

## 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 PORTUGAL

#### National legislation for penalties related to infringements against Regulation (EC) 561/2006:

EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS Type of penalty				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
Art 5.1	Not respecting minimum ages for conductors			X		X	612 – 12597 Euros	
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	X	204 – 1989 Euros	
		10h ≤ ... < 11h		X		X	612 – 12597 Euros	
		11h ≤ ...		X		X	2040 – 79560 Euros	
	Exceed daily driving time of	13h30 ≤ ...	X			X	2040 – 79560 Euros	

	9h by 50 % or more								
	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h			X		X	204 – 1989 Euros	
		11h ≤ ... < 12h		X			X	612 – 12597 Euros	
		12h ≤ ...		X				X	2040 – 79560 Euros
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X				X	2040 – 79560 Euros	
Art. 6.2	Exceed weekly driving time	56h < ... < 60h			X		X	204 – 1989 Euros	
		60h ≤ ... < 65h		X			X	612 – 12597 Euros	
		65h ≤ ... < 70h		X				X	612 – 12597 Euros
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X				X	2040 – 79560 Euros	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h			X		X	204 – 1989 Euros	
		100h ≤ ... < 105h		X			X	612 – 12597 Euros	
		105h ≤ ... < 112h30		X				X	612 – 12597 Euros
	Exceed maximum total	112h30 ≤ ...	X				X	2040 – 79560 Euros	

	driving time during 2 consecutive weeks by 25 % or more								
Art. 6.5	Lacking records for “other work” and “periods of availability”		X				X	612 – 12597 Euros	
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances	n. a.	n. a.	n. a.	n. a.		X	204-79560 euros	
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours	Variable	Variable	Variable	Variable	-----			
	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	Variable	Variable	Variable	Variable		-----		

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h			X	X	204 – 1989 Euros
		5h ≤ ... < 6h		X		X	612 – 12597 Euros
		6h ≤ ...	X			X	2040 – 79560 Euros
Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h			X	X	204 – 1989 Euros
		8h30 ≤ ... < 10h		X		X	612 – 12597 Euros
		... < 8h30	X			X	2040 – 79560 Euros
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h			X	X	204 – 1989 Euros
		7h ≤ ... < 8h		X		X	612 – 12597 Euros
		... < 7h	X			X	2040 – 79560 Euros
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]			X	X	204 – 1989 Euros
		3h + [7h ≤ ... < 8h]		X		X	612 – 12597 Euros
		3h + [... < 7h]	X			X	2040 – 79560 Euros
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h			X	X	204 – 1989 Euros
		7h ≤ ... < 8h		X		X	612 – 12597 Euros
		... < 7h	X			X	2040 – 79560 Euros



Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total	Variable	Variable	Variable	Variable	-----		
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total	Variable	Variable	Variable	Variable	-----		
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette		X			X	612-12597 Euros	
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h				X	-----	
		3h ≤ ... < 12h			X		-----	
		12h ≤ ...		X			-----	
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X		X	612 – 12597 Euros
		... ≤ 65h		X			X	2040 – 79560 Euros
Art. 8.6a. (d)	Driving period, between 22.00 and 6.00, of more than 3	3h < ... < 4,5 h			X		-----	
		4,5 h ≤ ...		X			-----	



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

Please insert link(-s) to the relevant 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
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</i>	X				X	1200€ a 6000€	



	<i>without the installation plaque)</i>							
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines							
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			X	1200€ a 6000€	
Art. 27	Driver holding and/or using more than one own driver card		X			X	600€ a 1800€	
	Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X				X	600€ a 1800€	

	Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X				X	600€ a 1800€	
	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				X	600€ a 1800€	
Art. 32.1	Tachograph not correctly functioning ( <i>e.g.: tachograph not properly inspected, calibrated and sealed</i> )		X			X	1200€ a 6000€	
Art. 32.1 and Art. 33.1	Tachograph improperly used ( <i>e.g.: deliberate, voluntary or imposed misuse, lack of</i>		X			X	600€ a 1800€	

	<i>instructions on correct use, etc.)</i>							
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				X	1200€ a 6000€	Can also be applicable
	Falsifying, concealing, supressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				X	1200€ a 6000€	
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			X	1200€ a 6000€	
	Recorded and stored data not available for at least a year		X			X	1200€ a 6000€	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			X	600€ a 1800€	

	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			X	600€ a 1800€	Can also be applicable
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			X	600€ a 1800€	
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			X	100€ a 300€	
Art. 34.3	Not using manual input when required to do so		X			x	2040 – 79560 Euros	
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		X	600€ a 1800€	
Art. 34.5	Incorrect use of switch mechanism		X			x	612 – 12597 Euros	

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							
Art. 36	Refusing to be checked		X			X	600€ a 1800€	
Art. 36	Unable to produce records of current day and the previous 56 days		X			X	2040 – 79560 Euros	
	Unable to produce records of the driver card if the driver holds one		X			X	2040 – 79560 Euros	
Art. 36	Unable to produce manual records and printouts made during the current		X			X	2040 – 79560 Euros	

	day and the previous 56 days							
Art. 36	Unable to produce a driver card, if the driver holds one		X			X	2040 – 79560 Euros	
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			X	2040 – 79560 Euros	

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