foreign road vehicles may be checked by: no information

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:
 - carriers from EU and EEA countries:*
 - fine of € 162.50 for failure to immediately produce ECMT authorisation
 - fine of € 625.25 in case of carriage between Germany and a third country without ECMT authorisation
 - fine of € 525 in case of carriage without an EU licence
 - carriers from other countries:*
 - fine of € 87.50 in case of missing record sheet logbook or if the logbook is not filled in
 - fine of € 625.25 in case vehicle registration is missing from authorisation
 - fine of € 656.25 in case of:
 - carriage without required authorisation
 - carriage excluded from authorisation
 - carriage under ECMT "green lorry" authorisation where the truck does not meet this requirement
 - carriage under ECMT "greener and safer lorry" authorisation where the truck does not meet this requirement
 - carriage under ECMT removal authorisation where the goods carried are not removal goods
- compromise settlement: none foreseen
- other measures: no information

2.1.2 ADR permit

- person(s) sanctioned: no information
- sanctions: no information
- 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: fine of € 62.50 in case of authorised stay
arrest and expulsion of non-EU drivers in case of unauthorised stay (major offence)
- compromise settlement: none foreseen
- other measures: no information

2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: € 600-800 in case of missing driving permit
- compromise settlement: none foreseen
- other measures: no information

2.2.3 AETR record sheet, tachograph discs, **digital tachograph?**

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 1575 imposed on carrier for missing tachograph
fine of € 525 imposed on carrier and fine of € 212.50 imposed on driver if tachograph is not approved
fine of € 315 (per driver crew) imposed on carrier and fine of 162.50 (per driver crew) imposed on driver when tachograph is not switched on
fine of € 315 - 1050 (per driver crew) imposed on carrier and fine of € 162.50 - 525 (per driver crew) imposed on driver when record sheet is unusable
fine of € 315 – 1050 (per driver crew) imposed on carrier and fine of € 162.50 – 525 (per driver crew) imposed on driver in case certificate for days off is missing
- compromise settlement: none foreseen
- other measures: no information

2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 62.50 imposed on driver when certificate is not on board the vehicle or for failure to produce same for checking
fine of € 630 imposed on carrier and fine of € 525 imposed on driver in case the certificate confirming basic and advanced courses is missing
fine of € 420 imposed on carrier and fine of € 315 imposed on driver in case the certificate confirming the basic, advanced or refresher course is missing
- compromise settlement: none foreseen
- other measures: no information

2.2.5 Document from employer certifying driver's employment

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 2625 imposed on carrier in case of irregular employment of a driver from a non EU member state

- compromise settlement: fine of € 262.50 imposed on driver in case of missing work permit for drivers from non EU member states
- other measures: none foreseen
- other measures: no information

2.3 Foreign vehicle's documents

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 50 imposed on carrier and fine of € 50 imposed on driver in case of missing vehicle registration certificate (grey card)
- compromise settlement: no information
- other measures: no information

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: carrier, driver
- sanctions: fine of € 656.25 imposed on carrier and fine of € 187.50 imposed on driver in case of missing ECMT Certificate of technical requirements for green/greener and safer lorry
- compromise settlement: none foreseen
- other measures: no information

2.3.4 Compulsory nationality plate

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

2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 262.50 imposed on carrier and fine of € 162.50 imposed on driver for failure to produce the ADR certificate of approval
- compromise settlement: none foreseen
- other measures: no information

2.3.6 ATP certificate of compliance

- person(s) sanctioned: carrier
- sanctions: fine of € 87.50 in case of missing ATP certificate of compliance
- compromise settlement: none foreseen
- other measures: no information

2.3.7 Hired vehicles

- person(s) sanctioned: no information

- sanctions: no information
- 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

- person(s) sanctioned: carrier
- sanctions: € 87.50 in case of missing CMR consignment note
- compromise settlement: none foreseen
- other measures: no information

2.4.2 Loading list (groupage)

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

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

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 262.50 imposed on carrier when no ADR transport document was drawn up
fine of € 162.50 imposed on driver when ADR transport document is not on board the vehicle or for failure to produce same for checking
- compromise settlement: none foreseen
- other measures: no information

2.4.4 Container packing certificate

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 262.50 imposed on carrier where no certificate exists
fine of € 162.50 imposed on driver when certificate is not on board the vehicle
- compromise settlement: no information
- other measures: no information

2.4.5 Transfrontier movement of waste document (Basle Convention)

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 525 imposed on carrier for failure to produce authorisation
fine of € 262.50 imposed on carrier and fine of € 162.50 imposed on driver for failure to submit accompanying document as per Art. 11, § 1 of Council Regulation (EEC) No 259/93
- compromise settlement: no information
- other measures: no information

2.5 Excess load of foreign vehicle

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

- other measures: no information

2.6 Third-party insurance

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 162.50 imposed on carrier for failure to produce green insurance card
Prison sentence of up to 1 year or financial sanction imposed both on carrier and driver (major offence)
- compromise settlement: none foreseen
- other measures: no information

2.7 Obligation to produce required documents

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

2.8 Obligation to submit to a decision to immobilise the vehicle

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: 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: no information
- 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: no information
- 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: no information
- time-limit to lodge an appeal: no information

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

Contact / Information: [mailto: bgl@bgl-ev.de](mailto:bgl@bgl-ev.de)