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European Passengers' Federation to the government of Sweden regarding the violation of the Schengen treaty and the equal treatment of persons crossing internal European borders

The European Passengers' Federation (EPF) is the European organization for public transport users. EPF has 34 member organizations in 20 States. EPF strongly wants to urge the government of Sweden to reconsider the introduction of ID control measures on the Öresund trains and buses between Copenhagen and Malmö, as well as on the ferries to Swedish harbours along the coast. The introduction of id controls only for train, bus and ferry passengers and not checking car users in the same way is a violation of the Schengen rules and discriminates against train, bus and ferry passengers.

The obligation of companies to control identities of passengers is in the Schengen Border Code (SBC) article 26 is only applicable at the external borders of the Schengen area and in addition only applicable for air and ship companies. The transport companies can't be forced to implement id control in train and bus transports at all, and the ship application is not applicable in this internal Schengen border. If a national law is introduced violating the EU Regulation the transport companies could directly rely on the Regulation to overrule the national legislation that is incompatible with the SBC.

The Schengen Regulation is valid in its form of 2006 and 2013. It includes the option to introduce provisionally border control by the police in situations of serious threat in Article 23. That argument is used by the government and the Swedish Parliament, and thus the situation should be treated as a serious threat. It should then be handled by the police and not by an obligation on the transport companies. Further, this serious threat cannot be treated differently on different means of transport. If there is a need for a police id control of every person there can't be different treatments of rail, bus and ship passengers on one hand and persons travelling in cars on the other hand. The present obligation of the id control in the Öresund area is actually not in accordance with the basic conditions in SBC article 23. Apart from that, the present obligation for the transport

companies to perform control increases their costs and will cause higher ticket prices, although that is a minor factor in the general great problem situation.

Car users are not subject to the same intense id control as the train, bus and ferry passengers. As a matter of fact all passengers in the frequent train service between Copenhagen and Malmö are now forced to change trains in the station of Copenhagen airport (Kastrup), being checked in the station and then continuing with another train to Malmö. This treatment of passengers is strongly disturbing the internal Schengen interchange of persons and ideas in an efficient cooperation. It is definitely diminishing the quality of travel in three different and strongly disturbing ways.

1. In the first place the through-running trains from Copenhagen to several towns and cities in southern Sweden doesn't function any more, since **one or even two changes of trains** are necessary in order to do the passengers' daily trips to work.
2. The second factor is the **extra long travel time** that occurs due to the changing of trains and the stationary id controls. The travel time that is normally 35 minutes from Copenhagen to Malmö has been prolonged by 45 to 60 minutes to almost 90 minutes.
3. The third factor is that the normal **frequency** of trains of every ten minutes Malmö-Copenhagen, has been cut down to only every 20 minutes, and the **train lengths** have been **reduced**. This means that the comfort has been strongly reduced. Instead of a good option of having a seat during the journey, **most passengers need to travel standing up with severe overcrowding**. All of this means that the attraction of train travel has diminished considerably. The trains normally carry more than 30,000 passengers every day, but it is obvious that the number of train passengers has diminished by approximately 7 or 8 per cent according to newspaper reports. Since the Öresund bridge opened for trains and cars in the year 2000 the daily passenger flow has remarkably increased the connections in economic life as well as cultural life in the region around the Öresund. The measures now taken risk to endanger the achievements for passengers that have developed since the opening of the bridge.

The bus passengers' id-control takes place either on board the bus or before boarding the bus. However, car users are hardly checked at all, only in a random or stochastic manner, not in the same thorough way as the public transport passengers. A great number of passengers have found that car travel is much more comfortable and the chance to avoid id controls is quite important.

The present rules given by the Swedish authorities are interpreted as a very strong piece of advice to avoid public transport. The reduction of the train attraction is in sharp contrast to the EU intention to increase public transport use and diminishing climate effects of transport. And especially this is discriminating against the passengers using the means of transport that are the climate preferable ones. And the present system is an obvious violation of the Schengen treaty.

EPF demands the Swedish government to take the initiative to reconsider the Swedish legislations and rules. The id controls must treat all travellers equally regardless of means of transport. And the id control for train passengers must be done by the police during the train ride in a through-running train without the need to change trains, as was done before the Schengen treaty went into force.

EPF desires to receive an answer to this letter as soon as possible. The problems for the passengers are successively reducing life quality for European passengers' everyday life as long as the present id control regime is in operation.

For European Passengers' Federation



Josef Schneider
Chairman EPF