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VIOLETA BULC

Member of the European Commission

Mr Ole Birk OLESEN
Minister
Ministry of Transport, Building and Housing
Frederiksholms Kanal 27 F
1220 Copenhagen K
DENMARK

Dear Minister,

The Commission services have been informed about the introduction of a 25 hours parking limit on public state-owned rest areas in Denmark as of 1 July 2018 and the planned increase of fines for illegal parking on the road network. The stated reason for these measures are, first, to ensure orderly conditions and release more capacity at state-owned rest areas along the highway network, and, second, to increase road safety. (cf. press release: <https://www.trm.dk/da/nyheder/2018/tidsbegrænset-parkering-for-lastbiler-paa-rastepladser>).

Under EU legislation truck drivers have legal obligations concerning weekly and reduced weekly rest periods and when to take them. The Commission would like to point out that rest periods are justified both on grounds of road safety and social rights. As a consequence, parking possibilities cannot restrict drivers social rights and make it impossible for them to fulfil their legal obligations.

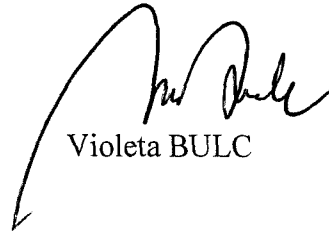
Although addressing trucks, the 25 hours parking limit envisaged in Denmark will have a direct impact on drivers. With a maximum limit to park for only 25 hours, drivers will only be able to take the shortest possible reduced rest (24-25 hours) instead of longer reduced rests (25-45 hours). Drivers will also be unable to park during weekly rests (minimum 45 hours) without having to move the truck during these rests, which would be illegal.

A Member State should not introduce a "de-facto-reduction" of the reduced weekly rest period to a period between 24 and 25 hours. A Member State should not put drivers in a situation where they would be obligated to break the rules on regular rests by having to move their trucks after 25 hours.

The measures to be introduced in Denmark will affect drivers of trucks from other Member States disproportionately more than Danish drivers given that Danish trucks drivers in most cases will be able go back to the base of the undertaking for longer rests. Thus, the Danish parking measure may constitute a restriction to the provision of services (Regulation (EU) 1072/2009 and (EU) 1073/2009).

In view of the above, I would invite your authorities to reflect on where in Denmark truck drivers could spend the full duration of their reduced weekly rest and park their trucks during the weekly rest, for public and private parking spaces. I would appreciate your reaction on how these parking places compare with existing capacities (i.e. before the 25 hours restriction), and how it matches the demand.

Yours faithfully,



Violeta BULC