

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

UKRAINE

Information provided by: Association of International Road Carriers of Ukraine (AIRCU).

1. ENFORCING AUTHORITIES

In Ukraine¹ foreign road vehicles may be checked by: State Customs Service of Ukraine, special service to the Ministry of Communication and Transport of Ukraine on the cross border points of Ukraine called "International road carriage service", in Ukrainian abbreviation - "SMAP"² and Head Inspection for Road Transport as well as State Road Inspection of Ministry of Internal Affairs.

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: refusal to admit the vehicle on the territory of Ukraine (at the entrance) fine equal to the amount of 100 minimum untaxed income³ (art. 60 of Law of Ukraine on motor transport) and obligation to pay the road taxes in the sum of EUR. 0.02 per 1 km driven (Art. 5 of Law of Ukraine on "Consolidated tariff charged on cross border points of Ukraine") – at the exit.
- compromise settlement: no information
- other measures: refusal to release vehicle

2.1.2 ADR permit

- person(s) sanctioned: driver, principal
- sanctions: fine equal to the amount of 100 minimum untaxed income (art. 60 of Law of Ukraine on motor transport)

¹ The above mentioned information has a general character. The competent authorities mentioned in the information have their own instructive documents, which implement the provisions of Ukrainian laws and Codes. The norms of these instructions are applied in each individual case.

² All the actions of special service to the Ministry of transport of Ukraine on the cross border points of Ukraine "SMAP" can be appealed to the Ukrainian State Enterprise – division of Ministry of Transport of Ukraine named "Ukrinterautoservice".
Actions of the State road inspection can be appealed to the Ministry of internal Affairs or local Prosecutor's office.
Actions of the Customs office can be appealed to the higher organs (regional customs office or State Customs Service of Ukraine).
All the actions of state authorities can be appealed directly to the local court at the area where the concerned authority is situated.

³ One minimum untaxed income = 17 UAH (Ukrainian Hryvnas); 1 EUR ~ 7,25 UAH

- compromise settlement: no information
- other measures: entry prohibited (at the entrance)
refusal to release vehicle (at the exit)

2.2 Driver's Documents (foreign vehicle)

2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: fine in the amount starting from 20 to 40 minimum untaxed income (art. 203 Administrative Code of Ukraine)
- compromise settlement: no information
- other measures: at the border: entry prohibited
inside the country: prohibition to continue transport operation

2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: fine from 25 to 50 minimum untaxed income (art. 126 of Administrative Code of Ukraine)
- compromise settlement: no information
- other measures: on the border – entry prohibited (enforcing authority – “SMAP”)

2.2.3 AETR record sheet, tachograph discs, digital tachograph?

- person(s) sanctioned: carrier, driver
- sanctions: fine from 40 to 50 – driver, 60 to 70 - carrier (or 40 without or broken tachograph) minimum untaxed income (art. 133-1 of the Administrative Code of Ukraine)
- compromise settlement: no information

2.2.4 ADR training certificate

- person(s) sanctioned: carrier, driver
- sanctions: fine in the amount of 100 minimum untaxed income (art. 60 of Law of Ukraine on motor transport)
- compromise settlement: no information
- other measures: entry prohibited (at the entrance)
prohibition to continue transport operation (en route)

2.2.5 Document from employer certifying driver's employment

This document is not required in Ukraine

2.3 Foreign vehicle's documents

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: carrier, driver
- sanctions: fine from 25 to 50 minimum untaxed income (art. 121-1 of the Administrative Code of Ukraine)
- compromise settlement: no information
- other measures: entry prohibited (on the border)
prohibition to continue transport operation (inside Ukraine)

2.3.2 Regular technical inspection

- person(s) sanctioned: carrier, driver
- sanctions: fine from 20-25 minimum untaxed income, prohibition to use (en route inside Ukraine)
- compromise settlement: no information
- other measures: prohibition to continue transport operation

2.3.3 ECMT technical certificate

- person(s) sanctioned: driver
- sanctions: fine from 30-40 minimum untaxed income (art. 60 of Law of Ukraine on motor transport)
- compromise settlement: no information
- other measures: entry prohibited (on the border)

2.3.4 Compulsory nationality plate

- person(s) sanctioned: driver
- sanctions: entry prohibited (on the cross border point)
Fine in the amount starting from 2 to 5 minimum untaxed income (art. 121-1 of Administrative Code of Ukraine) (en route inside Ukraine)
- compromise settlement: no information
- other measures: prohibition to continue transport operation

2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, driver
- sanctions: fine in the amount of 30-40 (driver), 40-50 carrier minimum untaxed income (art. 60 of Law of Ukraine on motor transport)
- compromise settlement: no information
- other measures: entry prohibited for the vehicle

2.3.6 ATP certificate of compliance

Ukraine is not a party to the ATP Agreement

2.3.7 Hired vehicles

- person(s) sanctioned: carrier
- sanctions: fine from 30 to 40 minimum untaxed income (art. 121-1 of the Administrative Code of Ukraine)
- compromise settlement: no information
- other measures: entry prohibited (on the border)
prohibition to continue transport operation (inside Ukraine)

2.4 **Transport documents on board foreign vehicles**

2.4.1 Consignment note / CMR international consignment note

- person(s) sanctioned: driver, principal
- sanctions: fine equal to the amount of 100 minimum untaxed income (art. 60 of Law of Ukraine on motor transport)
- compromise settlement: no information
- other measures: entry prohibited (at the entrance)
refusal to release vehicle (at the exit)

2.4.2 Loading list (groupage)

No sanctions

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

- person(s) sanctioned: carrier, driver
- sanctions: entry prohibited (on the border)
fine from 0.5 to 2 minimum untaxed income (art. 133 of the Administrative Code)
- compromise settlement: no information
- other measures: prohibition to continue transport operation

2.4.4 Container packing certificate

- person(s) sanctioned: carrier, driver
- sanctions: entry prohibited (on the border)
fine from 0,5 to 2 minimum untaxed income (art. 133 of the Administrative Code)
- compromise settlement: no information
- other measures: refusal to release container and vehicle

2.4.5 Transfrontier movement of waste document (Basle Convention)

No information

2.5 **Excess load of foreign vehicle**

- person(s) sanctioned: carrier, driver
- sanctions: obligation to pay the road taxes for excess load (total weight of vehicle loaded with the goods is more than 40 tonnes) in the differential sum starting from EUR 0.02 (more than 40 tonnes) to EUR 0,78 (more than 60 tonnes) per 1 km (Art. 5 of Law of Ukraine on “Consolidated tariff charged on cross border points of Ukraine”).
- compromise settlement: no information
- other measures: refusal to release vehicle

2.6 **Third-party insurance**

- person(s) sanctioned: driver, carrier
- sanctions: fine equal to the amount of from 40 to 50 minimum untaxed income (art. 128 of the Administrative Code)
- compromise settlement: no information
- other measures: entry prohibited (at the entrance)
refusal to release vehicle (at the exit)

2.7 **Obligation to produce required documents**

- person(s) sanctioned: driver
- sanctions: fine in the sum up to 5 minimum untaxed income (art. 330 of Customs Code of Ukraine)
- compromise settlement: no information
- other measures: at the border: entry prohibited
inside the country: prohibition to continue transport operation

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

- person(s) sanctioned: carrier, driver
- sanctions: fine from 9 to 11 minimum untaxed income (art. 334 of the new Customs Code of Ukraine)
- compromise settlement: no information
- other measures: prohibition to continue transport operation, removal of driver's licenses

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 of the place of report
- time-limit to lodge an appeal: 5 days

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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