



The European Commission

Dear Commissioner Avramopoulos,

Since the beginning of September 2015, it is the estimate of the Danish National Police that more than 82,000 migrants and refugees have crossed the border between Denmark and Germany. At the same time, more than 12,000 people have sought asylum in Denmark. At this point, the National Police considers that a majority of the persons who have not sought asylum in Denmark have travelled to either Sweden or Norway.

Furthermore, it is the estimate of the Danish authorities that approximately 50 percent of the persons who have crossed the border between Denmark and Germany are not in possession of a passport or lawful identification. Based also on information from the Swedish authorities, a significant number of the unaccompanied minors travelling to the Nordic countries are not in possession of identification.

On 12 November 2015, Sweden reintroduced border control at the Swedish internal borders in accordance with Article 23 and Article 25 of the Schengen regulation. The internal border control has since been prolonged. The border control is conducted among other places at the borders between Denmark and Sweden. Furthermore, Norway reintroduced border control on 26 November 2015 and the Norwegian border control has also been prolonged.

On 21 November 2015, new rules entered into force in Sweden ordering companies transporting passengers on ferries only to transport passengers with lawful identification to Sweden liable to penalty. These rules do not apply on the ferry between Helsingor and Helsingborg.

On 9 December 2015, the Swedish Government put forward new legislation extending the rules to companies transporting passengers on ferries between Helsingor and Helsingborg and companies transporting passengers on trains between Denmark and Sweden. In practice, the rules will apply to the trains going over the bridge between Denmark and Sweden. These trains carry more than 30,000 passengers a day and are used by passengers travelling between Denmark and Sweden and vice versa, particularly passengers coming from Sweden to work in the Copenhagen area and by people travelling from Sweden going to Copenhagen Airport. Based on information in the media, the new legislation will take effect on 4 January 2016. Rules regarding companies transporting passengers already apply in Norway where transporter liability automatically enters into force upon a decision of reintroduced internal border control.

Date: 14 December 2015

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At this point, Denmark is experiencing an unprecedented migration pressure as well as a very significant number of asylum seekers, including unaccompanied minors. The authorities estimate that Denmark will receive more than 20,000 asylum seekers this year. As stated by the Swedish Government as one of the reasons for reintroducing border control, the proposed Swedish regulation will prevent refugees from applying for asylum in Sweden. Given that there is no land border between Denmark and Sweden, if the Swedish Government's initiatives enter into force on 4 January 2016, Denmark may be faced with several thousand illegal immigrants who will be stranded in Copenhagen or in Helsingor.

At this point, I wish to inform you about the Danish Government's reflections. The Government is following the developments in Sweden very carefully and with concern. If the Swedish regulation is implemented, this may have far-reaching consequences on the Oresund region which is an example of very close cross border co-operation and integration, and it will severely affect the people travelling between Denmark and Sweden on a daily basis.

So far, Denmark has not decided to reintroduce border control at the Danish internal borders. However, the impact of the Swedish application of the new regulation concerning companies transporting passengers by ferry and train to Sweden, may lead to a situation where Denmark – as one scenario – is faced with a serious threat to public order and internal security posed by the consequences of the Swedish rules.

On this background, the Danish Government may have to temporarily reintroduce border control at the Danish internal borders. In that case, the border control will initially focus on the ferries arriving from Germany and the land border between Denmark and Germany. The scope of the control is to avoid a massive build-up of illegal immigrants in the areas of Copenhagen and Helsingor.

In order to be prepared for this situation, the Danish Government put forward a bill to Parliament on 4 December 2015 introducing new rules making companies transporting persons to Denmark by plane, ferry, train or bus – upon a decision by the Minister for Immigration, Integration and Housing – liable in case they transport passengers without valid travel documents and visa to Denmark. The rules were adopted by the Danish Parliament on 11 December 2015. The Danish Government has not yet decided whether or when this new regulation may be implemented and this decision will primarily be depending on the further developments in our neighboring countries.

Yours sincerely,

Inger Støjberg