

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (recast) (Text with EEA relevance)

CHAPTER IV

MUTUAL ASSISTANCE AND PENALTIES

Article 12

Sanctioning of infringements by the Member State of establishment

1 In the event of a serious infringement of Community road transport legislation committed or ascertained in any Member State, the competent authorities of the Member State of establishment of the haulier who has committed such infringement shall take the appropriate action which may include a warning, if provided for by national law, to pursue the matter which may lead, inter alia, to the imposition of the following administrative penalties:

- a temporary or permanent withdrawal of some or all of the certified true copies of the Community licence;
- b temporary or permanent withdrawal of the Community licence.

These penalties may be determined after the final decision on the matter has been taken and shall have regard to the seriousness of the infringement committed by the holder of the Community licence and to the total number of certified true copies of that licence that he holds in respect of international traffic.

2 In the event of a serious infringement regarding any misuse whatsoever of driver attestations, the competent authorities of the Member State of establishment of the haulier who committed such infringement shall impose appropriate penalties, such as:

- a suspending the issue of driver attestations;
- b withdrawing driver attestations;
- c making the issue of driver attestations subject to additional conditions in order to prevent misuse;
- d withdrawing, temporarily or permanently, some or all of the certified true copies of the Community licence;
- e withdrawing, temporarily or permanently, the Community licence.

These penalties may be determined after the final decision on the matter has been taken and shall have regard to the seriousness of the infringement committed by the holder of the Community licence.

3 The competent authorities of the Member State of establishment shall communicate to the competent authorities of the Member State in which the infringement was ascertained, as soon as possible and at the latest within 6 weeks of their final decision on the matter, which, if any, of the penalties provided for in paragraphs 1 and 2 have been imposed.

If such penalties are not imposed, the competent authorities of the Member State of establishment shall state the reasons therefor.

4 The competent authorities shall ensure that the penalties imposed on the haulier concerned are, as a whole, proportionate to the infringement or infringements which gave rise

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

to such penalties, taking into account any penalty for the same infringement imposed in the Member State in which the infringement was ascertained.

5 The competent authorities of the haulier's Member State of establishment may also, pursuant to national law, bring proceedings against the haulier before a competent national court or tribunal. They shall inform the competent authority of the host Member State of any decisions taken to this effect.

6 Member States shall ensure that hauliers have the right to appeal against any administrative penalty imposed on them pursuant to this Article.

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Changes and effects yet to be applied to :

- Art. 12 heading words deleted by [S.I. 2019/708 reg. 13\(13\)\(a\)](#)
- Art. 12(1) words substituted by [S.I. 2019/708 reg. 13\(13\)\(b\)\(i\)](#)
- Art. 12(1) words substituted by [S.I. 2019/708 reg. 13\(13\)\(b\)\(ii\)](#)
- Art. 12(2) words substituted by [S.I. 2019/708 reg. 13\(13\)\(c\)\(i\)](#)
- Art. 12(2) words substituted by [S.I. 2019/708 reg. 13\(13\)\(c\)\(ii\)](#)
- Art. 12(3) words substituted by [S.I. 2019/708 reg. 13\(13\)\(d\)\(i\)](#)
- Art. 12(3) words substituted by [S.I. 2019/708 reg. 13\(13\)\(d\)\(ii\)](#)
- Art. 12(4) words substituted by [S.I. 2019/708 reg. 13\(13\)\(e\)](#)
- Art. 12(5) substituted by [S.I. 2019/708 reg. 13\(13\)\(f\)](#)
- Art. 12(6) word substituted by [S.I. 2019/708 reg. 13\(13\)\(g\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1 words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Annex 1 heading words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Art. 1(5)(c) word substituted by [S.I. 2022/293 reg. 13](#)
- Annex 23 substituted by [S.I. 2019/708 Sch. 2](#)
- Art. 2(1) words inserted by [S.I. 2019/708 reg. 13\(3\)](#)
- Art. 2(2)(a)-(f) substituted for Art. 2(2)(a)-(d) by [S.I. 2019/708 reg. 13\(3\)\(b\)](#)
- Art. 2(2)(b) words inserted by [S.I. 2022/1260 reg. 4\(2\)](#)
- Art. 2(2)(e) word omitted by [2020 c. 29 s. 24\(2\)\(a\)](#)
- Art. 2(2)(g) and word inserted by [2020 c. 29 s. 24\(2\)\(b\)](#)
- Art. 2(3) substituted by [S.I. 2019/708 reg. 13\(3\)\(c\)](#)
- Art. 2(4) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(6) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(7) words inserted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(ii\)](#)
- Art. 2(7) words substituted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(i\)](#)
- Art. 2(8)-(14) inserted by [S.I. 2019/708 reg. 13\(3\)\(f\)](#)
- Art. 4(7) inserted by [S.I. 2019/708 reg. 13\(5\)\(f\)](#)
- Art. 5(1A) inserted by [S.I. 2019/708 reg. 13\(6\)\(a\)](#)
- Art. 5(2A) inserted by [S.I. 2019/708 reg. 13\(6\)\(b\)](#)
- Art. 5(8) inserted by [S.I. 2019/708 reg. 13\(6\)\(e\)](#)
- Art. 7(2)(b) words substituted by [S.I. 2019/708 reg. 13\(8\)\(c\)\(ii\)](#)
- Art. 10(5A) inserted by [S.I. 2019/708 reg. 13\(11\)\(f\)](#)
- Art. 10(7)-(9) inserted by [S.I. 2019/708 reg. 13\(11\)\(h\)](#)
- Art. 10a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 12(7) inserted by [S.I. 2019/708 reg. 13\(13\)\(h\)](#)
- Art. 14(2) words substituted by [S.I. 2019/708 reg. 13\(15\)](#)
- Art. 14a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 14b addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 15A15B inserted by [S.I. 2019/708 reg. 13\(17\)](#)