

Proposed law: Denial of passage for foreign debtors and increase in road charge fines

On February 5, 2025, the government introduced a proposed law that allows authorities to deny foreign debtors and vehicles domiciled abroad passage over Denmark's fixed link if they have not paid vehicle-related control charges and fines. Additionally, an increase in penalties for violations of the road tax law is proposed, to ensure compliance with the rules for the kilometer-based road tax and prevent unfair competition.

The proposal has undergone its first reading, and it is intended to come into effect on July 1, 2025.



Conditions for denial of passage

The bill allows Sund & Bælt Holding A/S to deny foreign vehicles passage over fixed links if there are certain unpaid fees and fines associated with the vehicle. This includes both unpaid tolls for using the fixed links and vehicle-related fines and control charges. It is essential to emphasize that fees and fines must be finally determined and settled before denial of passage can occur.

It is important to note that foreign debtors often only discover late in a collection process that there is an issue with unpaid fees and fines in Denmark. They may therefore face an unpleasant surprise if they are denied passage over the bridges. When a fine is issued, the debtor has 60 days from receipt of the fine notice to object. If no objection is made within this period, the case is considered settled. For hauliers based outside the Nordic countries, it can be challenging to meet the deadline, especially if the fine notice is not received in time. This can result in the haulier facing a denial of passage.

Exemptions from denial of passage

Danish debtors and vehicles cannot be denied passage. Additionally, Nordic debtors and their vehicles, including those based in Finland, Iceland, Norway, and Sweden, are exempt from the new regulation. It is important to note that the driver's nationality does not affect whether passage can be denied. What matters is the haulier's domicile and where the vehicle is registered.

Which fees and fines

The fees and fines in focus primarily relate to the new kilometer-based road tax and parking fines under the Danish Road Traffic Act, including the 25-hour rule. The 25-hour rule primarily affects foreign transport companies, as it stipulates that truck drivers may stay a maximum of 25 hours at rest areas along the motorway. This time limit creates challenges for international transport concerning driving and rest time regulations. The 25-hour rule was brought before the EU Court of Justice in 2023, which ruled that it does not violate EU law. We have previously written about the 25-hour rule and its treatment by the EU Court of Justice. You can read more about the 25-hour parking limit at Danish rest areas and Denmark's acquittal by the EU Court of Justice in the case concerning the 25-hour rule.

Significant fine increase

Alongside the introduction of the rules on denial of passage, a significant increase in the level of fines for non-payment of the kilometer-based road tax is proposed. The indicative fine amount will thus increase from DKK 4,500 to DKK 9,000 per violation. The purpose of the increase is to strengthen compliance with the road tax scheme.

Since the introduction of the road tax at the turn of the year, many hauliers have experienced receiving a series of fines for non-payment. The many fines are likely due to a technical "error" in the road tax system. Transport companies are therefore encouraged to carefully review received fine notices and make objections within the deadline to avoid unjustified fine collections and denial of passage.

NJORD LAW FIRM'S COMMENTS

This is the introduction of a new tool to more effectively collect fees and fines from foreign debtors and vehicles. Thus, foreign debtors face an "additional threat": an "extra threat" is attached to foreign debtors: namely, that they can be denied passage over the fixed links. In addition, foreign debtors must also endure that their vehicles can be confiscated by the police if the police during a check believe that a vehicle has violated, for example, cabotage or driving and rest time rules.

In recent years, there has been increased focus on foreign transport companies and drivers operating in Denmark. Thus, the police have also sought more effective means to ensure or enforce payment of fees and fines imposed on foreign transport companies and drivers in Denmark. Vehicle confiscation is one means, but now there is also access to denial of passage over the fixed links.



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