

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 Austria								
National legislation for penalties related to infringements against Regulation (EC) 561/2006:								
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
Crew								
Art 5.1	Not respecting minimum ages for conductors			X		KFG (Kraftfahrgesetz; Motor Vehicle Act)	200 - 5.000	
Driving periods								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	KFG AZG (Arbeitszeitgesetz)	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		10h ≤ ... < 11h		X		KFG AZG	500-5000	

								200-2.180 (when repeated: 250- 3.600)	
		11h ≤ ...		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X	KFG AZG	200- 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		11h ≤ ... < 12h			X		KFG AZG	200- 5.000 200 - 2.180 (when repeated: 250 - 3.600) -	
		12h ≤ ...		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X	KFG AZG	200 - 5.000	

								72 - 1.815 (when repeated: 145 - 1.815)	
		60h ≤ ... < 65h			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		65h ≤ ... < 70h		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X	KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		100h ≤ ... < 105h			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		105h ≤ ... < 112h30		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Exceed maximum total driving time during 2	112h30 ≤ ...	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	

	consecutive weeks by 25 % or more								
Art. 6.5	Lacking records for “other work” and “periods of availability”								
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances								
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours								
	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								
Art. 12	No compensation of equivalent rest period for an extended driving time								

Breaks

Art. 7	Exceed uninterrupted driving time of	4h30 < ... < 5h				X	KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
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	4,5 hours before taking the break	$5h \leq \dots < 6h$			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$6h \leq \dots$		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
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		KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		$8h30 \leq \dots < 10h$			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$\dots < 8h30$		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$			X		KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		$7h \leq \dots < 8h$			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$\dots < 7h$		X			KFG	300 - 5.000	

							AZG	300 - 2.180 (when repeated: 350 - 3.600)	
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X	KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		3h + [7h ≤ ... < 8h]			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		3h + [... < 7h]		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art 8.5	Insufficient daily rest period of less than 9h for multi- manning	8h ≤ ... < 9h				X	KFG AZG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)	
		7h ≤ ... < 8h			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		... < 7h		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art 8.6	Insufficient reduced weekly	22h ≤ ... < 24h				X	KFG ARG (Arbeitsruhegesetz)	200 - 5.000 - 72 - 1.815 (when repeated:	

	resting period of less than 24 h						KFG ARG	145 - 1.815) 200 - 5.000 - 200 - 2.180 (when repeated: 250 - 3.600)			
		20h ≤ ... < 22h			X					KFG ARG	300 - 5.000- 300 - 2.180 (when repeated: 350 - 3.600)
		... < 20h		X						KFG ARG	
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X	KFG ARG	200 - 5.000 72- 1.815 (when repeated: 145 - 1.815)			
		36h ≤ ... < 42h			X		KFG ARG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600			
		... < 36h		X			KFG ARG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)			
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	KFG ARG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.815)			
		3h ≤ ... < 12h			X		KFG ARG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)			
		12h ≤ ...		X			KFG	300 - 5.000			

							ARG	300 - 2.180 (when repeated: 350 - 3.600)	
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period								
	Less than two regular weekly rest periods in any four consecutive weeks								
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total								
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total								
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette								
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods	... < 3h				X	KFG ARG	200 - 5.000 72 - 1.815 (when repeated: 145 - 1.81)	

	following a previous regular weekly rest	$3h \leq \dots < 12h$		X		KFG ARG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$12h \leq \dots$		X		KFG ARG	300 - 5.000- 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$65h < \dots \leq 67h$		X		KFG ARG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$\dots \leq 65h$		X		KFG ARG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
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	$3h < \dots < 4,5 h$		X		KFG ARG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
		$4,5 h \leq \dots$		X		KFG ARG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Work organisation								
Art. 10.1	Link between wage and distance travelled or amount of goods carried		X			KFG ARG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	

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					300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks							

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

National legislation for penalties related to infringements against Regulation (EU) 165/2014:								
EU LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS				Type of penalty		
		MS I	VSI	SI	MI	Administrative	Financial	Criminal
Installation of tachograph								
Art. 3.1 and Art. 22.2	Not having type-approved tachograph installed and used (e.g.: <i>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				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	

Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines							
Use of tachograph, driver card or record sheet								
Art. 22.5	Removed or broken seal of tachograph not replaced by an approved fitter or 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			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 27	Driver holding and/or using more than one own driver card		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
	Driving with a driver card of which the	X				KFG	400 - 5.000	

	driver is not the holder <i>(considered as driving without driver card)</i>				AZG	400 - 2.180 (when repeated: 450 - 3.600)	
	Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents <i>(considered as driving without driver card)</i>	X			KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
Art. 32.1	Tachograph not correctly functioning <i>(e.g.: tachograph not properly inspected, calibrated and sealed)</i>		X		KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
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		KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X			KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	

	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				KFG AZG	400 - 5.000 400 - 2.180 (when repeated: 450 - 3.600)	
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Recorded and stored data not available for at least a year		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	

	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 34.3	Not using manual input when required to do so		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		KFG AZG	200 - 5.000 200 - 2.180 (when repeated: 250 - 3.600)	
Art. 34.5	Incorrect use of switch mechanism		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period							

Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period							
Producing information								
Art. 36	Refusing to be checked		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 36	Unable to produce records of current day and the previous 56 days		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
	Unable to produce records of the driver card if the driver holds one		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	
Art. 36	Unable to produce a driver card, if the driver holds one		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)	

Malfunctioning							
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)
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			KFG AZG	300 - 5.000 300 - 2.180 (when repeated: 350 - 3.600)

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