



Paris, 18 November 2024

PRESS RELEASE

[Legal decision]

The Conseil d'État clarifies the legal framework for using GPS tracking to monitor paid parking

An appeal was lodged regarding the precise location of a parked vehicle that had been issued with fixed post-parking charges (FPS or *Forfaits Post-Stationnement*) on the basis of a GPS system. The Conseil d'État ruled that motorists must be able to fully challenge such charges and clarified the rules.

The Conseil d'État recognised that GPS control systems carry a significant risk of error when it comes to establishing the exact location of parked vehicles. Therefore municipal and inter-municipal authorities must take all necessary steps to ensure that the GPS tracking systems used by their employees, or by companies they appoint to manage paid parking, are reliable. The Conseil d'État noted that before a fixed post-parking charge is issued, human intervention by 'sworn officers' must verify the location based on photographs showing the location of the parked vehicle in a sufficiently clear and precise manner.

In the event of a challenge by the motorist, the Conseil d'État pointed out that a preliminary appeal lodged with the municipal or inter-municipal authority must be carefully considered before referring the matter to the *Commission du Contentieux du Stationnement Payant* (commission for paid parking appeals). In particular, this means that an FPS must be cancelled if the motorist's challenge is sufficiently substantiated and if the exact location of the vehicle cannot be established from the photographs used for cross-checking. Finally, the Conseil d'État pointed out that the *Commission du Contentieux du Stationnement Payant* must apply the standard rules of administrative procedure, which prohibit it from asking the motorist for evidence that is only held by the public authority or its delegated agency (such as time-stamped photographs confirming the location).

In its ruling, the Conseil d'État emphasised the very specific role of 'sworn officers', the cross-checks that public authorities and their delegated agencies must carry out, and the importance of public authorities or their delegated agencies effectively handling administrative appeals to ensure that the rights of motorists are respected.

To help define these balances, the Conseil d'État has organised an oral hearing and invited input, not only from the applicant and the City of Paris, but also from the *Défenseur des Droits* (national ombudsman), the CNIL (French data protection authority) and the local government and professional associations concerned.

Decision Nos. 472912 and 472918, 18 November 2024

In 2018, as part of the MAPTAM law on the modernisation of territorial public action and the affirmation of metropolitan areas, the criminal fine for failure to pay for paid parking was replaced by a fixed post-parking charge (FPS) under the responsibility of municipal and inter-municipal authorities. This fixed post-parking charge may be challenged through a preliminary appeal to the authority, before being referred to the *Commission du Contentieux du Stationnement Payant*, which will be renamed the *Tribunal du Stationnement Payant* (paid parking tribunal) from 1 January 2025. Parking in prohibited spaces will continue to be punishable by fines, which, if challenged, will be dealt with by the police court.

Press contacts

Lorraine Acquier – +33 (0)1 72 60 58 42 – lorraine.acquier@conseil-etat.fr

Antoine Sourdril – +33 (0)1 72 60 58 41 – antoine.sourdril@conseil-etat.fr

www.conseil-etat.fr

Search for a decision: [ArianeWeb](#)

Follow Conseil d'État news on Twitter: [@Conseil_Etat](https://twitter.com/Conseil_Etat)