



THE MINISTER

Bundesminister Alexander Dobrindt
Bundesministerium für Verkehr
und digitale Infrastruktur
D-11030 Berlin

Date 18. december
Our ref. 2015-7367

Ministry of Transport and Building
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Dear colleague, dear Mr. Dobrindt,

On 11 December 2015, the Danish Parliament adopted a bill under which the Danish Integration Minister may decide on the imposition of the so-called transporter's liability in connection with temporary border control at inner Schengen borders. The transporter's liability implies an obligation for transport operators, before arriving in Denmark, to carry out checks in order to verify that passengers hold valid identification and legal travel documents and visa to Denmark.

The Danish law has been adopted in light of the current situation with unprecedented migration pressure as well as a very significant number of asylum seekers. Furthermore, it is seen as a necessary reaction to the Swedish Government's bill introducing an obligation for companies transporting passengers to carry out identification checks of passengers prior to entering into Sweden. The Swedish Government has announced that the scheme will enter into effect as of 4 January 2016. Please note that the Danish Government will not automatically decide on the imposition of transporter's liability, if Sweden should decide to do so.

It is of importance to the Danish Government that a possible Danish decision on the imposition of transporter's liability may also be implemented in practice, also with regard to DSB train passengers travelling from Germany to Denmark. This entails that checks of passengers will have to be carried out on German territory.

It should be emphasized that transport operators are not supposed to carry out actual border control. Instead, the transporter's liability entails that the operators providing public transport across the Danish-German border – most likely on the basis of the operators' general transport conditions – have to check if passengers hold valid identification and legal travel documents and visa.

The Danish Embassy in Berlin has contacted the German Ministry of the Interior in order to obtain specific knowledge of German law on this matter. The embassy has received the German Ministry of the Interior's assessment, which I understand has been coordinated with the German Ministry of Transport.



It has become clear, that DSB cannot carry out the necessary checks of passengers in Germany without the consent of DB, as DSB in legal terms is carrying out passenger transport in Germany as a subcontractor to DB. The Danish Embassy has informed me that it would be appropriate to initiate the dialogue on this matter at a political level.

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Therefore, I kindly ask for your support of DB's cooperation in finding a model together with DSB for checking if passengers hold valid identification and legal travel documents and visa. This especially regards the service from Flensburg to Denmark.

Please do not hesitate to contact me in person. In addition, I can refer to Head of Division, Mr. Thomas Fog Christensen (thc@trm.dk, +4541133550), who would be able to answer questions from your staff and provide contact to DSB.

Yours sincerely,

Hans Chr. Schmidt