

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

SWITZERLAND

For Switzerland, the filling in of this survey is not possible in the desired details because in general, the Swiss law does not know specific sanctions for specific contraventions. So if a driver, for example, does not respect the maximum driving time, you can not indicate that this will have a fine of 500 Swiss francs as consequence. Reason: Every canton is responsible for the enforcement on its territory and so the sanctions can vary quite strongly from canton to canton.

The system is as follow:

- Just for some minor infringements there exists a list of fines (see figures 101-103 of the annex “Bussenliste”): http://www.admin.ch/ch/d/sr/c741_031.html. These fines can be payed immediately on the spot, and the proceeding is closed.
- All the other infringements have for consequence a complaint to the court. The court then fixes the fine, administrative measure etc.
- From foreign drivers, the police normally require a deposit which comes up, less or more, to the expected fine in the respective canton
- Against the judgement you have the possibility to appeal within 30 days
- Next to the driver, the company can also be fined (art. 21 figure 4 ARV 1: http://www.admin.ch/ch/d/sr/822_221/a21.html)
- The maximum fine is always a financial sanction (and of course administrative sanctions, e.g. vehicle immobilisation), so arrest/prison is not possible according to Swiss law.

Best regards,

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