

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 Denmark

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

Færdselslovens § 86a, § 118 and § 118a: <https://www.retsinformation.dk/eli/ta/2018/1324>.
 Bekendtgørelse nr. 328 af 28. marts 2007 om køre- og hviletidsbestemmelser i vejtransport, med senere ændringer, § 11, § 13 and § 14: <https://www.retsinformation.dk/eli/ta/2007/328>.

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	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	

		$10h \leq \dots < 11h$			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
		$11h \leq \dots$		X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X				the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$				X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will

								get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		$11h \leq \dots < 12h$			X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
		$12h \leq \dots$		X				the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X					the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.

Art. 6.2	Exceed weekly driving time	$56h < \dots < 60h$				X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		$60h \leq \dots < 65h$			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		$65h \leq \dots < 70h$		X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
	Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X				the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only	

								be issued if the infringement is 5% or more.	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		100h ≤ ... < 105h			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		105h ≤ ... < 112h30		X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X				the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK	

								200 for each percent. A fine will only be issued if the infringement is 5% or more.	
Art. 6.5	Lacking records for “other work” and “periods of availability”							Will be sanctioned as an infringement of Regulation No 165/2014 Article 34 (3)	Will be sanctioned as an infringement of Regulation No 165/2014 Article 34 (3)
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances							A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12	A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours							A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12	A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12

	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						that the driver can't use Article 12		should not be independently sanctioned. The basis must be that the driver can't use Article 12
Art. 12	No compensation of equivalent rest period for an extended driving time						A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12	A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12	A violation of Regulation No 561/2006 Article 12 should not be independently sanctioned. The basis must be that the driver can't use Article 12
Breaks									
Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X			A driver will get a fine of DKK 50 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two – DKK 100 for each percent. The fine may be further reduced if there are extenuating circumstances.

								A fine will only be issued if the infringement is 5% or more	
		$5h \leq \dots < 6h$			X			<p>A driver will get a fine of DKK 50 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two – DKK 100 for each percent. The fine may be further reduced if there are extenuating circumstances.</p> <p>A fine will only be issued if the infringement is 5% or more.</p>	
		$6h \leq \dots$		X				<p>A driver will get a fine of DKK 50 each time the limit for driving time is exceeded by 1%. The company will get a fine that is multiplied by two – DKK 100 for each percent. The fine may be further reduced if there are extenuating circumstances.</p> <p>A fine will only be issued if the infringement is 5% or more.</p>	

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$10h \leq \dots < 11h$				X	the driving license will be revoked if the infringement is 41% or more	<p>A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will</p>	
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							only be issued if the infringement is 5% or more.	
		$8h30 \leq \dots < 10h$			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
		$\dots < 8h30$		X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
	Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
		$7h \leq \dots < 8h$			X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get

								a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		... < 7h		X				the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X			the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
	3h + [7h ≤ ... < 8h]				X				
	3h + [... < 7h]		X						
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X		the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.
		7h ≤ ... < 8h				X			
		... < 7h		X					
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X			A driver will get a fine of DKK 100 each time the limit for resting time is
		20h ≤ ... < 22h				X			

		... < 20h		X			the driving license will be revoked if the infringement is 41% or more	exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		36h ≤ ... < 42h			X				
		... < 36h		X					
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h				X	the driving license will be revoked if the infringement is 41% or more	A driver will get a fine of DKK 100 each time the limit for resting time is exceeded by 1%. The company will get a fine that is multiplied by two - DKK 200 for each percent. A fine will only be issued if the infringement is 5% or more.	
		3h ≤ ... < 12h			X				
		12h ≤ ...		X					
Art 8.6 and 8.6b	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						This violation should not be independently sanctioned. It will already be sanctioned by the fact that the weekly rest in the week(s) in question have been too short	This violation should not be independently sanctioned. It will already be sanctioned by the fact that the weekly rest in the week(s) in question have been too short	This violation should not be independently sanctioned. It will already be sanctioned by

								the fact that the weekly rest in the week(s) in question have been too short
Art. 8.8	Ban on the regular weekly rest taken in cabin	X						Driver: 10.000 DKK Company: 20.000 DKK
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total					Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8

								met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total					Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8

								not met, the sanction should be imposed in relation to Article 8
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette					Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8	Article 9 in Regulation No 561/2006 is an exception to Article 8. The driver should only be able to use Article 9 if the conditions of Article 9 concerning the interruption of rest and access to a sleeper cabin, bunk or couchette are met. If the conditions of Article 9 are not met, the sanction should be imposed in relation to Article 8

									should be imposed in relation to Article 8
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12-day rule derogation

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			
		... ≤ 65h		X				
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			
		4,5 h ≤ ...		X				

Work organisation

Art. 10.1	Link between wage and distance travelled or amount of goods carried		X					
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					
Art. 8.8a	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 Denmark

National legislation for penalties related to infringements against Regulation (EU) 165/2014:		Færdselslovens § 86a, § 118 and § 118a: https://www.retsinformation.dk/eli/ta/2018/1324 . Bekendtgørelse nr. 328 af 28. marts 2007 om køre- og hviletidsbestemmelser i vejtransport, med senere ændringer, § 12, § 13 and § 14: https://www.retsinformation.dk/eli/ta/2007/328 .						
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						Driver: 6.000 DKK Company: 12.000 DKK
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines	X						(Driver: 6.000 DKK) Company: 12.000 DKK
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		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 23.1	Using a tachograph not inspected by an approved workshop		X					Driver: 1.500-3.000 DKK

								Company: 3.000-6.000 DKK
Art. 27	Driver holding and/or using more than one own driver card		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X						Driver: 6.000 DKK Company: 12.000 DKK
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X						Driver: 6.000 DKK Company: 12.000 DKK
	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						Driver: 6.000 DKK Company: 12.000 DKK
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
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					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X						Driver: 6.000 DKK Company: 12.000 DKK

	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X						Driver: 6.000 DKK Company: 12.000 DKK
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X					Company: 6.000 DKK
	Recorded and stored data not available for at least a year		X					Company: 6.000 DKK
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK

Art. 34.3	Not using manual input when required to do so		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X				Driver: 1.000 DKK Company: 2.000 DKK
Art. 34.5	Incorrect use of switch mechanism		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 34.6 and 34.7	Lacking records of symbols of countries where a driver started and finished the daily working period				X			Driver: 500 DKK Company: 1.000 DKK
Art 34.6 and 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Producing information								
Art. 36	Refusing to be checked		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 36	Unable to produce records of current day and the previous 56 days		X					Driver: 1.500-3.000 DKK

								Company: 3.000-6.000 DKK
	Unable to produce records of the driver card if the driver holds one		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Art. 36	Unable to produce a driver card, if the driver holds one		X					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X					(Driver: 1.500-3.000 DKK) Company: 3.000-6.000 DKK
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					Driver: 1.500-3.000 DKK Company: 3.000-6.000 DKK