

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 Hungary

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 <i>Declared in HUF currency</i>	Criminal	
Crew									
Art 5.1	Not respecting minimum ages for conductors			X			100 000		
Driving periods									
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X		10 000		
		10h ≤ ... < 11h		X			60 000		
		11h ≤ ...		X			150 000		
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X				300 000		

	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X		10 000	
		11h ≤ ... < 12h				X		60 000	
		12h ≤ ...		X					150 000
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X					300 000	
Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X		10 000	
		60h ≤ ... < 65h				X		60 000	
		65h ≤ ... < 70h		X					150 000
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X					300 000	
Art. 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X		10 000	
		100h ≤ ... < 105h				X		60 000	
		105h ≤ ... < 112h30		X					150 000
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X					300 000	
Art. 6.5	Lacking records for “other work” and “periods of availability”			x				150 000	
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances			x				400 000	
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours		x	x	x	x		10 000-250 000	

	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							10 000-300 000	
Art. 12	No compensation of equivalent rest period for an extended driving time	x	x	x	x			10 000-250 000	

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X		10 000	
		5h ≤ ... < 6h			X			30 000-60 000	
		6h ≤ ...		X				100 000-250 000	

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X		10 000		
		8h30 ≤ ... < 10h			X			30 000-60 000		
		... < 8h30		X				100 000-250 000		
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X			10 000	
		7h ≤ ... < 8h				X			30 000-60 000	
		... < 7h		X					100 000-250 000	
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]					X		10 000	
		3h + [7h ≤ ... < 8h]				X			30 000-60 000	

		3h + [... < 7h]		X				100 000-250 000	
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X		10 000	
		7h ≤ ... < 8h			X			30 000-60 000	
		... < 7h		X				100 000-250 000	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X		10 000	
		20h ≤ ... < 22h			X			30 000-60 000	
		... < 20h		X				100 000-250 000	
Art 8.6	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X		10 000	
		36h ≤ ... < 42h			X			30 000-60 000	
		... < 36h		X				100 000-250 000	
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X		10 000	
		3h ≤ ... < 12h			X			30 000-60 000	
		12h ≤ ...		X				100 000-250 000	
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period			x	x	x		10 000	
	Less than two regular weekly rest periods in any four consecutive weeks			x	x	x		10 000	
								30 000-60 000	
								100 000-250 000	

							30 000-60 000 100 000-250 000	
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total		x	x	x		10 000 30 000-60 000 100 000-250 000	
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total		x	x	x		10 000 30 000-60 000 100 000-250 000	
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette		x				150 000	

12-day rule derogation

Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h			X		10 000	
		3h ≤ ... < 12h			X		30 000-60 000	
		12h ≤ ...		X			100 000-250 000	
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X		20 000	
		... ≤ 65h		X			60 000-250 000	
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		20 000	
		4,5 h ≤ ...		X			60 000-250 000	

Work organisation

Art. 10.1	Link between wage and distance travelled or amount of goods carried		X				400 000	
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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				200 000	
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks		x				200 000	

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

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 (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					800 000	
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines						800 000	
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				300 000	
Art. 23.1	Using a tachograph not inspected by an approved workshop		X				400 000	
Art. 27	Driver holding and/or using more than one own driver card		X				400 000	
	Driving with a driver card that has been falsified (considered as driving without driver card)	X					600 000	
	Driving with a driver card of which the driver is not the holder (considered as driving without driver card)	X					600 000	
	Driving with a driver card which has been obtained on the	X					600 000	

	basis of false declarations and/or forged documents (considered as driving without driver card)							
Art. 32.1	Tachograph not correctly functioning (e.g.: tachograph not properly inspected, calibrated and sealed)		X					300 000
Art. 32.1 and Art. 33.1	Tachograph improperly used (e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)		X					400 000
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X						800 000
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X						800 000
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X					400 000
	Recorded and stored data not available for at least a year		X					400 000
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X					100 000
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X					400 000
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X					400 000
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X					300 000
Art. 34.3	Not using manual input when required to do so		X					150 000

Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X			150 000	
Art. 34.5	Incorrect use of switch mechanism		X				150 000	
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period				X		20 000	
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period				X		20 000	
Producing information								
Art. 36	Refusing to be checked		X				800 000	
Art. 36	Unable to produce records of current day and the previous 56 days		X				400 000	
	Unable to produce records of the driver card if the driver holds one		X				400 000	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X				400 000	
Art. 36	Unable to produce a driver card, if the driver holds one		X				400 000	
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X				200 000	
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				300 000	

