

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

PORTUGAL

Information provided by: Associação Nacional de Transportadores Públicos Rodoviários de Mercadorias (ANTRAM), Portugal

1. ENFORCING AUTHORITIES

In Portugal, foreign road vehicles may be checked by:
Guarda Nacional Republicana (GNR), Polícia Segurança Pública (PSP) and Direcção-Geral de Transportes Terrestres

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: fine from € 498,98 up to 14963,94
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 4987,98
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.1.2 ADR permit

- person(s) sanctioned: principal/carrier
- sanctions: fine from € 498,80 up to 2493,99
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 498,80 €
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.2 Driver's Documents (foreign vehicle)

Highway code, Decree-Law N° 114/94 of 3/5 Art. 85.º/1 and 4

2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions : fine from € 60 up to 300, in case of document forgotten provided that the driver submits it within 8 days of the offence, the amount of the fine varies between € 30 – 150 fine from € 120 up to 600 and/or up to 2-year prison sentence or fine up to 240 days, in case of submission of a cancelled, suspended, withdrawn permit up to 2-year prison sentence or fine up to 240 days in case of permit not extended further to a medical check up.
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 120 €
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.2.3 AETR record sheet, tachograph discs, digital tachograph?

Council Regulation (EC) 3821/85 ; Council Regulation (EC) 3820/85

Decree-Law N° 272/89 of 19/8

- person(s) sanctioned: carrier
- sanctions: in case of a tachograph not complying with regulations, of failure to use, of incorrect use of the discs
fine from € 249,40 up to 2 483,99
in case of incorrect use of tachograph :
fine from € 124,70 up to 997,60
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 249,40
undisputed fines settled on the spot or within 20 days from notification are reduced to € 124,70
- other measures: prohibition of up to 2 years from performing transport operations in Portugal

2.2.4 ADR training certificate

Decree-Law N° 77/97 of 5/4 and content of Decree-Law N° 76/2000 of 9/5 Art.10.º

- person(s) sanctioned: carrier
- sanctions: fine from € 623,50 up to 3740,98
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 623,50
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.2.5 Document from employer certifying driver's employment

This document is not required in Portugal

2.3 **Foreign vehicle's documents**

Highway Code, Decree-Law N° 114/94 of 3/5 Art. 85 °

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: principal and carrier
- sanctions: fine from € 30 up to 150 (if forgotten)
fine from € 60 up to 300 (failure to produce certificate within 8 days)
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 30
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.3.2 Regular technical inspection

Decree-Law N° 550/99 of 15 December 1999 Article 3º N° 1 and Highway Code, Article 116.º 150 ° and followings

- person(s) sanctioned: carrier
- sanctions: fine from € 249,40 up to 1 246,99
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 249,40
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

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
Highway Code, Decree-Law N° 114/94 of 3/5 Art. 117 N° 5 e 150° and followings
- person(s) sanctioned: carrier
 - sanctions: fine from € 600 up to 3 000
 - compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 600
 - other measures: seizure of the vehicle
- 2.3.5 ADR certificate of approval
Decree-Law N° 77/97 of 5/4 and content of Decree-Law N° 76/2000 of 9/5 Article 10.°
- person(s) sanctioned: principal and carrier
 - sanctions: fine of € 3 740,98 up to 6 230
 - compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 623,50
 - other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine
- 2.3.6 ATP certificate of compliance
Decree-Law N° 251/91 of 16 July 1991, ministerial order N° 91/94 of 7 February 1994
- person(s) sanctioned: carrier/principal
 - sanctions: no information
 - compromise settlement: no information
 - other measures: no information
- 2.3.7 Hired vehicles
Decree-Law N° 15/88 of 16 January 1988, with changes introduced by Decree-Law N° 306/94 of 19 December 1994 and Decree-Law N° 203/99 of 9 June 1999 Art. 18.°, 21.°, 24.° N°1 par. e) and N° 2.
- person(s) sanctioned: carrier
 - sanctions: fine from € 249,40 up to 498,80
 - compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 249,40
 - other measures: the licence may be suspended as an additional sanction
- 2.4 Transport documents on board foreign vehicles**
- 2.4.1 Consignment note / CMR international consignment note
Decree-Law N° 38/99 of 6/2, Art. 15.°, 16.°18.° and 26.°
- person(s) sanctioned: carrier
 - sanctions: fine from € 249,40 up to 748,20
 - compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 249,40 – 748,20
 - other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine
- 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

Decree-Law N° 77/97 of 5/4 and content of Decree-Law N° 76/2000 of 9/5 Article 10.º

Note: on 27 May 2003 the Council of Ministers approved a new legislation which has not yet entered into force.

- person(s) sanctioned: carrier / principal
- sanctions: fine from € 124,70 up to 623,50, in case of failure to produce ADR transport document or Consignor's declaration or for submission of incomplete or non complying document
fine from € 249,40 up to 1246,99, in case of failure to produce ADR security instructions
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 124,70
undisputed fines settled on the spot or within 20 days from notification are reduced to € 249.40
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.4.4 Container packing certificate

Decree-Law N° 77/97 of 5/4 and content of Decree-Law N° 76/2000 of 9/5 Article 10.º

- person(s) sanctioned: carrier / principal
- sanctions: fine from € 623,50 up to 3740,98
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 623,50
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

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**

Decree-Law N° 38/99 of 6 February 1999, Art. 18.º, 27.º and 29.º

- person(s) sanctioned: carrier/principal
- sanctions: fine from € 498,80 up to 1496,39 (in case of excess load < 25% of the vehicle's maximum authorised weight.
fine from € 1 246,99 up to 3 740,98 (in case of excess load ≥ 25% of the vehicle's maximum authorised weight.
- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 498,80 – 1246,99 € in case of excess load < 25% of the vehicle's maximum authorised weight.
€ 1246,99 in case of excess load ≥ 25% of the vehicle's maximum authorised weight.
- other measures: vehicle immobilisation in case of excess load ≥ 25% of the vehicle's maximum authorised weight.
3 offences within 1 year of the initial offence may lead to a prohibition from performing transport operations in Portugal – Art. 30.º

2.6 **Third-party insurance**

- person(s) sanctioned: carrier
- sanctions: fine of € 300 up to 1500

- compromise settlement: undisputed fines settled on the spot or within 20 days from notification are reduced to € 300
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.7 Obligation to produce required documents

Decree-Law N° 77/97 of 5/4 and content of Decree-Law N° 76/2000 of 9/5 Article 10.º par. e)

- person(s) sanctioned: owner in leasing or real owner of transport equipment
- sanctions: fine from € 624 up to 3 742
If it can be proved within the set deadline for disputing the infringement process that the document which failed to be produced does exist, the fine cannot be applied.
If the document is submitted, the mere failure to produce such documents will amount to a fine of € 50 – 250
- compromise settlement: no information
- other measures: vehicle immobilisation if the carrier refuses to pay on the spot or to deposit the maximum amount of the fine

2.8 Obligation to submit to a decision to immobilise the vehicle

Decree-Law N° 38/99 of 6 February 1999, Art. 32/1

- person(s) sanctioned: carrier
- sanctions: Liability for damages inflicted, however with a right of reversion (refund). Possibly crime of disobedience – article 348º of the Penal Code: 1-year prison sentence or fine up to 120 days
- 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: Direcção-Geral de Transportes Terrestre ; Direcção-Geral de Viação ; Inspeccção-Geral do Trabalho - General statutory regime attached to Law N° 16/99 of 4/8

- time-limit to lodge an appeal: 20 days (from the date of receipt of the notification)

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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