

Summary of an EMN Ad-Hoc Query No. 2016.1115

implementing Council Directive 2004/82/EC,

1 March 2017, prepared by CY NCP

Cyprus is in the process of an ongoing internal consultation whether revision of the existing Cypriot legislation (which is in accordance to the EU Acquis) would be necessary, in order to provide for a better legal base to fine carriers in accordance to Directive 2004/82/EC. Having in mind that Cyprus imposes administrative fines for breaches of the Law, we are searching for better ways to impose and collect the fines.

The CY NCP launched a query on 10th November 2016 to see the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected, as well as other Member States' practices and / or policy regarding applications in relation to the imposition and collection of fines.

19 MS plus Norway responded to the query (Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom)

Question 1: What are the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected?

The findings of the Ad-Hoc query are multifaceted. Based on the replies provided by 19 MS and Norway, the competent authority to enforce the sanctions is in eighteen (18) of them the Police, in one (1) MS the Department of Civil Aviation, and in one (1) MS the army. Furthermore, the competent Ministry is in sixteen (16) MS the Ministry of Interior, in two (2) MS the Ministry of Justice, and in one (1) MS the Ministry of Defense.

Question 2: Which procedure is followed for the imposition and collection of the fines?

The findings of the Ad-Hoc query are also multifaceted. Based on the replies provided by 19 MS, in eight (8) MS, regarding the ratification type, it is reported that the sanction is an administrative sanction, whereas in other MS simply a penalty or a fine is mentioned. The competent Authority for examining appeals is in three (3) MS the police, in three (3) MS the Ministry of Interior, and in one (1) MS the Department responsible of migration issues. In case the fines are not paid, they can be collected through court procedures in most member states.