



SIOD

SOCIALE INLICHTINGEN-
EN OPSPORINGSDIENST

AIM-Progress event : The Perspective of the Belgian Inspection Services

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24 September 2026



SIRS

SERVICE D'INFORMATION
ET DE RECHERCHE SOCIALE



What are we going to talk about?

1. What is the **structure** of the inspection services?
2. **A joint model** for multidisciplinary collaboration
3. **Types of inspections** & forms of co-operation
4. Who is **(co-)responsible** for the infringements?
5. Most common **problems**
6. Possible **answers**



WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

Who inspects transport companies?

How are the inspection services organised?

Belgium is a complex country

There are federal and regional competences

Police: federal and local

Transport inspectorate: federal and regional (Flanders, Wallonia and Brussels)

Social inspection services: federal and regional (Flanders, Wallonia and Brussels)

Customs: federal and regional (Flanders, Wallonia and Brussels)

Public Prosecutor's Office: Labour Auditor and Public Prosecutor





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES? THE POLICE

General competences covering: so **also** transport legislation, road traffic legislation, technical defects, general criminal law, social legislation, ...

➤ **Main focus: road safety**



Local Police:

- Attached to a police zone (e.g. Antwerp, Liège, several municipalities combined)
 - Some police zones have specialists in heavy goods transport



WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

THE POLICE:

THE FEDERAL POLICE: Different departments work on their own subjects.

FGP: Federal Judicial Police

A specialised department that conducts judicial investigations into serious and organised crime. It operates under the direction of the judicial authorities (public prosecutors' offices and investigating judges) and supports both local and federal investigations.



SPN: Navigation Police (= Harbour police)

A specialised department of the Federal Police responsible for policing seaports, inland waterways and the Belgian North Sea. Among other things, it carries out border checks, combats crime in ports and on the water, and cooperates with other inspection and security services.



WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

THE POLICE :

WPR: FEDERAL ROAD POLICE

Specialised police department responsible for surveillance and enforcement on motorways and major roads in Belgium.





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

TRANSPORT INSPECTORATE

- **Primary focus: road safety**



Federal: The Federal Public Service Mobility and Transport

- Driving and resting times
- Community licence and market access (cabotage)
- Tachographs
- Driver cards
- Traffic laws, insurance, vehicle registration



WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

TRANSPORT INSPECTORATE

Regional:

Flanders: **VLABEL**

Wallonia: **UCR**

Brussels: **URCET**



Powers to carry out checks on the roadside:

- Overloaded vehicles (mass and weight checks)
- Vehicle dimensions
- Exceptional loads
- ADR transport (dangerous goods)
- Technical regulations and roadworthiness testing
- Load securing
- AdBlue and emissions



WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

SOCIAL INSPECTION SERVICES

- **Emphasis on decent terms and conditions of employment**

Federal

Labour Inspectorate, Social Security Inspectorate, Unemployment Inspectorate, Sickness Benefits Inspectorate, Social Security Inspectorate for the Self-Employed

Labour Inspectorate:

- 1) Health and safety at work
- 2) Wages and collective agreements

Special Transport Unit:

- Driving and resting times
- Social legislation
- Posting
- Remuneration
- Un(der)declared work
- ...





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

SOCIAL INSPECTION SERVICES

Regional:

Flanders: Flemish Social Inspectorate (VSI)

Wallonia: Direction de l'Inspection Sociale (DIS)

Brussels: Inspection régionale de l'emploi (IRE)

Ostbelgien: Arbeitsmarktinspektion

(Ministerium der Deutschsprachigen Gemeinschaft)

- Temporary agency workers
- **TCNs:** work permits, single permits;
- Regional employment measures
- ...





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES? CUSTOMS

➤ Emphasis on freight

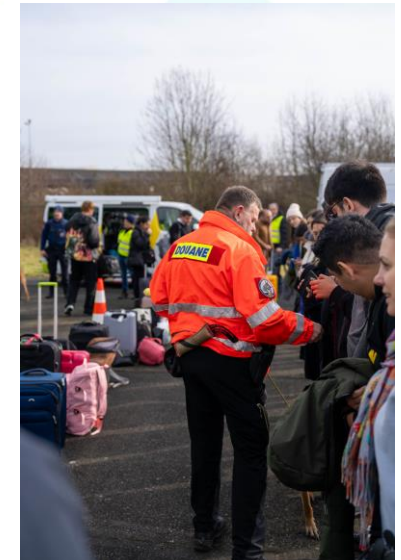
Federal:

FPS Customs and Excise:

focuses primarily on goods, tax obligations and compliance with specific legislation relating to international trade.

When carrying out checks on lorries, customs officials check, amongst other things:

- The conformity of the goods with the documents
- Customs documents
- The correct transport of excise goods
- Smuggled or clandestine goods.
- The seals
- Red / decolourised diesel





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES? CUSTOMS

Regional:

SPW Finances Wallonia, Brussels Taxation / Bruxelles Fiscalité, as well as via VLABEL

- Vehicle taxation (unpaid road tax, BIV (= Vehicle Registration Tax), etc.)
- VIAPASS (kilometre charge for lorries) and OBU (On-board Unit)





WHAT IS THE STRUCTURE OF THE INSPECTION SERVICES?

THE PROSECUTOR'S OFFICE

➤ Focus on criminal investigations

2 specialised services:

- The Labour Prosecutor
- The Public Prosecutor specialised in traffic offences





A JOINT MODEL FOR MULTIDISCIPLINARY COLLABORATION

Police, Transport Inspectorate, Social Services Inspectorate, Customs, Public Prosecutor

Emphasis on:

FAIR Competition



TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

1. **Routine** day-to-day checks: police, customs
2. **Targeted** checks on heavy goods vehicles
3. **Larger-scale multidisciplinary checks** focusing on one or more specific areas
4. **Company inspections:** in Belgium or abroad
5. **Social and judicial inspections** of a one single company



TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

1. Routine day-to-day checks: police, customs



Usually focusing on specific topics, such as:

- Alcohol
- Telephone
- Wearing a seatbelt
- Theft
- Fatigue (saliva test - future)
- drugs



TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

2. Targeted checks on heavy goods vehicles

Checking routine items:

Have **a portfolio** ready with you containing: CMRs, transport licence, driver's attestation (for TCNs), driving licence, on-board documents, ID, RTPD, (PD)A1, etc.





TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

3. Larger-scale multidisciplinary checks focusing on more specific areas

For example:

- inspection of all the various services
- Checks on long rest periods and return journeys
- International exchanges of inspectors





TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

Checks on long rest periods in the cab

movie



TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

COMPANY INSPECTIONS IN BELGIUM

1. Social inspection services:

Labour Inspectorate, Social Security Inspectorate, ...

Checks on wages, social security documents, hours worked (including overtime), social security declarations, temporary unemployment, health and safety, ...

2. Company inspection department of the FPS Mobility and Transport

Checks on the mandatory conditions for establishment, documents, driving and rest periods





TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

COMPANY INSPECTIONS ABROAD

via "IMI"-platform for Posting:

➤ **direct contact with the company**

The employer must provide the following documents **within 8 weeks**:

1. a copy of **the transport documents** (usually CMRs) and **tachograph data**
2. a copy of the **employment contract**
3. **the working time records** showing **the start, end and duration of the posted driver's daily working** hours "in relation to the posting period"
4. proof of payment of the posted driver's wages relating to the posting period



TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

COMPANY INSPECTIONS ABROAD

Via the 'IMI' platform for ***the conditions of establishment:***

➤ **with our foreign fellow inspectors**

- The Belgian inspectors are asking their colleagues to carry out a closer inspection of the **conditions of establishment** under which a transport company is authorised to operate
- Those conditions have become stricter since the introduction of the Mobility Package
- The foreign inspection service then reports back to its Belgian colleagues





TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

COMPANY INSPECTIONS ABROAD

➤ By visiting the site

1. Through a joint international investigation (CJI)
2. Through judicial cooperation





TYPES OF INSPECTIONS & FORMS OF CO-OPERATION

SOCIAL AND JUDICIAL INSPECTIONS OF A ONE SINGLE COMPANY

- If there are indications of social dumping and fraud

Model International Private Law – “habitual employment”:

- The entire Belgian labour law applies + obligation to register at **DIMONA** (‘undeclared work’)



112 Slovaakse vrachtwagens in beslag gesteld op bedrijventerrein in Zeebrugge





WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

THE DRIVER, THE EMPLOYER OR THE CLIENT(S)

??

➤ Identification of the various players

- Via CMR
- Via Transport licence
- Via B-Erru
- Via the on-board computer
- Via enquiries and further investigation

The image shows a sample of a French transport document (Lettre de voiture - Document de transport) form. The form is divided into several sections, each with a circled number. The sections are:

- 1. Destinataire (Client) - Information about the client, including name, address, and contact details.
- 2. Destinataire (Employer) - Information about the employer, including name, address, and contact details.
- 3. Destinataire (Driver) - Information about the driver, including name, address, and contact details.
- 4. Destinataire (On-board computer) - Information about the on-board computer, including name, address, and contact details.
- 5. Destinataire (Enquiries and further investigation) - Information about the enquiries and further investigation, including name, address, and contact details.

The form also includes a section for the driver's license (Permis de conduire) and a section for the employer's license (Licence de transport).



WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

Apart from the driver and the employer, who else shares RESPONSIBILITY?

- **The principal:** any natural or legal person who has entered into a contract of carriage with the carrier
- **The transport intermediary:** the Freight Forwarder or the Forwarding Agent
- **The shipper:** any natural or legal person who delivers the goods to be carried to the carrier



WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

THE CO-RESPONSIBILITY FOR:

Transport Licence:

the principal, the freight forwarder or a commission transporting agent-forwarder if, at the time of concluding the contract, they failed – even through a lack of due care or caution – to check whether the transport undertaking held a valid licence

the shipper, if, prior to the carriage of the goods, he failed – even through a lack of care or precaution – to check whether **a certified copy of the licence** was present

The consignment note:

The shipper, if, prior to transport, he failed – even through a lack of care or precaution – to check whether the consignment note (CMR) had been prepared



WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

And furthermore:

- 1° exceeding the permitted **weights and dimensions** of vehicles or towed vehicles
- 2° failure to comply with the regulations concerning **the safety of vehicle loads**
- 3° failure to comply with the regulations concerning **driving and rest periods**
- 4° exceeding the permitted **maximum speed**
- 5° failure to comply with the regulations concerning road **cabotage**

The **principal, the shipper, the freight forwarder or the forwarding agent** in connection with a transport operation shall be punished in the same way as the perpetrators of the offences set out above if they have given **instructions or committed acts** that have led to these offences.



WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

A fair price for transport

The **carrier**, the **principal**, the **freight forwarder** or the **agent-forwarder** shall be liable to prosecution if it is proven that they have offered, **carried out or arranged** for the carriage of goods at an unreasonably low price.

The term '**unreasonably low price**' refers to a price that is insufficient to cover:

1. the unavoidable items included in the cost price of the vehicle, in particular the depreciation or hire of the vehicle, tyres, fuel and its maintenance
2. costs arising from statutory or regulatory obligations, in particular social security, tax and safety obligations
3. costs arising from the administration and management of the business
4. Posting, ...



WHO IS RESPONSIBLE FOR THE INFRINGEMENTS?

NL FR DE **EN**Official information and services: www.belgium.be **.be**

**Point of contact for Fair Competition**

Watch out for phishing by SMS! Suspicious text messages on behalf of Point of contact for Fair Competition

- **Fake text messages** are currently circulating on behalf of Point of contact for Fair Competition.
- Do you receive a text message that appears to be sent by us? **Don't ever reply** to it, **block** the sender's phone number and **delete** the message. As a matter of fact, Point of contact for Fair Competition will never send you text messages.
- We also recommend filing a report with [SafeOnWeb](mailto:suspicious@saefceonweb.be) at suspicious@saefceonweb.be.

What is the Point of Contact for Fair Competition?

The Point of Contact for Fair Competition is a central point where you as a citizen, a company or an organisation can file a report if you suspect that a citizen or a company is committing social fraud. There is a secure access especially for professional users, such as employers' and workers' organisations, social service departments, cities and municipalities, and other public institutions.

The reports will be passed on to the competent services in order to ascertain whether the legislation, which they need to monitor, has been infringed.

The Point of Contact also registers reports from whistleblowers. In accordance with the Whistleblowers Act and its implementing decree, the [Social Information and Investigation Service or SIOI](#) (Sociale Inlichtingen- en Opsporingsdienst in Dutch) is the competent body to receive these whistleblower reports in the fight against social fraud. Please read our page on your

Citizen or business

I agree to the conditions and I want to enter a report

Authorised professional partners

Secure access via eID

I agree to the conditions

- Anyone can report unfair practices
- Reports are investigated further
- The detailed information is passed on to the various control services
- [Point of contact for Fair Competition](#)



WHO IS RESPONSIBLE FOR INFRINGEMENTS?

Posting of drivers

The **principle**, the **freight forwarder** or the **agent-forwarder** is also responsible for ensuring that the carrier correctly applies the principles of employment law when posting driver. They must ensure that:

1. The **carrier** submits the documents required for the inspection DURING and AFTER (up to 8 weeks after the request was made) the inspection
2. The **carrier** provides a copy of the payslips no later than 8 weeks after the inspection authority's request
3. That the **carrier** complies with the obligation to give prior notice in the RTPD-system via IMI



MOST COMMON PROBLEMS

DURING ROADSIDE CHECKS AND LARGE-SCALE JOINT INSPECTIONS

Reasons relating to drivers:

1. Drivers' lack of understanding of the documents they are required to present
2. Drivers cannot find the documents or do not have them with them
3. Drivers' poor language skills
4. Inadequate use of the tachograph
5. Drivers are dissatisfied with their working conditions or pay

On behalf of the employers:

1. A lack of proper planning and organisation regarding accommodation and return journeys
2. The continuous recruitment of new, inexperienced drivers
3. Unclear contractual terms regarding wages
4. Not providing drivers with advance information about pay in the case of posting
5. Inadequate training for drivers on tachographs, documents, etc.



MOST COMMON PROBLEMS

IN THE CASE OF COMPANY CHECKS & SOCIAL AND JUDICIAL INSPECTIONS OF A ONE SINGLE COMPANY

On behalf of the employers:

- Enormous pressure to meet tight deadlines
- Use of a bogus letterbox company to keep costs down
- Only one client
- Driving for unreasonably low prices

On behalf of the shippers:

- Passing on responsibilities
- Deliberately vague contractual agreements



POSSIBLE ANSWERS

1. IMPROVING KNOWLEDGE

For Drivers:

- information leaflets and roadside signs (ELA)
- More training before departure
- A good relationship with the inspectors



For Employers:

- Information sessions in partnership with Ela
- Salary calculator
- Online information

For Principles

- A better understanding of the required documents





POSSIBLE ANSWERS

Controls after the introduction of the EU Mobility Package (since 2020)

A lot has changed since the introduction of the social measures.

Since Ela was set up, supervisory bodies have become much more closely linked

There is now more investment in:

1. Joint roadside checks (**national** and **international**)
2. Joint company inspections (**national** and **international**)
3. Joint training programmes (**national** and **international**)
4. Joint communication channels (**national** and **international**)





Any questions?



Abbreviation	Meaning
FGP	Federal Judicial Police
SPN	Navigation Police (= Harbour police)
WPR	Federal Road Police
FOD MOB	The Federal Public Service Mobility and Transport
VLABEL	Flemish Transport Inspectorate and Flemish Tax Authority
UCR	Regional transport inspection body in Wallonia
URCET	Brussels Regional Transport Enforcement Unit
VSI	Flemish Social Inspectorate
DIS	Walloon Social Inspectorate
IRE	Brussels Social Inspectorate
TCN	Third-Country National
FPS	Federal Public Service
BIV	Vehicle Registration Tax



Abbreviation	Meaning
DIMONA	Declaration Immédiate/Immediate Declaration
ELA	European Labour Authority
OM / AA	Public Prosecutor's Office / Labour Prosecutor
TSW /CLS	Supervision of Social Laws
TWW	Supervision of Well-being at Work
NSSO /RSZ /ONSS	National Social Security Office
RVA	National Employment Service
MEC	Contact Point for Fair Competition
SIIS / SIOD /SIRS	Social Intelligence and Investigation Service
RSVZ	National Institute for the Social Insurance of Self-Employed Entrepreneurs
RIZIV	National Institute for Sickness and Disability Benefits
CJI	Concerted and/or Joint Inspection
IMI	Internal Market Information System



Abbreviation	Meaning
VIAPASS	Viapass is the Belgian interregional public body responsible for the road charging system for heavy goods vehicles
OBU	On-board Unit. An OBU is an electronic device fitted to a vehicle that automatically records the distance travelled for the purposes of the kilometre charge.
CMR	Consignment note
PDA1	Portable Document A1: certificate indicating which national legislation in the field of social security a worker is subject to.
RTPD	Road transport posting declaration
B-Erru	The Belgian European Register of Road Transport Undertakings



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