

Penalties the 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 The Netherlands

National legislation for penalties related to infringements against Regulation (EC) No 561/2006:		Policy guidelines of the Minister for Infrastructure and Water Management and the State Secretary for Social Affairs and Employment of 11 December 2019, No ILT-2019/60270, setting out rules on the determination of the amounts of fines for infringements of the Working Hours Act by persons as referred to in Article 5:12(2)(a) of that Act (2019 Policy guidelines on the Imposition of Fines under the Working Hours Act and Working Hours - Government Gazette No 70272 of 19 December 2019)							
EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				Type of penalty			
		MSI	VSI	SI	MI	Administrative	Financial	Criminal	
Art 5.1	Not respecting minimum ages for conductors				X	100			
Art. 6.1	Exceed daily driving time of	9h < ... < 10h			X	100			
		10h ≤ ... < 11h			X	200			

	9h if possibilities to extend to 10h not allowed	$11h \leq \dots$		X			550 + € 100 per hr extra with Maximum of €1350		
	Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X				Maximum of €1350		
	Exceed extended daily driving time of 10h if extension allowed	$10h < \dots < 11h$				X	100		
		$11h \leq \dots < 12h$			X		200		
		$12h \leq \dots$		X			550 + € 100 per hr extra with Maximum of €1350		
	Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X				Maximum of €1350		
Art. 6.2	Exceed weekly driving time	$56h < \dots < 60h$				X	100		
		$60h \leq \dots < 65h$			X		200		
		$65h \leq \dots < 70h$			X		200		
	Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X				550		
Art 6.3		$90h < \dots < 100h$				X	100		

	Exceed maximum total driving time during 2 consecutive weeks	$100h \leq \dots < 105h$			X		200		
		$105h \leq \dots < 112h30$		X			200		
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X				550		
Art. 6.5	Lacking records for “other work” and “periods of availability”						Infringement referred to in Article 34(5) of Regulation (EU) No 165/2014		
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances						Considered as non-compliance with Articles 6-9 accordingly		
	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours						Considered as non-compliance with Articles 6-9 accordingly		

	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					Considered as non-compliance with Articles 6-9 accordingly		
Art. 12	No compensation of equivalent rest period for an extended driving time					Considered as non-compliance with Articles 6-9 accordingly		

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X	100		
		5h ≤ ... < 6h			X		200		
		6h ≤ ...		X			550 + € 100 per hr extra with Maximum of €1950		

Rest Periods

Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X	100		
		8h30 ≤ ... < 10h			X		100		
		... < 8h30		X			550 + € 100 per hr extra		
	Insufficient reduced daily rest period of	8h ≤ ... < 9h				X	100		
		7h ≤ ... < 8h			X		200		
		... < 7h		X			550 + € 100 per hr extra		

	less than 9h if reduce allowed								
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X	100		
		3h + [7h ≤ ... < 8h]			X		200		
		3h + [... < 7h]		X			550 + € 100 per hr extra		
Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X	100		
		7h ≤ ... < 8h			X		200		
		... < 7h		X			550 + € 100 per hr extra		
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h				X	100		
		20h ≤ ... < 22h			X		200		
		... < 20h		X			550 + € 100 per hr extra with Maximum of €1000		
Art 8.6	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h				X	100		
		36h ≤ ... < 42h			X		200		
		... < 36h		X			550 + € 100 per hr extra with Maximum of €1000		
Article 8.6	Exceeding 6 consecutive 24-	... < 3h				X	100		
		3h ≤ ... < 12h			X		200		

	hour periods following the previous weekly rest period	$12h \leq \dots$		X			550 + € 100 per hr extra with Maximum of €1000		
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period			x			550+100 per hr extra with max € 1000,=		
	Less than two regular weekly rest periods in any four consecutive weeks			x			555 + 100 per hr extra with max €1000,=		
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total						Considered as non-compliance with Article 6(1) in relation to Article 4(f)		
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total						Considered as non-compliance with Article 6(2) in relation to Article 4(f)		
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette						Considered as non-compliance with Article 6(2) in relation to Article 4(f)		
Art. 8.6a.	Exceeding 12 consecutive 24-	$\dots < 3h$				X	100		
		$3h \leq \dots < 12h$			X		200		

	hour periods following a previous regular weekly rest	$12h \leq \dots$		X			550 + € 100 per hr extra with Maximum of €1000		
Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$65h < \dots \leq 67h$			X				
		$\dots \leq 65h$		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	$3h < \dots < 4,5 h$			X				
		$4,5 h \leq \dots$		X					
Art. 10.1	Link between wage and distance travelled or amount of goods carried			X			1100		
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			550		
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks			X			1500,=		

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

The relevant national legislation for penalties related to infringements against Regulation (EC) No 165/2014:

Policy guidelines of the Minister for Infrastructure and Water Management and the State Secretary for Social Affairs and Employment of 11 December 2019, No ILT-2019/60270, setting out rules on the determination of the amounts of fines for infringements of the Working Hours Act by persons as referred to in Article 5:12(2)(a) of that Act (2019 Policy guidelines on the Imposition of Fines under the Working Hours Act and Working Hours - Government Gazette No 70272 of 19 December 2019)

EU LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS				Type of penalty		
		MSI	VSI	SI	MI	Administrative	Financial	Criminal
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</i>	X				4400		

	<i>a tachograph without the installation plaque)</i>							
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines					4400		
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					2200		
Art. 23.1	Using a tachograph not inspected by an approved workshop		X			200		
Art. 27	Driver holding and/or using more than one own driver card		X			1100		
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X				4400 employer 1500 driver		
	Driving with a driver card of which the	X				550		

	driver is not the holder <i>(considered as driving without driver card)</i>							
	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				1100		
Art. 32.1	Tachograph not correctly functioning <i>(e.g.: tachograph not properly inspected, calibrated and sealed)</i>		X			2200		
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			Penalty per infringement 200 - 550		
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X				10.375		

	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X				4400 employer 1500 driver		
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X			4400		
	Recorded and stored data not available for at least a year		X			4400		
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X			200		
	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X			200		
	Record sheet or driver card used to cover a period longer than that		X			200		

	for which it is intended and data is lost							
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X			550		
Art. 34.3	Not using manual input when required to do so		X			550		
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X		1500		
Art. 34.5	Incorrect use of switch mechanism		X			550		
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period					550		
Art. 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period							
Art. 36	Refusing to be checked		X					

Art. 36	Unable to produce records of current day and the previous 56 days		X			550		
	Unable to produce records of the driver card if the driver holds one		X			550		
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days		X			Not punishable yet		
Art. 36	Unable to produce a driver card, if the driver holds one		X			550		
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X			2200		
Art. 37.2	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is		X			550		

	unserviceable or malfunctioning								
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