

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

The amounts corresponding to said infractions are published in sections B and C of **the following penalty scale link**.

https://cdn.mitma.gob.es/portal-web-drupal/baremosancionadorsfsin_atenuantes_05_02_2020.pdf

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

National legislation for penalties related to infringements against Regulation (EC) 561/2006:		Real Decreto 70/2019 (ROTT): https://www.boe.es/eli/es/rd/2019/02/15/70/dof/spa/pdf						
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Art. 197 al 199 del ROTT Art. 201 del ROTT		
						Administrative	Financial	Criminal
Crew								
Art 5.1	Not respecting minimum ages for conductors			X		Si		No aplicable
Driving periods								
Art. 6.1		9h < ... < 10h			X	Sí	Art. 201.a) del ROTT	

	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed					Art. 199.18	100 € - 200 €			
		$10h \leq \dots < 11h$			X	Sí Art. 198.28.2	Art. 201.d) del ROTT 401 € - 600 €			
		$11h \leq \dots$		X		Sí Art. 197.42.3	Art. 201.g) del ROTT 1001 € - 2000 €			
	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X			Si Art. 197.42.1	Art. 201.i) del ROTT 4001 € - 6000 €			
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$				X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €		
		$11h \leq \dots < 12h$				X	Sí Art. 198.28.2	Art. 201.d) del ROTT 401 € - 600 €		
		$12h \leq \dots$		X			Sí Art. 197.42.3	Art. 201.g) del ROTT 1001 € - 2000 €		
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X				Si Art. 197.42.1	Art. 201.i) del ROTT 4001 € - 6000 €		
	Art. 6.2		$56h < \dots < 60h$				X	Sí	Art. 201.a) del ROTT	

	Exceed weekly driving time					Art. 199.18	100 € - 200 €	
		$60h \leq \dots < 65h$			X	Sí Art. 198.28.1	Art. 201.d) del ROTT 401 € - 600 €	
		$65h \leq \dots < 70h$		X		Sí Art. 197.42.7	Art. 201.g) del ROTT 1001 € - 2000 €	
	Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X			Sí Art. 197.42.2	Art. 201.i) del ROTT 4001 € - 6000 €	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	$90h < \dots < 100h$			X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		$100h \leq \dots < 105h$			X	Sí Art. 198.28.1	Art. 201.d) del ROTT 401 € - 600 €	
		$105h \leq \dots < 112h30$		X		Sí Art. 197.42.7	Art. 201.g) del ROTT 1001 € - 2000 €	
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X			Sí Art. 197.42.2	Art. 201.i) del ROTT 4001 € - 6000 €	
Breaks								
Art. 7		$4h30 < \dots < 5h$			X	Sí	Art. 201.a) del ROTT	

	Exceed uninterrupted driving time of 4,5 hours before taking the break					Art. 199.18	100 € - 200 €	
		$5h \leq \dots < 6h$		X		Sí Art. 198.28.3	Art. 201.d) del ROTT 401 € - 600 €	
		$6h \leq \dots$	X			Sí Art. 197.42.4	Art. 201.g) del ROTT 1001 € - 2000 €	

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	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		$8h30 \leq \dots < 10h$		X		Sí Art. 198.28.4	Art. 201.d) del ROTT 401 € - 600 €	
		$\dots < 8h30$	X			Sí Art. 197.42.5	Art. 201.g) del ROTT 1001 € - 2000 €	
	Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$			X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		$7h \leq \dots < 8h$		X		Sí Art. 198.28.4	Art. 201.d) del ROTT 401 € - 600 €	
		$\dots < 7h$	X			Sí Art. 197.42.5	Art. 201.g) del ROTT 1001 € - 2000 €	
	Insufficient split daily rest period	$3h + [8h \leq \dots < 9h]$			X	Sí	Art. 201.a) del ROTT	
		$3h + [7h \leq \dots < 8h]$		X		Art. 199.18	100 € - 200 €	

	of less than 3h + 9h	3h + [... < 7h]		X			Sí Art. 198.28.4 Sí Art. 197.42.5	Art. 201.d) del ROTT 401 € - 600 € Art. 201.g) del ROTT 1001 € - 2000 €	
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		7h ≤ ... < 8h				X	Sí Art. 198.28.4 Sí Art. 197.42.5	Art. 201.d) del ROTT 401 € - 600 € Art. 201.g) del ROTT 1001 € - 2000 €	
		... < 7h		X					
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		20h ≤ ... < 22h				X	Sí Art. 198.28.5	Art. 201.d) del ROTT 401 € - 600 €	
		... < 20h		X			Sí Art. 197.42.6	Art. 201.g) del ROTT 1001 € - 2000 €	
	Insufficient weekly resting period of less than 45 h if reduced weekly	42h ≤ ... < 45h				X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		36h ≤ ... < 42h				X	Sí	Art. 201.d) del ROTT	

	resting period not allowed						Art. 198.28.5	401 € - 600 €	
		... < 36h		X			Sí Art. 197.42.6	Art. 201.g) del ROTT 1001 € - 2000 €	
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €	
		3h ≤ ... < 12h				X	Sí Art. 198.28.6	Art. 201.f) del ROTT 801 € - 1000 €	
		12h ≤ ...		X			Sí Art. 197.42.8	Art. 201.h) del ROTT 2001 € - 4000 €	
Art 8.6	6. Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period		MSI	VSI	SI	MI			
	7 Less than two regular weekly rest periods in any four consecutive weeks			X					
Art. 9		8		X					

	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total							
Art. 9	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	10 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	Sí Art. 199.18	Art. 201.a) del ROTT 100 € - 200 €
		3h ≤ ... < 12h			X	Sí Art. 198.28.7	Art. 201.d) del ROTT 401 € - 600 €
		12h ≤ ...		X		Sí Art. 197.42.9	Art. 201.g) del ROTT 1001 € - 2000 €
Art. 8.6a. (b)(ii)	Weekly rest period taken	65h < ... ≤ 67h			X	Sí Art. 198.28.8	Art. 201.d) del ROTT 401 € - 600 €

	following 12 consecutive 24-hour periods	... ≤ 65h		X			Sí Art. 197.42.10	Art. 201.g) del ROTT 1001 € - 2000 €	
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		Sí Art. 198.28.9	Art. 201.d) del ROTT 401 € - 600 €	
		4,5 h ≤ ...		X			Sí Art. 197.42.11	Art. 201.g) del ROTT 1001 € - 2000 €	

Work organisation

Art. 10.1	Link between wage and distance travelled or amount of goods carried		X						
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						
Art. 8.8	11 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 SPAIN

National legislation for penalties related to infringements against Regulation (EU) 165/2014:

Real Decreto 70/2019 (ROTT): <https://www.boe.es/eli/es/rd/2019/02/15/70/dof/spa/pdf>

EU LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	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.: 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)	X				Sí Art. 197.21 ROTT	Sí Art. 201h) ROTT 2001 a 4000€	
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines	X				Sí Art. 197.21 ROTT	Sí Art. 201h) ROTT 2001 a 4000€	

Use of tachograph, driver card or record sheet							
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			Sí Art. 197.39 ROTT	Art. 201g) ROTT 1001 a 2000€
Art. 27	Driver holding and/or using more than one own driver card		X			Sí Art. 197.25	Art. 201h) ROTT 2001 a 4000€
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X				Sí Artículo 197.24 ROTT	Art. 201h) ROTT 2001 a 4000€
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X				Sí Artículo 197.24 ROTT	Art. 201h) ROTT 2001 a 4000€
	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				Sí Artículo 197.24 ROTT	Art. 201h) ROTT 2001 a 4000€
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X			Sí Art. 197.39 ROTT	Art. 201g) ROTT 1001 a 2000€

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			Sí Art. 197.38 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				Sí Art. 197.11 ROTT	Art. 201i) ROTT 4001 a 6000€	
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				Sí Art. 197.10 ROTT	Art. 201i) ROTT 4001 a 6000€	
			X			Sí Art. 197.23 ROTT	Art. 201h) ROTT 2001 a 4000€	
			X			Sí Art. 197.23 ROTT	Art. 201h) ROTT 2001 a 4000€	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			Sí Art. 197.29 ROTT	Art. 201g) ROTT 1001 a 2000€	
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			Sí Art. 197.29 ROTT	Art. 201g) ROTT 1001 a 2000€	
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			Sí Art. 197.29 ROTT	Art. 201g) ROTT 1001 a 2000€	

Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			Sí Art. 197.28 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 34.3	Not using manual input when required to do so		X			Sí Art. 197.31 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		Sí Art. 198.29 ROTT	Art. 2013) ROTT 601 a 800€	
Art. 34.5	Incorrect use of switch mechanism		X			Sí Art. 197.30 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period		X			Sí Art. 197.31 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period		X			Sí Art. 197.31 ROTT	Art. 201g) ROTT 1001 a 2000€	
Producing information								
Art. 36	Refusing to be checked		X			Sí Artículo 197.13	Art. 201i) ROTT 4001 a 6000€	
Art. 36	Unable to produce records of current day and the previous 56 days		X			Sí Art. 197.40 ROTT	Art. 201g) ROTT 1001 a 2000€	

	Unable to produce records of the driver card if the driver holds one		X			Sí Art. 197.40 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Sí Art. 197.40 ROTT	Art. 201g) ROTT 1001 a 2000€	
Art. 36	Unable to produce a driver card, if the driver holds one		X			Sí Art. 197.40 ROTT	Art. 201g) ROTT 1001 a 2000€	
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			Sí Art. 197.39 ROTT	Art. 201g) ROTT 1001 a 2000€	
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			Sí Art. 197.31 ROTT	Art. 201g) ROTT 1001 a 2000€	

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