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**Parking Policy Measures and their  
Effects on Mobility and the Economy**

**Subject: Swedish National Inventory. National Overview.**

**COST 342/19 - S**

# **Legislation, General Framework Parking Regulations in Sweden. Legal Conditions**

Swedish title:

”Parkeringsreglering i Sverige. Legala förutsättningar.”

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## **Parking regulations in Sweden. General legal conditions**

The parking regulation in Sweden is carried out in two different systems, the public law and the civil law system. The public law system is based on the need of security, trafficability and accessibility as well as law and order. On private property parking is often built on an agreement, which gives access to land for parking purposes. It is usually carried out on a purely business and financial base, which is done through the civil law system.

### **The public law system**

In the public law system the initial position is that the parking regulations are legal instruments according to the Swedish Government Constitution (in Swedish: “Regeringsformen”) chapter 8 §3, i.e. regulations that stipulates the relationship between the private and the public areas. This is due to, among other things, that it concerns the regulating of the situation at public areas, which shall be accessible for everyone. The first condition for the government to fulfil is the need of the security, trafficability, accessibility and law and order, but also how the public areas may be used. The rules could be found in public laws and regulations and locally through the rules and regulations, which are informed by the municipality (cities or towns) or county authorities.

The need of security, trafficability, accessibility and law and order is even necessary at a certain extent on other areas than on public areas. For this reason the traffic rules are also valid on other places than public areas, and it is also possible to apply local traffic rules at such places. There is a certain limitation, while rules are not to be stipulated without the consent from the landowner of a private road.

Those who are parking illegally against the parking regulations are punished by paying a parking ticket to an amount that is decided by the town authorities within the limits given by the government. The driver of the vehicle shall pay the parking ticket fee, but the owner of the vehicle is responsible that the fee is really paid.

### **The civil law system**

In the civil law system the initial position is the landowner’s right to decide by himself, how the land should be used. If the landowner wants to grant someone the use of the land for parking purposes, he can use two ways in doing that. The first way implies, that he through signs and posters stipulates, under which conditions the land is to be used for parking purposes. In case of a breach of an agreement the landowner can turn to the

counterpart, i.e. the driver of the vehicle. The second way implies, that the owner uses the law of a parking control fee in case of unlawful parking, law 1986:318 (in Swedish: "Lagen om kontrollavgift vid olovlig parkering"). According to this law the land or property owner will have the right to forbid parking or to apply conditions under which circumstances parking can be allowed. However, the law does not allow that the property owner forbids standing and parking. If the law of parking control fee is used against the case of unlawful parking, the landowner is entitled to inform about what he forbids and to give the conditions for parking by means of traffic signs.

For those who park in breach of the prohibition or the given conditions, the landowner may charge a parking control fee. The parking control fee may not exceed the parking ticket decided by the local authorities for a comparable infringement within the area. The vehicle driver and the owner of the vehicle are loyally responsible for paying the fee.

In the civil law system the landowner has no possibility to take out any parking control fee if the infringement is covered by regulations according to the law of fees for illegal parking, law 1976:206 (in Swedish: "Lagen om felparkeringsavgift") or that it can be punished by another law act than the criminal code (in Swedish: "Brottsbalken"). The fact is that the general rules in the traffic ordinance (in Swedish: "Trafikförordningen") are valid irrespectively of whom, who is the owner of a road. Thus the landowner will be prevented from charging a parking control fee for certain types of infringements, that are taking place in an area, within which he has forbidden parking or has decided about conditions for parking. It can for example be valid for parking at pavements or pedestrian areas or at or within 10 metres before a pedestrian crossing. Local traffic regulations regarding for example prohibition to park can, in some cases, also include land sites. This could frustrate the landowners' possibilities to take out a parking control fee.

### **Surveillance and law enforcement**

Police or the municipality (cities and towns) parking attendants supervise the parking rules and regulations within the public law system. The principle is that the police always are able to supervise parking regulations, while the municipality has to decide whether or not to supervise parking regulations by itself. The municipality then also decides within which area in the town or city the parking supervision should be done by the municipality itself. Consultation must be done with the police authority.

Parking attendants, who shall be employed or be appointed by the municipality authority, shall carry out the municipality's parking supervision, which is handled by the municipality authorities. A person may be employed or appointed as a parking attendant if he/she is an employee at

- the municipality itself or another municipality
- municipality owned parking enterprises
- municipality owned enterprises , which are running ordinary scheduled traffic
- security companies

A parking attendant shall have a particular education and carry uniform with duty signs according to the federal police authority's instructions.

Within the civil law system and when the landowner uses the law of parking ticket fee in case unlawful parking, the common rule is that the landowner himself is responsible for the parking control. He is also responsible for that the parking attendants have a for the purpose suitable education. If the landowner uses the way of an agreement, there are no specific rules for how the supervision shall be carried out.

## **Unlawful parking ticket fee and control fee**

The municipality (towns and cities) authority within the limitations, which the government stipulates, decides the unlawful parking control fee. For the time being the ticket fee may be between 75 and 700 SEK (about 8.5 to 80 EURO). A municipality authority may decide that the fee can vary between different types of infringements. The parking control fee is handled by the Swedish National Road Administration (in Swedish: "Vägverket"). The unlawful parking ticket fee becomes the state's property, but in those municipalities, which are themselves handling the parking supervision, the parking fees go to the municipality authority after a certain deduction for the state's administration.

The level of the parking control fee is decided by the landowner, but may not exceed the unlawful parking ticket fee for comparable infringements in that part of the municipality, where the unlawful parking has taken place.

## **Road traffic signs**

Rules concerning traffic signs are to be found in the traffic sign ordinance (in Swedish: "Vägmärkesförordningen"). In this traffic regulation there are rules about the design, meaning and use of traffic signs. There are also rules about who has the authority to set up traffic signs. The principle is that signs of regulating character may only be raised by authorities irrespectively where the sign are applied. By means of a particular rule a property owner, who wants to prohibit or apply conditions for parking according to the law of parking ticket fees in case of unlawful parking, may set up traffic signs and maintain the traffic signs that are needed. There is one condition though, that the name of the body, which prohibits or allows parking is shown on an additional sign.

## **Moving of vehicles**

The authorities can under certain circumstances move vehicles that are parked against the rules and regulations for parking. This is also valid for vehicles, which have been parked against the landowner's prohibition or the conditions that he has decided according to the law of parking control fees in case of unlawful parking. Police and town authorities may decide about moving. Vehicle wrecks may in principle always be moved.

A vehicle, which is not moved or collected by the owner within a certain amount of time, becomes a municipality property if the municipality authorities made the decision. In other cases it becomes a state property. Vehicle wrecks that are moved become immediately the property of the municipality or the state.

The vehicle owner answers for those costs, which occurs in connection with the moving. If the amount can not be charged to the owner, the state or the municipality authority that has carried out the movement will take the costs. If the moving of the vehicle is carried out at the request of a landowner, he is responsible to cover the costs if the cost can not be charged to the vehicle owner.

## **Special answers to the questionnaire regarding legal framework**

Here below the answers are given to the common questionnaire "Institution and legal framework, including enforcement", which has been sent to COST 342 member countries. The purpose of this questionnaire is to obtain more information on the institutional

and legal framework of the parking law of the COST 342 member countries. The main aim is also, as far as possible, to establish the powers that local authorities have to regulate, restrict or prohibit parking.

The answers below reflect the situation within Sweden today, March 2001.

Name of Country	SWEDEN
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### The Role of the State

1a) Is the state responsible for the Highway code and traffic signs code?	Yes	
1b) If not, name the authority, which is responsible for the Highway code and traffic signs code? (If responsibility is shared between the state and another authority please say so)		
2a) Is the state responsible for setting out the powers of local authorities to enable them to control traffic and parking?	Yes	
2b) If not, name the authority responsible for setting out the powers of local authorities to enable them to control traffic and parking? (If responsibility is shared between the state and another authority please say so)		

### Extent of Laws and Regulations

Do you consider local authorities have adequate powers to implement the following traffic management and parking measures?

3a) Traffic management schemes (for example, one way streets, pedestrianised streets, banned turns, banned routes for lorries, bus priority schemes etc)?	Yes	
3b) On-street prohibition of parking at all times?	Yes	
3c) On-street prohibition of parking at certain times of day?	Yes	
3d) On-street charging for parking?	Yes	
3e) Time limits for paid on-street parking?	Yes	
3f) Residents' only parking schemes?	Yes	
3g) Restrictions on loading and unloading?	Yes	
3h) Park and ride schemes?	Yes	
3i) Provision and regulation of off-street parking by local authorities?	Yes	

3j) Congestion charging?	Na	Na
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**Do local authorities have powers to regulate or control the following?**

4a) Existing residential off-street private parking for houses, flats etc?		No
4b) Existing private commercial parking (free parking for employees and visitors), sometimes known as a Workplace Parking Levy?		No
4c) Existing Free parking for customers at shopping centres and stores?	Yes But probably very seldom used	
4d) Existing commercial provision of off-street parking for the public (for example by regulating the charges, opening hours etc)?	Yes But probably very seldom used	
4e) If the answer to (4d) is “Yes”, are these powers often used?		
4f) If the answer to (4e ) is “No”, please explain why these powers are not often used.		

**National and Regional Policy Framework**

5a) Please indicate the key policy aims (e.g. to reduce congestion)	National – on- and off-street parking Regional – Building laws (PBL)  <ul style="list-style-type: none"> <li>• Accessibility</li> <li>• Safety</li> <li>• good environment</li> </ul>
5b) Would you say that parking policy played (i) a key role, (ii) a supportive role or (iii) an insignificant role	(i)  (ii) A supportive role  (iii)

**Local authority structure for traffic management, parking and planning**

6a) Is there one authority for each area responsible for these matters?	Yes	
6b) If not, is responsibility divided between 2 or more authorities for each area?		
6c) Mixture of (6a) and (6b)		

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**Policy and guidance on parking provision for new developments**

7a) Does the state issue policy advice and guidance on parking provision for new developments?		No
7b) If not, does any other body (for example the Regional Government for the area) issue policy advice and guidance on parking provision for new developments?		No
7c) Where policy advice is issued by the state or by a Regional Authority, does the policy advice have the force of law or is it advisory.	i) ii)	

**Contribution from employers towards cost of public transport.**

8a) Can employers be required by law to contribute to the cost of the provision of public transport, cycling and walking?	Yes Costs for streets	No Costs for public transport
8b) If the answer is “yes”, please say whether this applies throughout your country or only in major cities		

**Provision for on-street parking for disabled drivers and disabled passengers**

9a) Are on-street parking concessions given to the disabled to enable them to park close to their destination?	Yes	
9b) Are on-street parking concessions for the disabled a matter for the state and generally apply throughout the country?	Yes	
9c) Are on-street parking concessions for the disabled a matter for each local or regional authority?	Yes	
9d) Who determines whether a disabled person should have a disabled persons badge (the Blue Badge)? For example, the local authority, the Government/Regional authority through the issue of benefits or doctors medical certificate or other (please specify)	Local authority	

**Role of the Enforcement Agencies - Role of the Police, Local authorities and private contractors of local authorities**

10a) Is on-street parking enforcement entirely a matter for the police? If “Yes”, please go to Question 11a		No
10b) If not, please explain in a few words what areas of enforcement the police are responsible for.	Enforcement (partly) Complaints	
10c) Do local authorities have powers to take over enforcement from the police?		No

10d) What role do local authorities play in enforcement?  Please give a brief description	Local authorities provide on-street enforcement. The police in exceptional cases.
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The Police are responsible for enforcement. If local authorities find it necessary to have their own parking attendants for enforcement, they may decide so. Policies and extent shall be considered in consultation with the Police. This means that the police are responsible for enforcement in municipalities where local authorities not has decided to have 'local enforcement' and in some extent in other municipalities.

### How is enforcement financed?

11a) Is enforcement financed <u>entirely</u> from central or local taxation?	Yes On street	No Off street
11b) Is enforcement financed <u>partly</u> from central or local taxation and <u>partly</u> from (i) fines or penalty charges for illegal parking and/or (ii) income from parking charges?	Yes	
11c) Is enforcement <u>entirely</u> funded from (i) fines or penalty charges for illegal parking and/or (ii) income from parking charges?		No
11d) If the answer to the above questions is "No", please state how enforcement is financed		

### Driver or owner liability for parking offences

12) Is the driver or the owner of the vehicle legally responsible for parking offences that do not involve leaving the vehicle in a dangerous position?	i)  ii) Owner liability
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The driver is responsible for paying the fine but the owner is responsible that it is paid!

### Level of fines for on-street parking offences

13a) What is the level of fine or penalty for parking offences? Please give the amount in Euros.  If the amount varies between areas of the country, Please give examples of the range of penalties.	9 - 80 Euros	
13b) Do the police or local authorities have powers to tow away illegally parked vehicles?	Yes	
13c) If so, are these powers widely used?		No
13d) Do the police or local authorities have powers to wheelclamp illegally parked vehicles?		No
13e) If so, are these powers widely used?		

## The Enforcement Process - Payment of Parking Tickets and the Appeal process

14a) If motorists ignores a parking fine, or if he loses his appeal against a fine, is there an effective system in place to collect unpaid fines?	i) Yes ii) iii)
14b) Please indicate the major difficulties in collecting unpaid parking fines	No willingness to pay!
14c) Where possible, please indicate the measures being taken to overcome the difficulties outlined in the above answer	Levy execution
14d) Where enforcement is a matter for the police, what measures are open to a motorist to appeal against a parking ticket?	Court of law
14e) Where enforcement is a matter for the local authority, what measures are open to a motorist to appeal against a parking ticket?	Police -> Court of law

### Methods of local authority enforcement

15) Where local authorities have responsibility for on-street parking enforcement please state whether (a) they use their own staff, (b) engage private contractors or (c) have the freedom to use their own staff or to engage private contractors	C
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End of questionnaire