

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

NETHERLANDS

Information provided by: Transport en Logistiek Nederland (TLN)
Dutch Association for Logistics and Transport (EVO)

1. ENFORCING AUTHORITIES

In Netherlands, foreign road vehicles may be checked by: Police, National Transport Inspectorate (IVW), Health and Safety Inspectorate (AI), Customs, The General Inspection Service (AID), The Food Product Safety Authority (VWA), The Inspectorate for Housing, Spatial Planning and the Environment (VROM-inspectie).

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: driver (WgW¹), carrier
- sanctions: Driver : fine of € 125 in case of failure to produce document immediately
Carrier: fine of € 2,500 in case of a forgotten, lost or out-of-date document, or a document issued to another vehicle
- compromise settlement: no information
- other measures: no information

2.1.2 ADR permit

Not foreseen in the Netherlands.

2.2 Driver's Documents (foreign vehicle)

2.2.1 Proof of ID

- person(s) sanctioned: Yes, according to the Identification Act
- sanctions: fine up to € 2250
- compromise settlement: no information
- other measures: no information

2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: Fine of € 30 (m²) if inappropriate permit
Fine of € 220 (permit is cancelled, Road Traffic Act)

¹ Wet goederenvervoer over de Weg (Road Haulage Act)

² Wet Mulder / Traffic Regulations Act)

- compromise settlement: Fine of € 90/220 (if driving is not permitted - younger than 18 years - Road Traffic Act)
- other measures: not foreseen
- other measures: no information

2.2.3 AETR record sheet, tachograph discs, digital tachograph?

- person(s) sanctioned: carrier, driver
- sanctions: Fine from € 220 up to € 2200 – Driving hours decree (ATB) in case of incorrect use of tachograph
Fine of € 550 - Driving hours decree (ATB-W) in case of missing tachograph for the current week or for the last day of the previous week
Fine of € 2200 in case of missing tachograph
Fine from € 220 up to € 2.200 – in case of not approved or maladapted devices.
- compromise settlement: none foreseen
- other measures: no information

2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: fine of € 1,125 in case of certificate no longer valid
- compromise settlement: none foreseen
- other measures: no information

2.2.5 Document from employer certifying driver's employment

- person(s) sanctioned: carrier
- sanctions: fine of € 375 in case of failure to produce document
- compromise settlement: none foreseen
- other measures: no information

2.3 **Foreign vehicle's documents**

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: driver
- sanctions: fine of € 240
- compromise settlement: none foreseen
- other measures: no information

2.3.2 Regular technical inspection

- person(s) sanctioned: driver/owner
- sanctions: Fine from € 90 up to € 750 (in case of weight > 3,5 tonnes) (art. 72 WvW > 31 WGW)
- compromise settlement: none foreseen
- 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: driver/owner
- sanctions: fine of € 90
- compromise settlement: none foreseen

- other measures: no information
- 2.3.5 ADR certificate of approval
- person(s) sanctioned: carrier, driver
 - sanctions: carrier/driver: fine of € 550 for failure to produce document
carrier: fine of € 2,875 in case of certificate no longer valid or not issued
 - compromise settlement: none foreseen
 - other measures: no information
- 2.3.6 ATP certificate of compliance
- Not foreseen
- 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: Fine of € 125
 - compromise settlement: none foreseen
 - other measures: no information
- 2.4.2 Loading list (groupage)
- No special document needed.
- 2.4.3 ADR transport document, consignor's declaration, ADR security instructions
- person(s) sanctioned: carrier, driver, principal
 - sanctions: fine of € 1,125 for: forgotten, lost or out-dated document
fine of € 550 for: non-complying security instructions
fine of € 550 up to 1,125 for: incomplete or non-complying ADR document
 - compromise settlement: none foreseen
 - other measures: no information
- 2.4.4 Container packing certificate
- person(s) sanctioned: carrier
 - sanctions: Fine of € 550 (in some cases) for non complying
 - compromise settlement: no information
 - other measures: no information
- 2.4.5 Transfrontier movement of waste document (Basel Convention)
- person(s) sanctioned: no information
 - sanctions: no information
 - compromise settlement: no information
 - other measures: no information
- 2.5 Excess load of foreign vehicle**
- person(s) sanctioned: driver/owner
 - sanctions: fine from € 250 up to € 1800
 - compromise settlement: none foreseen
 - other measures: partly unloading in case of excess load > 10 % or even shut down enterprise

2.6 Third-party insurance

No obligation to present a green card.

2.7 Obligation to produce required documents

- person(s) sanctioned: depending on circumstances
- sanctions: fine from € 125 up to € 340
- compromise settlement: none foreseen
- 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:

- District Court or Court of Appeal
- m)-cases : Central Fine Collecting Agency (CJB) in Leeuwarden, appeal: Public Prosecutor: in the other case Sub district Court
- Central Fine Collecting Agency (CJIB) appeal Public Prosecutor

- time-limit to lodge an appeal:

- 14 days (art.408 Penal Code)
- (m)-cases : 6 weeks
- 6 weeks

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: driver/owner
- sanctions: Fine from €240
- compromise settlement: none foreseen
- other measures:

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