

SURVEY ON ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS

GERMANY

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ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS													
DEFINITION OF OFFENCES	PERSONS SANCTIONED		SANCTIONS							COMPROMISE SETTLEMENT	TIME LIMIT FOR APPEAL		
	Driver	Company	Verbal warning	Points recorded against driver's licence	Licence withdrawal	Vehicle immobilisation	Disqualification for transport manager	Financial sanctions Max fine	Penal sanctions Max prison sentence	No reduction	Admin. procedure (please provide number of days of appeal period and name legal act)	Legal proceedings (please provide number of days of appeal period and name legal act)	
Driving hours and rest period offences													
EU legislation													
Contravention of EU rules regarding driving and rest periods - very serious offence	see link below	yes	yes	no	no	possible only in case of repeated infringements	yes	not before the entry into force of Regulation 1071/2009	15000.-€	only in case of personal injury	no reduction	Para. 70 Verwaltungsgerichtsordnung - one month	one week after pronouncement of sentence, para 314 Strafprozessordnung
Contravention of EU rules regarding driving and rest periods - serious offence	see link below	yes	yes	no	no	no	no	same	same	same	same	same	same
Contravention of EU rules regarding driving and rest periods - minor offence	see link below	yes	yes	yes	no	no	no	no	same	same	same	same	same
National legislation													
Contravention of national rules regarding driving and rest periods - serious offence													
Contravention of national rules regarding driving and rest periods - minor offence													
Driver recording offences (tachograph)													
EU legislation													
Failure to use EU required recording equipment (tachograph) - very serious offence	see link below	yes	yes	no	no	possible only in case of repeated infringements	yes	not before entry into force of regulation (EC) 1071/09	same	no	same	same	same
Failure to use EU required recording equipment (tachograph) - serious offence	see link below	yes	yes	no	no	no	no	same	no	same	same	same	same
Failure to use EU required recording equipment (tachograph) - minor offence	see link below	yes	yes	no	no	no/yes	no	same	no	same	same	same	same
National legislation													
Failure to use recording equipment and/or to record activities as required by national rules (record books) - very serious offence													
Failure to use recording equipment and/or to record activities as required by national rules (record books) - serious offence													
Failure to use recording equipment and/or to record activities as required by national rules (record books) - minor offence													
EU legislation													
Failing to comply with requirements relating to preserving EU records for inspection	see link below	yes	yes	no	no	no	in case of serious infringements		same	no	same	same	same
National legislation													
Failing to comply with requirements relating to preserving national records for inspection													
Other infringements													
Obstructing an inspecting officer at checkpoint	see link below	yes	no	no	no	no	same		same	no	same	same	same
Failure to stop at checkpoint													
Failure to follow officer instructions	see link below	yes	no	no	no	no	same		same	no	same	same	same
Any other comments regarding this questionnaire, please add here	For more information (in German) see: http://www.bag.bund.de/cae/servlet/contentblob/11830/publicationFile/787/Bussgeld_Fahrpers.pdf												

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