

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 Germany

National legislation for penalties related to infringements against Regulation (EC) 561/2006:		http://www.gesetze-im-internet.de/fahrpersstg/_8a.html https://www.bag.bund.de/SharedDocs/Downloads/DE/Bussgeldkataloge/Bussgeld_Fahrpers.pdf?__blob=publicationFile						
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	V SI	SI	MI	Administrative	Financial	Criminal
Crew								
Art 5.1	Not respecting minimum ages for conductors			X		Fine	25 € - 30.000 €	
Driving periods								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	Warning /Fine	30 €/15-5000 €	
		10h ≤ ... < 11h		X		Warning	15-5.000 €	
		11h ≤ ...		X		Fine	15-5.000 €	

	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X				Fine	15-5.000 €	
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$				X	Warning/Fine	30 € / 15 - 5.000 €	
		$11h \leq \dots < 12h$			X		Fine	15 - 5.000 €	
		$12h \leq \dots$		X			Fine	15 - 5.000 €	
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X				Fine	15 - 5.000 €	
Art. 6.2	Exceed weekly driving time	$56h < \dots < 60h$				X	Warning/Fine	30 € / 15 - 5.000 €	
		$60h \leq \dots < 65h$			X		Fine	15 - 5.000 €	
		$65h \leq \dots < 70h$		X			Fine	15 - 5.000 €	
	Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X				Fine	15 - 5.000 €	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	$90h < \dots < 100h$				X	Fine	45 - 30.000 €	
		$100h \leq \dots < 105h$			X		Fine	45 - 30.000 €	
		$105h \leq \dots < 112h30$		X			Fine	45 - 30.000 €	
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X				Fine	45 - 30.000 €	
Art. 6.5	Lacking records for “other work” and “periods of availability”			X			Warning/Fine	15 - 30.000 €	
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances					X	Warning/Fine	30 - 30.000 €	

	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					X		Currently, fines are only imposed on the exceeding of driving times, since the national law does not yet provide an infringement rule for not taking the rest period of at least 30 minutes.	30 – 30.000 €	
Art. 12	No compensation of equivalent rest period for an extended driving time							Currently, fines are only imposed on the exceeding of driving times, since the national law does not yet provide an infringement rule for not taking the obligatory compensation.		

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X	Warning/Fine	30 € / 15 – 5.000 €	
		5h ≤ ... < 6h			X		Warning/Fine	30 € / 15 – 5.000 €	
		6h ≤ ...		X			Fine	15 – 5.000 €	

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if	10h ≤ ... < 11h				X	Warning/Fine	30 € / 15 – 5.000 €	
----------	--	-----------------	--	--	--	---	--------------	---------------------	--

	reduced daily rest period not allowed	$8h30 \leq \dots < 10h$			X		Fine	15 – 5.000 €	
		$\dots < 8h30$		X			Fine	15 - -5.000 €	
	Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$				X	Warning/Fine	30 € / 15 – 5.000	
		$7h \leq \dots < 8h$			X		Fine	15 – 5.000 €	
		$\dots < 7h$		X			Fine	15 – 5.000 €	
	Insufficient split daily rest period of less than 3h + 9h	$3h + [8h \leq \dots < 9h]$				X	Warning/Fine	30 € / 15 – 5.000 €	
		$3h + [7h \leq \dots < 8h]$			X		Fine	15 – 5.000 €	
		$3h + [\dots < 7h]$		X			Fine	15 – 5.000 €	
	Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	$8h \leq \dots < 9h$				X	Warning/Fine	30 € / 15 – 5.000 €
$7h \leq \dots < 8h$					X		Fine	15 – 5.000 €	
$\dots < 7h$				X			Fine	15 – 5.000 €	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X	Warning/Fine	30 € / 15 – 5.000 €	
		$20h \leq \dots < 22h$			X		Fine	15 – 5.000 €	
		$\dots < 20h$		X			Fine	15 – 5.000 €	
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$				X	Warning/Fine	30 € / 15 – 5.000 €	
		$36h \leq \dots < 42h$			X		Fine	15 – 5.000 €	

		... < 36h		X			Fine	15 – 5.000 €	
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	Warning/Fine	30 € / 30 – 5.000 €	
		3h ≤ ... < 12h			X		Fine	30 – 5.000 €	
		12h ≤ ...		X			Fine	30 – 5.000 €	
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period					X	Warning/Fine	45 – 30.000 €	
	Less than two regular weekly rest periods in any four consecutive weeks					X	Warning/Fine	45 – 30.000 €	
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total					X	Warning/Fine	45 – 30.000 €	
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total					X	Warning/Fine	45 – 30.000 €	
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette						Warning/Fine	45 – 30.000 €	
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h				X	Warning/Fine	5-55 € / 50 – 5.000 €	
		3h ≤ ... < 12h			X		Fine	50 – 5.000 €	
		12h ≤ ...		X			Fine	50 – 5.000 €	
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X		Fine	150 – 30.000 €	
		... ≤ 65h		X			Fine	150 – 30.000 €	

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		Fine	150 – 30.000 €	
		4,5 h ≤ ...		X			Fine	150 – 30.000 €	

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	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks						Currently, the national law does not provide for an infringement rule governing the obligation of the transport undertaking to prove the work organisation enabling a driver to return home at least every four weeks.		

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

National legislation for penalties related to infringements against Regulation (EU) 165/2014:								
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				Fine	750 – 30.000 €	
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines		X			Fine	200 – 1.500	
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				Fine	375 – 30.000 €	
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			Fine	375 – 30.000 €	
Art. 27	Driver holding and/or using more than one own driver card		X			Fine	375 – 30.000 €	
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X				Fine	375 – 30.000 €	
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X				Fine	250 – 5.000 €	
	Driving with a driver card which has been obtained on the basis of	X				Fine	250 – 5.000 €	

	false declarations and/or forged documents (<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			Fine	125 – 5.000 €
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			Fine	125 – 5.000 €
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				Fine	500 – 5.000 €
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				Fine	500 – 5.000 €
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			Fine	375 – 30.000 €
	Recorded and stored data not available for at least a year		X			Fine	375 – 30.000 e
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			Warning/Fine	15 – 55 € / 37,50 – 5.000 €
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			Warning/Fine	15 – 55 € / 37,50 – 5.000 €
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			Warning/Fine	15 – 55 € / 37,50 – 5.000 €
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			Warning/Fine	15 – 55 € / 37,50 – 5.000 €
Art. 34.3	Not using manual input when required to do so		X			Warning/Fine	30 € / 37,50 – 5.000 €
Art. 34.4	Not using correct record sheet or driver card not in the correct slot			X		Warning/Fine	30 € / 37,50 – 5.000 €

	(multi-manning)							
Art. 34.5	Incorrect use of switch mechanism		X					
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period				X	Warning/Fine	15 – 5000 €	
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period				X	Warning/Fine	15 – 5000 €	
Producing information								
Art. 36	Refusing to be checked		X			Fine	37,50 – 5.000 €	
Art. 36	Unable to produce records of current day and the previous 56 days		X			Fine	37,50 – 5.000 €	
	Unable to produce records of the driver card if the driver holds one		X			Fine	37,50 – 5.000 €	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Fine	37,50 – 5.000 €	
Art. 36	Unable to produce a driver card, if the driver holds one		X			Fine	37,50 – 5.000 €	
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X					
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					

[To the Top](#)