

COMPLAINT
TO THE EUROPEAN COMMISSION
CONCERNING A FAILURE TO COMPLY WITH EU LAW BY SWEDEN
IN RESPECT WITH

- 1) THE REFUSAL OF THE SKATTEVERKET TO ISSUE PERSONAL IDENTIFICATION NUMBERS (PERSONNUMMER) TO EU CITIZENS AND THEIR FAMILY MEMBERS RESIDING IN SWEDEN**

AND

- 2) ITS RESTRICTIVE ADMINISTRATIVE POLICY ON COMPREHENSIVE SICKNESS INSURANCE**

Executive summary:

1. This complaint is submitted jointly by the EU Rights Clinic and Crossroads Göteborg (Göteborgs Stadsmissionen) on behalf of 285 individuals who have requested to remain anonymous. Further information on the complainants is contained in Section 1 of this complaint.
2. This complaint relates to the refusal of the Swedish tax authorities (*Skatteverket*) to issue a personal tax identification number (“personnummer”) to EU citizens and their family members who are living in Sweden, thereby affecting their ability to engage in everyday life in Sweden.
3. A personnummer is required to access any kind of private or public service including: renting accommodation, opening a bank account, obtaining a credit card, taking out a subscription for the use of a mobile phone or internet service, collecting mail at the post office, obtaining medicine at a pharmacy or medical treatment at a clinic or hospital, registering a vehicle, registering for free language classes, signing an employment contract, and registering children in school or at kindergarten. A refusal to issue a personnummer therefore prevents EU citizens from accessing any of these services.
4. The refusal to issue a personnummer is caused by two inter-related sets of rules whose effects are examined in detail in the complaint:
 - (i) first, EU citizens and their family members are being refused a personnummer on the basis of the **Swedish law relating to the population register** and administrative policies applied by the Skatteverket which require EU citizens to demonstrate residence for more than a year before being issued a personnummer; and
 - (ii) secondly, EU citizens and their family members are being refused a personnummer on the basis of the **Skatteverket’s administrative policy on**

comprehensive sickness insurance and its insistence on only recognising Form S1 to the exclusion of any other proof of healthcare insurance.

5. The Swedish rules breach various instruments of EU law including Article 45 CFR, Articles 20, 21 and 45 TFEU, Articles 24 and 25 of Directive 2004/38 and the related case law of the Court of Justice.
6. The Swedish rules constitute restrictions on the free movement of persons which are not objectively justified as the Swedish rules are not necessarily appropriate to ensure the attainment of a legitimate objective in the public interest, and they go beyond what is necessary to attain their objective.
7. The Commission has previously issued a Letter of Formal Notice against Sweden in Infringement Case 2007-4081. The case was closed following assurances given by the Swedish authorities. However, it is clear those assurances were not acted upon as the rules on the issuance of a personnummer have not been amended and the problem continues to linger.
8. The European Parliament has also received several petitions regarding this problem. Following a fact-finding mission to Sweden, the Committee on Petitions has suggested the wider use of the coordination number instead of suggesting that Sweden amend section 3 of the Law on the Population Register (*Folkbokföringslagen*), which is the source of the problem. However, we have strong concerns about the feasibility of this solution. Such a proposal risks entrenching the problems faced by EU citizens and their family members because a coordination number only provides for limited access to public and private services.
9. For these reasons, we respectfully call on the Commission to take certain recommended actions should the Swedish authorities fail to rectify the problems identified in this complaint without further delay.
10. In view of the fact that this problem has endured for over ten years and that the Swedish authorities have failed to take corrective action following assurances previously given in 2014 to remedy the situation, the Commission is invited to take a strong enforcement stance on the matter. In the event that Sweden does not bring its laws and practices into compliance with EU law within the EU Pilot Scheme timeframes, the Commission is strongly encouraged to launch formal infringement proceedings under Article 258 TFEU and take the matter before the European Court of Justice without further delay.
11. A petition will be lodged by the EU Rights Clinic before the European Parliament at the same time as this complaint.
12. Submitted this 14th day of November 2017 on behalf of the EU Rights Clinic and Crossroads Göteborg.

Anthony Valcke
Supervising Solicitor, EU Rights Clinic
Brussels, 14 November 2017