

Malmö December 16, 2016

Dimitris Avramopoulos
European Commission
Rue de la Loi / Wetstraat 200
B-1049 Brussels

For action: regarding the lawfulness of the Swedish ID-controls at the Swedish border

Dear Commissioner Avramopoulos,

As you are well aware the government of Sweden has introduced internal border controls in accordance with the Schengen regulation.

However, in addition to these controls Sweden has passed legislation through the Swedish ID Act and the ID Ordinance which introduces additional ID-controls based on the notion of carrier's liability.

The ID Act and the ID Ordinance are not part of the reintroduced border controls referred to in the Council's recommendations (see (EU) 2016/894). Instead, the identity controls based on the Swedish ID Act and the ID Ordinance are contrary to the rules and provisions in the Schengen Borders Code and constitute an illegal infringement on the fundamental freedoms of Union citizens.

We have sponsored an application for damages from more than 500 commuters, which application is pending with the Swedish Chancellor of Justice and we enclose an English language copy of the application as well as the original application in Swedish.

As has been documented in the application (we refer in particular to item 67 to 76), the EU commission has on various occasions confirmed that carrier liability is not applicable to internal traffic connections within the Schengen area. If the commission now would fail to clarify its position regarding the Swedish ID-controls it would pose a very substantial threat to the fundamental freedoms.

As you will find documented in the enclosed application, the infringement of the commuters rights as EU-citizens are grave and substantial. It may be added that the Chamber of Commerce in a report titled "The Cost of the Controls-The Economic Consequences of the ID-Controls in the Oresund Region" have estimated the economic costs of the controls to amount to SEK 1,5 billion per year.

We also attach a memo by Vinge Lawfirm in Sweden outlining the legal matters at issue pertaining to the ID-controls and EU-Law, in particular with respect to the fundamental freedoms guaranteed by the European Union.

We therefore strongly urge you to take action in this matter by (1) confirming the position of the Commission as previously communicated, that carrier liability is not applicable to internal traffic connections within the Schengen area and (2) act to put an end to the of ID-controls.

Best regards

THE CHAMBER OF COMMERCE AND INDUSTRY OF SOUTHERN SWEDEN



Stephan Muechler
President and CEO



Dr. Per Tryding
Deputy CEO / Head of PA

Cc:

Commissioner Cecilia Malmström

Dr Finn Madsen, Vinge

Enclosures

Ansökan om skadestånd hos JK (Original – Swedish)

Petition and Claim to the Chancellor of Justice (translation from Swedish original)

Memo Regarding the introduction of an obligation on transport operators to carry out identity controls on passengers travelling to Sweden