

Moving to Sweden

– Obstacles to the Free Movement of EU Citizens



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Foreword

Citizens of the European Union (EU) have the right to visit, work, study and retire in other member states. This is one of the four freedoms of the EU's internal market (i.e. the free movement of people, goods, services and capital).

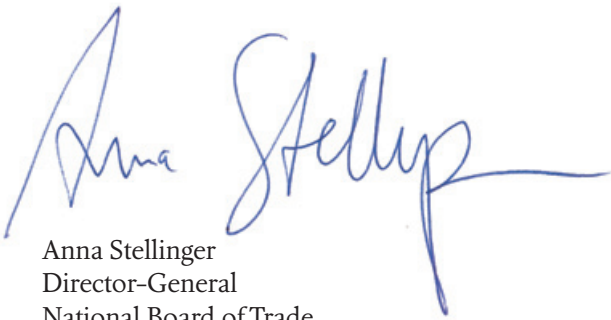
The free movement of persons becomes more important for commerce as production assumes a more specialized and internationalized nature. Production can depend on fast access to the skills and expertise of a few specialists, and it should therefore be easy for them to move between production sites and customers in different member states.

The free movement of persons also benefits the labour market. Finally, this freedom enables citizens to choose where they want to live and work.

In this report the Swedish National Board of Trade focuses on the situation of EU citizens who want to move and work in Sweden. While in many ways, it is easy to live in Sweden as an EU citizen, obstacles still remain that need to be overcome.

The report is an edited version of a 2013 report in Swedish by Sofia Råsmar and Ilja Tykesson. I wish to thank everyone who has contributed to this project.

Stockholm, April 2014

A handwritten signature in blue ink, reading "Anna Stelling". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anna Stelling
Director-General
National Board of Trade

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1. Introduction

Working in other EU countries should be easy for EU citizens. The free movement of persons is a fundamental right in the EU; in fact, eight million EU citizens have exercised their right to move freely within the Union and to live in a member state other than their home country.¹ Some move in order to work or to look for a job, others in order to study. EU citizens are to be treated as national citizens in every member state. They are not to be exposed to discrimination, and their right to free movement should not be constrained unless there are special reasons.

The EU's internal market includes not only the twenty-eight EU countries but also the member states of the European Economic Area (EEA) Norway, Iceland, and Liechtenstein. References to the EU member states in this report also refer to the EEA countries. Likewise, the citizens of Norway, Iceland, and Liechtenstein are not EU citizens, but because EEA citizens' rights in broad terms are the same as those of EU citizens, we here include them in the term *EU citizen*.

The basis of this report consists of complaints submitted to Solvit from 2010 to 2012² and interviews with actors who meet EU citizens who have moved to Sweden – that is, people involved in the

work of embassies, government authorities, and stakeholder organisations.³ The report has been prepared by legal advisers Sofia Råsmar and Ilja Tykesson.

Through this report, the Swedish National Board of Trade wishes to shed light on the conditions faced by EU citizens who want to establish themselves in Sweden. It is in many ways easy for EU citizens to live and get established in Swedish society; however, some obstacles remain which need to be dealt with.

Facts

Solvit

The Solvit problem-solving network aims to address obstacles to free movement within the EU that companies and individuals encounter in their contact with public authorities. Through dialogue with the authorities, Solvit works to resolve problems within ten weeks. With a presence in all the EU and EEA countries, the network is co-ordinated by the European Commission. In Sweden, the Solvit Centre can be found at the National Board of Trade.⁴



2. EU Law on the Free Movement of Persons

2.1 Free Movement of Workers

Since 1957, the free movement of workers has been one of the cornerstones of EU policy. A worker has the right to seek a job, to work, and to reside in any EU country on the same terms that the country's own citizens enjoy.⁵ Working EU citizens generally have more rights than non-workers do.

The term worker cannot be defined nationally because it has a legal definition at the EU level that is common to all EU countries.⁶ Part-time work, temporary work, and seasonal work allow an EU citizen to be considered a worker according to EU law.⁷ A worker also has the *right of residence*, the right to remain in a country as long as he or she is considered a worker.

Even an active job seeker can be considered a worker in the legal sense and thus have the right of residence. However, in such cases that right is conditional: the person must be actively seeking a job and must have a viable chance of obtaining a job in the country in question.⁸

2.2 Free Movement of All EU Citizens

Even non-working EU citizens have a right to move to another EU country on the basis of their EU citizenship⁹

and to remain there for up to three months. Those who wish to do so must hold a valid passport or a national identity card from their home country. To stay longer than three months, they are required to have sufficient resources and comprehensive sickness insurance.¹⁰ After five years, such workers gain the right of permanent residence.¹¹ An EU citizen who has the right of residence in another EU country is to be treated as an equal of that country's own citizens.¹²

2.3 Free Movement of EU Citizens' Families

Family members of EU citizens usually have the same rights as EU citizens. A family member of an EU citizen can obtain the right of residence on the basis of his or her own EU citizenship. Family members who do not meet the requirements can obtain rights in association with an EU citizen who has a right of residence.¹³

If a family member is not an EU citizen, he or she must apply for a residence card within three months of arriving in the new country. A residence card is proof that the family member has the right of residence in that country. The authorities' turnaround time in issuing a residence card must not exceed six months.¹⁴



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EU and Schengen only



All Nationalities



Facts

The Right of Residence and the Residence Card

The *right of residence* is the right to live in another EU country. It applies to workers and non-workers who have sufficient resources and comprehensive sickness insurance. The right of residence is something an EU citizen possesses if he or she meets these criteria; it is not something acquired.

A *residence card* is proof of one's right of residence that is given to family members of EU citizens who are not EU citizens themselves.

2.4 Professional Qualifications

In order to facilitate the free movement of persons, the EU countries have agreed on mutual rules for recognising professional qualifications. If a profession is regulated, this means that laws or other regulations stipulate which qualifications a person must hold in order to work in that profession or to use a certain professional title. Some professionals, such as doctors and teachers, must hold a licence. In order for an EU citizen to work within a profession and to use a professional title, his or her qualifications must be recognised in the new country.¹⁵

2.5 Which Country Is Responsible for an EU Citizen's Social Security Coverage?

EU citizens who work in another member state have the right to social security benefits, such as health care, sickness benefits, and a child-care allowance, on the same terms the nationals of that country enjoy. An EU citizen also has the right to credit for earned social security benefits from one member state when moving to another member state. In general, it is possible to be enrolled in only one social security system at a time.

EU law determines which member state's law applies when a person moves between EU countries and their social security systems. However, EU law does not determine whether an EU citizen is entitled to health care or not.¹⁶

The health-care system to which a person belongs depends on whether he or she is a worker or a non-worker. Workers are normally covered by the health-care system in the country *where they work*. This may be where the person works or runs a company.¹⁷ Non-workers are covered by the legislation of the country *where they are considered residents*. EU law determines where non-workers are residents¹⁸ depending on their centre of life.¹⁹

To summarise, Swedish laws applies to working EU citizens and to all EU citizens who are considered residents of Sweden.

3. New in Sweden: Contact with Authorities, Employers, and the Private Sector

When an EU citizen moves to Sweden, he or she needs to contact several authorities in order to remain in the country for more than three months and to gain access to public functions and services in Sweden.

The chart below shows the procedures for an EU citizen who moves to Sweden.

3.1 Life without a Personal Identity Number

The Swedish population-registration system dates back to the 1600s, and its main purpose is to record

where in Sweden citizens live.²⁰ When a person is registered in the Swedish population registry, he or she is assigned a personal identity number (*personnummer*). There is a connection between the personal identity number and access to health care; moreover, there are many situations in which actors, both private and public, request a personal identity number in order to grant individuals access to services.

3.1.1 Health Care

A person has the right to receive health care in the county council area (“county”) where he or she resides. A person is considered a resident of a par-

Table 1. Contact with authorities

Right/Service	Procedure	Swedish Authority	Swedish Law	EU Law
Stay in Sweden up to three months	No procedure necessary	No contact necessary	Passport ²¹	Passport or national ID card ²²
Stay in Sweden more than three months	No procedure necessary	No contact necessary	The requirement to register one's right of residence was abolished 1 May 2014. ²³	An EU member state can choose whether it will require EU citizens to register.
Access to services and functions in Swedish society (see list on page 9)	Register with the Swedish population registry (and thereby receive a personal ID number)	The Swedish Tax Agency	1. Show intention to stay in Sweden longer than a year — for example, a study certificate or an employment contract 2. Prove right of residence (a) Worker : Employment contract (b) Non-worker : Sufficient resources and comprehensive sickness insurance	EU law does not regulate population registries. However, TFEU article 45 ²⁴ could give EU citizens access to functions and services (see list on page 9).
Access to health care	Register with the Swedish population registry or show employment contract	The Swedish Tax Agency (However, the hospital that the EU citizen visits makes the final judgement.)	Alternative 1: 1. Show intention to stay in Sweden longer than one year — for example, a study certificate or an employment contract 2. Prove right of residence (a) Worker : Employment contract (b) Non-worker : Sufficient resources and comprehensive sickness insurance Alternative 2: Show employment contract to the hospital or the county council ²⁵	EU law determines which member state's law applies. However, EU law does not determine whether an EU citizen is entitled to health care in the new country. Workers who have moved to another EU country are normally covered by the social security system in the country of employment.
Access to social security benefits (except health care and unemployment benefits)	Apply to be covered by the social security system	The Swedish Social Insurance Agency	An assessment is made of each case in order to establish which country's social security legislation shall cover the person. A worker in Sweden is usually covered by Swedish legislation. A non-worker is covered by the country where the person is considered “most resident.”	Non-workers are covered by the social security system in the country where they are considered residents.

Source: The National Board of Trade 2013.



ticular county according to the information recorded in the population registry.

The Swedish Tax Agency assesses whether a person should be registered in the country's population registry. In determining whether an EU citizen should be registered, the agency takes two things into account: the length of the EU citizen's stay in Sweden, and the person's right of residence for that year.

1) Intention to stay one year

The EU citizen must show that he or she will spend at least the coming year in Sweden.²⁶ In order to meet the one-year criterion, the EU citizen may show, for instance, an employment contract or proof of a course of study that extends one year or more.

2) Right of residence

Employees and self-employed individuals have the right of residence because of their work. Non-workers must fulfil different criteria.

Non-workers and students must show that they have both sufficient resources to support themselves and comprehensive sickness insurance. The sickness-insurance criterion can be met through an S1 form, which shows that the person is covered by an EU country's social security system. Students can fulfil the criterion by showing a European Health Insurance Card (EHIC) from their last country of residence. The purpose of these criteria is to prevent a non-worker from becoming a burden on the social assistance system of the host state.

Facts

The S1 Form

An S1 form grants an EU citizen access to health care if he or she does not live in the country where he or she is insured. The person must request an S1 form from the home country's social insurance agency (in Sweden, this is the Swedish Social Insurance Agency). It is up to each member state to organise its health-care system and to decide when to grant an S1 form. But the differences between member states can mean that one member state requests an S1 form from the home country when the home country will not grant one.

Example

Difficulties with the S1

A Hungarian pensioner wanted to move to Sweden, joining her son there. In order to exercise her right of residence and be entered into the Swedish population registry, she needed an S1 form from Hungary. But in order to obtain an S1 form from Hungary, she had to prove that Swedish authorities considered her a resident of Sweden. And again, Swedish authorities required an S1 from Hungary before they would allow her to reside in Sweden. The problem was not resolved, and the pensioner could not be entered into the Swedish population registry.²⁷

The alternative to an S1 form is to purchase private insurance coverage. In evaluating private insurance policies, the Tax Agency requires that several conditions be met. The policy must be personal, and must not have a monetary ceiling for necessary health care. Private insurance policies may contain no disclaimers that deny coverage for certain complaints, and they must cover health care for injuries resulting from sports, risky activities, and so on.²⁸

The National Board of Trade contacted about twenty insurance companies to learn whether they sell insurance policies that comply with these criteria. None of them do.²⁹ A person without an S1 form therefore has difficulty acquiring the compre-

Example

Difficulties with Private Insurance

Two German EU citizens had difficulty obtaining an S1 form from Germany and therefore bought private insurance that was equivalent to German state insurance. Because the policy included disclaimers that denied coverage of care for self-inflicted injuries and addiction, this insurance was not accepted by the Swedish Tax Agency. These EU citizens were denied inclusion in the population registry.³⁰

hensive sickness insurance that is required by the Swedish Tax Agency.

In sum, EU citizens who plan to work in Sweden for less than one year and those who are non-workers have difficulty gaining access to health care in Sweden because they encounter obstacles involving the population registry.

EU Law and Health Care Access in Sweden

Workers must have access to health care. To deny EU citizens who work in Sweden access to health care because they do not fulfil the one-year criterion entails treating EU citizens and Swedish citizens differently, and this is contrary to EU law.

Non-workers must fulfil certain criteria in order to have access to health care and not to become a burden on the social assistance system.³¹ In such cases, the authorities may consider the amount and the regularity of the income a person receives, whether he or she has a certificate of residence, and during which period the benefit applied for is likely to be granted. It may be relevant to determine the percentage of persons receiving a benefit who are EU citizens.³²

The Court of Justice of the European Union (CJEU) has stated that the requirements an EU member state applies for granting social security cannot “automatically” exclude EU citizens who do not have sufficient resources for themselves.³³ Given that health care is a social security benefit this reasoning should apply also to health care. Exactly what is meant by *automatically* is not clear from the court’s reasoning. As shown earlier, many EU citizens have trouble meeting the criterion of comprehensive sickness insurance. The CJEU has expressed the view that requiring comprehensive sickness insurance without limitation is disproportional.³⁴ Member states are therefore not allowed to place such strict conditions on the content of private sickness insurance.

3.1.2 Everyone Asks for a Personal Identity Number

Many services and facilities in Sweden are linked to the personal identity number by both public authorities and private companies. The following table presents situations in which EU citizens have been asked to present their personal identity numbers. The examples are authentic, but this does not mean that personal identity numbers are required by law for access to these services.





Table 2. Situations in which EU citizens are asked for personal identity numbers

Who	What	EU law	Swedish law
Employers	Sign an employment contract ³⁵	Free movement for workers ³⁶	
Employment Service	Register as a job seeker ³⁷	Free movement for workers	
Private landlords	Sign an apartment contract	Prohibition of discrimination by service providers ³⁸	
Municipalities	Apartment waiting list ³⁹	Prohibition of discrimination on grounds of nationality ⁴⁰	
Municipalities	Kindergarten ⁴¹	Prohibition of discrimination on grounds of nationality	Kindergarten is open to anyone who has a right to education under EU law ⁴²
Municipalities	Swedish for immigrants ⁴³	Prohibition of discrimination on grounds of nationality	See above
Private education	Register children for school ⁴⁴	Prohibition of discrimination from service providers	See above
Swedish Transport Agency	Register a car	Prohibition of discrimination on grounds of nationality	Application should include the registered address or an address in Sweden and a personal identity number, co-ordination number, or the like ⁴⁵
Banks	Open a bank account ⁴⁶	Prohibition of discrimination on grounds of nationality ⁴⁷	A bank is obliged to accept the deposits of everyone ⁴⁸
Banks	Obtain an identity card ⁴⁹	Prohibition of discrimination by service providers	
Post office	Collect parcels ⁵⁰	Prohibition of discrimination by service providers	
Insurance companies	Purchase an insurance policy ⁵¹	Prohibition of discrimination by service providers	
Telecom companies	Purchase telephone subscription ⁵²	Prohibition of discrimination by service providers	
Car rental companies	Rent a car ⁵³	Prohibition of discrimination by service providers	
Movie rental companies	Rent a movie ⁵⁴	Prohibition of discrimination by service providers	
Retail stores	Obtain a bonus card ⁵⁵	Prohibition of discrimination by service providers	

Digitisation and the Personal identity number

Since many services and facilities in Sweden have been digitised, the personal identity number has been required on a rising number of occasions. The growing use of e-signatures, which also require a personal identity number,⁵⁶ is contributing to this trend and means that individuals without personal identity numbers cannot access those services. The number of service providers that ask for personal identity numbers beyond those listed here has not been examined.

For those residing in Sweden for more than six months, there is an alternative to the personal identity number – namely, the co-ordination number. However, an individual cannot request this number for him- or herself: it must be ordered by a public authority. The co-ordination number is not constructed in the same way as the personal identity number, which is why both public servants and private sector personnel and computer systems may reject the co-ordination number if one attempts to use it instead of a personal identity number.



Problems for EU Citizens without Swedish Personal Identity Numbers

“Without a Swedish personal identity number, nothing works in Sweden. You cannot get a telephone subscription, open a bank account, or register your car. Right now we are living with our daughter’s family, but from August onwards we would like to rent our own house. This has proved very difficult, since you need an identity number to sign a rental contract.”⁵⁷

EU citizens, according to EU law, have the right to be treated the same as Swedish citizens; discrimination on grounds of nationality is prohibited.⁵⁸ Yet it is clear from several situations mentioned earlier that EU citizens and Swedish citizens are treated differently.

Sweden’s Responsibility for Discrimination

Many of those who ask people to present a personal identity number are not public authorities but are affiliates of privately owned companies. EU law does not usually apply to those bodies directly, regulating instead member states and, in this case, national, regional, and local authorities.

However, there are also EU laws meant to prevent private companies from discriminating against service recipients.⁵⁹ Moreover, although the rules have exceptions (for example, for the financial sector), Swedish law plainly states that each and every person has the right to open a bank account.⁶⁰ The ultimate responsibility for ensuring that private companies do not discriminate against EU citizens still lies with the member states.⁶¹

EU law indicates that the member states have an obligation to adopt measures that apply effectively in order to safeguard citizens’ free movement. It is up to each member state to decide which measures are appropriate.⁶² Sweden therefore has an obliga-

tion to ensure that the EU citizens who move to the country can enjoy the rights they possess under EU law. If not having a personal identity number hinders EU citizens from living and working in Sweden, this could amount to an impermissible obstacle to the free movement of persons.

3.2 Working in Sweden

All EU citizens have the right to seek a job in another EU country, to work without a work permit, to reside there, to stay after their work has finished, and to enjoy the same treatment as nationals regarding employment and working conditions. This means that EU citizens should be registered with the Swedish Public Employment Service under the same conditions Swedish citizens are. To be registered in the computer-based system of the employment service, one needs either a personal identity number or a co-ordination number. If an EU citizen does not have a personal identity number, a co-ordination number should be ordered from the Tax Agency. Yet cases have been reported in which this has not taken place.

The EU has recently decided on a directive that aims to facilitate the exercise of rights conferred on workers. The Swedish National Board of Trade has commented positively on the proposal for the directive.⁶³

Facts

The European Employment Service

The purpose of the European Employment Service (EURES) is to provide information, advice, and job-matching services for workers and employers, as well as for any citizen who wishes to benefit from the principle of the free movement of persons.

EURES offers a network of advisers to provide the information required by job seekers and employers through personal contacts. The organisation has developed specialised expertise in the practical, legal, and administrative matters related to mobility at the national and cross-border levels. They work within the public employment service of each EU member country or within other partner organisations in the EURES network.

3.2.1 Professions Regulated by Law

Individuals who wish to work within a profession regulated by law⁶⁴ and who have obtained the relevant professional qualifications in another member state should have those qualifications recognised in their new country of residence. In Sweden, professionals who must do this include doctors, teachers, and farriers.

Although the recognition of professional qualifications is regulated at the EU level, the fact that there are thirty-one national systems means that the process can be complicated. For some professions, member states must provide the opportunity for practitioners to go through an adaption period or to write an aptitude test so as to demonstrate their qualifications. Sweden does not currently provide aptitude tests for all those professions.⁶⁵

The EU recently decided to modernise the rules governing professional qualifications, and the changes should be implemented by January 2016. This modernisation entails the introduction of a European professional card and clearer rules delineating when a member state can set up requirements regarding levels of language competence.⁶⁶

3.2.2 Professions Regulated by Collective Agreements

The Swedish labour market is governed mainly not by law but through collective agreements negotiated by employers and trade unions. The collective agreements may regulate professional certifications, salaries, and other terms and conditions. EU citizens who want to work in professions regulated by collective agreements may find it difficult to have their professional qualifications recognised. Problems can arise when collective agreements refer only to Swedish educational institutes and certificates in the salary scales.⁶⁷

The parties to the collective agreements — employers and trade unions — are private bodies. Again, EU law does not generally apply directly to them. Nevertheless, an agreement may bind employees who are not members of a trade union, and from the perspective of EU law, the agreement could then be considered collectively binding.⁶⁸ If an agreement is considered collectively binding, Swedish employers and trade unions must take EU rules into account when negotiating the agreements.

Example

Problematic authorisation procedure in Swedish

A Lithuanian plumbing company wanted to provide services to Swedish customers by sending Lithuanian plumbers to Sweden; its owners soon realised that Swedish customers wanted the employees to be certified through the employers' association and the trade unions. The authorisation procedure was, however, entirely in Swedish, making it impossible for the Lithuanian plumbers to complete it.

3.2.3 The Prohibition of Employer Discrimination

EU law also prohibits private parties from discriminating against workers because of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, national minority status, property, birth, disability, age, or sexual orientation. This prohibition also applies to collective agreements; for this reason an employer, despite what is outlined in a collective agreement, may never discriminate on these grounds.





3.3 Long Wait Times for Decisions

Long waits for responses from the Swedish authorities constitute an obstacle for EU citizens coming to Sweden. The areas highlighted below are processes for which EU law regulates the turnaround time.

3.3.1 Registering the Right of Residency

According to EU law, member states may require EU citizens to register their right of residency if they stay longer than three months. If the states do so, the responsible authority is to register the person immediately once the application is submitted.⁶⁹ Until May 2014, Sweden required EU citizens to register, but this requirement has now been abolished.

3.3.2 Obtaining a Residence Card

A person who is not an EU citizen, but a family member of an EU citizen, who wishes to reside in an EU country longer than three months must apply for a residence card.⁷⁰ The Migration Board issues residence cards in Sweden. A certificate of application for a residence card is to be issued immediately,⁷¹ and a residence card for a family member of a Union citizen is to be issued no later than six months from the date of application. Only if the authority must take into account public order or public safety concerns may the wait time be longer. If a member state cannot comply with these wait times, the European Commission may bring a member state before the CJEU. The Migration Board's website indicates the wait time for decisions about residence cards. These wait times have periodically been longer than EU law allows.

3.3.3 Recognising Professional Qualifications

Applications for the recognition of professional qualifications in the field of health care are over-represented when it comes to long wait times.

The competent authority of the host member state must acknowledge receipt of the application within one month and inform the applicant of any missing document.

The procedure for examining any application for authorisation to practise a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the competent authority in the host member state within three

Example

Nurses Awaiting Recognition

A Norwegian company hired nurses from various EU countries to work in Sweden. Nursing is a regulated profession; thus, a nurse must have his or her professional qualifications recognised in Sweden in order to work there. The company educated the nurses about the Swedish health-care system, and after the training, an application for the recognition of their competence was sent to the responsible authority. After six months, neither a request for additional information nor a decision had been issued. That the Swedish authorities comply with the regulated wait times is, according to this company, essential if the company's business idea is to work long term. At the same time, there is a shortage of nurses in the Swedish labour market.⁷²

months of the date on which the applicant's complete file was submitted. However, this deadline may be extended by one month.⁷³

According to the CJEU, long wait times may constitute an obstacle to the free movement of persons if the waits are imposed systematically and generally — that is, if the cause is structural rather than specific to single cases.⁷⁴

3.4 A Lack of Information and Co-ordination

EU citizens moving to Sweden must pass through several administrative procedures involving several Swedish authorities. Our findings within the framework of this report show that EU citizens find it difficult to learn where to go, what the rules are, and whom to call; further, they encounter problems understanding information and decisions communicated only in Swedish.

Swedish authorities sometimes provide inadequate information about why a particular decision has been taken and what EU citizens can do to appeal the decision. We found examples of insufficient, unclear reasoning in decisions that were phrased in bureaucratic language and contained no legal references. These are not legal problems but nevertheless present serious obstacles for the person concerned.

EU law obliges the member states' authorities to investigate cases, to justify decisions, and to allow citizens who turn to the authority to have their say

Example

Problems Communicating Information

A Lithuanian woman moved to Sweden with her husband and their two toddlers to work as a nurse. When she tried to register her children at the local kindergarten via the Internet, she found only an online form that she could not submit without the children's personal identity numbers, something they did not yet have. It turned out that it was perfectly acceptable to register the children without the personal identity numbers — using a paper form. But as this information could not be found online, three months passed before the woman was able to place her children in kindergarten.⁷⁵

when deficient administration has consequences for EU citizens' free movement.⁷⁶

Many people that we interviewed for this report asked for more formalised co-operation among the authorities. There is already co-operation at some levels, but this could be further improved and strengthened in order to make the authorities' decisions as clear, coherent, and correct as possible for EU citizens.

Another suggestion brought forward was to improve the information available on the Swedish Institute's website (work.sweden.se), which provides guidance about how to start working in Sweden.



4. Concluding Remarks

A number of those we interviewed pointed out that many things work well in Sweden; however, EU citizens wishing to establish themselves in the country still encounter several difficulties. It is our opinion that solving these problems would remove most obstacles to the free movement of EU citizens to Sweden.

The most common problems encountered by EU citizens in Sweden arise in connection with not having a Swedish personal identity number. Not being able to sign an employment contract, gain access to health care, open a bank account, or rent an apartment makes life extremely difficult for these EU citizens.

The objective of this report is to shed light on the difficulties encountered by EU citizens moving to Sweden. Our conclusion is that there exists a need for better information from and greater co-ordination among Swedish authorities. The Swedish National Board of Trade is of the opinion that Sweden would benefit from making life easier for EU citizens who want to move to the country, for doing so would allow Swedish companies to recruit workers who have the skills and competence they need. This change would also ensure that all EU citizens can fully enjoy the possibilities of Europe's internal market.



5. Contributing Organisations

Centre for Justice (Centrum för Rättvisa)
Confederation of Swedish Enterprises
(Svenskt Näringsliv)
Embassy of Austria
Embassy of Belgium
Embassy of Italy
Embassy of Romania
Embassy of Spain
Embassy of the Hellenic Republic
Embassy of the Republic of Cyprus
Embassy of the Republic of Estonia
Embassy of the Republic of Hungary
Embassy of the Republic of Latvia
Embassy of the Republic of Lithuania
Embassy of the Republic of Poland
Embassy of the Slovak Republic
Europe Direct
Finnish-Swedish Chamber of Commerce
French-Swedish Chamber of Commerce
Hello Norden (Information service of the Nordic
Council of Ministers)
Insurance Companies⁷⁷

Lund University
Öberg & Associates (law firm)
Örebro University
Royal Danish Embassy
Royal Netherlands Embassy
Swedish Confederation of Professional Associa-
tions (SACO)
The Swedish Agency for Youth and Civil Society
(Ungdomsstyrelsen)
The Swedish Council for Higher Education
(Universitets och Högskolerådet, Forum för
internationalisering)
The Swedish Institute (Svenska Institutet)
The Swedish Migration Board (Migrationsverket)
The Swedish National Board of Health and Welfare
(Socialstyrelsen)
The Swedish Public Employment Service
(Arbetsförmedlingen, EURES)
The Swedish Social Insurance Agency
(Försäkringskassan)
The Swedish Tax Agency (Skatteverket)
Uppsala University
Your Europe

Notes

- 1 Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *EU Citizen Report 2013, EU citizens: your rights, your future*, COM(2013) 269 final, s.3.
- 2 Solvit Sweden received about 160 complaints during 2012. Of these, 50 per cent concerned obstacles to the free movement of persons.
- 3 See the full list at the end of this report.
- 4 See www.solvit.eu.
- 5 Treaty on the Functioning of the European Union (TFEU), article 45.
- 6 Case C-75/63, *Unger v Bestur*, p. 184.
- 7 Case C-66/85, *Lawrie Blum v Land Baden-Württemberg*, paragraph 17.
- 8 Case C-138/2, *Collins*, paragraph 37.
- 9 TFEU, article 20.
- 10 Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the member states, article 7.
- 11 Directive 2004/38, article 16.
- 12 TFEU, article 18.
- 13 Directive 2004/38, article 7.1d.
- 14 Directive 2004/38, article 10.
- 15 Directive 2005/36 on the recognition of professional qualifications.
- 16 Regulation 883/2004 on the co-ordination of social security systems; Regulation 987/2009 outlining the procedure for implementing Regulation 883/2004 on the co-ordination of social security systems.
- 17 Regulation 883/2004, article 11.3.
- 18 Regulation 883/2004, article 11.2 e.
- 19 Criteria to determine a person's centre of life can be found in Regulation 987/2009, article 11.
- 20 Tax Agency: http://www.skatteverket.se/privat/folkbokforing/omfolkbokforing/folkbokforingigaridag/folkbokforingens_historia.4.18e1b10334e8bc80003006.html (2013-09-17; only in Swedish).
- 21 Utlänningslagen, chapter 2, §1 (on the status of foreign citizens in Sweden).
- 22 Directive 2004/38, preamble point 9, article 6.
- 23 http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Propositioner-och-skrivelser/prop-20131481-Uppfoljning-av_H10381/.
- 24 Treaty on European Union (TEU)
- 25 Hälso- och sjukvårdslagen, §3c (on health care in Sweden).
- 26 Folkbokföringslagen, §3 (on population registration in Sweden).
- 27 National Board of Trade, ref. 2013/01163.
- 28 Tax Agency decision, dated 14 November 2012, "Uppehållsrätt—En prövning av privat sjukförsäkring" (Right of Residence – An Assessment of Private Health Insurance; only in Swedish).
- 29 National Board of Trade, ref. 2013/00452.
- 30 National Board of Trade, ref. 2013/00269.
- 31 Case C-140/12 *Brey*, p. 57.
- 32 Case C-140/12 *Brey*, p. 78.
- 33 By analogy with case C-140/12, *Brey*, p. 80.
- 34 Case C-413/99, *Baumbast*, p. 89–94.
- 35 National Board of Trade, ref. 2012/00500.
- 36 TFEU, article 45.
- 37 National Board of Trade, ref. 2013/00928.
- 38 Directive 2006/123 on services in the internal market, article 20.2.
- 39 National Board of Trade, ref. 2013/00548.
- 40 TFEU, article 18.
- 41 National Board of Trade, ref. 2013/00855.
- 42 *Skollagen*, chapter 29, §2 (on schools and preschools in Sweden)
- 43 National Board of Trade, ref. 2013/00425-157/2013/01303.
- 44 National Board of Trade, ref. 2013/01522 and ref. 2013/00855.
- 45 Transportstyrelsens Författningssamling, chapter 2, §3 (The Transport Agency's regulations)
- 46 National Board of Trade, ref. 2013/00240.
- 47 See also the European Commission's proposal for a directive on the comparability of fees related to payment accounts, payment account switching, and access to payment accounts with basic features: COM/2013/0266 final–2013/0139 (COD, article 14).
- 48 Lag (1995:1571) om insättningsgaranti, §11b (on deposit insurance).
- 49 National Board of Trade, ref. 2013/00452-280.
- 50 National Board of Trade, ref. 2013/00968.
- 51 National Board of Trade, ref. 2013/01625.
- 52 National Board of Trade, ref. 2013/00452-141.
- 53 National Board of Trade, ref. 2011/01843.
- 54 National Board of Trade, ref. 2013/01381.
- 55 National Board of Trade, ref. 2011/01843.
- 56 Bolagsverket, on e-ID: <http://www.bolagsverket.se/om/oss/etjanster/elegitimation-1.2160> (2013-09-05; only in Swedish).
- 57 National Board of Trade, ref. 2012/00951.
- 58 TFEU, article 18.
- 59 Directive 2006/123, article 20.2.
- 60 Lag (1995:1571) om insättningsgaranti, §11b (on deposit insurance). See also the European Commission's proposal for a directive on the comparability of fees related to payment accounts, payment account switching, and access to payment accounts with basic features.
- 61 Directive 2006/123, article 20.2.
- 62 Case C-265/95, paragraphs 30–34, *Spanish strawberries*.
- 63 National Board of Trade, ref. 2013/00932-2.
- 64 The entire list can be found here: <http://www.uhr.se/Information-in-English/Qualifications-recognition/Akademisk-start/Work-in-Sweden/Regulated-professions-in-Sweden/>.
- 65 National Board of Trade, ref. 2013/01499.

- 66 Directive 2013/55/ amending Directive 2005/36/EC on the recognition of professional qualifications.
- 67 One example is the collective agreement for the construction sector: <http://www.byggnads.se/Documents/Verksamhet/Avtal%20och%20lagar/Byggavtalet%202010.pdf>.
- 68 Alan Dashwood, "Viking and Laval: Issues of Horizontal Direct Effect," *Cambridge Yearbook of European Legal Studies* 10 (2007–2008): 534; Wyatt Derrick, "Horizontal Effect of Fundamental Freedoms and the Right to Equality," *Croatian Yearbook of European Law and Policy* 4 (2008); Sacha Prechal and Sybe de Vries, "Seamless Web of Judicial Protection in the Internal Market," *European Law Review* 34, no.1 (February 2009).
- 69 Utlänningslagen, chapter 3a, §10–12 (on the status of foreign citizens in Sweden); Directive 2004/38, article 8.
- 70 Directive 2004/38, article 9.
- 71 Directive 2004/38, article 10.
- 72 National Board of Trade, ref. 2013/01380.
- 73 Directive 2005/36, article 51.
- 74 Case 21/84, Postal franking machines, p. 11.
- 75 National Board of Trade, ref. 2013/00855.
- 76 Jane Reichel, "God förvaltning i EU och i Sverige," (thesis on good administration in the EU and Sweden), Jure, Stockholm, 2006.
- 77 For an exact list, see National Board of Trade, ref. 2013/00452.



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