

‘Handhaving in het agrarisch recht’

‘Over de toename van bestuursrechtelijke handhaving in het agrarisch recht’



Maartje Verburg

Linssen CS Advocaten

Tilburg, 27 mei 2013

Inhoudsopgave bijlagen

Bijlage 1: Interventies Nederland 2010 en 2011

Bijlage 2: Interventies Nederland, Oostenrijk en Ierland 2011

Bijlage 1: Interventies Nederland 2010 en 2011

Nederland 2010

The sanctions available during 2010 were:

Notification, official warning, administrative fine (since September 2010) duty backed by astreinte (imposing & forfeiting), temporary suspension, withdrawal, PV (official declaration for prosecutorial law), notification to be sent to another member state (or third country) for requesting assistance or action.

	Transporter	Keeper	Organiser	Assembly Centre	Slaughterhouse
Notification	51	-	43	-	-
Official warning	149	80	-	1	1
Imposing duty	17	-	-	-	-
Forfeiting duty	5	-	-	-	-
Temporary suspension	2	-	n.a.	n.a.	n.a.
Withdrawal authorisation	-	-	n.a.	n.a.	n.a.
PV	101				
Notification to competent authority abroad (concerning non-Dutch transporter)	132				

n.a.= not applicable

Nederland 2011

The sanctions available during 2011 were:

Notification, official warning, administrative fine (since September 2010), duty backed by astreinte (imposing & forfeiting), temporary suspension, withdrawal, PV (official declaration for prosecutorial law) are used less then in former years, since the administrative fine is considered to be more effective. Notification can be sent tot another member state (or third country) for requesting assistance or action.

	Transporter	Keeper	Organiser	Assembly Centre	Slaughterhouse
Official warning	183	114	162	2	4
Imposing duty	-	-	-	-	-
Forfeiting duty	-	-	-	-	-
Temporary suspension	-	-	n.a.	n.a.	n.a.
Withdrawal authorisation	-	-	n.a.	n.a.	n.a.
PV	47				
Administrative fine	184	11	2	3	0
Notification to competent authority abroad (concerning non-Dutch transporter)	51				

n.a.= not applicable

Bijlage 2: Interventies Nederland, Oostenrijk en Ierland 2011

Nederland 2011

The sanctions available during 2011 were:

Notification, official warning, administrative fine (since September 2010), duty backed by astreinte (imposing & forfeiting), temporary suspension, withdrawal, PV (official declaration for prosecutorial law) are used less then in former years, since the administrative fine is considered to be more effective. Notification can be sent tot another member state (or third country) for requesting assistance or action.

	Transporter	Keeper	Organiser	Assembly Centre	Slaughterhouse
Official warning	183	114	162	2	4
Imposing duty	-	-	-	-	-
Forfeiting duty	-	-	-	-	-
Temporary suspension	-	-	n.a.	n.a.	n.a.
Withdrawal authorisation	-	-	n.a.	n.a.	n.a.
PV	47				
Administrative fine	184	11	2	3	0
Notification to competent authority abroad (concerning non-Dutch transporter)	51				

n.a.= not applicable

Oostenrijk 2011

Total:		Controls at place of origin	Controls during transport on the road	Controls at place of destination	Total
Number of transports controlled	Total	12.949	929	129.236	143.114
Number of Transports where infringements have been found	associated with pain or harm of animals	8	17	282	307
	Total	139	276	1.752	2.167
Measures taken by competent authorities	warnings	123	106	1.667	1.896
	tickets	1	48	0	49
	legal proceedings	0	129	58	187
	unloadings	13	7	1	21
	Total number of transports causing measures of competent authorities	139	273	1.765	2.177

5. ACTIONS TAKEN FOLLOWING DETECTION OF NON-COMPLIANCES

Table 5

Sanctions and other actions	Number
Prosecution	0
Regulatory or enforcement actions, other than prosecutions (e.g. oral/written warnings, cautions, statutory notices served)	160*
Suspension of, or other measure related to, the driver certificate of competence	0
Suspension of, or other measure related to, the transporter's authorisation	0
Suspension of, or other measure related to, the vehicle's approval	0
Contact with other Member States (Art. 26)	
Other sanctions or actions Such as:	0

* Includes 152 verbal warnings, 6 legal notices served, 1 formal warning letter, 1 case where alternative vehicle used for the transport.