

Penalties for the 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 Luxembourg

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
Art 5.1	Not respecting minimum ages for conductors				X				Fine 250 €
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h				X			Fine 145 €
		10h ≤ ... < 11h			X				Fine 250 €
		11h ≤ ...		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8

									days to 5 years according to seriousness of infraction.
	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X			Fine 145 €
		11h ≤ ... < 12h			X				Fine 250 €
		12h ≤ ...		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X			Fine 145 €
		60h ≤ ... < 65h			X			Fine 250 €	
		65h ≤ ... < 70h		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X			Fine 145 €
		100h ≤ ... < 105h			X				Fine 250 €

		105h ≤ ... < 112h30		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 6.5	Lacking records for “other work” and “periods of availability”			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	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		X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
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Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X			Fine 145 €
		5h ≤ ... < 6h			X				Fine 250 €
		6h ≤ ...		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X			Fine 145 €
		8h30 ≤ ... < 10h			X				Fine 250 €
		... < 8h30		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X			Fine 145 €
		7h ≤ ... < 8h			X				Fine 250 €
		... < 7h		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8

									days to 5 years according to seriousness of infraction.
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X			Fine 145 €
		3h + [7h ≤ ... < 8h]			X			Fine 250 €	
		3h + [... < 7h]		X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.	
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X			Fine 145 €
		7h ≤ ... < 8h			X			Fine 250 €	
		... < 7h		X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X			Fine 145 €
		20h ≤ ... < 22h			X			Fine 250 €	
		... < 20h		X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.	
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X			Fine 145 €
		36h ≤ ... < 42h			X			Fine 250 €	

		... < 36h		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X			Fine 145 €
		3h ≤ ... < 12h			X			Fine 250 €	
		12h ≤ ...		X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.	
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Less than two regular weekly rest periods in any four consecutive weeks			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total			X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8

									days to 5 years according to seriousness of infraction.
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette		X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h				X			Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
		3h ≤ ... < 12h			X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
		12h ≤ ...		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
		... ≤ 65h		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8

									days to 5 years according to seriousness of infraction.
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					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
		4,5 h ≤ ...		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Work organisation									
Art. 10.1	Link between wage and distance travelled or amount of goods carried		X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
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						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks		X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

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

National legislation for penalties related to infringements against Regulation (EU) 165/2014:					Code de la route: http://legilux.public.lu/eli/etat/leg/code/route http://data.legilux.public.lu/eli/etat/leg/rgd/2011/06/16/n6/jo			
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 (<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						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
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		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

Art. 23.1	Using a tachograph not inspected by an approved workshop		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 27	Driver holding and/or using more than one own driver card		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	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						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

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					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X						Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Recorded and stored data not available for at least a year		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 34.3	Not using manual input when required to do so		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 34.5	Incorrect use of switch mechanism		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction. Fine 145 € if no impact on data

Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period				X			Fine 145 €
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period				X			Fine 145 €

Producing information

Art. 36	Refusing to be checked		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 36	Unable to produce records of current day and the previous 56 days		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
	Unable to produce records of the driver card if the driver holds one		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
Art. 36	Unable to produce a driver card, if the driver holds one		X					Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

Malfunctioning							
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.
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				Goes to court. Judge can decide a fine of 251 € to 25.000 € and/or imprisonment of 8 days to 5 years according to seriousness of infraction.

[To the Top](#)