



30.5.2017

## MISSION REPORT AND RECOMMENDATIONS

following the Fact-finding visit to Sweden 20-21 February 2017 concerning the  
issue of the personal identification number in Sweden

Committee on Petitions

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## Introduction

*“[...] only one practical barrier persists with respect to free movement of EU citizens and their family members, the administrative difficulties related to obtaining a personal number from the Swedish Tax Authority, which represents a severe impediment to everyday life in Swedish society.”<sup>1</sup>*

The petitions received are related to an alleged breach of the freedom of movement of EU citizens and more particularly of the provisions of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. Concretely, the petitioners have not been registered in the Swedish Population Register and, therefore, have not received a Personal Identification Number (PIN) which is necessary to access numerous services relevant to the everyday life activities of citizens in Sweden.

Some of the petitions were discussed during the Committee meeting of 14 July 2015. It was decided that the petitions remain open, pending further information from the European Commission. After this meeting, the EP has received three more petitions on the same matters. Once the new information from the Commission received (see annexed), the Committee on Petitions has decided to organise a fact finding visit to Stockholm.

In addition to the petitions received by the European Parliament, the Commission has received many complaints from EU nationals on the same matter and SOLVIT and Your Europe Advice are also being handled with it on a regular basis.

The Commission services have put in hand a comprehensive assessment of the compatibility of the Swedish population registration system with EU rules on fundamental freedoms, in particular Articles 21, 22, 45, 49 and 56 TFEU and relevant secondary legislation including Directive 2004/38/EC. The Commission began discussions with Sweden on the PIN numbers issue in January 2015, following which in October 2016 an EU Pilot procedure was opened.

As recalled by the Members of the Delegation, the right of EU citizens and their families to move freely and reside in any EU country is one of the four fundamental freedoms enshrined in the EU Treaties and an essential prerequisite to the well-functioning of the Internal Market.

Member States have to provide for practical solutions in order to ensure respect of EU citizens fundamental rights and in that frame reciprocity between Member States is essential.

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<sup>1</sup>Obstacles to the right of free movement and residence for EU citizens and their families: Country report for Sweden, European Parliament, June 2016, available at:  
[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556966/IPOL\\_STU\(2016\)556966\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556966/IPOL_STU(2016)556966_EN.pdf)

## *The Swedish system of personal identification*

The **personal identity number** (personnummer), the Swedish national identification number was introduced in 1947. Numbers are issued by the Swedish Tax Agency (Skatteverket) as part of the population register (Folkbokföring).

The link between a person and the identity number is established through the civil registry and through identity documents and secondarily through the widespread use of the number in various contacts with authorities, schools and universities, businesses (banks, insurance companies etc).

With citizens and other persons born in Sweden, the identity number is issued soon after the birth of a child has been reported by (normally) the parents and medical professionals. In exceptional cases, the number may be changed later in life, typically because the date of birth or the registration of gender of the child were in error. If a person undergoes full gender reassignment surgery later in life, the serial number is changed to make it conform with their new physical sex (change of the 9th digit corresponding to gender).

A person with right of residence may live in Sweden without a residence permit. The purpose of this is to facilitate free movement within the EU. The right of residence and the possibility to be entered in the population register and to obtain a Personal Identity Number (PIN) is offered to every EEA citizen fulfilling any of the following criteria:

- the person works, provides services or has his/her own company in Sweden;
- the person is registered as a student at a recognized Swedish educational institution and has comprehensive medical insurance;
- the persons has sufficient assets to support him/herself and his/her family as well as comprehensive medical insurance applicable for him/her and the members of his/her family to reside in Sweden.

In addition, it must be established that the work or education can be expected to last at least one year. It is in some cases difficult for EU citizens to establish such a proof.

An EU citizen looking for a job may have right of residence in Sweden, but cannot be entered in the Swedish population register on this ground. The reason for this is that in this case, an EU citizen only has the absolute right to reside in Sweden for a maximum of six months.

Family members of EEA citizens with right of residence may themselves have right of residence and, in that case, do not need a residence permit.

In theory, for individuals who will stay in Sweden less than a year and cannot be registered in the Swedish population records with a PIN, there is another type of identification number: the **coordination number** (samordningsnummer). This number is also issued by the Tax Agency but only at the request of an institutional authority. It is used for contact between a person and an agency which would otherwise require the use of a personal identity number, for example for people who have their main residence less than a year in the country or don't reside at all but needs authority contacts, ex. people owning a summer house, or for Swedish citizens who have never been residents of Sweden. However, it is mainly with the restrictive provision of this coordination number that practical issues appear.

People who have no known Swedish personal identity number or co-ordination number but need health care, ex. foreign tourists, unconscious people, newborn children needing special care (healthy newborn children are registered in their mother's medical record) and some more (ex. for special privacy protection like HIV tests), will get a reserve number (reservnummer) which is temporary and used only for the health care.

The Fact Finding Visit offered an opportunity to exchange with the competent Swedish authorities on the problems faced by some EU citizens when it comes to their right to reside in Sweden and on the possibilities to ameliorate the system presented above in order to better respect the fundamental freedom of movement of EU citizens in Sweden.

### **Petitions and petitioners**

The petitions no 1098/2010 by a German citizen on discrimination of EU citizens by the Swedish authorities;

1183/2010 by a German citizen on the need for a personal registration number in Sweden;

1289/2012 by a British petitioner on an infringement of her right to free movement and residence in the EU;

0902/2015 by a Spanish petitioner on requirements for citizens of EU Member States to reside in Sweden

0299/2016 by a German petitioner on discrimination of EU citizens in Sweden due to the refusal of the authorities to issue a personal ID number;

1323/2016 by a German petitioner on e-legitimation in Sweden.

The petitioners are either owners of real estate in Sweden but not residing there permanently or married to or partner of a Swedish citizen. They cannot obtain a personal identification number and by consequence cannot access several services and fully benefit of their rights as legal residents.

### **Summary account of meetings**

The fact-finding visit lasted from 9.00 until 17.00 on Tuesday 21 February. It was aimed at offering the Members of the PETI fact-finding visit delegation a better insight into the situation by consulting representatives of different services of the Swedish administration who all openly shared their experiences and positions.

### **I. An issue of information.**

As mentioned in the introduction, the identification numbers are issued by the Swedish Tax Agency (Skatteverket) which is part of the population registry (Folkbokföring) and depends on the Ministry of Finance.

The delegation met with representatives of the Ministry of Finance and of the different agencies of the Ministry of Finance operating with the issues raised in the petitions. First,

from the Ministry, Mrs Maria Åhring and Mr Frank Walterson and from the Tax Agency, Mr Håkan Nilsson and Mrs Ingegerd Widell. They also met Mrs Monika Johansson, Deputy Director of the Financial Institutions and Markets, Banking Division to discuss more specifically the issue of access to bank accounts in Sweden

The Swedish system is well functioning for the identification of permanent resident. As long as one fulfils the criteria mentioned above, there is no problem to get a number and consequently to have access to all the services on an equal foot with any Swedish citizen. The main difficulty remains the proof of a stay longer than one year and for the persons who are not economically active to prove their ability to financially support themselves (in accordance with article 7 (1) b of Directive “All Union citizens shall have the right of residence on the territory of another Member State for a period of longer than three months if they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State”).

However when it comes to the identification of non-permanent residents and non-EU citizens the functioning is not optimal and the procedure to deliver coordination numbers and its application need to be improved. The increasing mobility of EU citizens explains partly the inadequacy of the system.

If an EU citizen is denied the entry in the registry it does not mean that he or she cannot reside in Sweden, the population registry does not control the right to residence. However concretely, this person won't have access to number of services and won't be able to enjoy his/her stay in Sweden as any other Swedish citizen.

When informed about some of the concrete difficulties faced by the petitioners (ex.: to get a bank account, a cell phone number, to be registered in a sport centre or a library...), the authorities made it clear that there was no specific legal requirement for a personal identification number to access this kind of services. This leads to the conclusion that there is a lack of information about the legal provisions on both sides: the EU citizens and the Swedish private actors such as banks or telephone operators. The practical use for the private actors of the PIN to identify an individual/customer should never be accepted as a requirement, when there are no such legal provisions, and service providers should be informed that an ID card shall be enough for the identification. The private actors must also be better informed about the existence of the coordination number, which looks slightly different from the PIN, and of its validity.

The remark was made that there is no specific legal provision sanctioning private actors when they abusively request a personal identification number to access their services.

There is a clear need for guidance to citizens, public authorities and private actors in order to improve their cooperation and consequently the functioning of the whole system, thus facilitating the free movement of EU citizens. The information about the coordination number needs to be ameliorated, clarified and widely spread since the slightly different construction of the number, compared with the PIN, at several occasion has led to doubts about its authenticity.

A better information is needed not only on when a “personnummer” is required but also on

the coordination number and the means to get redress in case of abusive demand or delay of the registration.

About the means to get redress for EU citizens when confronted to an abusive demand, several possibilities exist. In such cases, citizens should have recourse to the internal procedure of the concerned private actor, such as the consumers divisions in the banks. The Swedish consumer ombudsman was also evoked as a possibility along with the National Board for Consumer Disputes (ARN)<sup>1</sup>. It usually takes about six months from the claim to a decision. It is therefore necessary to improve the resolution timing for short-term or non-permanent residents who do not have a PIN.

## **II. The access to healthcare.**

The exercise of the freedom of movement is impossible without the protection of the social security rights of the moving citizens.

Members of the delegation also met with Malin Skäringer and Christina Janzon from the Ministry of Health and Social affairs to discuss the issue of access to Swedish healthcare in a European context.

Each Member State has its own system of social security coordinated with the others at EU level thanks to the Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of the social security systems<sup>2</sup>. Sweden has a residence based health care system, i.e. all persons residing (is registered in the population register) in Sweden has access to the same health care.<sup>3</sup> In practice, there was some problem in Sweden in the combination of the provisions on free movement and the Regulation on the coordination of the social security systems.

In case you are not registered in Sweden, there should be the possibility to use the European Health Insurance Card to benefit of basic emergency care.

One of the petitioner complained that the Swedish competent authorities refused to accept his European Health Insurance Card.

The Commission has been in contact with the Swedish authorities in relation to difficulties encountered by EU citizens and their family members in securing access to the public healthcare system in Sweden before they have obtained a PIN number. The Commission opened an EU Pilot procedure with Sweden on this subject in November 2012. Following detailed discussions and dialogue on this issue, Sweden eventually made changes in its national law, entered into force on 1 February 2016. A person who is subject to the Swedish

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<sup>1</sup> Public authority that functions roughly like a court and its main task is to solve disputes between consumers and business operators following the claims filed by the consumer. Before the complaint is filed with ARN, the business operator must have rejected the complaint in part or in whole (or not answered at all). Its inquiry is free of charge.

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:166:0001:0123:en:PDF>

<sup>3</sup> It must be noted that every county council, local authority or municipality is responsible for managing and prioritising its own healthcare resources. As a result, the type of healthcare services available may vary.

legislation in accordance with Regulation 883/2004 can since then obtain a certificate which gives access to the same health care as is provided to persons who are registered in Sweden. The certificate can be used until the person has obtained a PIN number.

### **III. The acquisition of real estate.**

The registration of ownership of real estate properties in Sweden is managed by the services of the Mapping, Cadastral and Land Registration Authority (Lantmäteriet) under the responsibility of the Ministry of Enterprise and Innovation. The Members of the Delegation met Magdalena Anderson, Business Developer in the authority and Roger Ekman, Special adviser at the Ministry.

In the field of ownership acquisition and registration, again, there is no specific problem if you have a PIN number. The different information required to be registered as a new owner can be easily obtained. In the case of an EU citizen not having a PIN, it is not an impediment to get ownership but practical difficulties can occur.

Different shortcomings were pointed out in the current system, more specifically: the different identification numbers which exist in the area of real estate properties (ex. the District number) and the difficulty to have access to the address of the buyers when they do not have a PIN number (or when they are not from a Member State of the Nordic Council who have some facilities).

A simplified system thanks to the coordination of the different registers and the development of the coordination number as a unique reference was evoked as a possible solution. A better personal registration of buyers would definitely help to improve the quality of the real estate registration system. The possibility of a linkage between the acquisition of ownership of a real estate and the acquisition of a coordination number could also be envisaged.

However, one of the main obstacles for the development of the coordination number as a tool to simplify the system is the impossibility for an individual to directly ask for a coordination number. The request must be launched by a public authority.

### **Conclusions and recommendations**

#### **Conclusions**

Per Åsling and Jörgen Hellman, respectively Chairman and Vice Chairman of the Committee on Taxation of the Swedish Parliament (Riksdag) the National Parliament together with Ann-Marie Wallin and Olof Åkäreén representing the Committee Secretariat, have confirmed the political willingness to solve the issues raised in the petitions. They acknowledged the need for a more flexible and less time-consuming system.

During his exchange with the Members of the delegation, Peter Gerlach, Chief of staff of the Ministry of Finance, confirmed the willingness of the Swedish authorities to move forward on the issues raised in the petitions and regrets the problems that the European citizens have encountered when they use rights of freedom of movement in the EU.

Acknowledging the practical difficulties encountered by some EU citizens in Sweden, the national authorities have started the process of looking for effective ways to improve the system.

First, as mentioned above, there is a **need for a better information** of both the EU citizens in mobility and the Swedish private actors regarding the legal provisions on personal identification number. Private actors should be informed that the routinely used PIN is not legally required in many situations. Communication and coordination should also be improved among the different administrative services involved notably in order to reduce the handling and waiting time for the provision of identification numbers which has increased these last years.

A possible **exchange of best practices with the Member States of the Nordic Council** has also be evoked as a potential source of solution. Since most of the States members of the Nordic Council use a comparable system of personal identification numbers, it was suggested to launch an exchange of views in the frame of the Nordic Council to identify how the other States manage not to be confronted with the same issues than Sweden.

Finally, the development of the coordination number, with a facilitated and more rapid access, is envisaged as a solution to reduce efficiently the barriers encountered so far by the EU citizen who are not permanent resident in Sweden. In order to achieve such a development the authorities are thinking of a possible adjustment of the law which would enable more individuals to acquire a coordination number from the Tax Authority.

More generally, on the issue of personal identification, the implementation of the Regulation (EU) N°910/2014 on electronic identification and trust services for electronic transactions in the internal market by February 2018 might also facilitate the access to identification numbers. The main purpose of this regulation is to solve the issue of the insufficient cross-border interoperability of national eIDs which so far prevented citizens and businesses from benefitting fully from the digital single market and to offer a common legal basis to the Member States. A Cooperation Network has been set up as a mechanism for cooperation between Member States in order to achieve interoperability and security of their eID schemes. It provides a forum with regular meetings, where Member States can exchange relevant information, experience and good practice.

## **Recommendations**

Bearing all the above considerations in mind, and acknowledging that the freedom of movement of EU citizens is a pillar of the European Union, the Petitions Committee presents the following recommendations towards the responsible national authorities and the Commission:

1. Welcomes the political willingness demonstrated during the fact-finding visit by the Swedish authorities to find solutions for the issues raised in the petitions, and call on the Swedish authorities to engage in closer dialogue with the Commission;
2. Welcomes the legal changes entered into force on 1 February 2016 which facilitate the access of EU citizens to Swedish healthcare via a national certificate delivered to them and

their family members, before they have obtained a PIN number;

3. Calls on the Swedish authorities to propose and implement, without any further delay, concrete administrative and legal solutions to the difficulties regarding free movement described by EU citizens in their petitions to the European Parliament and complaints to the European Commission;

4. Encourages the Swedish authorities to keep up their efforts for a simpler and more efficient system of delivery of identification numbers, such as the coordination number, more particularly for short term or non-permanent residents;

5. Emphasises the need and encourages the Swedish authorities to reinforce direct means of dialogue with citizens, as a strategy to address the need for an effective interlocution;

6. Call on the Swedish authorities to engage in reducing the waiting time for the newcomers to obtain an identification number;

7. Urges the Swedish authorities to step up their commitment by launching information campaigns in the earliest possible time for the benefit of Swedish public and private actors in contact with newcomers;

8. Urges the Swedish authorities to clarify and make easily accessible for EU citizens moving or residing in Sweden all the relevant information on who can obtain an identification number and how to do it;

9. Recommends to improve the information delivered to EU citizens on means of complaint or appeal against decisions of private actors wrongly requesting a personal identification number to EU citizens;

10. Supports the idea of allowing the individuals to request a coordination number by themselves without the intermediary of a public authority in order to enable more individuals to acquire it;

11. Encourages the Swedish authorities to exchange on best practices related to identification numbers with the Members States of the Nordic Council;

12. Asks the Commission to continue monitoring the legal and practical improvements regarding to the Swedish personal identification system for the EU citizens and to keep informed the Committee on Petitions about relevant developments regarding the free movement of EU citizens;

13. Highlights the importance of the guidance issued by the Commission with regard to comprehensive sickness insurance<sup>1</sup> which states as follows: "Any insurance cover, private or public, contracted in the host Member State or elsewhere, is acceptable in principle, as long as it provides comprehensive coverage and does not create a burden on the public finances of the host Member State. In protecting their public finances while assessing the comprehensiveness of sickness insurance cover, Member States must act in compliance with the limits imposed by Community law and in accordance with the principle of proportionality."

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<sup>1</sup> COM (2009) 313

14. Welcomes the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004<sup>1</sup>;

15. Welcomes the entry into force of the Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features aimed at simplifying the access and should facilitate the exercise of the fundamental freedom of movement of the EU citizens;

### **Annex 1: Summary of the petitions received**

- Petition 1098/2010 by a German petitioner on discrimination of EU citizens by the Swedish authorities

The petitioner owns forestry real estate in Sweden, but only spends half the calendar year in the country. The authorities therefore do not attribute him a normal population registration number. This number is absolutely necessary for any official act in Sweden, e.g. opening a bank account, telephone subscription, even accessing the forestry administration's website, which for this petitioner is of crucial importance. The petitioner points out that his freedom of movement and doing business is thus impaired.

- Petition 1183/2010 by a German petitioner on the need for a personal registration number in Sweden

The petitioner bemoans the fact that he is unable to obtain a personal registration number in Sweden, where he owns property. Without the personal registration number he cannot open a bank account, subscribe to a telephone line or mobile number.

- Petition n°1289/2012 by a British petitioner on an infringement of her right to free movement and residence in the EU

The petitioner is a British citizen living in Sweden and married to a Swedish citizen. She denounces that the Swedish Tax Agency (Skatteverket) is refusing to register her, apparently due to an administrative mistake. This is preventing the petitioner from registering with the Swedish Social Insurance Agency (Försäkringskassan) and therefore from being covered by the Swedish Health System. The petitioner believes this is an infringement of the right of Union citizens to move and reside freely in the European Union (Directive 2004/38/EC). She has lodged a number of complaints, notably with the Ombudsman and with the European Commission (she provides SOLVIT and CHAP reference numbers).

- Petition n° 0902/2015 by a Spanish petitioner on requirements for citizens of EU Member States to reside in Sweden;

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<sup>1</sup> COM (2016) 815

The petitioner complains that the Swedish authorities impose a series of requirements – that he deems contrary to EU law – to apply for a residence permit in Sweden. The petitioner, who resides in Sweden as he has a Swedish partner, submitted his European Health Insurance Card issued in Spain to the authorities, which refused to accept it, demanding an S1 form (which is applicable to people who commute to work in Sweden or retirees).

- Petition n° 0299/2016 by a German petitioner on discrimination of EU citizens in Sweden due to the refusal of the authorities to issue a personal ID number

The petitioner, a German national, asserts that he is the victim of discrimination in Sweden on account of not being able to access a Swedish personal ID number despite owning holiday homes there since 1997. He was granted permanent residency in the country in 2013 but he is still unable to access this number. As a result he has been unable to register a prepaid mobile card, use certain internet portals of Swedish authorities and companies, or even collect post. The petitioner states that as a result of this alleged discrimination he has been unable to properly exercise his rights under the "Directive on payment accounts: comparability of fees, account switching and access to accounts with basic features" (2013/0139). This transpired when he attempted to open a payment account with the FOREX bank and contacted several others but was rejected on account of his lack of a Swedish personal identification number and personal ID. He feels that the Swedish authorities have failed to implement the EU directive in their own domestic law.

- Petition n° 1323/2016 by a German petitioner on e-legitimation in Sweden

The petitioner owns property in Sweden on which he is obliged to pay taxes, and also has to maintain contacts with various authorities. However, he does not have a Swedish personal identification number and consequently cannot receive e-legitimation enabling him to communicate with the authorities online. He is therefore excluded from many services such as online access to the Swedish tax authorities, online banking, etc., and feels that he is being discriminated against.