



THE MINISTER

Minister of Economic Affairs, Employment, Transport and  
Technology Mr. Reinhard Meyer

Date 22. december 2015  
Our ref. 2015-7367

Ministry of Transport and Building  
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Dear Mr. Reinhard Meyer,

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 can be handled by companies transporting passengers. As the check of passengers is to be carried out on German territory, this relies on the cooperation with relevant German parties.

In relation to trains between Flensburg and Padborg, the checks depend on the cooperation between DB and DSB. To ensure the practical implementation of the transporters' liability, I have contacted Mr. Alexander Dobrindt, with the purpose of initiating a political dialogue concerning the practical implementation of the possible transporter's liability assigned to DSB.

As to the trains operated by Arriva between Niebüll and Tønder (by the subcontractor Norddeutscher Eisenbahngesellschaft Niebüll GmbH), my ministry has initiated a dialogue with both Arriva and NAH, the responsible train traffic authority in Schleswig-Holstein, in order to sort out how to handle possible future checks on passengers.



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Mainly because Arriva needs to hire in security personnel to conduct the id-check, Arriva has informed us that an id-check solution can probably not be implemented with a notice of less than 14 days. Therefore, in the event that transporters' liability becomes a reality with a notice of less than 14 days, there may be a short period of time, where Arriva will not be able to uphold the train traffic between Tønder and Niebüll.

I hope that the Schleswig-Holstein State Government will be helpful in answering possible questions in the matter from DSB and Arriva.

I will personally make sure to keep you informed on any developments in this matter. 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.

Best regards,

Hans Chr. Schmidt