

# 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

## RUSSIAN FEDERATION

**Information provided by:** Association of International Road Hauliers (ASMAP)

### 1. ENFORCING AUTHORITIES

*Foreign road vehicles may be checked by:* road police or Rostransnadzor

*Sanctions may be imposed by:* road police, Rostransnadzor, court located in the region where sanction was established

*Appeal may be reviewed by:* higher instance of road police, Rostransnadzor or court located in the region where sanction was imposed

### 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
- sanctions: fine of 1500 RUR (€37) max (art. 11.29 of the AC )
- compromise settlement: no information
- other measures: no information

##### 2.1.2 ADR permit

- person(s) sanctioned: driver or carrier (individual or company)
- sanctions: fine of 2500 RUR (€60 ) max (driver);  
fine of 20000 RUR (€ 487) max (individual carrier)  
fine of 500000 RUR (€ 12195) (company carrier)  
(art. 12.21.2 of the AC )
- compromise settlement: no information
- other measures: driver disqualification for 4-6 months

#### Glossary:

AC – The Administrative Code of the Russian Federation

Rostransnadzor – Federal Transport Control Service of the Ministry of Transport of the Russian Federation

RUR – Russian roubles. The approximate Euro equivalent of the fines is calculated according to average 41 roubles per 1 euro exchange rate as of 15/02/2010 .

## 2.2 Driver's Documents (foreign vehicle)

### 2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: fine of RUR 5000 (€122) max with/without expulsion from the national territory (art. 18.8 of the AC)
- compromise settlement: no information
- other measures: prohibition of entry to national territory (art. 26, 27 of the Law on Immigration)

### 2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: fine of RUR 100 (€2.45) (art. 12.3 p.1 of the AC )
- compromise settlement: no information
- other measures: vehicle immobilisation (art. 27.13 of the AC)

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

- person(s) sanctioned: driver
- sanctions: fine RUR 2500 (€61) max (art. 11.23 of the AC )
- compromise settlement: no information
- other measures: no information

### 2.2.4 ADR training certificate

- person(s) sanctioned: driver or carrier (individual or company)
- sanctions: fine of 2500 RUR (€61 ) max (driver);
  - fine of 20000 RUR (€487) max (individual carrier)
  - fine of 500000 RUR (€12195) (company carrier)
  - (art. 12.21.2 of the AC )
- compromise settlement: no information
- other measures: driver disqualification for 4-6 months

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

- person(s) sanctioned: driver
- sanctions: fine of RUR 100 (€2.45) max (art. 12.3 p.1 of the AC )
- compromise settlement: no information
- other measures: vehicle immobilisation (art. 27.13 of the AC)

## 2.3 Foreign vehicle's documents

### 2.3.1 Registration certificate (grey card)

- person(s) sanctioned: driver
- sanctions: fine of RUR 100 (€2.85) max (art. 12.3 of the AC )
- compromise settlement: no information
- other measures: vehicle immobilisation (art. 27.13 of the AC)

### 2.3.2 Regular technical inspection

- person(s) sanctioned: carrier
- sanctions: fine of RUR 200 (€4.9) max (art. 12.1 of the AC )
- compromise settlement: no information

- other measures: vehicle immobilisation, dismantling of vehicle's registration number plates (art. 27.13 of the AC)
- 2.3.3 ECMT technical certificate
- person(s) sanctioned: driver
  - sanctions: fine of 1500 RUR (€37) max (art. 11.29 of the AC )
  - compromise settlement: no information
  - other measures: no information
- 2.3.4 Compulsory nationality plate
- person(s) sanctioned: driver
  - sanctions: fine of RUR 500 (€12.2) max (art. 11.27 of the AC )
  - compromise settlement: no information
  - other measures: no information
- 2.3.5 ADR certificate of approval
- person(s) sanctioned: driver or carrier (individual or company)
  - sanctions: fine of 2500 RUR (€61 ) max (driver);  
fine of 20000 RUR (€487) max (individual carrier)  
fine of 500000 RUR (€12195) (company carrier)  
(art. 12.21.2 of the AC )
  - compromise settlement: no information
  - other measures: driver disqualification for 4-6 months
- 2.3.6 ATP certificate of compliance
- person(s) sanctioned: no sanctions foreseen
- 2.3.7 Hired vehicles
- person(s) sanctioned: driver
  - sanctions: fine of RUR 100 (€2.45) max (art. 12.3 of the AC )
  - compromise settlement: no information
  - other measures: vehicle immobilisation (art. 27.13 of the AC)
- 2.4 Transport documents on board foreign vehicles**
- 2.4.1 Consignment note / CMR international consignment note
- person(s) sanctioned: driver
  - sanctions: fine of RUR 100 (€2.45) max (art. 12.3 of the AC )
  - compromise settlement: no information
  - other measures: vehicle immobilisation (art. 27.13 of the AC)
- 2.4.2 Loading list (groupage)
- person(s) sanctioned: none (document not compulsory)
- 2.4.3 ADR transport document, consignor's declaration, ADR security instructions
- person(s) sanctioned: driver or carrier (individual or company)
  - sanctions: fine of 2500 RUR (€61 ) max (driver);  
fine of 20000 RUR (€487) max (individual carrier)  
fine of 500000 RUR (€12195) (company carrier)  
(art. 12.21.2 of the AC )
  - compromise settlement: no information

- other measures: driver disqualification for 4-6 months

#### 2.4.4 Container packing certificate

- person(s) sanctioned: no specific sanction

#### 2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: no specific sanction

### 2.5 **Excess load of foreign vehicle**

- person(s) sanctioned: driver or carrier (individual or company)
- sanctions: fine of RUR 2500 (€ 61) max (driver)  
fine of RUR 20000 (€ 487) max (individual carrier)  
fine of RUR 500000 (€ 12195) max (company carrier)  
(art. 12.21.1 of the AC )

- compromise settlement: no information
- other measures: driver disqualification for up to 6 months (in some cases)

### 2.6 **Third-party insurance**

- person(s) sanctioned: driver
- sanctions: fine of RUR 800 (€ 22.9) max.  
(art. 12.37 of the AC )
- compromise settlement: no information
- other measures: vehicle immobilisation, dismantling of vehicle's registration number plates (art.27.13 of the AC)

### 2.7 **Obligation to produce required documents**

- person(s) sanctioned: driver, company official (article 19.4 of the AC only)
- sanctions: fine of RUR 1000 (€ 24.4) max (RUR 2000 (€ 48.8 max).  
only for company officials sanctioned according to art. 19.4 of the AC)(art.19.3 or 19.4 of the AC depending upon the kind of officer being refused. If a person disobeys the requirement of a police officer (art.19.3 of the AC only), the alternative to fine may be an arrest for 15 days max.
- compromise settlement: no information4
- other measures: no information

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

- person(s) sanctioned: driver
- sanctions: fine of RUR 1000 (€ 24.4) max or arrest for 15 days max.
- compromise settlement: no information
- other measures: vehicle immobilisation

## 3. **APPEALS AGAINST SANCTIONS**

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

- authority with which the appeal should be lodged: court or higher administrative authority
- time-limit to lodge an appeal: 10 days

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

- authority with which the appeal should be lodged: court or higher administrative authority
- time-limit to lodge an appeal: 10 days

**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: higher court
- time-limit to lodge an appeal: 10 days

**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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**Administrative and/or penal sanctions in case of missing or non-complying documents accompanying an international goods transport operation by road**

*Deadlines to appeal in the Russian Federation*

1. *What are the deadlines for appeals against measures taken by the enforcing agents (police, customs officials, other)?*
2. *What are the deadlines for appeals against a ruling by the authority (administrative body, police court, administrative court) reviewing a petty offence (mainly carrying administrative sanctions) further to an appeal by the carrier/driver or to a report by the enforcing agents?*

In Russia, the deadlines to appeal against a decision of any authority in case of administrative sanctions is established by the Administrative Code of the Russian Federation (AC of Russia).

According to the AC of Russia, in case of an administrative infringement the enforcing authority draws up a protocol on the spot. The protocol is to be handed in one day since the moment of drawing up of a protocol to the authority in charge of taking decision regarding that administrative case (it can be police authority, or customs authority, or appropriate court depending upon the particular infringement. As a rule, more serious infringements would be examined by court).

In fifteen days since the receipt of a protocol the authorities are obliged to examine the case and take a decision. Such decision constitutes the basis for sanctions against a carrier or a driver and thus can be appealed.

The deadline for such appeal, according to Article 30.3 of the AC of Russia is ten days since the moment of handing to/receiving by the person charged of a copy of such decision. A decision made by the court can be appealed to the higher appropriate court. a decision made by other official (police, customs etc.) can be appealed to a higher official or to an appropriate court.

A resolution made by the body initially appealed to, can also be appealed to a court or to a higher court, depending on the case, in ten days since the moment of handing to/receiving by the appealing person of a copy of such resolution.

3. *What is the deadline for appeal against a ruling by a criminal court judging a misdemeanour committed by the carrier/driver?*

The award of the criminal court can be appealed in ten days since the day of its official reading in court.

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