

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

RUSSIA

Following your reminder on the IRU survey on SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS, I would like to make a few comments on the Excel table on the subject to be filled in.

The Russian administrative legislation on driving time/rest time periods and on using tachographs is not very detailed, so probably the table offered to fill in is too complicated for that case. The Russian Federation is not a member to the EU, so we either cannot fill in boxes of the table dedicated to the cases when EU legislation is being violated.

The Administrative Code of the Russian Federation actually contains only one article on the subject, and it is the following: "Article 11.23. Non-compliance of driving and rest time regime by the driver effecting international road carriage

1. Driving cargo vehicle or coach while effecting international road carriage without control device (tachograph) or with a switched off tachograph, as well as with tachograms not duly filled or without record sheets containing records of driving and rest time – is subject to fine amounting up to 2500 rubles*

2. Violation of the established driving and rest time regime by the driver of a cargo vehicle or a coach effecting international road carriage – is subject to fine amounting from 500 to 1500 rubles**.

(*1 euro = 42 rubles as of 28 October 2010).

There are no other sanctions such prescribed. We find a problem how to classify those offences as minor, serious or very serious, for there is no such gradation in the Russian Administrative Code.

The time-limit to appeal against a decision imposing sanctions is 10 days since the day of receiving of a decision imposing sanction. (Article 30.3, point 1 of the Administrative Code of the Russian Federation).

As for penal sanctions, there is no special prescription for the cases of non-compliance with driving and rest time regime.

Penal sanctions can be imposed on a driver according to Article 264 of the Criminal Code of the Russian Federation, according to which non-compliance with traffic rules or vehicle maintenance rules resulting in negligent heavy body injury is subject to custodial restraint up to 3 years; or 3 – 6 months arrest; or up to 2 years imprisonment with or without revocation of right to drive a vehicle for up to 3 years.

The time limit to appeal in those cases is 10 days since the day of announcement a sentence.

Please let me know whether this information is satisfactory and don't hesitate to contact me for any additional info.

Best regards

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