



## **Administrative fine for violations of the Working Hours Act in road transport imposed on drivers and employers having no known domicile or residence in the Netherlands (not EU)**

If a supervisory official detects one or more violations during an inspection, he may impose an on-the-spot administrative fine on the party that has committed the violation.

On this website, you can find out what you need to know about administrative fines as a driver or transport company.

### **What is an administrative fine?**

An administrative fine is a financial penalty (punitive sanction) that an authorized public service may impose without the intervention of the Public Prosecutor's Office or a judge.

### **Fine for violation of the Working Hours Act**

If the Working Hours Act and the laws and regulations based thereon are violated by a driver or an employer having no known domicile or residence in the Netherlands, the supervisory official will impose an on-the-spot fine. This fine must also be paid on the spot. If not, the supervisory official may impound the truck or van until the fine is paid. All the orders to pay fine, including receipts, will be handed over to the driver, with a request to hand over to his employer the order to pay fine that is intended for the employer.

In paragraph 6 of Chapter 10 of the Working Hours Act, you will find special provisions for drivers of motor vehicles having no known domicile or residence in the Netherlands and for employers not based in the Netherlands.

### **What can you do if you do not agree with the imposed fine?**

In that case, you may file an objection within six weeks after the date of dispatch of the decision to impose the fine.

### **Requirements for the objection**

The objection must contain the following information and enclosures:

- Your name and address
- An authorisation, if an authorised representative is filing the objection on your behalf
- A description of the decision to impose a fine against which you are objecting (including, at least, the date and reference number of the order to pay fine) and a copy of the order to pay fine
- Reasons for your objection (grounds on which this is based)
- Your signature, accompanied by the date and place of signing
- A Dutch translation, if the objection is drafted in another language

You may send your objection to:

Inspectie Leefomgeving en Transport  
Bureau Bestuurlijke Boete, t.a.v. Juridische Zaken  
Postbox 16191  
2500 BD Den Haag  
The Netherlands

If you have indicated that you want a hearing, you will receive an invitation to such a hearing, stating where and when this will take place (usually, it takes place at the offices of the inspection). If you do not want a hearing, the Administrative Fines Office (*Bureau Bestuurlijke Boete*) will take a decision regarding your objection based on the documents it has at its disposal.

### **Decision regarding the objection**

The Legal Affairs department (*Juridische Zaken*) of the Administrative Fines Office will take the decision regarding the objection.

This decision on the objection will be forwarded to you.

If it is found that the fine was wrongly imposed, the fine amount, with the interest legally due thereon, will be refunded to you.

### **Lodging an appeal**

If you do not agree with the decision regarding the objection, you may lodge an appeal to the court. You can do this by sending a notice of appeal to the court in The Hague. You must do so within six weeks after the date of dispatch of the decision regarding the objection.

### **Requirements for the notice of appeal**

Your notice of appeal must contain:

- Your name and address
- A description of the decision against which the appeal is directed (i.e. the decision regarding the objection) and a copy of this decision
- Grounds for your appeal
- Your signature, accompanied by the date and place of signing

You may send your notice of appeal to the Administrative Law Sector of the Court of The Hague.

For more information, please visit [www.rechtspraak.nl](http://www.rechtspraak.nl).

### **Court registry fee**

Both legal and natural persons are obliged to pay the court registry fee. You can find more information about this on [www.rechtspraak.nl](http://www.rechtspraak.nl).

## **Who should you contact in case of complaints, questions or comments?**

### **Complaints procedure**

If you feel that you have been mistreated or if you disagree with the way in which the inspection or one of more of its employees have behaved, you may submit a complaint regarding this. The inspection will review the complaint and inform the complainant regarding the outcome.

You may send your complaint to:

Inspectie Leefomgeving en Transport  
Afdeling Juridische Zaken/Klacht  
Antwoordnummer 10541  
2501 WB Den Haag  
The Netherlands

### **Questions and comments**

If you have any questions or comments based on the information provided on this website, please refer to the website of the inspection: [www.ilent.nl](http://www.ilent.nl). You may also contact the Information Centre at +31 (0) 88 489 00 00.

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