

# 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

## LUXEMBURG <sup>1</sup>

Information provided by: **Confédération Luxembourgeoise du Commerce (CLC), Luxembourg**

### 1. ENFORCING AUTHORITIES

In Luxemburg, foreign road vehicles may be checked by: Customs authorities / Police / (Ministry of Transport – Road Traffic Control) (Ministry of Environment) (work Inspection) / (Work) / (Social Security) / National Technical Inspection Authority / Veterinary Inspectorate

### 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: Fine of € 251 to € 3718 and/or prison sentence from 8 days to 3 months (Grand Ducal Regulation of 15.03.93 - 881/92/CEE - Licence)  
(Draft Regulation: € 63 to € 3,750 and/or prison sentence from 8 days to 3 months)  
(Fine of € 251 to € 5000 and/or prison sentence from 1 month to 3 years – Law of 29.06.2004 mod. Public transports in Lux and cross-bordering regions)
- compromise settlement: not foreseen
- other measures: Vehicle immobilisation / (Seizure of the incorrect licence)

##### 2.1.2 ADR permit

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 3,718 € and/or prison sentence from 8 days to 6 months (Grand Ducal Regulation of 31.01.2003 mod. – ADR – Law of 09.04.1986)
- compromise settlement: not foreseen
- other measures: Vehicle immobilisation

#### 2.2 Driver's Documents (foreign vehicle)

##### 2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: Expulsion (Law of 28.03.72 - foreigner entry and residence)
- compromise settlement: not foreseen
- other measures: no information

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<sup>1</sup> Preliminary comments :

- The sanctions (adopted by the Law of 13 June 1994 on the penalty system) listed in this document and foreseen by the various relevant specific laws are for information only. Higher penalties may apply in certain cases. The fact remains that the Public Prosecutor/Deputy (vested with the right to prosecute) puts forward penal sanctions and the Judge sets these.
- All offences (misdemeanours) in the field of road transport [but for a few exceptions (petty offences)] sanctioned by taxed warnings foreseen by the Highway Code – Law of 14.2.55) are the subject of an official report and referred to the courts. No administrative sanctions are foreseen against carriers and their crews. However, an amendment to the law of 12 June 1965 on road transport, including a catalogue of offences and of direct and administrative sanctions, is currently being discussed.

### 2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: Fine of € 251 to € 1,239 and/or prison sentence from 8 days to 1 year (Highway Code, Law of 14.02.55, Grand Ducal Regulation of 26.08.93)
- compromise settlement: no information
- other measures: Vehicle immobilisation

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

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 1,239 and/or prison sentence from 8 days to 3 months) (Law 09.8.71 - Grand Ducal Regulation of 13.10.2006 (mod.) – 3821/85 (mod.))  
Draft law modifying the Highway Code – Law 14.02.55: fine of € 250 to € 25 000 and prison sentence from 8 days to 5 years
- compromise settlement: AT 25 to € 500 (Draft)
- other measures: Vehicle immobilisation

### 2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 2,478 and/or prison sentence from 8 days to 6 months) (Grand Ducal Regulation of 31.01.2003 (mod.) – ADR – Law of 09.04.1986)
- compromise settlement: not foreseen
- other measures: Vehicle immobilisation

### 2.2.5 Document from employer certifying driver's employment

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 1,239 and/or prison sentence from 8 days to 6 months (Law of 3.08.77, articles relating to illegal work)  
Fine of € 63 to € 3, 750 and/or prison sentence from 8 days to 3 months (Draft Luxembourg Law – (third country) Driver Attestation - Reg. 484/2002/EC (entered into force on 19.03.2003) amending Reg. 881/92/EEC – Licence)
- compromise settlement: no information
- other measures: Vehicle immobilisation / (Seizure of the incorrect licence)

## 2.3 **Foreign vehicle's documents**

### 2.3.1 Registration certificate (grey card)

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 and/or prison sentence from 1 to 7 days  
Highway Code – Law 14.02.55, Grand Ducal Regulation of 26.08.93)
- compromise settlement: no information
- other measures: Vehicle immobilisation

### 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: Fine of € 251 and/or prison sentence from 1 day to 7 days (Highway Code - Law of 4.02.55, (Grand Ducal Regulation of 26.08.93)  
in case of non complying or missing plate (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 immobilisation

### 2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251€ to € 2,478 and/or prison sentence from 8 days to 6 months (Grand Ducal Regulation of 31.01.2003 – ADR – Law of 09.04.1986)
- compromise settlement: not foreseen
- other measures: Vehicle immobilisation

### 2.3.6 ATP certificate of compliance

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

### 2.3.7 Hired vehicles

- person(s) sanctioned: carrier, driver
- sanctions: None, except if the lessee does not have his own licence and/or the driver is not employed by him  
Fine of € 251 to € 3,718 and/or prison sentence from 8 days to 6 months) (Grand Ducal Regulation of 15.03.93 - 881/92/CEE - Licence)  
(Draft Regulation: € 63 to € 3,750 and/or prison sentence from 8 days to 3 months)
- compromise settlement: not foreseen
- other measures: Vehicle immobilisation /(Seizure of the faulty licence)

## 2.4 **Transport documents on board foreign vehicles**

### 2.4.1 Consignment note / CMR international consignment note

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 743 and/or prison sentence from 8 days to 3 months) (Grand Ducal Regulation of 13.01.66 - CMR)

- compromise settlement: not foreseen
  - other measures: Vehicle immobilisation
- 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, principal
  - sanctions: Fine of € 251 to € 2,478 and/or prison sentence from 8 days to 6 months) (Grand Ducal Regulation of 31.01.2003 -ADR – Law of 09.04.1986)
  - compromise settlement: not foreseen
  - other measures: Vehicle immobilisation
- 2.4.4 Container packing certificate
- person(s) sanctioned: carrier, driver
  - sanctions: Fine of € 251 to € 2,478 and/or prison sentence from 8 days to 6 months) (Grand Ducal Regulation of 31.01.2003 -ADR – Law of 09.04.1986)
  - compromise settlement: not foreseen
  - other measures: Vehicle immobilisation
- 2.4.5 Transfrontier movement of waste document (Basel Convention)
- person(s) sanctioned: carrier, driver
  - sanctions: Fine of € 251 to € 1,239 and/or prison sentence from 8 days to 6 months) (Law of 17.06.1994, Grand Ducal Regulation of 16.12.96 - Waste)
  - compromise settlement: not foreseen
  - other measures: Vehicle immobilisation
- 2.5 Excess load of foreign vehicle**
- person(s) sanctioned: carrier, driver
  - sanctions: Fine of € 251 to € 1,239 and/or prison sentence from 8 days to 3 years) (Highway Code - Law of 14.2.55 (mod.), Grand Ducal Regulation of 26.08.93, Penal Code)
  - compromise settlement: no information
  - other measures: Vehicle immobilisation / Unloading of excess goods
- 2.6 Third-party insurance**
- person(s) sanctioned: carrier, driver
  - sanctions: Fine of € 251 and/or prison sentence from 1 day to 7 days (Highway Code - Law of 14.2.55 (mod.), Grand Ducal Regulation of 26.08.93 )
  - 3compromise settlement: no information
  - other measures: Vehicle immobilisation
- 2.7 Obligation to produce required documents**
- person(s) sanctioned: carrier, driver

- sanctions: Fine of € 251 to € 27,789 and/or prison sentence from 8 days to 5 years - Law of 9.8.71 (Implementation and approval of EEC decisions and directives) in case of refusal to produce required documents  
Fine of € 251 to € 12,394 and/or prison sentence from 1 month to 2 years (Law of 16.6.1879 and Penal Code) in case altered documents are used or in case of document forgery
- compromise settlement: not foreseen
- other measures: Immobilisation / seizure of the vehicle

## **2.8 Obligation to submit to a decision to immobilise the vehicle**

- person(s) sanctioned: carrier, driver
- sanctions: Fine of € 251 to € 1239 and/or prison sentence of 8 days (Highway code - Law of 14.2.55, (Grand Ducal Regulation of 23.11.55)
- compromise settlement: not foreseen
- other measures: Immobilisation / seizure of the vehicle

## **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

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