



## **Administrative fine in inland navigation imposed on offenders having no known domicile or residence in the Netherlands**

If a supervisory official detects one or more violations during an inspection, he will prepare a fine report and based on this, the fining authority will impose an administrative fine on the party that has committed the violation.

### **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 violations of the Inland Navigation Act or the Working Hours Act*

ILT may impose administrative fines if the Inland Navigation Act and/or the Working Hours Act and/or any laws and regulations based thereon are violated.

### **Procedure: how does ILT impose a fine?**

#### **Fine report**

If a supervisory official detects that you have violated the law, he will draw up a fine report. This will contain a statement of the violation or violations you have committed according to him. If necessary, he will hear and record your statement in his report.

The supervisory official will send the fine report, including its supporting documents, to the official at ILT who is responsible for imposing the fine, i.e. the fining authority.

#### **Determining the amount of the fine**

The Minister has laid down the fines in Appendix 11.1 of the Inland Navigation Regulations and in the Policy Regulation for the imposition of administrative fines under the Working Hours (Transport Workers) Decree. When imposing the fine, the fining authority is essentially bound by these fine amounts.

Before the fine is actually imposed, you will receive a notice of intent to impose a fine. You have a period of two weeks to respond to this notice of intent and explain your views on the matter in your response.

#### **Decision to impose the fine**

The fining authority will review your response (your views), after which you will receive a notification of the decision to impose the fine. This will state the final amount that you must pay as a fine. In addition, you will also receive an payment slip from the Central Fine Collection Agency (CJIB).

### **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 the fine against which you are objecting (including, at least, the date and reference number of the decision to impose the fine) and a copy of the decision
- 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 the address stated at the bottom of the notification of the decision to impose the fine, namely, to the Administrative Fines Office (*Bureau Bestuurlijke Boete*), attn: *Juridische Zaken* (Legal Affairs).

Please note: even if you have filed an objection, you are still obliged to pay your fine. In other words, filing an objection does not suspend the obligation to pay. If you fail to pay, you risk receiving a demand for payment. If it is subsequently found that the fine was unjustified, the fine amount, with the interest legally due thereon, will be refunded to you.

### **What happens after you have filed your objection?**

#### **Acknowledgement of receipt and possible hearing**

Once you have filed your objection, the Administrative Fines Office of the Human Environment and Transport Inspectorate will send you an acknowledgement of receipt.

If the objection meets all the requirements specified above, the Administrative Fines Office will ask you, in writing, whether you wish to make use of your right to be heard. On the reply form accompanying the acknowledgement of receipt, you can indicate whether or not you want a hearing (a hearing is not compulsory). You must return this reply form to the address mentioned on the form.

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 this takes place at the offices of ILT/Shipping). If you do not want a hearing, the Administrative Fines Office will take a decision regarding your objection, based on the documents it has at its disposal.

#### **Decision regarding the objection**

The Legal Affairs department of the Administrative Fines Office will make the decision regarding your objection.

This decision on the objection will be forwarded 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).

Please note: even if you have lodged an appeal, you are still obliged to pay your fine. In other words, an appeal does not suspend the obligation to pay. If it subsequently appears that the fine was unjustified, the fine amount, with the interest legally due thereon, will be refunded to you.

### **How can you pay your fine?**

#### **Use the payment slip sent by CJIB**

If you have received a fine, at about the same time you will receive an payment slip from the Central Fine Collection Agency (CJIB). It is recommended that you use the payment slip to pay your fine. If you wish to pay by another method, please make sure that you always mention the CJIB's reference number, stated on the payment slip. You will find this number on the top right-hand corner, below the dispatch and due dates.

#### **Pay before the due date**

If you pay the entire amount in one go, please ensure that your fine amount is credited to the CJIB's account before the due date specified on the payment slip. You should take into account that your bank or giro needs time to process the payment.

#### **Not paid on time? You will receive a demand for payment**

If the fine amount is not transferred by the due date, you will receive a demand for payment. Here, the fine amount will be increased with the costs associated with the demand for payment.

#### **Questions about payment arrangements**

A payment arrangement is only possible under certain terms and conditions. These terms and conditions can be found on [www.ilent.nl](http://www.ilent.nl).

#### **Questions about payments**

For general questions about the payment of the administrative fine, you may contact the CJIB:

Centraal Justitieel Incasso Bureau  
Afdeling Bestuurlijke Boetes  
Postbox 1136  
8900 CC Leeuwarden  
The Netherlands

phone +31 (0) 58 234 20 75  
fax+31 (0) 58 234 23 50

## **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 ILT or one of more of its employees have behaved, you may submit a complaint regarding this. ILT 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 ILT website: [www.ilent.nl](http://www.ilent.nl). You may also contact the Information Centre at +31 (0) 88 489 00 00.

