

## 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 Estonia

EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
<b>Crew</b>								
Art 5.1	Not respecting minimum ages for conductors			X		Misdemeanour, Traffic Act §242	Up to 400 €	not applicable
<b>Driving periods</b>								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	Misdemeanour, Traffic Act §246 subsection 1	Up to 400 €	not applicable
		10h ≤ ... < 11h		X		Misdemeanour, Traffic Act §246 subsection 1	Up to 400 €	not applicable
		11h ≤ ...		X		Misdemeanour, Traffic Act §246 subsection 2	Up to 800 € or detention	not applicable
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X			Misdemeanour, Traffic Act §246 subsection 2	Up to 800 € or detention	not applicable

	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X	Misdemeanour, Traffic Act §246 subsection 1	Up to 400 €	not applicable
		11h ≤ ... < 12h			X		Misdemeanour, Traffic Act §246 subsection 1	Up to 400 €	not applicable
		12h ≤ ...		X			Misdemeanour, Traffic Act §246 subsection 2	Up to 800 € or detention	not applicable
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X				Misdemeanour, Traffic Act §246 subsection 2	Up to 800 € or detention	not applicable
Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X	Misdemeanour, Traffic Act §245	Up to 400 €	not applicable
		60h ≤ ... < 65h			X		Misdemeanour, Traffic Act §245	Up to 400 €	not applicable
		65h ≤ ... < 70h		X			Misdemeanour, Traffic Act §245	Up to 400 €	not applicable
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X				Misdemeanour, Traffic Act §245	Up to 400 €	not applicable
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X	Misdemeanour, Traffic Act §247	Up to 400 €	not applicable
		100h ≤ ... < 105h			X		Misdemeanour, Traffic Act §247	Up to 400 €	not applicable
		105h ≤ ... < 112h30		X			Misdemeanour, Traffic Act §247	Up to 400 €	not applicable

	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X				Misdemeanour, Traffic Act §247	Up to 400 €	not applicable
Art. 6.5	Lacking records for “other work” and “periods of availability”				X		Misdemeanour, Traffic Act §212	Up to 400 €	not applicable
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances								
	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								
Art. 12	No compensation of equivalent rest period for an extended driving time								
<b>Breaks</b>									
Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	$4h30 < \dots < 5h$				X	Misdemeanour, Traffic Act §248	Up to 400 €	not applicable

		$5h \leq \dots < 6h$			X		Misdemeanour, Traffic Act §248	Up to 400 €	not applicable	
		$6h \leq \dots$		X			Misdemeanour, Traffic Act §248	Up to 400 €	not applicable	
<b>Rest Periods</b>										
Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$10h \leq \dots < 11h$				X	Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	not applicable	
		$8h30 \leq \dots < 10h$			X		Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	not applicable	
		$\dots < 8h30$		X			Misdemeanour, Traffic Act §249 subsection 1	Up to 800 € or detention	not applicable	
	Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$				X		Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	not applicable
		$7h \leq \dots < 8h$			X			Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	not applicable
		$\dots < 7h$		X				Misdemeanour, Traffic Act §249 subsection 1	Up to 800 € or detention	not applicable
			$3h + [8h \leq \dots < 9h]$				X		Up to 400 €	not applicable

	Insufficient split daily rest period of less than 3h + 9h	3h + [7h ≤ ... < 8h]			X		Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	
		3h + [... < 7h]		X			Misdemeanour, Traffic Act §249 subsection 1	Up to 800 € or detention	
							Misdemeanour, Traffic Act §249 subsection 2		
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X	Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	not applicable
		7h ≤ ... < 8h			X		Misdemeanour, Traffic Act §249 subsection 1	Up to 400 €	
		... < 7h		X			Misdemeanour, Traffic Act §249 subsection 2	Up to 800 € or detention	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		20h ≤ ... < 22h			X			Up to 400 €	
		... < 20h		X				Up to 400 €	
Art 8.6	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		36h ≤ ... < 42h			X			Up to 400 €	
		... < 36h		X				Up to 400 €	
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		3h ≤ ... < 12h			X			Up to 400 €	
		12h ≤ ...		X				Up to 400 €	

Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period			X				
	Less than two regular weekly rest periods in any four consecutive weeks			X				
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total	X						
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total			X				
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette		X					

### 12-day rule derogation

Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h			X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		3h ≤ ... < 12h			X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		12h ≤ ...		X		Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X	Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
		... ≤ 65h		X		Misdemeanour, Traffic Act §250	Up to 400 €	not applicable
Art. 8.6a. (d)		3h < ... < 4,5 h			X	Misdemeanour, Traffic Act §242	Up to 400 €	not applicable

	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	4,5 h ≤ ...		X			Misdemeanour, Traffic Act §242	Up to 400 €	not applicable
<b>Work organisation</b>									
Art. 10.1	Link between wage and distance travelled or amount of goods carried			X			Misdemeanour, Traffic Act §244	1. up to 800 €; 2. up to 3200 € (to a legal person)	not applicable
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			Misdemeanour, Traffic Act §244	1. up to 800 €; 2. up to 3200 € (to a legal person)	not applicable
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks				X				

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

EU LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
<b>Installation of tachograph</b>								
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				Misdemeanour, Traffic Act §211 and §213	1. up to 400 € (to a driver); 2.1. up to 800 € (to an owner or possessor or person responsible) 2.2. up to 3200 € (to a legal person)	not applicable
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines	X						
<b>Use of tachograph, driver card or record sheet</b>								
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			Misdemeanour, Traffic Act §211	up to 400 €	not applicable
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			Misdemeanour, Traffic Act §211	up to 400 €	not applicable
Art. 27	Driver holding and/or using more than one own driver card		X			Misdemeanour, Traffic Act §217 or Penal Code §279 or §280	up to 1200 € or detention	not applicable
	Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X				Misdemeanour, Traffic Act §217 or Penal Code §279 or §280	up to 1200 € or detention	not applicable
	Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X				Misdemeanour, Traffic Act §217 or Penal Code §279 or §280	up to 1200 € or detention	not applicable
	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				Misdemeanour, Traffic Act §217 or Penal Code §280	up to 1200 € or detention	not applicable



Art. 32.1	Tachograph not correctly functioning ( <i>e.g.: tachograph not properly inspected, calibrated and sealed</i> )		X			Misdemeanour, Traffic Act §211 or §214	up to 400 €	not applicable
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			Misdemeanour, Traffic Act §214 or Penal Code §279	up to 400 €	not applicable
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				Misdemeanour, Traffic Act §215 or Penal Code §279	up to 1200 € or detention	not applicable
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				Misdemeanour, Traffic Act §243 or Penal Code §279 or §280	1. up to 1200 € or detention (to a driver); 2. up to 16 000 € (to a legal person)	not applicable
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			Misdemeanour, Traffic Act §217 or Penal Code §279	1. up to 1200 € 2. up to 16 000 € (to a legal person)	not applicable
	Recorded and stored data not available for at least a year		X			Misdemeanour, Traffic Act §217 or Penal Code §279	1. up to 1200 € 2. up to 16 000 € (to a legal person)	not applicable
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			Misdemeanour, Traffic Act §217	up to 400 €	not applicable
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			Misdemeanour, Traffic Act §217 or Penal Code §27	Up to 1200 € or detention	not applicable

Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			Misdemeanour, Traffic Act §217 or Penal Code §27	Up to 1200 € or detention	not applicable
Art. 34.3	Not using manual input when required to do so		X			Misdemeanour, Traffic Act §212 or Penal Code §279	Up to 1200 € or detention	not applicable
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		Misdemeanour, Traffic Act §217	Up to 400 €	not applicable
Art. 34.5	Incorrect use of switch mechanism		X			Misdemeanour, Traffic Act §217	Up to 400 €	not applicable
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period			X				
Art. 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period			X				
<b>Producing information</b>								
Art. 36	Refusing to be checked		X			Misdemeanour, Traffic Act §217 or Penal Code §279	1. up to 1200 € or detention; 2. up to 16 000 € (to a legal person)	not applicable
Art. 36	Unable to produce records of current day and the previous 56 days		X			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable
	Unable to produce records of the driver card if the driver holds one		X			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable

Art. 36	Unable to produce a driver card, if the driver holds one		X			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable
<b>Malfunctioning</b>								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			Misdemeanour, Traffic Act §211	Up to 400 €	not applicable
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			Misdemeanour, Traffic Act §217 or Penal Code §279	Up to 1200 € or detention	not applicable

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