

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 the Hellenic Republic (Greece)

<p>National legislation for penalties related to infringements against Regulation (EC) 561/2006:</p>	<p><u>Administrative penalties</u> for infringements against regulation 561/2006 are stipulated in the Joint Minister Decision no. Φ450/38668/3534/2013 (Greek Government Gazette series B issue no. 2061/23-8-2013, http://www.et.gr/index.php/anazitisi-fek, copy in Greek also attached).</p> <p>In case of multiple infringements detected during a roadside check, control authorities impose a single fine, which consists of the fine for one of the more serious infringements detected plus 5% of the total amount of the other fines</p> <p><u>Criminal sanctions:</u> No criminal sanctions are directly stipulated in the current penalty system, which provides only for administrative fines and measures. However, the control authorities may launch a criminal procedure following a roadside check, in case that an infringement also constitutes a criminal offence under the Greek Penal Code, depending on the circumstances of the case.</p> <p><u>Administrative measures:</u></p> <p>(a) The license plate and certificate of registration of the vehicle are withheld until payment of the fine</p> <p>(b) The vehicle is immobilized for infringements of regulation 561/2006 until the infringement is lifted (eg. suitable break or rest is taken)</p>
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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			Enterprise: 210 euros Driver: 55 euros	

Driving periods										
Art. 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h				X		Enterprise: 200 Driver: 50		
		10h ≤ ... < 11h			X			Enterprise: 210 euros Driver: 55 euros		
		11h ≤ ...		X				Enterprise: 220 euros Driver: 60 euros		
	Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X					Enterprise: 220 euros Driver: 60 euros		
	Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h				X		Enterprise: 200 Driver: 50		
		11h ≤ ... < 12h			X			Enterprise: 210 euros Driver: 55 euros		
		12h ≤ ...		X				Enterprise: 220 euros Driver: 60 euros		
	Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X					Enterprise: 220 euros Driver: 60 euros ¹		
	Art. 6.2	Exceed weekly driving time	56h < ... < 60h				X		Enterprise: 200	

¹ This infringement is sanctioned with the same penalty as the previous infringement ('Exceed extended daily driving time of 10h by 15 hours and more'). It will be sanctioned separately as an MSI in the new penalty system

								Driver: 50	
		60h ≤ ... < 65h		X				Enterprise: 210 euros Driver: 55 euros	
		65h ≤ ... < 70h	X					Enterprise: 210 euros Driver: 55 euros	
	Exceed weekly driving time by 25 % or more	70h ≤ ...	X					Enterprise: 220 euros Driver: 60 euros	
Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h			X			Enterprise: 200 Driver: 50	
		100h ≤ ... < 105h		X				Enterprise: 210 euros Driver: 55 euros	
		105h ≤ ... < 112h30	X					Enterprise: 210 euros Driver: 55 euros	
	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X					Enterprise: 220 euros Driver: 60 euros	
Art. 6.5	Lacking records for “other work” and “periods of availability”²		X					Enterprise: 220 euros Driver: 60 euros	
Art. 12	Lacking indication of reasons for exceeding driving times in exceptional circumstances³								

²The lack of records for “other work” and “periods of availability » is sanctioned as an infringement of article 36 para 1 (iii) reg.165/2014, which is a VSI.

³ A lack of indication of the reasons for exceeding driving times in exceptional circumstances will mean that the excess driving time will not be justified and will be sanctioned as an excess of driving time depending on the circumstances. There is no additional penalty stipulated for not recording the reasons

	Not taking a break of 30 minutes prior to additional driving of more than 1 hour and less than 2 hours ⁴							
	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 ⁵							
Art. 12	No compensation of equivalent rest period for an extended driving time ⁶							

Breaks

Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h			X		Enterprise: 200 Driver: 50
		5h ≤ ... < 6h		X			Enterprise: 210 euros Driver: 55 euros
		6h ≤ ...	X				Enterprise: 220 euros

⁴ Not taking a break of 30 minutes prior to additional driving of more than one hour and less than 2 hours in exceptional circumstances means that the excess driving will not fall under the exception of article 12 and will be sanctioned as an excess of driving time depending on the circumstances. There is no additional penalty stipulated for not taking a 30 minute break

⁵ 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 means that the entire excess driving will not fall under the exception of article 12 and will be sanctioned as an excess of driving time depending on the circumstances. There is no additional penalty for this excess of driving time

⁶ Will be included in the new penalty system

								Driver: 60 euros	
Rest Periods									
Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X		Enterprise: 200 Driver: 50	
		8h30 ≤ ... < 10h			X		Enterprise: 210 euros Driver: 55 euros		
		... < 8h30	X				Enterprise: 220 euros Driver: 60 euros		
	Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X		Enterprise: 200 Driver: 50	
		7h ≤ ... < 8h			X		Enterprise: 210 euros Driver: 55 euros		
		... < 7h	X				Enterprise: 220 euros Driver: 60 euros		
	Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X		Enterprise: 200 Driver: 50	
		3h + [7h ≤ ... < 8h]			X		Enterprise: 210 euros Driver: 55 euros		
		3h + [... < 7h]	X				Enterprise: 220 euros Driver: 60 euros		

Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	$8h \leq \dots < 9h$				X		Enterprise: 200 Driver: 50	
		$7h \leq \dots < 8h$			X			Enterprise: 210 euros Driver: 55 euros	
		$\dots < 7h$		X				Enterprise: 220 euros Driver: 60 euros	
Art 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X		Enterprise: 200 Driver: 50	
		$20h \leq \dots < 22h$			X			Enterprise: 210 euros Driver: 55 euros	
		$\dots < 20h$		X				Enterprise: 220 euros Driver: 60 euros	
	Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$				X		Enterprise: 200 Driver: 50	
		$36h \leq \dots < 42h$			X			Enterprise: 210 euros Driver: 55 euros	
		$\dots < 36h$		X				Enterprise: 220 euros Driver: 60 euros	
Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous	$\dots < 3h$				X			
		$3h \leq \dots < 12h$			X				

	weekly rest period ⁷	12h ≤ ...		X					
Art 8.6	Compensation for two consecutive reduced weekly rest periods not taken <i>en bloc</i> with the following weekly rest period ⁸								
	Less than two regular weekly rest periods in any four consecutive weeks ⁹								
Art. 9	Daily rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total¹⁰								
Art. 9	Weekly rest period interrupted more than twice by other activities or for a period of time exceeding one hour in total¹¹								
Art. 9	Recording 'rest' for the time spent on ferry or train without having an access to a sleeper cabin, bunk or couchette¹²								
12-day rule derogation¹³									
Art. 8.6a.	Exceeding 12 consecutive 24-hour	... < 3h				X			

⁷ Will be included in the new penalty system

⁸ Will be included in the new penalty system

⁹ Will be included in the new penalty system

¹⁰ **A daily rest period interrupted more than twice will not qualify as a daily rest period and will be sanctioned as insufficient daily rest period**

¹¹ Same as above under 11

¹² **Time spent on ferry or train without having access to a sleeper cabin, bunk or couchette will not qualify as rest and will be sanctioned as insufficient rest**

¹³ The 12-day rule infringements will be included in the new penalty system

	periods following a previous regular weekly rest	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				Enterprise: 220 euros	
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 ¹⁴		X					
Art. 8.8	Transport undertaking unable to prove the work organisation enabling a driver to return 'home' at least every 4 weeks ¹⁵							

¹⁴ Will be included in the new penalty system

¹⁵ Will be included in the new penalty system

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

National legislation for penalties related to infringements against Regulation (EU) 165/2014:

Administrative penalties for infringements against regulation 165/2014 are stipulated in the Joint Minister Decision no. Φ450/38668/3534/2013 (Greek Government Gazette series B issue no. 2061/23-8-2013, <http://www.et.gr/index.php/anazitisi-fek>, copy in Greek also attached).

In case of multiple infringements detected during a roadside check, control authorities impose a single fine, which consists of the fine for one of the more serious infringements detected plus 5% of the total amount of the other fines

Criminal sanctions: No criminal sanctions are directly stipulated in the current penalty system, which provides only for administrative fines and measures. However, the control authorities may launch a criminal procedure following a roadside check, in case that an infringement also constitutes a criminal offence under the Greek Penal Code, depending on the circumstances of the case.

Administrative measures:

(a) The license plate and certificate of registration of the vehicle are withheld until payment of the fine

(b) If a manipulation device or software is detected following a check at an authorized workshop according to article 38 Regulation 165/2014, the control authorities may confiscate the equipment (including the device itself), the vehicle unit or its components, the software and driver card. The vehicle is released when the proper functioning of the tachograph is restored.

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</i>	X					Enterprise: 4.000 euros Driver: 1000 euros	
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	<i>installation plaque)</i>							
Art. 3.4 and 3.4a	Not having a smart tachograph version 2 installed and used by the specified deadlines ¹⁶						Enterprise: 4.000 euros Driver: 1000 euros	
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 ¹⁷						Enterprise: 4.000 euros Driver: 1000 euros	
Art. 23.1	Using a tachograph not inspected by an approved workshop ¹⁸		X					
Art. 27	Driver holding and/or using more than one own driver card		X				Enterprise:400 euros Driver: 150 euros	
	Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>) ¹⁹	X					Enterprise: 220 euros Driver: 60 euros	
	Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X					Enterprise:400 euros Driver: 150 euros	
	Driving with a driver card which has been	X					Enterprise: 220 euros	

¹⁶ **Not having a correct generation tachograph installed by the specified deadline is considered as not having a tachograph installed**

¹⁷ **Not having the broken seal replaced by an approved person is considered as not having a tachograph installed**

¹⁸ Will be included in the new penalty system

¹⁹ A separate infringement is stipulated in the new penalty system. Currently sanctioned as driving without a valid driver card

	obtained on the basis of false declarations and/or forged documents (<i>considered as driving without driver card</i>) ²⁰						Driver: 60 euros	
Art. 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X				Enterprise: 220 euros	
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				Enterprise: 220 euros Driver: 60 euros	
Art. 32.3	Using a fraudulent device able to modify the records of the tachograph	X					Enterprise:400 euros Driver: 150 euros	
	Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X					Enterprise:400 euros Driver: 150 euros	
Art. 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X				Enterprise: 220 euros	
	Recorded and stored data not available for at least a year		X				Enterprise: 220 euros	
Art 34.1 and 34.6	Incorrect use of record sheets/driver card		X				Enterprise: 220 euros Driver: 60 euros	

²⁰ A separate infringement is stipulated in the new penalty system. Currently sanctioned as driving without a valid driver card

	Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X				Enterprise: 220 euros Driver: 60 euros	
	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X				Enterprise: 220 euros Driver: 60 euros	
Art. 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X				Enterprise: 220 euros Driver: 60 euros	
Art. 34.3	Not using manual input when required to do so		X				Enterprise: 220 euros Driver: 60 euros	
Art. 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X			Enterprise: 220 euros Driver: 60 euros	
Art. 34.5	Incorrect use of switch mechanism		X				Enterprise: 220 euros Driver: 60 euros	
Art. 34.6	Lacking records of symbols of countries where a driver started and finished the daily working period ²¹							
Art 34.7	Lacking records of symbols of countries whose borders a driver crossed during the daily working period ²²							

Producing information

²¹ Will be included in the new penalty system

²² Will be included in the new penalty system

Art. 36	Refusing to be checked		X				Enterprise: 220 euros Driver: 60 euros	
Art. 36	Unable to produce records of current day and the previous 56 days ²³		X				<i>Enterprise: 220 euros</i> <i>Driver: 60 euros</i>	
	Unable to produce records of the driver card if the driver holds one		X				Enterprise: 220 euros Driver: 60 euros	
Art. 36	Unable to produce manual records and printouts made during the current day and the previous 56 days ²⁴		X				Enterprise: 220 euros Driver: 60 euros	
Art. 36	Unable to produce a driver card, if the driver holds one		X				Enterprise: 220 euros Driver: 60 euros	
Malfunctioning								
Art. 37.1 and Art. 22.1	Tachograph not repaired by an approved fitter or workshop		X				Enterprise: 220 euros Driver: 60 euros	
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				Enterprise: 220 euros Driver: 60 euros	

²³ For 28 days

²⁴ For 28 days

[To the Top](#)