



1.9.2009

NOTICE TO MEMBERS

Subject: **Petition 0394/2007 by Peter Welz (German) on the policy of the Swedish Cashier Service regarding the issue of ID cards to non-Swedish nationals**

1. Summary of petition

The petitioner refers to the new and more stringent requirements introduced at the beginning of the year by the Swedish Cashier Service, Sweden's principal provider in this sector, regarding the issue to non-Swedish nationals of the identity card necessary to obtain these services. The petitioner, who is permanently resident and works in Sweden, objects to the refusal of the Swedish Cashier Service to recognise his German passport as a valid proof of identity, as a result of which his application through his bank for the requisite identity card was rejected, despite the fact that he has been a customer with the bank for seven years. He argues that this is an infringement of EU principles regarding discrimination on the basis of nationality and is accordingly seeking action by the European Parliament.

2. Admissibility

Declared admissible on 19 September 2007. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 1 September 2009.

The petitioner, a German national residing in Sweden, complains that he was obliged to obtain a Swedish identity card in order to be able to benefit from services of the Svensk Kassaservice AB and that the Svensk Kassaservice AB refused to recognize his valid German passport as a proof of identity.

Article 18 of the EC Treaty stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations

and conditions laid down in this Treaty and by the measures adopted to give it effect. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

The Directive provides that EU citizens who intend to reside in the host Member State for a period longer than three months are issued with a registration certificate, if the host Member State requires them to register with the relevant authorities. The registration certificate only attests to the fact that its holder is registered with the relevant national authorities of the host Member State and has the right to reside there.

The registration certificate is not intended to be used instead of an identity card or as an identity document. If asked to establish their identity, EU citizens are entitled to do so by presenting either a valid identity card or passport issued by the Member State of nationality. As provided in Article 4(3) of the Directive, these documents may only be issued to nationals in accordance with national laws.

The Commission contacted the Swedish authorities in 2007 and asked for their observations. The reply indicated that there are different types of 'identity cards' in Sweden at the moment - driving licences, SIS identity cards and national identity cards¹. Furthermore, Posten AB and banks have permission to issue identity cards to their customers.

The Svensk Kassaservice AB (*a limited liability company*) was established in 2002 as a subsidiary company to Posten AB, providing a limited number of financial services under the Basic Counter Services Act. In addition, the Svensk Kassaservice provides, for commercial reasons only, other services as well, such as the identity cards. Since the Svensk Kassaservice discovered that a number of applications for an identity card were made under false identity, stricter rules were implemented in order to ensure that identity cards are issued only to genuine applicants.

As these new rules made it difficult for non-Swedish residents to obtain such an identity card, the Swedish authorities commissioned a study into the above matter with the objective to examine the best way of ensuring that the non-Swedish residents can obtain a Swedish identity card.

The report was delivered in 2008 and presented several different alternatives how to deal with the problem. Recognizing the importance for EU citizens residing in Sweden to be able to obtain a Swedish SIS-certified identity or authority service cards or Swedish driving licence, the Swedish authorities adopted a regulation² concerning ID cards for people resident in Sweden. The regulation came into force on 1 June 2009. All permanent residents can apply for the ID card.

1 National identity cards are issued by the National Police Board only to Swedish citizens. SIS identity cards can be issued on a basis of a permission granted by Det Norske Veritas Certifikation AB. Such a permission gives the right to issue an identity card to a person with a direct connection to the issuing body, for instance through employment.

2 <http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=2009:284>