

## Penalties for infringements of the provisions of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014

Please find information about relevant penalties for each type of infringement described and their level of seriousness.

Level of seriousness for infringements			
MSI = most serious infringements	VSI = very serious infringement	SI = serious infringement	MI = minor infringement

### 1. Groups of infringements against Regulation (EC) no 561/2006 for Poland

<b>National legislation for penalties related to infringements against Regulation (EC) 561/2006:</b>		Act of 6 September 2001 on road transport (Journal of Laws of 2019 item 2140 and of 2020 item 875 and 1087, hereinafter referred to “the Road Transport Act”): <a href="https://dziennikustaw.gov.pl/DU/rok/2019/pozycja/2140">https://dziennikustaw.gov.pl/DU/rok/2019/pozycja/2140</a> <a href="https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/875">https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/875</a> <a href="https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/1087">https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/1087</a>						
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
<b>Crew</b>								
Art 5.1	Not respecting minimum ages for conductors			X			500 PLN Point 4.4.8 of Annex 4 to the Road Transport Act	
<b>Driving periods</b>								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h				X	50 PLN Point 5.1.1 of Annex 3 to the Road Transport Act	

		$10h \leq \dots < 11h$			X			150 PLN Point 5.1.2 of Annex 3 to the Road Transport Act
		$11h \leq \dots$		X				200 PLN Point 5.1.3 of Annex 3 to the Road Transport Act
	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X					550 PLN Point 5.1.4 of Annex 3 to the Road Transport Act
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$				X		100 PLN Point 5.2.1 of Annex 3 to the Road Transport Act
		$11h \leq \dots < 12h$			X			200 PLN Point 5.2.2. of Annex 3 to the Road Transport Act
		$12h \leq \dots$		X				250 PLN Point 5.2.3. of Annex 3 to the Road Transport Act
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X					550 PLN Point 5.2.4 of Annex 3 to the Road Transport Act
Art. 6.2	Exceed weekly driving time	$56h < \dots < 60h$				X		150 PLN Point 5.3.1 of Annex 3 to the Road Transport Act
		$60h \leq \dots < 65h$			X			250 PLN

								Point 5.3.2 of Annex 3 to the Road Transport Act	
		65h ≤ ... < 70h		X				350 PLN	Point 5.3.3 of Annex 3 to the Road Transport Act
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X					550 PLN	Point 5.3.4. of Annex 3 to the Road Transport Act
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X		250 PLN	Point 5.4.1 of Annex 3 to the Road Transport Act
		100h ≤ ... < 105h			X			350 PLN	Point 5.4.2 of Annex 3 to the Road Transport Act
		105h ≤ ... < 112h30		X				550 PLN	Point 5.4.3. of Annex 3 to the Road Transport Act
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X					700 PLN	Point 5.4.4. of Annex 3 to the Road Transport Act
Art. 6.5	Lacking records for “other work” and “periods of availability”		X						
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances		X						

	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours		X					
	Exceeding daily and/or weekly driving by more than two hours in cases where an uninterrupted break of 30 minutes was taken immediately prior to the additional driving		X					
Art. 12	No compensation of equivalent rest period for an extended driving time		X					

### Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X		100 PLN Point 5.11.1. of Annex 3 to the Road Transport Act
		5h ≤ ... < 6h			X			250 PLN Point 5.11.2. of Annex 3 to the Road Transport Act
		6h ≤ ...		X				350 PLN Point 5.11.3. of Annex 3 to the Road Transport Act

### Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$10h \leq \dots < 11h$			X		100 PLN Point 5.5.1 of Annex 3 to the Road Transport Act
		$8h30 \leq \dots < 10h$		X			200 PLN Point 5.5.2. of Annex 3 to the Road Transport Act
		$\dots < 8h30$	X				350 PLN Point 5.5.3. of Annex 3 to the Road Transport Act
	Insufficient reduced daily rest period of less than 9h if reduced allowed	$8h \leq \dots < 9h$			X		150 PLN Point 5.7.1 of Annex 3 to the Road Transport Act
		$7h \leq \dots < 8h$		X			350 PLN Point 5.7.2. of Annex 3 to the Road Transport Act
		$\dots < 7h$	X				550 PLN Point 5.7.3. of Annex 3 to the Road Transport Act
	Insufficient split daily rest period of less than 3h + 9h	$3h + [8h \leq \dots < 9h]$			X		100 PLN Point 5.6.1. of Annex 3 to the Road Transport Act
		$3h + [7h \leq \dots < 8h]$		X			200 PLN

								Point 5.6.2. of Annex 3 to the Road Transport Act	
		3h + [... < 7h]		X				350 PLN	
								Point 5.6.3. of Annex 3 to the Road Transport Act	
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X		150 PLN	
		7h ≤ ... < 8h			X			350 PLN	
		... < 7h		X				550 PLN	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X		200 PLN	
		20h ≤ ... < 22h			X			350 PLN	
		... < 20h		X				450 PLN	
							Point 5.9.1. of Annex 3 to the Road Transport Act		
							Point 5.9.2 of Annex 3 to the Road Transport Act		
							Point 5.9.3. of Annex 3 to the Road Transport Act		

	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$			X		150 PLN Point 5.8.1. of Annex 3 to the Road Transport Act
		$36h \leq \dots < 42h$		X			300 PLN Point 5.8.2. of Annex 3 to the Road Transport Act
		$\dots < 36h$	X				400 PLN Point 5.8.3. of Annex 3 to the Road Transport Act
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$\dots < 3h$			X		350 PLN Point 5.10.1. of Annex 3 to the Road Transport Act
		$3h \leq \dots < 12h$		X			450 PLN Point 5.10.2. of Annex 3 to the Road Transport Act
		$12h \leq \dots$	X				550 PLN Point 5.10.3. of Annex 3 to the Road Transport Act
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period		X				
	Less than two regular weekly rest periods in any four consecutive weeks		X				

Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total		X					
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total		X					
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette			X				

#### 12-day rule derogation

Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h				X		150 PLN Point 5.14.1. of Annex 3 to the Road Transport Act
		3h ≤ ... < 12h			X			300 PLN Point 5.14.2. of Annex 3 to the Road Transport Act
		12h ≤ ...		X				400 PLN Point 5.14.3. of Annex 3 to the Road Transport Act
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X			300 PLN Point 5.13.2. of Annex 3 to the Road Transport Act
		... ≤ 65h		X				400 PLN



								Point 5.13.3. of Annex 3 to the Road Transport Act	
Art. 8.6a. (d)	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	3h < ... < 4,5 h		X				250 PLN Point 5.11.4 lit. a. of Annex 3 to the Road Transport Act	
		4,5 h ≤ ...		X				350 PLN Point 5.11.4 lit. b. of Annex 3 to the Road Transport Act	
<b>Work organisation</b>									
Art. 10.1	Link between wage and distance travelled or amount of goods carried		X					8000 PLN Point 1.8. of Annex 3 to the Road Transport Act	
Art. 10.2	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X					1500 PLN Point 19 of Annex 4 to the Road Transport Act	
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks	X							

## 2. Groups of infringements against Regulation (EU) No 165/2014 of the European Parliament and of the Council (Tachograph) for Poland

<b>National legislation for penalties related to infringements against Regulation (EU) 165/2014:</b>		Act of 6 September 2001 on road transport (Journal of Laws of 2019 item 2140 and of 2020 item 875 and 1087, hereinafter referred to “the Road Transport Act”): <a href="https://dziennikustaw.gov.pl/DU/rok/2019/pozycja/2140">https://dziennikustaw.gov.pl/DU/rok/2019/pozycja/2140</a> <a href="https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/875">https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/875</a> <a href="https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/1087">https://dziennikustaw.gov.pl/DU/rok/2020/pozycja/1087</a>						
EU LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
<b>Installation of tachograph</b>								
Art. 3.1 and Art. 22.2	Not having type-approved tachograph installed and used ( <i>e.g.: not having a tachograph installed by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States, using a tachograph without the necessary seals placed or replaced by an approved fitter, workshop or vehicle manufacturer or using a tachograph without the installation plaque</i> )	X					10 000 PLN Point 6.1.1. and 6.1.2 of Annex 3 to the Road Transport Act (with regard to an entity performing road transport)  2000 PLN Point 15.3. of Annex 4 to the Road Transport Act (with regard to a transport manager)	
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines	X						
<b>Use of tachograph, driver card or record sheet</b>								
Art. 22.5	Removed or broken seal of tachograph not replaced by an approved fitter or	X						

	workshop within 7 days or by a control officer at the control								
Art. 23.1	Using a tachograph not inspected by an approved workshop		X					1000 PLN Point 6.1.5. of Annex 3 to the Road Transport Act	
Art. 27	Driver holding and/or using more than one own driver card		X					3000 PLN Point 6.3.2. of Annex 3 to the Road Transport Act	2000 PLN Point 7.2. of Annex 1 to the Road Transport Act
	Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X						2000 PLN Point 6.3.1. of Annex 3 to the Road Transport Act  500 PLN Point 4.5. of Annex 4 to the Road Transport Act	
	Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X						3000 PLN Point 6.3.3. of Annex 3 to the Road Transport Act	2000 PLN Point 7.17 of Annex 1 to the Road Transport Act
	Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents	X						500 PLN Point 4.7. of Annex 4 to the Road Transport Act	500 PLN Point 7.19. of Annex 1 to the Road Transport Act

	<i>(considered as driving without driver card)</i>							
Art. 32.1	Tachograph not correctly functioning <i>(e.g.: tachograph not properly inspected, calibrated and sealed)</i>		X					1000 PLN Point 6.1.6. of Annex 3 to the Road Transport Act
Art. 32.1 and Art. 33.1	Tachograph improperly used <i>(e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)</i>		X					5000 PLN Point 6.2.1. of Annex 3 to the Road Transport Act  2000 PLN Point 7.6. of Annex 1 to the Road Transport Act  1500 PLN Point 7.16. of Annex 1 to the Road Transport Act
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X						10 000 PLN Point 6.1.3. of Annex 3 to the Road Transport Act  2000 PLN Point 16. of Annex 4 to the Road Transport Act
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X						10 000 PLN Point 6.2.2. of Annex 3 to the Road Transport Act

Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X				500 PLN Point 6.3.15. of Annex 3 to the Road Transport Act	
	Recorded and stored data not available for at least a year		X				500 PLN Point 6.3.15. and 6.3.16 of Annex 3 to the Road Transport Act	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X				3000 PLN Point 6.3.4. of Annex 3 to the Road Transport Act  2000 PLN Point 6.3.19. of Annex 3 to the Road Transport Act	100 PLN Point 7.7. of Annex 1 to the Road Transport Act  2000 PLN Point 7.13. and 7.18 of Annex 1 to the Road Transport Act
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X				3000 PLN Point 6.3.5. of Annex 3 to the Road Transport Act	2000 PLN Point 7.1 of Annex 1 to the Road Transport Act
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X				3000 PLN Point 6.3.6. of Annex 3 to the Road Transport Act	100 but no more than 1000 PLN Point 7.8 of Annex 1 to the Road Transport Act

Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X				100 PLN Point 6.3.7. of Annex 3 to the Road Transport Act	200 PLN Point 7.10 of Annex 1 to the Road Transport Act
Art. 34.3	Not using manual input when required to do so		X				50 PLN Point 6.3.8. of Annex 3 to the Road Transport Act  50 PLN (maximum 500 PLN for one sheet) Point 6.3.14. of Annex 3 to the Road Transport Act	50 PLN for each missing entry, but no more than 200 PLN for each record sheet or one printout  Point 7.11 of Annex 1 to the Road Transport Act
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X			1000 PLN Point 6.3.10. of Annex 3 to the Road Transport Act	200 PLN Point 7.9 and 7. of Annex 1 to the Road Transport Act
Art. 34.5	Incorrect use of switch mechanism		X				100 PLN (maximum 1000 PLN) Point 6.3.11. of Annex 3 to the Road Transport Act	100 PLN (maximum 1000 PLN) Point 7.3 of Annex 1 to the Road Transport Act

Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period		X				
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period		X				
<b>Producing information</b>							
Art. 36	Refusing to be checked		X			12 000 PLN Point 1.6. of Annex 3 to the Road Transport Act	
Art. 36	Unable to produce records of current day and the previous 56 days		X				200 PLN Point 1.4. of Annex 1 to the Road Transport Act
	Unable to produce records of the driver card if the driver holds one		X				200 PLN Point 1.4. and 2 of Annex 1 to the Road Transport Act
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X				200 PLN Point 1.4. of Annex 1 to the Road Transport Act  100 PLN Point 7.12. of Annex 1 to the Road Transport Act

Art. 36	Unable to produce a driver card, if the driver holds one		X					200 PLN Point 1.4. of Annex 1 to the Road Transport Act
<b>Malfunctioning</b>								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X					2000 PLN Point 6.3.12. of Annex 3 to the Road Transport Act
Art. 37.2	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X					100 PLN max 2000 PLN Point 6.3.9. of Annex 3 to the Road Transport Act 200 PLN Point 7.15. of Annex 1 to the Road Transport Act