

Letters of formal notice

Freedom to provide services: Commission asks DENMARK to withdraw its interpretation of temporary cabotage in transport services provided by bus and coach

The Commission today decided to send a letter of formal notice to Denmark regarding its interpretation of the concept of 'temporary cabotage' in passenger transport by buses and coaches, as limited to "seven consecutive days in one calendar month". Following the relevant Court of Justice case-law, before the temporary character of the cabotage operations can be defined, account must be taken of all the elements and circumstances associated with a specific operation, and in particular duration, frequency, periodicity and continuity. The Danish interpretation would ensure that cabotage operations were temporary. However, its strict, isolated and automatic application could result in a situation in which cabotage operations that are temporary in nature are not treated as such by the Danish authorities – for example, in cases where the cabotage service is provided for a single period of one month in one year. Therefore, Denmark has failed to fulfil its obligations under Article 15(b) of [Regulation \(EC\) No 1073/2009](#). Denmark now has two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.