



30.11.2024

NOTICE TO MEMBERS

Subject: Petition No 0522/2024 by Charlotte Delmar (Danish) raising concerns about a mandatory alcohol interlock programme in Denmark

1. Summary of petition

The petitioner raises concerns about the implementation of mandatory alcohol interlock programs in Denmark and their impact on the Schengen Agreement, economic growth, and personal privacy. She considers that the restriction of a driver's license to be valid only in Denmark for those with mandatory alcohol interlocks conflicts with the Schengen Agreement's principle of free movement. According to her, this limitation should be reconsidered to allow for registration in other Schengen countries. The petitioner also believes that the restriction on driver's licenses hampers trade and economic activities, as it prevents employees from traveling to other Schengen countries for work. In her views, this barrier contradicts the Schengen Agreement's goal of facilitating trade and may force individuals, particularly young people, out of the workforce. The petitioner considers that the requirement for regular data submission from alcohol interlocks to the police constitutes personal monitoring and intrudes on privacy. She believes this practice should be re-evaluated to ensure it only occurs under specific and justified suspicions of illegal behaviour, protecting citizens' fundamental rights.

2. Admissibility

Declared admissible on 23 September 2024. Information requested from Commission under Rule 233(5).

3. Commission reply, received on 30 November 2024

The petition

The petitioner suggests that the implementation of the mandatory alcolock programme in Denmark violates the Schengen Agreement and the principle of free movement, as well as data protection rules, and that it reduces economic dynamism.

The Commission's observations

After being convicted of drink driving, drivers in Denmark are in general unconditionally banned from driving for a certain period (3 years if the alcohol level was between 1.2 and 2 g/l blood; 5 years if it was above 2 g/l). This period can under certain conditions be shortened by participating in an alcohol interlock (also called "alcolock") programme. Following approval of the request to participate in such a programme, drivers have to install an alcohol interlock in the vehicle they own or use. They can then drive with it until the suspension period has expired (from the start of the suspension period if the blood alcohol level was between 1.2 and 2 g/l; after 3 years have passed if it was above 2 g/l). During the period of participation in the programme, drivers receive a special "alcohol suspension driving licence" which is only valid in Denmark. It is marked with Danish national code 107 meaning "*The owner is only entitled to drive vehicles in which an alcohol lock has been installed, which is approved for use in the alcohol lock scheme.*" After the successful completion of the programme, the (regular) driving licence will be returned.¹

In accordance with Article 7(1) of Directive 2006/126/EC on driving licences², driving licences in the European Union (which are mutually recognised between Member States) shall only be issued to drivers who have passed a test of skills and behaviour and a theoretical test in accordance with its Annex II, and who meet the minimum medical standards contained in its Annex III. Point 14.1 of Annex III contains an express prohibition on the issuing or renewal of driving licences to those "*dependent on alcohol or unable to refrain from drinking and driving*", since this constitutes a recognised major danger to road safety. In this light, point 14.1 further states that driving licences may be issued to drivers who "have in the past been dependent on alcohol" after a proven period of abstinence and subject to authorised medical opinion and regular medical check-ups.

In the case of a suspension or withdrawal of an existing licence following a conviction under national law for drink driving, that licence should not be recognised for driving in the territory of other Member States until the suspension period has expired and the licence has been returned. However, the Directive does not prevent a Member State from issuing a licence valid **only** for driving on the national territory before this date, as is the case for the Danish alcolock programme. This is further reflected in the use of the national code 107 on the relevant licence (Annex I of the Directive expressly states that codes 100 and above are "*national codes valid only for driving in the territory of the Member State which issued the licence*".)

It should also be noted that the Community model licence envisages the possible inclusion on that licence of a code for drivers who are "*Restricted to driving vehicles equipped with an alcohol interlock*" (code 69). By way of contrast with a special national licence issued during a period of suspension, it allows drivers with that code to drive in all EU countries.

As is emphasised in the recitals to the Directive, its provisions are intended to improve free movement for citizens whilst attaining the key objective of improving road safety within the Union. In the case of a driver who has been convicted of drink driving, the suspension of the

1 See here : [Alkolåskørekort – Alkolåsordning \(alkolaasordning.dk\)](#)

2 OJ L 403, 30.12.2006, p. 18.

driving licence and any resulting restriction to the right of free movement is thus justified by overriding public interest objectives.

The information recorded in the log file of the alcohol interlock³ monitors the use of the alcolock which allows the authorities to supervise its correct application. The Commission has no information to suggest that personal data are being collected beyond what is required for this legitimate purpose.

The Commission has no information to the effect that the data continues to be collected “*after one has served their sentence and taken their punishment*” as claimed by the petitioner. According to the Commission’s understanding, the period during which the alcolock programme is active is limited to the period laid down in the original sentence.

Conclusion

Drink driving is a serious cause of road traffic crashes. Around a quarter of all road fatalities in the EU are alcohol related. The Commission supports measures at national level which combat drink driving, including by means of programmes such as the Danish alcolock programme, which does not appear to violate any EU rules, and the Commission would therefore not intend to follow up on this petition.

³ See Section 5 of BEK no 314 of 26/03/2015 : [Bekendtgørelse om alkoholåse, der anvendes i forbindelse med kørekort med vilkår om alkoholås \(retsinformation.dk\)](#)