

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 Cyprus

National legislation for penalties related to infringements against Regulation (EC) 561/2006:		http://www.cylaw.org/nomoi/enop/non-ind/2007_1_86/full.html						
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
Crew								
Art 5.1	Not respecting minimum ages for conductors			X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Driving periods								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		10h ≤ ... < 11h			X			
		11h ≤ ...		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$			X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$11h \leq \dots < 12h$		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$12h \leq \dots$		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 6.2	Exceed weekly driving time	$56h < \dots < 60h$			X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$60h \leq \dots < 65h$		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$65h \leq \dots < 70h$		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art 6.3	Exceed	$90h < \dots < 100h$			X		Up to €3417	Financial up to €3417 and/or up to 6	

	maximum total driving time during 2 consecutive weeks								months imprisonment
		$100h \leq \dots < 105h$			X				Up to €3417 Financial up to €3417 and/or up to 6 months imprisonment
		$105h \leq \dots < 112h30$		X					Up to €3417 Financial up to €3417 and/or up to 6 months imprisonment
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X						Up to €3417 Financial and/or imprisonment
Art. 6.5	Lacking records for “other work” and “periods of availability”								Up to €3417 Financial up to €3417 and/or up to 6 months imprisonment
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances								Up to €3417 Financial up to €3417 and/or up to 6 months imprisonment
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours								Up to €3417 Financial up to €3417 and/or up to 6 months imprisonment

	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						Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h			X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		5h ≤ ... < 6h		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		6h ≤ ...	X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h			X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		8h30 ≤ ... < 10h		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		... < 8h30	X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Insufficient	8h ≤ ... < 9h			X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

	reduced daily rest period of less than 9h if reduce allowed								months imprisonment
		$7h \leq \dots < 8h$			X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$\dots < 7h$		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Insufficient split daily rest period of less than 3h + 9h	$3h + [8h \leq \dots < 9h]$				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$3h + [7h \leq \dots < 8h]$			X				
		$3h + [\dots < 7h]$		X					
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	$8h \leq \dots < 9h$				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$7h \leq \dots < 8h$			X				
		$\dots < 7h$		X					
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$20h \leq \dots < 22h$			X				
		$\dots < 20h$		X					
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period	$42h \leq \dots < 45h$				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		$36h \leq \dots < 42h$			X				
		$\dots < 36h$		X					

	not allowed								
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		3h ≤ ... < 12h			X				
		12h ≤ ...		X					
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Less than two regular weekly rest periods in any four consecutive weeks							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods	... < 3h				X		Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		3h ≤ ... < 12h			X				

	following a previous regular weekly rest								months imprisonment
		12h ≤ ...		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		... ≤ 65h		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
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				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
		4,5 h ≤ ...		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

Work organisation

Art. 10.1	Link between wage and distance travelled or amount of goods carried		X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
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					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks							Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

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

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

http://www.cylaw.org/nomoi/enop/non-ind/2007_1_86/full.html

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				Inspection certificate invalidated and/or not issued. Using vehicle without certificate is an infringement (Art. 22.2)	Up to €3417 (Art. 3.1)	Financial up to €3417 and/or up to 6 months imprisonment (Art. 3.1)
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines						Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
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							
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			Inspection certificate invalidated and/or not issued. Using vehicle without certificate is an infringement		
Art. 27	Driver holding and/or using more than one own		X				Up to €3417	Financial up to €3417 and/or up to 6

	driver card							months imprisonment
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	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					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
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				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X					Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

	Recorded and stored data not available for at least a year		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 34.3	Not using manual input when required to do so		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 34.5	Incorrect use of switch mechanism		X				Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period						Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period						Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

Producing information							
Art. 36	Refusing to be checked		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 36	Unable to produce records of current day and the previous 56 days		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
	Unable to produce records of the driver card if the driver holds one		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Art. 36	Unable to produce a driver card, if the driver holds one		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
Malfunctioning							
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment
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			Up to €3417	Financial up to €3417 and/or up to 6 months imprisonment

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