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Amendment to the Policy Regulation for the imposition of administrative fines under the Working Hours Act and Working Hours (Transport Workers) Decree in connection with changes in the categories for fines, introduction of the on-board computer, and a number of other developments

The Minister of Infrastructure and the Environment and the Minister of Social Affairs and Employment,

Having regard to Section 10:7 (3) of the Working Hours Act;

Hereby decide as follows:

ARTICLE I

The Policy Regulation for the imposition of fines under the Working Hours Act and the Working Hours (Transport Workers) Decree is amended as follows:

A

Article 1 shall be amended as follows:

1. In the first paragraph, ‘offences punishable by fines’ shall be replaced by ‘violations’.

2. The second paragraph shall read:

2. For the calculation of an administrative fine within the meaning of Section 10:5 of the Working Hours Act, the fines for all violations shall be based on the standard amounts for the categories listed in the table of standard rates for administrative fines relating to road transport, such table forming Annex 1 to this policy regulation.

3. The third paragraph shall read:

3. With respect to the application of the second paragraph, a distinction is made between:
- a. violations whose detection results in the immediate imposition of an administrative fine and that are included in the list forming Annex 2 to this policy regulation, and
 - b. violations for which a warning is given initially (preventive enforcement) and an administrative fine imposed only upon subsequent detection of the same violation.

B

Article 2 shall read:

Article 2

If one or more violations are discovered during a transport inspection, a fine report is drawn up for every person who has an obligation to comply with the provisions of or pursuant to the Working Hours Act.

C

The preamble to Article 3 shall be amended to read:

In the case of an on-site inspection, the maximum number of persons to be included in the fine report for one or more violations shall be, for an employer with:

D

Article 4 shall be amended as follows:

1. The first paragraph shall read:

1. The total administrative fine to be imposed in the event of multiple violations shall be the sum of the fines imposed for the individual violations.

2. In the second paragraph, 'fine' shall be replaced by 'administrative fine'.

E

The second paragraph of Article 5 as well as the designation '1.' in the margin of the first paragraph of Article 5 shall become void.

F

Two articles will be added, namely:

Article 6

In the case of a violation of Article 2.4:4 a of the Working Hours (Transport Workers) Decree, if paragraph 2.5 of said Decree has not been infringed, the administrative fine referred to in Annex 1 shall be reduced to € 50 for each violation.

Article 7

This policy regulation shall be referred to as 'Policy Regulation for the imposition of administrative fines under the Working Hours Act and Working Hours (Transport Workers) Decree'.

ARTICLE II

The Annexes 1 and 2 to the Policy Regulation for the imposition of administrative fines under the Working Hours Act and the Working Hours (Transport Workers) Decree shall be replaced by Annexes 1 and 2 to this policy regulation.

ARTICLE III

This policy regulation shall enter into effect on the day following the date of its publication in the Netherlands Government Gazette.

This policy regulation shall be published in the Netherlands Government Gazette accompanied by explanatory notes.

*The Minister of Infrastructure and the Environment,
M.H. Schultz van Haegen*

*The Minister of Social Affairs and Employment,
H.G.J. Kamp*

EXPLANATORY NOTES

General

The policy regulation presented here is an amended version of the Policy Regulation for the imposition of administrative fines under the Working Hours Act and the Working Hours (Transport Workers) Decree which was laid down by the Minister of Transport, Public Works and Water Management and by the Minister of Social Affairs and Employment, the regulation having been in force since 23 May 2007. The aforementioned policy regulation was most recently amended on 26 June 2009. These amendments comprise the following:

- In conformity with Commission Directive 2009/5/EC, the violations are divided into the categories ‘Minor Infringements’ (amount of fine: € 0 to € 199), ‘Serious Infringements’ (amount of fine: € 200 to € 549) and ‘Very Serious Infringements’ (amount of fine: € 550 or more).
- The violations of the Passenger Transport Decree referred to in Article 8:1 (4) of the Working Hours (Transport Workers) Decree have been designated as offences punishable by fines under the violation codes B 2 4 1 (15) up to and including 2 4 2 (21) for such offences. These violations concern the use of on-board computers in taxis.
- This policy regulation incorporate amendments that are consequential to the Act of 25 June 2009 (Bulletin of Acts and Decrees 265) concerning the adaptation of special legislation to the fourth tranche of the General Administrative Law Act (Adaptation Act for the fourth tranche of the General Administrative Law Act). The Adaptation Act for the fourth tranche of the General Administrative Law Act contains modified terminology. All instances of ‘offence punishable by a fine’ have been replaced with ‘violation’. All instances of ‘fine’ have been replaced with ‘administrative fine’. The expression ‘offence punishable immediately by a fine’ has been changed to ‘a violation for which an administrative fine is imposed immediately’. The terminology of the Policy Regulation for the imposition of administrative fines under the Working Hours Act and the Working Hours (Transport Workers) Decree has been modified accordingly.
- The so-called ‘10 percent rule’ has been abolished in connection with the division of the violations into the categories Minor Infringement (MI), Serious Infringement (SI) and Very Serious Infringement (VSI).
- The procedure for conducting on-site inspections has been modified in connection with the division of violations into categories and the introduction of electronic inspections.
- Finally, a number of textual changes have been made to improve the clarity and readability of the text.

Article amendments

Article I (A) (Article 1)

The terminology has been adapted to that of the Adaptation Act for the fourth tranche of the General Administrative Law Act.

Violations immediately punishable by a fine are violations for which an administrative fine is imposed immediately. In the case of these violations, therefore, no warning is given. Annex 1 sets out which violations detected during a transport inspection or on-site inspection are immediately punishable by a fine. The procedure for conducting on-site inspections has been modified in connection with the introduction of electronic inspections. Annex 2 specifies that violations classified as belonging to the category ‘Very Serious Infringement’ (VSI) are always subject to an immediate fine. Violations classified as belonging to the category ‘Serious Infringement’ (SI) are subject to a fine during a second

or subsequent on-site inspection. Violations classified as belonging to the category 'Minor Infringement' (MI) are subject to a fine during a third or subsequent on-site inspection.

For violations classified as belonging to the category:

MI, the fine shall be between € 0 and € 199;

SI, the fine shall be between € 200 and € 549;

VSI, the fine shall be € 550 or more.

Article I (B) (Article 2)

The term 'offence punishable by a fine' has been replaced with 'violation', in conformity with the Adaptation Act for the fourth tranche of the General Administrative Law Act.

The reference to Section 10:3 (2) (e) of the Working Hours Act has been deleted because the relevant paragraph has been repealed. In its place, the policy regulation now states that during a transport inspection, a fine report shall be drawn up for violations by any person who has an obligation to comply with the Working Hours Act and the Working Hours (Transport Workers) Decree.

Article I (C) (Article 3)

The term 'offence punishable by a fine' has been replaced with 'violation', in conformity with the Adaptation Act for the fourth tranche of the General Administrative Law Act.

The periods to which the inspections relate are no longer stated, as they are only relevant for the type of violation receiving special attention during specific inspections. Because these periods have no effect on the amount of the administrative fine, stating them has no added benefit for this policy regulation.

Article I (D) (Articles 4 and 5)

The terminology has been adapted to that of the Adaptation Act for the fourth tranche of the General Administrative Law Act.

Article I (F) (Articles 6 and 7)

Article 6 replaces Article 5 (2) in the previous version of this policy regulation.

Apart from bringing the terminology into line with that of the Adaptation Act for the fourth tranche of the General Administrative Law Act, the purpose of this provision has been clarified.

In its judgment of 13 July 2011 (number 20101051), the Administrative Jurisdiction Division of the Council of State ruled that in case of a violation of the prohibition against making incorrect entries in the record book, the reduction in the fine if there is no violation of the provisions concerning driving times and rest periods also applies if no entries at all have been made in the record book. The intention of the provision, however, is only to apply the reduction for compliance with the provisions concerning driving times and rest periods in cases where incorrect entries have been made. Owing to the marginal connection with Article 5, this provision has been transferred to a separate article.

Finally, the policy regulation thus far lacked an official title. To remedy this, Article 7 has been added to the text.

*The Minister of Infrastructure and the Environment,
M.H. Schultz van Haegen*

*The Minister of Social Affairs and Employment,
H.G.J. Kamp*

ANNEX 1. LIST OF RATES: ADMINISTRATIVE FINES RELATING TO ROAD TRANSPORT

Edition 2012

This policy regulation shall enter into effect on the day following the date of its publication in the Netherlands Government Gazette.

MI = Minor Infringement (amount of fine: € 0 to € 199)

SI = Serious Infringement (amount of fine: € 200 to € 549)

VSI = Very Serious Infringement (amount of fine: € 550 or more)

Violation code	Act/Decree	Section/article	Reference to	Description of section/article	Notes	Target group	Amount of fine	Fine incurred immediately?	
								Transport inspection	On-site inspection
1. OBLIGATION TO KEEP RECORDS									
A 4.3 (1)	Working Hours Act	4:3 (1)		Failure by the employer and/or the person referred to in Section 2:7 (1) to keep proper records of working hours and rest periods to enable monitoring of compliance with the provisions of this Act	No weekly timesheet, record sheet, duty roster, print-out, or downloaded data found in registration system Per driver per day	Employer / self-employed person	€ 4400	No	Yes
B 2.4:1 (1)	Working Hours (Transport Workers) Decree	2.4:1 (1)	Section 4:3, Working Hours Act	Failure to keep proper, original records for at least 104 weeks (e.g. record book or duty roster, data saved in on-board computer in case of taxis, etc.)	Per driver per day	Employer / self-employed person	€ 4400	No	Yes
B 2.4:1 (1a)	Working Hours (Transport Workers) Decree	2.4:1 (2)	Article 14 (2), Council Regulation (EEC) No. 3821/85	Failure to keep proper, original records for at least 52 weeks (tachograph)	Per driver per day	Employer / self-employed person	€ 4400	No	Yes
B 2.4:1 (1b)	Working Hours (Transport Workers) Decree	2.4:1 (2)	Article 14 (2), Council Regulation (EEC) No. 3821/85	The record sheets, print-outs and transferred data have not been produced or handed over at the request of the authorized inspecting officer(s) (Article 14 (2), Council Regulation (EEC) No. 3821/85)	Per driver per day	Employer / self-employed person	€ 4400	No	Yes
B 2.4:1 (2)	Working Hours (Transport	2.4:1 (3)	Article 6 (5), Regulation (EC)	‘Other work’ has not been recorded		Employer / self-employed person	€ 550	Yes	Yes

	Workers) Decree		No. 561/2006						
B 2.4:1 (2a)	Working Hours (Transport Workers) Decree	2.4:1 (4)	Article 10 (5), Regulation (EC) No. 561/2006	Employer / self- employed person has not kept the original data downloaded from the vehicle unit and/or driver card for at least 12 months	Per driver per day	Employer / self- employed person	€ 4400	No	Yes
B 2.4:1 (2b)	Working Hours (Transport Workers) Decree	2.4:1 (5)		The employee has not retained the log data and documents (required under Section 4.3 of the Working Hours Act) during his transport activities until the time of transfer to the employer		Employer / self- employed person	€ 550	No	Yes
B 2.4:1 (4)	Working Hours (Transport Workers) Decree	2.4:1 (6)	Article 11 (2) of the Regulation on Tachograph Cards	Employer / self- employed person has not transferred the data on the driver card to the company premises at least once every three weeks	Downloading of data from driver card	Employer / self- employed person	€ 1100	No	Yes
B 2.4:1 (5)	Working Hours (Transport Workers) Decree	2 4:1 (6)	Article 11 (1) of the Regulation on Tachograph Cards	Employer / self- employed person has not transferred the data in the vehicle unit the company premises at least once every three months	Downloading of data from vehicle unit	Employer / self- employed person	€ 2200	No	Yes
2. TAXIS									

B 2.4:2 (1)	Working Hours (Transport Workers) Decree	2.4:2 (1)		Not carrying record book	Record book forgotten	Employer / self- employed person	€ 550	Yes	No
B 2.4:2 (2)	Working Hours (Transport Workers) Decree	2.4:2 (1)		Not carrying record book	Record book not issued	Employer / self- employed person	€ 1100	Yes	No
B 2.4:2 (3)	Working Hours (Transport Workers) Decree	2.4:2 (1)	Article 2.4:2 (3) in conjunction with Article 2 (2) of the Regulation on Record Books	Not carrying or not possessing valid record book	Record book is not valid (one year)	Employer / self- employed person	€ 200	Yes	Yes
B 2.4:2 (4)	Working Hours (Transport Workers) Decree	2.4:2 (1)	Article 2.4:2 (3) in conjunction with Article 1 of the Regulation on Record Books	Record book does not conform to prescribed model	No fine is imposed if torn B cover is present	Employer / self- employed person	€ 200	Yes	Yes
B 2.4:2 (5)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 (1) of the Regulation on Record Books	Use of multiple record books at one employer		Employer / self- employed person	€ 200	Yes	Yes
B 2.4:2 (6)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2.a of the Regulation on Record Books	Registration of issued / returned record books		Employer / self- employed person	€ 200	No	No
B 2.4:2 (7)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book (section 3.1)	On first day of use, driver has not noted his surname, first name(s), date of birth, and address on the cover of the record book		Employer / self- employed person	€ 200	Yes	Yes
B 2.4:2 (8)	Working Hours (Transport	2.4:2 (3)	Article 2 of the Regulation on Record Books, in	On first day of use, driver has not noted the first day of use on the		Employer / self- employed person	€ 200	Yes	Yes

	Workers) Decree		conjunction with the instructions for use of the record book (section 3.2)	cover of the record book					
B 2.4:2 (9)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book (section 3.3)	Upon reaching the last page of the record book, driver has not noted last day of use on cover of record book		Employer / self-employed person	€ 200	Yes	Yes
B 2.4:2 (9a)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book (section 1.1)	Driver has not noted company details on the cover of the record book		Employer / self-employed person	€ 200	Yes	Yes
B 2.4:2 (10)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book (section 4.1)	Driver has not entered week number, relevant dates, and his name and initials in the appropriate places		Employer / self-employed person	€ 200	Yes	Yes
B 2.4:2 (11)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book	Driver has not entered the vehicle's registration number in the appropriate place		Employer / self-employed person	€ 200	Yes	Yes

			(section 4.2)						
B 2.4:2 (12)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book	Driver has not indicated rest period(s), driving time, waiting time, time for other activities, and break time by placing horizontal line(s) in the relevant box(es)		Employer / self-employed person	€ 200	Yes	Yes
B 2.4:2 (13)	Working Hours (Transport Workers) Decree	2.4:2 (3)	Article 2 of the Regulation on Record Books, in conjunction with the instructions for use of the record book (section 4.5)	Driver has not entered the following information under 'Notes': – Name and initials of second driver / driver's mate (if applicable) – If driver is working for multiple employers during one and the same day: details of second employer (i.e. in addition to the employer stated on the cover of the record book) and duration of work performed for each of these employers – Driver must be able to explain any deviations from the relevant instructions – Corrections made to information entered in overview (weekly timesheet)		Employer / self-employed person	€ 200	Yes	Yes
B 2.4:2 (14)	Working Hours (Transport	2.4:2 (3)	Article 2 of the Regulation on Record Books, in	Upon concluding the first working day of the week in question, driver		Employer / self-employed person	€ 200	Yes	Yes

	Workers) Decree		conjunction with the instructions for use of the record book (section 4.6)	has not signed weekly timesheet in appropriate place					
B 2.4:2 (15)	Working Hours (Transport Workers) Decree	2.4:2 (1)	Use of on-board computer	Use of on-board computer is obligatory in taxis		Employer / self-employed person Not yet included in Article 8:1 of the Working Hours (Transport Workers) Decree This violation does not incur a fine until after 1 October 2013	€ 2200	Yes	Yes
B 2.4:2 (16)	Working Hours (Transport Workers) Decree	2.4:2 (2)	On-board computer not operational	Transport company / driver have not fulfilled their registration obligations		Employer / self-employed person	€ 550	Yes	Yes
B 2.4:2 (17)	Passenger Transport Decree	79 (4)	Registration of working hours and rest periods (on-board computer in taxis)	Transport company / self-employed person have not fulfilled their registration obligations		Employer / self-employed person Offence under Article 8:1 (4) of the Working Hours (Transport Workers) Decree This violation does not incur a fine until after 1 October 2013	€ 2200	Yes	Yes
B 2.4:2 (18)	Passenger Transport Decree	80 (4)	Transfer of data	Transport company / self-employed person / driver has not transferred data Elaboration of Article 16 (8) and Article 19 (1), (2) and (3), Regulation on		Employer / self-employed person Offence under Article 8:1 (4) of the Working Hours (Transport Workers) Decree	€ 550	No	No

				Use of On-board Computers in Taxis		This violation does not incur a fine until after 1 October 2013			
B 2.4:2 (19)	Passenger Transport Decree	83 (8) (b)	Use of inspection card	Incorrect use of inspection card under Article 10 of the Workshop Regulations (on-board computer in taxis)		Recognised responsible person	€ 1100	Yes	Yes
B 2.4:2 (20)	Passenger Transport Decree	83 (8) (b)	Inspection card report	Incorrect report under Article 15 (1) (b), (c) or (d), Regulation on Use of On-board Computers in Taxis		Recognised responsible person	€ 200	Yes	Yes
B 2.4:2 (21)	Passenger Transport Decree	83 (8) (b)	Returning inspection card	Not returning a revoked inspection card		Recognised responsible person	€ 200	Yes	Yes
3. DUTY ROSTER									
B 2.4:3 (1)	Working Hours (Transport Workers) Decree	2.4:3 (1)	Article 4 (1) of the Duty Roster Regulations Article 16 (2) of Regulation (EC) No. 561/2006	No duty roster drawn up		Employer / self-employed person	€ 4400	Yes	Yes
B 2.4:3 (2)	Working Hours (Transport Workers) Decree	2.4:3 (3)	Article 4 (1) of the Duty Roster Regulations Article 16 (2) of Regulation (EC) No. 561/2006	Non-compliance with provisions concerning duty roster	Failure to state driver's name, schedule and place where he is based	Employer / self-employed person	€ 200	Yes	Yes
B 2.4:3 (3)	Working Hours (Transport	2.4:3 (3)	Article 4 (1) of the Duty Roster Regulations	Non-compliance with provisions concerning	The duty roster does not include all the particulars referred	Employer / self-employed person	€ 200	Yes	Yes

	Workers) Decree		Article 16 (3) (a) of Regulation (EC) No. 561/2006	duty roster	to in Article 16 (3) (a) of Regulation (EC) No. 561/2006, or the details for the current day				
B 2.4:3 (4)	Working Hours (Transport Workers) Decree	2.4:3 (3)	Article 4 (1) of the Duty Roster Regulations Article 16 (3) (b) of Regulation (EC) No. 561/2006	Non-compliance with provisions concerning duty roster	Duty roster not signed by the head of the transport undertaking or by a person authorised to represent him	Employer / self-employed person	€ 200	No	No
B 2.4:3 (6)	Working Hours (Transport Workers) Decree	2.4:3 (3)	Article 4 of the Duty Roster Regulations Article 16 (2) of Regulation (EC) No. 561/2006	Non-compliance with provisions concerning duty roster	Driver not carrying an extract from the duty roster or a copy of the service timetable	Employer / self-employed person	€ 550	Yes	No
B 2.4:3 (7)	Working Hours (Transport Workers) Decree	2.4:3 (3)	Article 4 (1) of the Duty Roster Regulations Article 16 (3) (c) of Regulation (EC) No. 561/2006 in conjunction with Section 4.3 of the Working Hours Act	Transport undertaking has not kept duty roster for one year after expiry of the period covered by it		Employer / self-employed person	€ 4400	No	Yes
4. IMPROPER USE OF RECORDING EQUIPMENT									
B 2.4:4 (1)	Working Hours (Transport Workers) Decree	2.4:4 (a)		Entering incorrect data or notes in recording equipment, or causing or allowing such data or notes to be entered		Employer / self-employed person	€ 1300 € 550	Yes	Yes
B 2.4:4 (2)	Working Hours (Transport	2.4:4 (b)		Making changes, or causing or allowing		Employer / self-	€ 1300	Yes	Yes

	Workers) Decree			changes to be made, to data or notes previously entered in recording equipment, rendering such data or notes illegible, or causing or allowing such data or notes to be rendered illegible		employed person	€ 550		
B 2.4:4 (3)	Working Hours (Transport Workers) Decree	2.4:4 (c)		Partially or completely mislaying recording equipment or causing it to be mislaid, rendering equipment defective or causing it to be rendered defective, destroying equipment or causing it to be destroyed, concealing equipment or causing it to be concealed, or allowing equipment to be mislaid, rendered defective, destroyed or concealed		Employer / self-employed person	€ 1300 € 550	Yes	Yes
B 2.4:4 (4)	Working Hours (Transport Workers) Decree	2.4:4 (d)		Use of recording equipment in which incorrect notes have been entered, in which changes have been made to notes, or in which notes have been rendered illegible		Employer / self-employed person	€ 1300 € 550	Yes	Yes
B 2.4:4 (9)	Working Hours (Transport Workers) Decree	2.4:4 (e)		Use by driver of a driver card, workshop card or company card which is not in his name, with the exception of an		Employer / self-employed person	€ 1300 € 550	Yes	Yes

				employee using his employer's company card					
B 2.4:4 (11)	Working Hours (Transport Workers) Decree	2.4:4 (f)		Presence in the vehicle of a device which may be used for the purposes referred to under paragraphs a to e inclusive		Employer / self-employed person	€ 1300 € 550	Yes	Yes
B 2.4:4 (10b)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (4), Council Regulation (EEC) No. 3821/85, AETR	Use of driver card which is not the driver's own valid card		Employer / self-employed person	€ 1300 € 550	Yes	Yes
B 2.4:5 (38)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (8), Council Regulation (EEC) No. 3821/85, AETR	Falsifying, suppressing or destroying data recorded on record sheets and stored in the recording equipment, on the driver card, or on print-outs from the recording equipment		Employer / self-employed person	€ 1300 € 550	Yes	No
B 2.4:5 (39)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (8), Council Regulation (EEC) No. 3821/85, AETR	Manipulation of the recording equipment, the record sheet or the driver card which may result in data and/or print-outs being falsified		Employer / self-employed person	€ 1300 € 550	Yes	No
B 2.4:5 (40)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (8), Council Regulation (EEC) No. 3821/85, AETR	Presence in the vehicle of a manipulation device (switch, wire, etc.) that could be used to falsify data and/or information on print-outs		Employer / self-employed person	€ 1300 € 550	Yes	No

5. INSTALLATION AND USE OF TACHOGRAPH									
B 2.4:5 (1)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 45, Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure that the recording equipment has the proper seals (initial installation)	Employer / self- employed person	€ 2200	Yes	Yes
B 2.4:5 (1a)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 45, Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure that the recording equipment has an installation plaque (initial installation)	Employer / self- employed person	€ 200	Yes	Yes
B 2.4:5 (2)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 45, Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure installation of recording equipment	Employer / self- employed person	€ 2200	Yes	Yes
B 2.4:5 (3)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 46, Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure that the recording equipment is inspected within two years' time, or failure to ensure that an installation plaque is provided following an inspection	Employer / self- employed person	€ 200	Yes	Yes
B 2.4:5 (3a)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 1 of Council Regulation (EEC) No. 3821/85 in conjunction with Annex I, Chapter VI, item 3b, or Article 10 of the AETR, in conjunction with Annex I, Chapter	Recording equipment (analog)	Failure to ensure that the recording equipment is inspected within six years' time	Employer / self- employed person	€ 200	Yes	No

			VI, item 3b						
B 2.4:5 (3b)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 1 of Council Regulation (EEC) No. 3821/85 in conjunction with Annex 1B, Chapter VI, item 4	Recording equipment (digital)	Failure to ensure that the recording equipment is inspected within two years' time, or failure to ensure that an installation plaque is provided following an inspection	Employer / self- employed person	€ 200	Yes	No
B 2.4:5 (4)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 46, Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure that the seals remain intact and in their original condition, or failure to ensure that the tachograph is inspected after the seals have been broken	Employer / self- employed person	€ 2200	Yes	Yes
B 2.4:5 (4a)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 46 (b), Regulation on Recording Equipment 2005	Recording equipment	Failure to ensure that the recording equipment is inspected in the event of a modification to the motor vehicle which affects the number of road revolutions or the tyre circumference	Employer / self- employed person	€ 200	Yes	Yes
B 2.4:5 (6)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Articles 1 and 13 of Council Regulation (EEC) No. 3821/85, AETR	Correct operation and use of recording equipment and driver card		Employer / self- employed person	€ 2200	Yes	Yes

B 2.4:5 (7a)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 13 of Council Regulation (EEC) No. 3821/85, AETR	The recording equipment is not functioning correctly. The settings are incorrect, but the driving times and rest periods are registered correctly.		Employer / self- employed person	€ 200	Yes	Yes
B 2.4:5 (7)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (1), Council Regulation (EEC) No. 3821/85, AETR	Insufficient number of record sheets issued		Employer / self- employed person	€ 200	Yes	No
B 2.4:5 (8)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (1), Council Regulation (EEC) No. 3821/85, AETR	(Issued) model of record sheets not approved		Employer / self- employed person	€ 200	No	No
B 2.4:5 (9)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (1), Council Regulation (EEC) No. 3821/85, AETR	Insufficient quantity of paper for print-outs		Employer / self- employed person	€ 200	Yes	No
B 2.4:5 (10)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (4), Council Regulation (EEC) No. 3821/85, AETR	Driver holds more than one valid driver card		Driver	€ 550	Yes	Yes
B 2.4:5 (11)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 14 (4), Council Regulation (EEC) No. 3821/85, AETR	Use of a defective or expired driver card		Driver	€ 550	Yes	Yes
B 2.4:5 (11a)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (1), Council Regulation (EEC) No. 3821/85, AETR	Use of dirty or damaged record sheets or driver cards, containing legible data		Driver	€ 100	Yes	Yes
B 2.4:5 (11b)	Working Hours (Transport	2.4:13 (2) or (5)	Article 15 (1), Council Regulation	Use of dirty or damaged record sheets or driver		Driver	€ 550	Yes	Yes

	Workers) Decree		(EEC) No. 3821/85, AETR	cards, containing illegible data					
B 2.4:5 (11c)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (1), Council Regulation (EEC) No. 3821/85, AETR	Failure to apply for replacement of damaged, malfunctioning, lost or stolen driver card within 7 calendar days		Driver	€ 200	Yes	Yes
B 2.4:5 (12)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2) of Council Regulation (EEC) No. 3821/85, or Article 10 of the AETR in conjunction with Chapter III, Article 12 (2) of the Annex	Use of record sheet	Failure to use record sheet	Driver	€ 1100	Yes	Yes
B 2.4:5 (12a)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2) of Council Regulation (EEC) No. 3821/85, or Article 10 of the AETR in conjunction with Chapter III, Article 12 (2) of the Annex	Use of driver card	Failure to use a driver card Driver card has been issued	Driver	€ 1100	Yes	Yes
B 2.4:5 (13)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	Incorrect use of record sheets / driver cards		Driver	€ 550	Yes	Yes
B 2.4:5 (14)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	Unauthorised withdrawal of record sheets or driver cards, with an impact on the recording of relevant	Unauthorised withdrawal of record sheet or driver card from tachograph before the end of the	Driver	€ 550	Yes	Yes

				data	daily working period				
B 2.4:5 (15)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	Unauthorised withdrawal of record sheets or driver cards, with no impact on the recording of relevant data	Unauthorised withdrawal of record sheet or driver card from tachograph before the end of the daily working period	Driver	€ 100	Yes	Yes
B 2.4:5 (16)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	The record sheet has been used to cover a period longer than that for which it is intended, but no loss of data has occurred		Driver	€ 100	Yes	Yes
B 2.4:5 (17)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	The record sheet has been used to cover a period longer than that for which it is intended, and loss of data has occurred		Driver	€ 550	Yes	Yes
B 2.4:5 (18)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	Not using manual input when required to do so		Driver	€ 550	Yes	Yes
B 2.4:5 (19)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (2), Council Regulation (EEC) No. 3821/85, AETR	Not using correct record sheet or driver card in the correct slot (multi-manning)		Driver	€ 1100	Yes	Yes
B 2.4:5 (20)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (3), Council Regulation (EEC) No. 3821/85, AETR	Time recorded on record sheet does not correspond to official time in country of registration of the vehicle		Driver	€ 200	Yes	Yes

B 2.4:5 (21)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (3), Council Regulation (EEC) No. 3821/85, AETR	Incorrect operation of switch mechanisms		Driver	€ 550	Yes	Yes
B 2.4:5 (22)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Surname not entered on record sheet		Driver	€ 550	Yes	Yes
B 2.4:5 (23)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	First name not entered on record sheet		Driver	€ 550	Yes	Yes
B 2.4:5 (24)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Date of first or last use of record sheet not entered on record sheet		Driver	€ 200	Yes	Yes
B 2.4:5 (25)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Place of first or last use of record sheet not entered on record sheet		Driver	€ 100	Yes	Yes
B 2.4:5 (26)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Vehicle registration number not entered on record sheet		Driver	€ 100	Yes	Yes
B 2.4:5 (27)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Odometer reading (at start of first journey recorded on record sheet) not entered on record sheet		Driver	€ 200	Yes	Yes
B 2.4:5 (28)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Odometer reading (at end of last journey recorded on record sheet) not entered on		Driver	€ 100	Yes	Yes

			AETR	record sheet					
B 2.4:5 (29)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5), Council Regulation (EEC) No. 3821/85, AETR	Time of change of vehicle not entered on record sheet		Driver	€ 100	Yes	Yes
B 2.4:5 (30)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (5) (b), Council Regulation (EEC) No. 3821/85, AETR	Symbol for country where journey starts and/or ends not entered in recording equipment		Driver	€ 100	Yes	Yes
6. PRODUCING INFORMATION									
B 2.4:5 (32)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 15 (7), Council Regulation (EEC) No. 3821/85, AETR	Unable to produce record sheets, print- outs, manual records or driver card data for the current day and the previous 28 days		Driver	€ 550	Yes	Yes
7. BREAKDOWN OR FAULTY OPERATION OF EQUIPMENT									
B 2.4:5 (41)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (1), Council Regulation (EEC) No. 3821/85, AETR	Not repaired by an approved fitter or workshop		Employer / self- employed person	€ 2200	Yes	Yes
B 2.4:5 (42)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (1), Council Regulation (EEC) No. 3821/85, AETR	Repair not carried out <i>en route</i>		Employer / self- employed person	€ 200	Yes	Yes
8. MANUAL INPUT ON PRINT-OUTS									
B 2.4:5 (43)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (2), Council Regulation (EEC) No. 3821/85, AETR	Driver has not entered all relevant information for the periods of time which are no longer recorded because the		Driver	€ 550	Yes	Yes

				recording equipment is unserviceable or malfunctioning					
B 2.4:5 (44)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (2), Council Regulation (EEC) No. 3821/85, AETR	Driver card number and/or driver's name and/or driving licence number not entered on temporary sheet		Driver	€ 550	Yes	Yes
B 2.4:5 (45)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (2), Council Regulation (EEC) No. 3821/85, AETR	Signature not entered on temporary sheet		Driver	€ 200	Yes	Yes
B 2.4:5 (46)	Working Hours (Transport Workers) Decree	2.4:13 (2) or (5)	Article 16 (3), Council Regulation (EEC) No. 3821/85, AETR	Loss or theft of driver card not officially reported to the competent authorities		Driver	€ 550	Yes	Yes
B 2.4:8 (1)	Working Hours (Transport Workers) Decree	2.4:8		Use of driver card	Failure to use a driver card Driver card not issued to driver	Employer / self-employed person	€ 2200	Yes	Yes
B 2.4:9 (1)	Working Hours (Transport Workers) Decree	2.4:9		Use of workshop card	Improper use of workshop card	Employer / self-employed person / recognised responsible person	€ 1100	Yes	Yes
B 2.4:10 (1)	Working Hours (Transport Workers) Decree	2.4:10		Use of company card	Improper use of company card	Employer / self-employed person	€ 550	Yes	Yes
B 2.4:11 (1)	Working Hours (Transport Workers) Decree	2.4:11 (3)		Replacement of tachograph card	Loss or theft of tachograph card not reported	Employer / self-employed person	€ 200	No	No

9. REGULATION ON TACHOGRAPH CARDS									
B 2.4:13 (1)	Working Hours (Transport Workers) Decree	2.4:13 (1) or (5)	Article 10 (1) of the Regulation on Tachograph Cards, or Article 10 of the AETR in conjunction with Chapter III, Article 13 (2) of the Annex	No supplementary information on print-out in the event of loss or theft of the driver card or a defective driver card		Driver	€ 550	Yes	Yes
B 2.4:13 (2)	Working Hours (Transport Workers) Decree	2.4:13 (1) or (5)	Article 10 (2) of the Regulation on Tachograph Cards, or Article 10 of the AETR in conjunction with Chapter III, Article 12 (2) of the Annex	Failure to provide for manual entry on the driver card		Driver	€ 550	Yes	Yes
B 2.4:13 (3)	Working Hours (Transport Workers) Decree	2.4:13 (1) or (5)	Article 10 (3) of the Regulation on Tachograph Cards, or Article 10 of the AETR in conjunction with Chapter III, Article 13 (2) of the Annex	Failure to provide for manual note on print- outs in the event of loss or theft of the driver card or a defective driver card		Driver	€ 550	Yes	Yes
B 2.4:13 (4)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 10 (4) of the Regulation on Tachograph Cards	Failure to ensure insertion of the driver card in the correct reader		Driver	€ 1100	Yes	Yes
10. COUNCIL REGULATION (EEC) NO. 2135/98									

B 2.4:13 (5)	Working Hours (Transport Workers) Decree	2.4:13 (4)	Article 2 (1), Council Regulation (EEC) No. 2135/98	Fitted with recording device 1B in accordance with the requirements of Annex 1B to Council Regulation (EEC) No. 3821/85		Employer / self- employed person	€ 2200	Yes	Yes
B 2.4:13 (6)	Working Hours (Transport Workers) Decree	2.4:13 (4)	Article 2 (1), Council Regulation (EEC) No. 2135/98	Replacement recording device 1B in accordance with the requirements of Annex 1B to Council Regulation (EEC) No. 3821/85		Employer / self- employed person	€ 2200	Yes	Yes
11. REGULATION ON RECORDING EQUIPMENT 2005									
B 2.4:13 (7)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 32, Regulation on Recording Equipment 2005	Failure of the recognised responsible person to retain the register for a period of three years		Recognised responsible person	€ 50	No	Yes
B 2.4:13 (8)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 33, Regulation on Recording Equipment 2005	Regular transfer of calibration data to the computer by the recognised responsible person and the workshop card holder		Recognised responsible person and workshop card holder	€ 1100	No	Yes
B 2.4:13 (9)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 34 (2), Regulation on Recording Equipment 2005	Recognised responsible person must retain data for a period of at least 52 weeks		Recognised responsible person	€ 1100	No	Yes
B 2.4:13 (10)	Working Hours (Transport Workers) Decree	2.4:13 (1)	Article 34 (3), Regulation on Recording Equipment 2005	Recognised responsible person may not make changes to the data		Recognised responsible person	€ 1300	No	Yes
B 2.4:13 (11)	Working Hours (Transport	2.4:13 (1)	Article 34 (9), Regulation on	Failure on the part of the recognised responsible		Recognised	€ 1100	No	Yes

	Workers) Decree		Recording Equipment 2005	person to supply all relevant data at the request of the supervisory official		responsible person			
12. DRIVING TIMES AND REST PERIODS									
INSUFFICIENT DAILY REST PERIOD OF LESS THAN 11 HOURS IF REDUCED DAILY REST PERIOD IS NOT ALLOWED									
B 2.5:1 (1)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 11 hours if reduced daily rest period is not allowed	Rest period of less than 11 hours	Employer / self-employed person	€ 100	Yes	Yes
B 2.5:1 (2)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 11 hours if reduced daily rest period is not allowed	Rest period of less than 10 hours	Employer / self-employed person	€ 200	Yes	Yes
B 2.5:1 (3)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 11 hours if reduced daily rest period is not allowed	Rest period of less than 8.5 hours	Employer / self-employed person	€ 550 + € 100 per hour shortfall	Yes	Yes
INSUFFICIENT DAILY REST PERIOD OF LESS THAN 9 HOURS IF REDUCED DAILY REST PERIOD IS ALLOWED									
B 2.5:1 (4)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 9 hours if reduced daily rest period is allowed	Rest period of less than 9 hours	Employer / self-employed person	€ 100	Yes	Yes
B 2.5:1 (5)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 9 hours if reduced daily rest period is allowed	Rest period of less than 8 hours	Employer / self-employed person	€ 200	Yes	Yes

B 2.5:1 (6)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (2), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 9 hours if reduced daily rest period is allowed	Rest period of less than 7 hours	Employer / self- employed person	€ 550 + € 100 per hour shortfall	Yes	Yes
INSUFFICIENT DAILY REST PERIOD OF LESS THAN 9 HOURS IN CASE OF MULTI-MANNING									
B 2.5:1 (10)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (5), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 9 hours in case of multi- manning	Rest period of less than 9 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:1 (11)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (5), Regulation (EC) No. 561/2006	Insufficient daily rest period of less than 9 hours in case of multi- manning	Rest period of less than 8 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:1 (12)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (5), Regulation (EC) No. 561/2006, AETR	Insufficient daily rest period of less than 9 hours in case of multi- manning	Rest period of less than 7 hours	Employer / self- employed person	€ 550 + € 100 per hour shortfall	Yes	Yes
INSUFFICIENT REDUCED WEEKLY REST PERIOD OF LESS THAN 24 HOURS									
B 2.5:1 (13)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient reduced weekly rest period of less than 24 hours	Rest period of less than 24 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:1 (14)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient reduced weekly rest period of less than 24 hours	Rest period of less than 22 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:1 (15)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient reduced weekly rest period of less than 24 hours	Rest period of less than 20 hours	Employer / self- employed person	€ 550 + € 100 per hour shortfall, up to a maximum of € 1000	Yes	Yes

INSUFFICIENT WEEKLY REST PERIOD OF LESS THAN 45 HOURS IF REDUCED WEEKLY REST PERIOD IS NOT ALLOWED									
B 2.5:1 (16)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient weekly rest period of less than 45 hours if reduced weekly rest period is not allowed	Rest period of less than 45 hours	Employer / self-employed person	€ 100	Yes	Yes
B 2.5:1 (17)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient weekly rest period of less than 45 hours if reduced weekly rest period is not allowed	Rest period of less than 42 hours	Employer / self-employed person	€ 200	Yes	Yes
B 2.5:1 (18)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	Insufficient weekly rest period of less than 45 hours if reduced weekly rest period is not allowed	Rest period of less than 36 hours	Employer / self-employed person	€ 550 + € 100 per hour shortfall, up to a maximum of € 1000	Yes	Yes
MORE THAN SIX 24-HOUR PERIODS ELAPSED BETWEEN WEEKLY REST PERIODS									
B 2.5:1 (19)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	More than six 24-hour periods elapsed between weekly rest periods	Exceedance of up to 12 hours	Employer / self-employed person	€ 100	Yes	Yes
B 2.5:1 (20)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	More than six 24-hour periods elapsed between weekly rest periods	Exceedance of up to 24 hours	Employer / self-employed person	€ 200	Yes	Yes
B 2.5:1 (21)	Working Hours (Transport Workers) Decree	2.5:1 (2)	Article 8 (6), Regulation (EC) No. 561/2006, AETR	More than six 24-hour periods elapsed between weekly rest periods	Exceedance of more than 24 hours	Employer / self-employed person	€ 550 + € 100 per hour exceedance, up to a maximum of € 1000	Yes	Yes
EXCEEDANCE OF DAILY DRIVING TIME OF 9 HOURS IF EXTENSION TO 10 HOURS IS NOT ALLOWED									

B 2.5:3 (1)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 9 hours if extension to 10 hours is not allowed	More than 9 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:3 (2)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 9 hours if extension to 10 hours is not allowed	More than 10 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:3 (3)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 9 hours if extension to 10 hours is not allowed	More than 11 hours	Employer / self- employed person	€ 550 + € 100 per hour exceedance, up to a maximum of € 1350	Yes	Yes
EXCEEDANCE OF DAILY DRIVING TIME OF 10 HOURS IF EXTENSION IS ALLOWED									
B 2.5:3 (4)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 10 hours if extension is allowed	More than 10 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:3 (5)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 10 hours if extension is allowed	More than 11 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:3 (6)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (1), Regulation (EC) No. 561/2006, AETR	Exceedance of daily driving time of 10 hours if extension is allowed	More than 12 hours	Employer / self- employed person	€ 550 + € 100 per hour exceedance, up to a maximum of € 1350	Yes	Yes
EXCEEDANCE OF WEEKLY DRIVING TIME									
B 2.5:3 (7)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (2), Regulation (EC) No. 561/2006, AETR	Exceedance of weekly driving time	More than 56 hours	Employer / self- employed person	€ 100	Yes	Yes

B 2.5:3 (8)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (2), Regulation (EC) No. 561/2006, AETR	Exceedance of weekly driving time	More than 60 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:3 (9)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (2), Regulation (EC) No. 561/2006, AETR	Exceedance of weekly driving time	More than 70 hours	Employer / self- employed person	€ 550	Yes	Yes
EXCEEDANCE OF TOTAL ACCUMULATED DRIVING TIME DURING TWO CONSECUTIVE WEEKS									
B 2.5:3 (10)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (3), Regulation (EC) No. 561/2006, AETR	Exceedance of total accumulated driving time during two consecutive weeks	More than 90 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:3 (11)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (3), Regulation (EC) No. 561/2006, AETR	Exceedance of total accumulated driving time during two consecutive weeks	More than 100 hours	Employer / self- employed person	€ 200	Yes	Yes
B 2.5:3 (12)	Working Hours (Transport Workers) Decree	2.5:3	Article 6 (3), Regulation (EC) No. 561/2006, AETR	Exceedance of total accumulated driving time during two consecutive weeks	More than 112.5 hours	Employer / self- employed person	€ 550	Yes	Yes
EXCEEDANCE OF MAXIMUM CONSECUTIVE DRIVING TIME									
B 2.5:6 (1)	Working Hours (Transport Workers) Decree	2.5:6 (2)	Article 7, Regulation (EC) No. 561/2006, AETR	Exceedance of maximum consecutive driving time	More than 4.5 hours	Employer / self- employed person	€ 100	Yes	Yes
B 2.5:6 (2)	Working Hours (Transport Workers) Decree	2.5:6 (2)	Article 7, Regulation (EC) No. 561/2006, AETR	Exceedance of maximum consecutive driving time	More than 5 hours	Employer / self- employed person	€ 200	Yes	Yes

B 2.5:6 (3)	Working Hours (Transport Workers) Decree	2.5:6 (2)	Article 7, Regulation (EC) No. 561/2006, AETR	Exceedance of maximum consecutive driving time	More than 6 hours	Employer / self- employed person	€ 550 + € 100 per hour exceedance, up to a maximum of € 1950	Yes	Yes
13. BREAKS									
B 2.5:6 (7)	Working Hours (Transport Workers) Decree	2.5:6 (1)	Section 5:4 (2) and 5:4 (3) of the Working Hours Act	Breaks	Organisation of working time	Employer / self- employed person	€ 100	No	Yes
B 2.5:6 (8)	Working Hours (Transport Workers) Decree	2.5:6 (3) (a)	Regulation (EC) No. 561/2006 + other work	More than 6 hours without a break	Organisation of working time	Employer / self- employed person	€ 100	No	Yes
B 2.5:6 (9)	Working Hours (Transport Workers) Decree	2.5:6 (3) (b)	Regulation (EC) No. 561/2006 + other work	No break of 0.5 hours (or two breaks of 0.25 hours each), if working time amounts to 6 to 9 hours	Organisation of working time	Employer / self- employed person	€ 100	No	Yes
B 2.5:6 (10)	Working Hours (Transport Workers) Decree	2.5:6 (3) (c)	Regulation (EC) No. 561/2006 + other work	No break of 0.75 hours (or three breaks of 0.25 hours each), if working time amounts to more than 9 hours	Breaks	Employer / self- employed person	€ 100	No	Yes
14. NIGHTTIME WORK									
B 2.5:4 (1)	Working Hours (Transport Workers) Decree	2.5:4 (2) (a) and (b)		Working more than 43 night shifts in 16 weeks' working time, or working more than 38 hours in night shifts per 2-week period	Per shift or hour exceedance	Employer / self- employed person	€ 100 up to a maximum of € 1100	No	Yes
B 2.5:4a (1)	Working Hours (Transport Workers) Decree	2.5:4a (5)	If Regulation (EC) No. 561/2006 applies	Working more than 12 hours per day during a period of 24 consecutive hours	Per hour	Employer / self- employed person	€ 100 up to a maximum of € 1100	No	Yes

B 2.5:5 (1)	Working Hours (Transport Workers) Decree	2.5:5 (3) (a) and (b)		Working more than 52 night shifts in 16 weeks' working time, working more than 140 night shifts in 52 weeks' working time, or working more than 38 hours in night shifts per 2-week period	Per shift exceedance	Employer / self-employed person	€ 100 up to a maximum of € 1100	No	Yes
15. WORKING TIMES									
B 2.5:7 (1)	Working Hours (Transport Workers) Decree	2.5:7 (5)	Regulation (EC) No. 561/2006 is not applicable	Average working time of 48 hours per week	Organisation of working time	Employer / self-employed person	€ 100	No	Yes
B 2.5:8 (1)	Working Hours (Transport Workers) Decree	2.5:8 (5)	Regulation (EC) No. 561/2006 is applicable	Working time of more than 60 hours per week	Organisation of working time	Employer / self-employed person	€ 100	No	Yes
16. TYPES OF PAYMENT AND PROVISION OF INFORMATION									
B 2.7:1 (1)	Working Hours (Transport Workers) Decree	2.7:1 (1)	Article 10 (1), Regulation (EC) No. 561/2006, AETR	Payment related to distances travelled and/or amount of goods carried	If it has been demonstrated that such payment endangers road safety and/or encourages infringement	Employer / self-employed person	€ 1100	No	Yes
B 2.7:1 (2)	Working Hours (Transport Workers) Decree	2.7:1 (2)	Article 10 (1), Regulation (EC) No. 561/2006	Employer acts in accordance with Article 10 (2) and Article 10 (5) of Regulation (EC) No. 561/2006	Organisation of work and downloading of data	Employer / self-employed person	€ 550	No	Yes
B 2.7:1 (3)	Working Hours (Transport	2.7:1 (3)	Article 20, Regulation (EC)	Employer acts in accordance with Article 20 of Regulation	Not carrying evidence concerning previous penalties imposed or	Employer / self-employed person	€ 100	No	No

	Workers) Decree		No. 561/2006	(EC) No. 561/2006	proceedings initiated				
B 2.7:1 (4)	Working Hours (Transport Workers) Decree	2.7:1 (3)	Article 2.7:1, in conjunction with Article 20 (3) of Regulation (EC) No. 561/2006	Driver must provide sufficient information to each transport undertaking		Employer / self- employed person	€ 200	No	Yes
B 2.7:4 (1)	Working Hours (Transport Workers) Decree	2.7:4 (1)		Young employee working as driver's mate outside the Netherlands		Employer / self- employed person	€ 100	No	No
B 2.7:4 (2)	Working Hours (Transport Workers) Decree	2.7:4 (2)		Failure to ensure possession of a certificate issued by the National Institute for Professional Education in the Transport and Logistics Sector (<i>Stichting Landelijk Orgaan Beroepsonderwijs Transport en Logistiek</i>), showing that the young employee working as a driver's mate is registered as a student at the Institute		Employer / self- employed person	€ 100	No	No

This list of rates for administrative fines is available at the website of the Human Environment and Transport Inspectorate (ILENT) at www.ilent.nl.

Explanatory notes to Annex 1

The structure of Annex 1 has been substantially revised for the sake of clarity. Several fine amounts have been changed and a number of new violations have been added to the list. An overview of the changes for each violation code is provided below.

The fine amount for violation code B 2.4:1 (2) has been increased from € 220 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amounts for violation codes B 2.4:2 (3) up to and including B 2.4:2 (14) have been rounded down from € 220 to € 200.

Violation codes B 2.4:2 (15) up to and including B 2.4:2 (21) have been added to Annex 1 in connection with the introduction of on-board computers in taxis.

The fine amounts imposed on employers in respect of violation codes B 2.4:4 (1) up to and including B 2.4:5 (40) have been rounded down from € 1320 to € 1300. The fine amounts imposed on employees have been increased from € 440 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amounts for violation codes B 2.4:5 (1a, 3, 3a, 3b) have been rounded down from € 220 to € 200.

The fine amount for violation code B 2.4:5 (4) has been increased from € 220 to € 2200 as a result of the implementation of Commission Directive 2009/5/EC.

Violation code B 2.4:5 (7a) has been added to Annex 1.

The fine amounts for violation codes B 2.4:5 (7) up to and including B 2.4:5 (9) have been rounded down from € 220 to € 200.

Violation codes B 2.4:5 (10) and B 2.4:5 (11) have been added to Annex 1.

The fine amount for violation code B 2.4:5 (11a) has been decreased from € 220 to € 100 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:5 (11b) has been increased from € 220 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:5 (21) has been increased from € 50 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amounts for violation codes B 2.4:5 (22) and B 2.4:5 (23) have been increased from € 220 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:5 (24) has been decreased from € 220 to € 200 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amounts for violation codes B 2.4:5 (25) up to and including B 2.4:5 (29) have been decreased from € 220 to € 100 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:5 (30) has been increased from € 50 to € 100 as a result of the implementation of Commission Directive 2009/5/EC.

Violation codes B 2.4:5 (43) up to and including B 2.4:5 (46) have been added to Annex 1.

The fine amount for violation code B 2.4:10 (1) has been decreased from € 1100 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:11 (1) has been rounded down from € 220 to € 200.

The fine amounts for violation codes B 2.4:13 (1) up to and including B 2.4:13 (3) have been increased from € 220 to € 550 as a result of the implementation of Commission Directive 2009/5/EC.

The fine amount for violation code B 2.4:13 (10) has been rounded down from € 1320 to € 1300.

The fine amount for violation code B 2.5:1 (1) has been rounded down from € 110 to € 100.

The fine amount for violation code B 2.5:1 (2) has been rounded down from € 220 to € 200.

ANNEX 2. LIST OF VIOLATIONS FOR WHICH AN ADMINISTRATIVE FINE IS IMPOSED IMMEDIATELY

Transport inspections

- All violations relating to working hours, driving times and rest periods
- Violations concerning recording devices:
 - Absence of recording and monitoring devices
 - Incorrect use of recording and monitoring devices
 - Improper use of recording and monitoring devices
 - Failure to enter 'key data' in a recording device, meaning data that can easily be changed at a later time

On-site inspections

During the first on-site inspection, all violations in the category of 'Very Serious Infringements' (VSI) incur a fine. A warning is issued for any other violations.

During a second on-site inspection, all violations in the category of 'Very Serious Infringements' (VSI) as well as those in the category of 'Serious Infringements' (SI) incur a fine.

During a third or subsequent on-site inspection, all violations (MI, SI and VSI) incur a fine.

Explanatory notes to Annex 2

For transport inspections, the phrase 'except the biweekly driving times' and the immediate imposition of a fine for violations of the formal requirements applying to qualification criteria will cease to be in effect as a result of the implementation of Commission Directive 2009/5/EC.

With regard to on-site inspections, the system for the immediate imposition of fines for violations has been modified as a result of the implementation of Commission Directive 2009/5/EC.