

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

* The Czech Republic cannot indicate the level of seriousness for the new infringements connected with Mobility Package as there is a need of undergoing an assessment regarding these infringements. After the relevant enforcement bodies will have obtained enough data regarding these infringements from roadside checks we would evaluate them and then will be able to indicate the seriousness in compliance with above-mentioned request.

1. Groups of infringements against Regulation (EC) no 561/2006 for The Czech Republic								
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	Criminal
Crew								
Art 5.1	Not respecting minimum ages for conductors			X				
Driving periods								
Art. 6.1		9h < ... < 10h				X		Legal base:

	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed						Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	10h ≤ ... < 11h			X			Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	11h ≤ ...		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Exceed daily driving time of	13h30 ≤ ...	X				Legal base:	Legal base:

	9h by 50 % or more						<p>Article 35a of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty: The loss of good repute</p> <p>Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years</p>	<p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>	
	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X		<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>	
		11h ≤ ... < 12h				X		<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p>	

								Penalty span: Up to 350.000 CZK	
		12h ≤ ...		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X				Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	

Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X		<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
		60h ≤ ... < 65h			X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
		65h ≤ ... < 70h		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	

	Exceed weekly driving time by 25 % or more	70h ≤ ...	X				<p>Legal base:</p> <p>Article 35a of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty:</p> <p>The loss of good repute</p> <p>Penalty span:</p> <p><u>Transport operator</u></p> <p>Up to 5 years</p> <p><u>Transport manager</u></p> <p>Up to 3 years</p>	<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X		<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
		100h ≤ ... < 105h			X			<p>Legal base:</p>	

								Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		105h ≤ ... < 112h30		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X				Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	

							<u>Transport manager</u> Up to 3 years		
Art. 6.5	Lacking records for “other work” and “periods of availability”							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport	

	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							Penalty span: Up to 350.000 CZK	
Art. 12	No compensation of equivalent rest period for an extended driving time							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Breaks									
Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X		Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		5h ≤ ... < 6h			X			Legal base:	

								Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		6h ≤ ...		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Rest Periods									
Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X		Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		8h30 ≤ ... < 10h			X			Legal base:	

								Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		... < 8h30		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X		Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		7h ≤ ... < 8h			X			Legal base:	

							Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		... < 7h		X			Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		3h + [7h ≤ ... < 8h]			X			
		3h + [... < 7h]		X				
Art 8.5		8h ≤ ... < 9h				X	Legal base:	

	Insufficient daily rest period of less than 9h for multi-manning	$7h \leq \dots < 8h$			X		Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK		
		$\dots < 7h$		X					
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X	Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK		
		$20h \leq \dots < 22h$			X				
		$\dots < 20h$		X					
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$					X	Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		$36h \leq \dots < 42h$			X				
		$\dots < 36h$		X					
Article 8.6	Exceeding 6 consecutive 24-	$\dots < 3h$				X	Legal base:		
		$3h \leq \dots < 12h$			X				

	hour periods following the previous weekly rest period	12h ≤ ...		X				Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
	Less than two regular weekly rest periods in any four consecutive weeks							Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
								Legal base:	

							<p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total						<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total						<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	

Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette						<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>		
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h				X		<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
		3h ≤ ... < 12h			X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	

		12h ≤ ...		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
		... ≤ 65h		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 8.6a. (d)		3h < ... < 4,5 h			X			<p>Legal base:</p>	

	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned							Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
		4,5 h ≤ ...		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Work organisation									
Art. 10.1	Link between wage and distance travelled or amount of goods carried			X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	

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				<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>	
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks						<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>	

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

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			
		MS I	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.: <i>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				Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK		

Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines						<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
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						<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
Art. 23.1	Using a tachograph not inspected by an approved workshop		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>

Art. 27	Driver holding and/or using more than one own driver card	X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X			<p>Legal base:</p> <p>Article 35a of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty:</p> <p>The loss of good repute</p> <p>Penalty span:</p> <p><u>Transport operator</u></p> <p>Up to 5 years</p> <p><u>Transport manager</u></p> <p>Up to 3 years</p>	<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
	Driving with a driver card of which the driver is not the holder	X				<p>Legal base:</p>	

	(considered as driving without driver card)					Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK		
	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				Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not</i>		X			Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport		

	<i>properly inspected, calibrated and sealed)</i>						Penalty span: Up to 350.000 CZK	
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				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	Legal base: Article 230 of Bill no. 40/2009 Sb., Criminal Code Penalties: <u>Driver – unintentional breach</u> Up to 3 years of imprisonment AND Professional driving ban OR Forfeiture <u>Driver – with intention to harm</u>

								From 6 months to 4 years of imprisonment AND Professional driving ban OR Forfeiture
	Falsifying, concealing, X supressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card					Legal base: Article 35a of Bill no. 111/1994 Sb., regarding road transport Penalty: The loss of good repute Penalty span: <u>Transport operator</u> Up to 5 years <u>Transport manager</u> Up to 3 years	Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span: Up to 350.000 CZK	
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X				Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport Penalty span:	

						Up to 350.000 CZK	
	Recorded and stored data not available for at least a year		X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	

	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X				<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X				<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>
Art. 34.3	Not using manual input when required to do so		X				<p>Legal base: Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span: Up to 350.000 CZK</p>

Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
Art. 34.5	Incorrect use of switch mechanism		X					<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period							<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>

Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period							<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
Producing information								
Art. 36	Refusing to be checked		X					<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>
Art. 36	Unable to produce records of current day and the previous 56 days		X					<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>

	Unable to produce records of the driver card if the driver holds one		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Art. 36	Unable to produce a driver card, if the driver holds one		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
Malfunctioning								

Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	
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				<p>Legal base:</p> <p>Article 35 (7)(b) of Bill no. 111/1994 Sb., regarding road transport</p> <p>Penalty span:</p> <p>Up to 350.000 CZK</p>	

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