



Bundesamt  
für Güterverkehr

## Legal information

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Federal Office for Goods Transport

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... active for **goods transport**



## Active for goods transport

Our aim is to live up to this motto in our expertise, quality and approval rating.

The Federal Office for Goods Transport sees itself as a link between politics, the economy and administration.

By performing its tasks, the Federal Office makes a considerable contribution towards ensuring traffic safety, fair charges and competitive equality on Germany's roads.

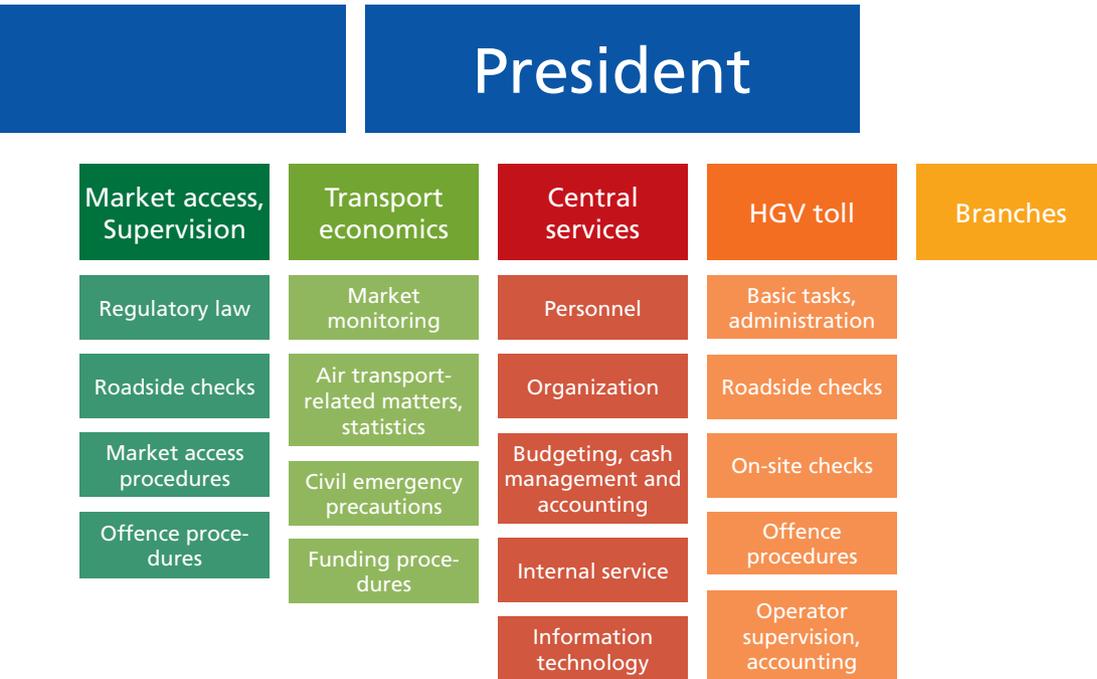
Moreover, the Federal Office's reports and statistics provide a basis and decision-making aid for planning road freight and passenger transport legislation.

Now you have the opportunity to find out about our many different tasks for yourself. I hope that you enjoy reading about them.

A handwritten signature in black ink that reads "Andreas Marquardt". The signature is written in a cursive, slightly slanted style.

Andreas Marquardt

President of the Federal Office for Goods Transport



## The Federal Office for Goods Transport

The Federal Office for Goods Transport (BAG) is an independent higher Federal authority within the domain of the Federal Ministry of Transport, Building and Urban Development (BMVBS).

Under the leadership of its President, it fulfils many different tasks relating to goods transport.

Its site – the Head Office – is located in Cologne. The Head Office is divided into 4 divisions, which are subdivided into departments. It is supported by a total of 11 branches nationwide and an office in Berlin.

The core task of the Head Office is to guarantee uniform administrative and investigative practices nationwide.

The branches are responsible for performing tasks on site. This is achieved by cooperating closely with the transport authorities and police forces of the Federal States. Moreover, the branches maintain contact with the freight transport companies and associations in their region.



# Market access Supervision

## Regulatory law

- Legal development for national and international road freight transport as well as international passenger transport
- Legal development for supervising road freight transport
- Clarifying basic legal issues concerning the application of the law
- Specialized training for employees

## Roadside checks

- Managing and implementing roadside checks
- Preparing roster and operation schedules for the roadside checks
- Clarifying basic issues concerning inspection practice
- Cooperating with other supervising authorities at both the national and the international level (police authorities of the Federal States, ECR, TISPOL etc.)

## Market access procedures

- Managing and implementing market access procedures
- Issuing CEMT and bilateral permits
- Clarifying basic issues concerning market access
- Maintaining the company file for road freight transport
- Issuing permits for occasional cross-border transport
- Delivering opinions regarding scheduled and shuttle cross-border transport

## Offence procedures

- Managing and implementing road freight transport offence procedures
- Clarifying basic issues regarding offences
- Performing international coordination tasks relating to road freight transport offence procedures

## Market Access and Supervision



### Regulatory law

The national and international legal framework for road freight transport is in constant flux. The BAG is actively involved in developing it further. The legal framework extends from the Road Freight Transport Act (GüKG), via driving personnel law, dangerous goods law and road traffic law, to waste law, to give just a few examples. The relevant provisions of the European Union (EU), of the European Conference of Ministers of Transport (CEMT) and of bilateral transport agreements, especially with non-EU states, are also significant. The BAG participates in numerous national and international bodies in order to create optimal legal framework conditions for road freight transport. Because of its practical experience, it also suggests some necessary adjustments of the legal framework. To supervise this framework effectively and appropriately, BAG employees are given comprehensive training in each area of law.

With a regulatory package called the “Road Package”, the European Union fundamentally revised the legal framework in 2009. A significant building block of the “Road Package” is the transport company file, which is under construction. This will significantly speed up the flow of information between the competent authorities of EU member

states. This will also mean that untrustworthy people can be identified more easily across borders. The BAG will function as the national point of contact in Germany for the exchange of information throughout the EU.

### Roadside checks

The BAG’s classical roadside checks make a substantial contribution towards supervising the legal framework for road freight transport. About 240 inspectors are deployed on Germany’s roads every day, and also specifically at weekends and at night. They have around 120 special vehicles equipped with state-of-the-art IT technology at their disposal. All inspection teams are linked directly to their branch via UMTS. They are currently being integrated into BOS, i.e., into the common digital radio network of authorities and organizations with special security tasks. BOS will help to increase inspectors’ safety and to improve the strategic planning of checks. Each year, around 600,000 vehicles are checked. Particular attention is paid to the technical condition of the vehicles and the safety of their loads. Inspecting the digital tachographs to check driving times and rest times is just as important.

The BAG has worked closely and successfully with the police authorities of the Federal States for many years. The same applies at the international level thanks to its membership of the inspection organization, Euro Contrôle Route (ECR), in which the sister authorities from 14 other EU member states are represented. In order to improve the harmonization of inspection standards, there are international exchange programs for inspectors, joint roadside checks and training courses (ECR/TISPOL Master Classes).

## Market access procedures

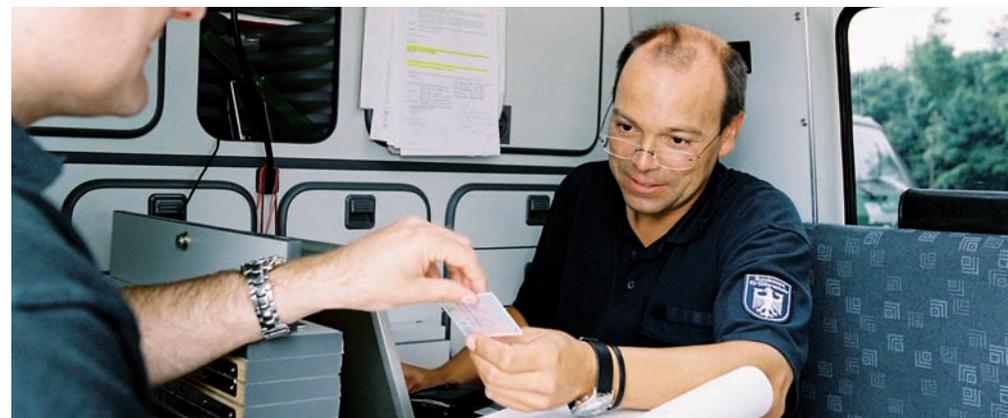
Road freight transport law is a specific area of commercial law. Hence, a permit is required for access to the road freight transport market. It can be awarded only to undertakings of good repute, professional competence and a minimum financial standing. The BAG implements this central statutory requirement in three ways. It is itself the competent authority to grant CEMT permits, and it is the issuing office for bilateral permits; it is also involved in the permit-granting procedures of the Federal States. Moreover, it has the task of forbidding unauthorized road freight transport by means of its on-site checks. In addition, it maintains the company file. This includes commercial road freight transport companies and own-account transport companies. In the coming years, it will be complemented across national borders by the European transport company file.

Despite its restrictive designation, the “Federal Office for Goods Transport” also exercises responsibilities relating to passenger transport. Whilst it is involved in scheduled and shuttle cross-border transport by the permit-granting authorities in the Federal States, it is itself the permit-granting authority for occasional cross-border transport.

## Offence procedures

In order to maintain a stable framework, it is necessary to respond to offences appropriately and promptly. To this end, the BAG implements offence procedures based on the findings of the roadside checks by the Federal Office and the police authorities of the Federal States, and of the on-site checks. On the one hand, these procedures are of a punitive nature; on the other, they are intended to ensure that the parties concerned conduct themselves in accordance with the rules in the future.

The BAG is the fining authority for offences by non-residents against driving personnel law, road freight transport law, waste law and dangerous goods law, as well as other areas of law relevant to the transport of goods and passengers on the roads.



If the party concerned is a resident, the relevant Federal State is essentially the competent fining authority. For resident companies, the BAG's authority covers offences against client obligations and against the Traffic Statistics Act. Continuous use of state-of-the-art IT technology, from the inspection location via the competent BAG branch to the payment center at the Head Office, enables the highly efficient implementation of offence procedures.

Between countries, the BAG fulfils important tasks as a coordination and transfer station for competent fining and permit-granting authorities, both domestic and foreign.



# Transport economics

## Market monitoring

- Monitoring market events in the road and rail freight transport and inland freight shipping markets
- Monitoring and reviewing working conditions in freight transport and logistics
- Producing reports for the Federal Ministry of Transport, Building and Urban Development (BMVBS)
- Supervising the preparation of short-term and medium-term forecasts

## Statistics, air transport-related matters

- Compiling company statistics
- Compiling the HGV toll statistics
- Monitoring market events in the air transport market
- Supervising the fee duty for air transport
- Participating in international air transport negotiations
- Organizing and administering Federal air transport
- Setting and charging the concession levy for ancillary motorway business

## Civil emergency precautions

- Implementing precautionary measures pursuant to the Traffic Service Act (VerkLG) and Transport Assurance Act (VSG), particularly deploying the Federal Transport Organization and planning civil emergency alerts
- Secrecy-related tasks

## Funding procedures

- Implementing the “De minimis” and “Training and Advanced Training” funding programs
- Participating in the ongoing development of funding guidelines
- Clarifying basic legal issues concerning funding

## Transport economics

### Market monitoring

In the domain of road freight transport law, the law and the economy are especially closely linked. Sensible legal provisions require precise knowledge of the road freight transport market. This purpose is served by the BAG's market monitoring. To this end, BAG branch employees hold annual expert interviews with participants in the transport market. In numerous regular reports and special reports, market monitoring sheds light on general developments and specific aspects not only of road freight transport, but also of inland shipping, rail freight transport and air transport. The reports also provide a valuable basis for making decisions and setting the course as regards transport policy.

As part of the "Road Freight Transport and Logistics Action Plan", the Federal Office analyzes working conditions in the transport and logistics sector. Furthermore, in cooperation with economic research institutes and transport experts, it supervises the formulation of short-term and medium-term forecasts relating to freight and passenger transport (accompanying medium-term prediction).

The BAG publishes the reports and forecasts on its website.

### Statistics

Whilst market monitoring continuously follows developments in the various freight transport markets, the BAG's statistics provide key basic data which make it possible to orientate oneself in these markets. The company statistics contain all significant core data about road freight transport companies based in Germany. They add to the transport service statistics compiled by the Federal Office of Motor Transport (KBA), in which details of the types and quantities of goods transported can be found. The BAG's HGV toll statistics, which are

still very new, provide data promptly and on a monthly basis about the journeys and mileages of vehicles subject to the toll. The HGV toll statistics provide the basis for decisions and research concerning transport economics. Because they are so up-to-date, these statistics are also useful for general conjectural analysis.

### Concession levy for ancillary motorway business

Private companies to which the Federal Government grants concessions to operate petrol stations, service areas, etc. on Germany's motorways must pay a levy in return. The BAG's task is to check whether the levies reported and paid in the self-assessment process have been calculated correctly.



### Air transport-related matters

In this task domain, the Federal Office also performs tasks beyond the purview of freight transport. The BAG is the passage fee depository for airlines with scheduled traffic to and from destinations outside the EU. It continuously carries out market analysis and competition investigations for the BMBVS in order to prepare for international air transport negotiations. Moreover, it administers Federal air traffic

within Germany, that is, air traffic between the seats of government in Bonn and Berlin. This involves inviting tenders for transport services and providing a booking system.



### Civil emergency precautions

Providing an efficient transport infrastructure and appropriate transport capacity is also of central importance for bringing supplies to the population, the economy and the armed forces in times of crisis and emergencies. Where once the East-West conflict was the main danger scenario (Transport Assurance Act, Federal and Federal State Transport Organizations / TOB, TOL), it is now necessary to ensure adequate transport services for general emergencies (disasters, economic crises) and for German Federal obligations. Cooperating closely with other Federal authorities, with the Federal State authorities responsible for disaster prevention and with transport companies, the BAG continuously makes the necessary preparations for swift and effective responses to crises and emergencies. With regular exercises, the quality of precautionary measures is subjected to intensive examination.

### Funding procedures

In order to harmonize competitive conditions for European road freight transport, the Federal Parliament, the Federal Council and the Federal Government have resolved upon special funding programs for road freight transport companies. The BAG is responsible for the “Training and Advanced Training” and “De minimis” programs. In accordance with the corresponding funding guidelines, grants can be awarded for investment in employee training and qualifications, and for measures to increase safety and improve environmental friendliness in road freight transport companies.





# Central Services

## Personnel

- General personnel administration
- Personnel management
- Training, advanced training, health management and social security

## Organization

- General organizational matters
- Modernization of administration
- General project coordination

## Budgeting, cash management and accounting

- Planning resource requirements and executing the budget plan
- Implementing payments and book entries
- Supervising the cash offices and payment centers

## Internal service

- General internal logistics (telecommunications, postal matters, etc.)
- Property administration
- Vehicle administration
- General procurement
- Occupational safety management

## Information technology

- Strategy, basic issues and administration
- Procedure development
- User service
- System operation
- Application operation

## Central services



### Personnel

The personnel management department is responsible for around 1,700 officials and tariff employees. It covers the full spectrum of service law, tariff law and individual labor law: from calculating personnel requirements and managing personnel deployment, via salary and working time issues, to pension matters. As regards personnel development, selection procedures must be carried out continuously, as must the recruitment, delegation, redeployment and transfer of employees. In doing so, numerous issues must be properly taken into account (part-time employment, telework, equality issues, disability rights, work-family balance, etc.). As regards training and advanced training, specialist administrative and IT staff receive regular training, and numerous general seminars are held. Health management is also becoming increasingly important, with subjects such as rehabilitation management and addiction prevention. Personnel management is carried out in close cooperation with the competent personnel representatives in the BAG.

### Organization

The organization department designs the BAG's internal structure. For statutory tasks, it calculates the number of service posts required and their value. These must be continually updated according to the latest conditions. The same applies to the BAG's business assignment plan and its agenda, in which internal responsibilities and rules for both internal cooperation and external work are stipulated in detail. Other important tasks are idea management, modernization of administration and general project coordination.

### Budgeting, cash management and accounting

This department is responsible for planning budget requirements. Its core tasks are establishing the personnel and resource budgets, carrying out the budget plan and financial reporting at the end of each year. The BAG's budget amounts to around € 100 million each year. As well as participating in economic feasibility studies and supervising the cash offices and payment centers, the budgeting department has to make book entries.





### Internal service

The internal service creates and maintains the general material conditions for service operations, including all necessary procurements (except IT). In particular, it administers the BAG's 13 office buildings and properties nationwide. It keeps the BAG's fleet of around 500 vehicles constantly up to date. It is also responsible for maintaining telecommunications facilities and postal traffic, and for operating the internal printers. The internal service also takes care of the important area of industrial safety management. It supports the President with respect to all matters of occupational safety and accident prevention.

### Information technology

The BAG's IT department plans and coordinates the BAG's entire deployment of IT. The core of the BAG's IT infrastructure is a central computer center with a storage capacity of around 100 terabytes. Here, there are around 22 million files in around 140 IT applications. In addition, the BAG's IT department provides IT training courses, supports IT users in the BAG and also carries out all procurements and updates of the necessary IT hardware and software.





# HGV toll

## Basic tasks, administration

- Implementing the operator contract
- Designing and developing the toll system
- Developing the legal relationship between BAG and the system operator
- Developing the law and clarifying basic legal issues, including process control
- Controlling the central toll information system and central data analysis
- Toll-specific data protection

## Roadside checks

- Managing and implementing toll checks
- Clarifying basic issues concerning inspection practice
- Logistics in the toll-checking service

## On-site checks

- Managing and implementing on-site toll checks
- Clarifying basic issues concerning inspection practice

## Subsequent recovery and offence procedures

- Managing and implementing subsequent recovery and offence procedures
- Processing appeals and making court dates
- Processing objections to subsequent recovery procedures

## Operator supervision, accounting

- Clarifying basic issues concerning operator supervision and accounting
- Setting the operator's remuneration
- Checking the toll system operator and toll offices
- Checking toll revenues
- Toll refund procedures

## HGV toll

### Basic tasks, administration

The HGV toll system is continuously being developed in both the technological and the legal senses. At the national level, the introduction of the toll for federal four-lane roads is currently at the forefront. At the international level, the European Electronic Toll Service (EETS) has to be constructed. This shall enable toll payers to meet their payment obligations throughout the EU with a single on-board unit (OBU), on the basis of a single contract with one provider. Co-operation with the operator company, Toll Collect GmbH, is a significant aspect of the basic tasks, particularly drawing up and developing the operator contract, and legal supervision and enforcement of the operator's fulfillment of all its contractual obligations. Other tasks are clarifying basic issues concerning toll law, safeguarding the uniform application of the law and managing administrative dispute procedures. From a technological point of view, the key tasks are developing IT components and procedures to control the system operator and to run the central toll information system.



### Roadside checks

The toll inspection service, which has around 500 employees, has played a significant role in ensuring that the complaint rate concerning the HGV toll has been very low for years (less than 1 %). It is equipped with about 250 ultra-modern inspection vehicles which enable the automatic readout of toll payers' on-board units (OBU) when they drive by. For mobile checks, HGVs without an inbuilt on-board unit are checked by entering the HGV's registration into the service vehicle's computer system. Thus, before the overtaking process is even complete, it is possible to establish whether toll has been paid for every HGV. If this is not the case, the HGV in question shall be pulled over and further checks shall be made. In addition, stationary checks are carried out in which HGVs are pre-checked using toll check bridges in front of motorway service areas.

### On-site checks

The on-site toll inspection service completes the inspection concept. Deploying field inspectors makes it possible to visit companies and other toll payers on site and to reveal toll violations by comparing operating procedures and records. Thus suspicious facts can be specifically followed up. This makes another decisive contribution towards ensuring toll fairness. The findings of the on-site toll inspection service frequently lead to subsequent toll recoveries and to the initiation of offence procedures. Thanks to on-site checks, particularly serious violations of the toll obligation are effectively revealed and punished. Managed by the Head Office in Cologne, around 30 on-site inspectors are deployed nationwide.

### Subsequent recovery and offence procedures

In the event of any violation of the HGV toll obligation, there must be consequences. Hence, the implementation of subsequent recovery and offence procedures is necessary.

These also include processing objections to subsequent recovery procedures and appeals against offence procedures. The competence of the Federal Office as a complaints authority also covers subsequent recovery decisions made by the operator company.

In offence procedures, the Federal Office is the fining authority for both resident and non-resident parties; it is also involved in clarifying disputed issues before the courts.

### Operator monitoring, accounting

The responsibility for toll charging lies essentially with the Federal Office. The Legislature has, however, allowed it to assign the creation and operation of the toll system to a private company. The Federal Office made use of this option, appointing Toll Collect GmbH (TC). Consequently, the Federal Office must ensure that TC fulfils its contractual obligations. Operator monitoring involves ongoing checks that the toll is charged and paid in full, correctly and in good time, on the one hand, and resetting the operator's remuneration on a yearly basis, on the other. Moreover, the Federal Office must refund the toll in cases in which the claim for a refund could not be asserted against TC in good time.





# Branches

Roadside checks

Regulatory law procedures

Administration

## The BAG branches



The Federal Office is organized on a decentralized basis. Around 620 employees work in its Head Office in Cologne, whilst around 1,080 employees work in 11 branches nationwide. These organizational units cooperate closely to perform the tasks prescribed by law.

The roadside inspection service pursuant to road freight transport law is assigned to the branches in Dresden, Erfurt, Hanover, Mainz, Munich, Münster, Schwerin and Stuttgart. These branches are also responsible for market access procedures and on-site checks pursuant to road freight transport law, and partially responsible for offence procedures and for performing decentralized administration tasks. The three branches in Bremen, Kiel and Saarbrücken are so called priority branches. They implement offence procedures, primarily against non-resident parties.

The decentralized organization of the Federal Office not only enables optimal task performance. It also guarantees that the Federal Office is present on site as a contact for Federal State transport authorities and police stations, as well as road freight transport companies and their associations.

## Travel Management Service Center

The Federal Administration endeavors to bundle similar tasks in order to reduce costs. As part of these efforts, on May 1 2009 the Travel Management Service Center (DLZ RSt) was set up in the Federal Office within the domain of the BMVBS. Step by step, the DLZ RSt is taking on the preparation and billing of service journeys by around 28,000 employees of the Federal transport and building administration, as well as providing services for redeployments, delegations or transfers.



For further information about the BAG, please visit our homepage at [www.bag.bund.de](http://www.bag.bund.de), and see our annual business reports.



○ BAG Head Office    ● Branch    ■ Branch with priority tasks

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# Notes

