



## Commission decides to refer DENMARK to the Court of Justice over its 25-hour limit on lorry parking

Brussels, 9 June 2021

The European Commission has decided today to refer **Denmark** to the Court of Justice for failing to lift its restrictions on lorry parking.

Denmark has been limiting the period for which lorries can park in state-owned rest areas to a maximum of 25 hours. The Danish measure restricts the freedom to provide services as guaranteed by EU road transport legislation ([Regulation \(EC\) No 1072/2009](#)), as it creates barriers to foreign hauliers carrying out international operations. Since these hauliers do not have an operating centre in Denmark, they need parking space to carry out their activities and to comply with EU obligations on driving and rest times under Regulation (EU) 561/2006. The restriction on lorry parking makes compliance with those obligation more difficult. The Commission considers that the rule is not appropriate, necessary or proportionate to the objectives and therefore started an infringement procedure against Denmark, requesting it to lift its 25-hour limit.

### Background

Denmark introduced a 25-hour limitation on lorry parking on state-owned rest areas on 1 July 2018.

This limitation affects non-resident hauliers much more than hauliers established in Denmark as non-resident hauliers do not have an operating centre situated in Denmark and are therefore in need of parking space along motorways in order to comply with their obligations under Regulation 561/2006. This applies specifically to reduced weekly rest periods (between 35 and 45 hours) which indeed may lawfully be taken in the vehicle.

Therefore, the restrictions on parking, in combination with the strict EU rules on rest periods (Articles 4, 6 and 8 of Regulation (EC) No 561/2006) make it difficult for non-resident hauliers to provide international transport services and cabotage operations. This amounts to an unjustified restriction of the freedom to provide services as set out in Articles 1, 8 and 9 of Regulation (EC) No 1072/2009.

Even if the explanation provided by the Danish authorities for the restriction were considered to be in the general interest (notably the objectives of 'ensuring orderly conditions at rest areas' or 'addressing unlawful and hazardous parking'), the restriction would need to be appropriate and necessary in relation to the objectives. This is not the case here, as such objectives could be reached by other means, without causing similar adverse effects.

The matter was addressed in an exchange of letters between the Danish authorities and the Commission, and followed up with a letter of formal notice to Denmark and a reply thereto, as well as a reasoned opinion and a reply thereto. Despite the exchange of views, the situation has not been remedied.

### More Information

[Link to the MEMO](#)

[EU Infringement procedure](#)

[Infringements database](#)

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