

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 Sweden

National legislation for penalties related to infringements:		https://transportstyrelsen.se/globalassets/global/vag/yrkestrafik/kor-och-vilotider/2004-865-andrad-200904.pdf https://www.aklagare.se/globalassets/dokument/ordningsbotskatalog/ordningsbot-bilaga-07-kor--och-vilotider-samt-fardskrivare.pdf (national legislation for penalties related to both Regulation (EC) no 561/2006 and Regulation (EU) no 165/2014)						
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		Sanction fee 1.000 SEK		Fine (undefined amount)
Driving periods								
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	Sanction fee 500 SEK		Fine 1 000 SEK
		10h ≤ ... < 11h		X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		11h ≤ ...		X		Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		Fine 4 000 SEK
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X			Sanction fee 8.000 SEK, addition of 1.000 SEK for every new 1 hour		Fine 4 000 SEK

	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		11h ≤ ... < 12h			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		12h ≤ ...		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		Fine 4 000 SEK
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X				Sanction fee 8.000 SEK, addition of 1.000 SEK for every new 1 hour		Fine 4 000 SEK
Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		60h ≤ ... < 65h			X		Sanction fee 1.000 SEK		Fine 1 500 SEK
		65h ≤ ... < 70h		X			Sanction fee 4.000 SEK		Fine 3 000 SEK
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X				Sanction fee 8.000 SEK, addition of 1.000 SEK for every new 4 hours		Fine 4 000 SEK
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		100h ≤ ... < 105h			X		Sanction fee 1.000 SEK		Fine 1 500 SEK
		105h ≤ ... < 112h30		X			Sanction fee 4.000 SEK		Fine 3 000 SEK
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X				Sanction fee 8.000 SEK, addition of 1.000 SEK for every new 10 hours		Fine 4 000 SEK
Art. 6.5	Lacking records for “other work” and “periods of availability”		X						
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances				X				

	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		X						

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		5h ≤ ... < 6h			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		6h ≤ ...		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 30 minutes		Fine 4 000 SEK

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		8h30 ≤ ... < 10h			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		... < 8h30		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		Fine 4 000 SEK
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X	Sanction fee 500 SEK		Fine 1 000 SEK
		7h ≤ ... < 8h			X		Sanction fee 1.000 SEK		Fine 2 000 SEK

		... < 7h		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		Fine 4 000 SEK
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X	Sanction fee 500 SEK		Fine 1 000 SEK
		3h + [7h ≤ ... < 8h]			X		Sanction fee 1.000 SEK		Fine 2 000 SEK Fine 4 000 SEK
		3h + [... < 7h]		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X	Sanction fee 500 SEK		Fine 1 000 SEK Fine 2 000 SEK
		7h ≤ ... < 8h			X		Sanction fee 1.000 SEK		
		... < 7h		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 1 hour		Fine 4 000 SEK
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X	Sanction fee 500 SEK		Fine 1 000 SEK Fine 2 000 SEK Fine 4 000 SEK
		20h ≤ ... < 22h			X		Sanction fee 1.000 SEK		
		... < 20h		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 2 hours		
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X	Sanction fee 500 SEK		Fine 1 000 SEK Fine 2 000 SEK Fine 4 000 SEK
		36h ≤ ... < 42h			X		Sanction fee 1.000 SEK		
		... < 36h		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 3 hours		
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	Sanction fee 500 SEK		Fine 1 000 SEK Fine 2 000 SEK
		3h ≤ ... < 12h			X		Sanction fee 1.000 SEK		

		$12h \leq \dots$		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 3 hours		Fine 4 000 SEK
12-day rule derogation									
Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	$\dots < 3h$				X	Sanction fee 500 SEK		Fine 1 000 SEK
		$3h \leq \dots < 12h$			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		$12h \leq \dots$		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 3 hours		Fine 4 000 SEK
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$65h < \dots \leq 67h$			X		Sanction fee 1.000 SEK		Fine 1 500 SEK
		$\dots \leq 65h$		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 2 hours		Fine 3 000 SEK
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	$3h < \dots < 4,5 h$			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
		$4,5 h \leq \dots$		X			Sanction fee 4.000 SEK, addition of 500 SEK for every new 30 minutes		Fine 4 000 SEK
Work organisation									
Art. 10.1	Link between wage and distance travelled or amount of goods carried			X			Sanction fee 6.000 SEK		
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			Sanction fee 6.000 SEK		

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

National legislation for penalties related to infringements:					https://transportstyrelsen.se/globalassets/global/vag/yrkestrafik/kor-och-vilotider/2004-865-andrad-200904.pdf , https://www.aklagare.se/globalassets/dokument/ordningsbotskatalog/ordningsbot-bilaga-07-kor--och-vilotider-samt-fardskrivare.pdf (national legislation for penalties related to both Regulation (EC) no 561/2006 and Regulation (EU) no 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				Sanction fee 20.000 SEK		Fine 4 000 SEK
Use of tachograph, driver card or record sheet								
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			Sanction fee 2.000 SEK		Fine 4 000 SEK
Art. 27	Driver holding and/or using more than one own driver card		X			Sanction fee 6.000 SEK		Fine 4 000 SEK
	Driving with a driver card that has been falsified (considered as driving without driver card)	X				Sanction fee 20.000 SEK		“Use of a falsified document” according to the criminal code for a natural person. Penalty: prison two years in normal cases. Minor cases dayfine or prison up to six

							months, in serious cases prison not less than six months but no more than six years. If an employer can be connected to the crime the legal prerequisites are at hand for a corporate fine.
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X				Sanction fee 20.000 SEK	“Abuse of an instrument” according to the criminal code for a natural person. Penalty dayfine or prison up to six months, in serious cases prison up to two years. If an employer can be connected to the crime the legal prerequisites are at hand for a corporate fine. In second hand for a natural person: offense against the EU regulation. Fine 4 000 SEK.
	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				Sanction fee 8.000 SEK	“Using an untrue document” according to the criminal code. Penalty for a natural person dayfine up to prison sex months for normal offence, in serious cases prison up to two years. If an employer can be connected to the crime the legal prerequisites are at hand for a corporate fine.
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X			Sanction fee 4.000 SEK	Fine 4 000 SEK

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			Sanction fee 4.000 SEK		Fine 4 000 SEK
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X						Dayfine for natural persons and corporate fine (150 000 SEK according to established practice) OR "Breach of data security" according to the criminal code Penalty: Dayfine up to prison 2 years for natural persons and the same corporate fine (150 000) regarding corporations.
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X						See above AND regarding suppressing record sheets: "Suppression of the probative function of an instrument" according to the criminal code Penalty: minor cases for natural persons dayfine up to prison six months normal cases for natural persons prison up to two years serious cases for natural persons prison up to four years

								If an employer can be connected to the crime the legal prerequisites are at hand for a corporate fine.
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			Sanction fee 6.000 SEK or sanction fee 20.000 SEK in case records are completely lacking for a vehicle		
	Recorded and stored data not available for at least a year		X			Sanction fee 6.000 SEK or sanction fee 20.000 SEK in case records are completely lacking for a vehicle		
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
Art. 34.3	Not using manual input when required to do so		X			Sanction fee 2.000 SEK		Fine 4 000 SEK
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		Sanction fee 1.000 SEK		Fine 4 000 SEK
Art. 34.5	Incorrect use of switch mechanism		X			Sanction fee 2.000 SEK		Fine 4 000 SEK
Producing information								

Art. 36	Refusing to be checked		X			Sanction fee 4.000 SEK		Dayfine. If an employer can be connected to the crime the legal prerequisites are at hand for a corporate fine.
Art. 36	Unable to produce records of current day and the previous 56 days		X			Sanction fee 4.000 SEK		Fine 4 000 SEK (only 28 days)
	Unable to produce records of the driver card if the driver holds one		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Sanction fee 4.000 SEK		Fine 4 000 SEK (only 28 days)
Art. 36	Unable to produce a driver card, if the driver holds one		X			Sanction fee 4.000 SEK		Fine 4 000 SEK
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			Sanction fee 4.000 SEK		Fine 2 000 SEK
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			Sanction fee 4.000 SEK		Fine 4 000 SEK

3. Nationally legislated infringements against Regulation (EC) no 561/2006 and Regulation (EC) no 165/2014 for Sweden

National legislation for penalties:

<https://transportstyrelsen.se/globalassets/global/vag/yrkestrafik/kor-och-vilotider/2004-865-andrad-200904.pdf>,
<https://www.aklagare.se/globalassets/dokument/ordningsbetskatalog/ordningsbot-bilaga-07-kor--och-vilotider-samt-fardskrivare.pdf> (national legislation for penalties related to both Regulation (EC) no 561/2006 and Regulation (EC) no 165/2014)

EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS Type of penalty				Type of penalty Please fill-in accordingly. Please indicate, when different types of penalties are cumulative.		
		MSI	VSI	SI	MI	Administrative <i>(Please detail the type of administrative penalty)</i>	Financial <i>(Please detail and provide the min. and max. penalty in your national currency)</i>	Criminal <i>(Please detail the type of criminal penalty)</i>
Nationally legislated infringements against Regulation (EC) no 561/2006:								
Art 10.4	Contractually agreed transport time schedules not respecting Regulation (EC) no 561/2006.		X			Sanction fee 6.000 SEK		
Nationally legislated infringements against Regulation (EC) no 165/2014:								
Art 34.1	Unauthorised withdrawal of sheets or driver card without any impact on data recorded				X	Sanction fee 500 SEK		Fine 1 000 SEK
	Record sheet or driver card used to cover a period longer than that for which it is intended but no data is lost				X	Sanction fee 500 SEK		Fine 1 000 SEK
Art 34.2	Use dirty or damaged sheets or driver cards and data legible				X	Sanction fee 500 SEK		Fine 1 000 SEK
Art 34.6	Surname missing on record sheet		X			Sanction fee 2.000 SEK		Fine 4 000 SEK
	First name missing on record sheet		X			Sanction fee 2.000 SEK		Fine 4 000 SEK
	Date of begin or end of use of the sheet missing			X		Sanction fee 1.000 SEK		Fine 2 000 SEK

	Place of begin or end of use of the sheet missing				X	Sanction fee 500 SEK		Fine 1 000 SEK
	Registration number missing on record sheet				X	Sanction fee 500 SEK		Fine 1 000 SEK
	Odometer reading (start) missing on record sheet			X		Sanction fee 1.000 SEK		Fine 2 000 SEK
	Odometer reading (end) missing on record sheet				X	Sanction fee 500 SEK		Fine 1 000 SEK
	Time of change of vehicle missing on record sheet				X	Sanction fee 500 SEK		Fine 1 000 SEK
Art 34.7	Symbol of country not entered in recording equipment				X	Sanction fee 500 SEK		Fine 1 000 SEK

4. Other national legislation concerning penalties for Sweden

National legislation for penalties:	https://transportstyrelsen.se/globalassets/global/vag/yrkestrafik/kor-och-vilotider/2004-865-andrad-200904.pdf https://www.aklagare.se/globalassets/dokument/ordningsbotskatalog/ordningsbot-bilaga-07-kor--och-vilotider-samt-fardskrivare.pdf (national legislation for penalties related to both Regulation (EC) no 561/2006 and Regulation (EC) no 165/2014)
Whom the rules concerns	Legislation regarding penalties
Criminal penalties	<p>Regarding all infringements it should be noted that infringements against the EU regulation is secondary to crimes against the criminal code and the traffic crimes act. Indicated above are crimes against the criminal code.</p> <p>Regarding the infringements that affects the drivers sleepiness: If the infringement is of a great magnitude the legal prerequisites for “wreckless driving” can be at hand which could render a natural person dayfine.</p> <p>NB: The minimum fine is 200 SEK and the maximum is 4 000 per infringement but no more than a total of 10 000 SEK if multiple infringements are at hand.</p> <p>Dayfine is composed of two parts the first is the number of dayfines, from 30 to 150, depending of the seriousness of the offence. The second part ranging from 50 to 1 000 SEK is depending of the income of the person in question</p>
Drivers	<p>Drivers may receive an administrative sanction fee, instead of a penalty, in accordance with tables 1–3 if the infringement has been committed abroad. In that case the highest amount that can be imposed for one infringement is limited to 4.000 SEK, in order to harmonize with the Swedish penalty system. If the driver have committed several infringements the total amount is limited to 10.000 SEK, also in order to harmonize with the Swedish penalty system.</p>

Transport undertakings	<p>If a transport undertaking have committed several infringements the total amount is limited to 1 percent of the undertakings annual turnover, or 800.000 SEK, whichever comes first. In order to make the sanctions proportionate, especially between small and larger companies, there is a limit connected to the annual turnover. However, if we only had such a limit the total amount could be extremely high on very large companies, therefore there's also a fixed limit of 800.000 SEK. The fixed limit has been decided when considering administrative sanctions in other legislations in Sweden.</p> <p>If the undertaking don't hand over requested information needed to conduct a check at the premises there is an administrative sanction fee of 20.000 SEK per vehicle that was requested. If the undertaking repeatedly refuse to hand over the requested information the amount is raised with 20.000 SEK per occasion during a three year period. In these cases the limit of 1 percent of the annual turnover isn't applicable, the total sum is only limited by 800.000 SEK.</p>
Workshops	<p>In the Swedish regulation there are four different infringements aimed at workshops concerning the handling of workshop cards. There is an administrative sanction fee for the infringements of 4.000 SEK each. The workshops may also be held responsible for infringement against article 22.2 in accordance with table 2 above.</p>

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