

A photograph of a border control checkpoint. A person in a yellow high-visibility vest with 'PASS TROLLANT' written on it is interacting with a line of people. The scene is viewed through a metal grid. The text '10 YEARS OF TEMPORARY INTERNAL BORDER CONTROLS' is overlaid in the center.

10 YEARS OF TEMPORARY INTERNAL BORDER CONTROLS

NOVEMBER 2025

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This analysis has been produced by Greater Copenhagen, a collaborative organisation for growth and development in the Nordic region's largest metropolitan area, with 4.5 million inhabitants across southern Sweden and eastern Denmark. Greater Copenhagen was founded in 2015 and includes Region Skåne, Region Halland, the Capital Region of Denmark, Region Sjælland and all 85 municipalities in the Swedish-Danish geographical region.

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Cover photo: News Øresund

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SUMMARY

THE REPORT IN BRIEF



Photo: News Øresund

10 YEARS OF BORDER CONTROLS

In November 2025, Sweden has had internal border controls for ten years. The purpose of this report is to highlight the impact of border controls on the cross-border labour market in Greater Copenhagen and the possibilities of utilising the maximum capacity for train services across the Øresund. The report also takes a closer look at the legal background to the border controls.

0.03%

Only 0.03 per cent of people checked during internal border controls in Police Region South in 2025 lacked a valid identity document. This is what border police reported to News Øresund in October 2025. In other words, that's three out of every 10,000 people checked.

Other methods appear to be far more effective in intercepting persons who do not have the right to reside in the country, such as internal alien controls or controls in border areas. Read more on page 7.



BORDER CONTROLS LIMIT TRAIN CAPACITY IN SOUTHERN SWEDEN

The internal border controls at Hyllie station have a direct impact on the capacity of train services between Sweden and Denmark. At present, all trains from Denmark make a mandatory stop of six minutes at Hyllie, regardless of whether controls are actually carried out. This limits the possibility of increasing service frequency and means that the full capacity of the Øresund Bridge cannot be utilised.

"At present, seven passenger trains and two freight trains operate per hour in each direction across the Øresund Bridge, but there is capacity for five additional passenger trains. However, under the current circumstances, it is not possible to expand services, as conditions within the land-based transport system in Sweden and Denmark impose constraints. At present, it is primarily the border controls on the Swedish side that are preventing an expansion of passenger rail services... With the current border controls in Hyllie, it is not possible to further expand regional rail services". - Extract from the report Kapacitet och redundans för transporter över Öresund [Capacity and Redundancy for Transport across the Øresund] (Swedish Transport Administration, 2024)



JUSTIFICATIONS OVER TIME - FROM REFUGEE CRISIS TO TERRORISM

The Schengen Borders Code permits internal border controls only in the event of serious threats and for a limited period. Sweden has extended the controls regularly since 2015, often with vague and repeated justifications. Between 2016 and 2017, the control took place on the basis of the EU Commission's recommendation, but since then Sweden has continued on its own initiative. An EU judgement in 2022 stated that *new* threats are required for each extension. Since then, Sweden has referred to global security threats such as terrorism and the war in Gaza. The trend suggests increased politicisation and flexibility in argumentation. In the most recent extension of the border controls in November 2025, the government referred to the same threat assessment as in the previous extension in May 2025: "the situation involving serious cross-border crime linked to state actors and terrorism".



Photo: News Øresund

65,000 WORKING DAYS

4 million euros

To enable internal border controls to be carried out at Hyllie station, all trains from Denmark to Sweden must stop for an extra four minutes. These extra minutes mean that train passengers travelling from Denmark to Sweden spend 510,000 hours on the train in vain per year, which corresponds to almost 65,000 working days. The cost of this additional travel time is estimated at EUR 4 million (SEK 47 million) per year, according to the Swedish Transport Administration's travel time valuations. Add to this costs that are more difficult to measure, such as people choosing not to take a job on the other side of Øresund due to extra travel time and uncertainty, less willingness to invest in the region and an inability to make optimal use of the capacity of the entire rail network.



Photo: Viktor Fremling

LAWYER AND EU EXPERT:

“THE SWEDISH GOVERNMENT IS CLEARLY CIRCUMVENTING THE LAW”

Sweden has had internal border controls since 2015, which, according to Joakim Zander, lawyer, lecturer and expert in EU trade law, is probably in violation of EU law. He believes that the controls are disproportionate and undermine the Schengen Agreement. Despite criticism, the EU Commission has not taken any legal action against Sweden and the other Member States with border controls, which Joakim Zander ascribes to a change in strategy during recent crises such as Brexit and the war in Ukraine. Read more on page 15.

1. BACKGROUND AND HISTORY

TEN YEARS OF TEMPORARY INTERNAL BORDER CONTROLS



Photo: News Øresund

Since 12 November 2015, Sweden has maintained temporary internal border controls with Denmark and other Schengen countries - a measure which, under EU rules, may only be used temporarily for a maximum period of six months. The controls were introduced in connection with the large flow of refugees to Europe, as the government deemed there to be a risk that Swedish societal functions could become overloaded. Even though the situation has changed over time, the controls have been extended time and time again. This section aims to provide an overview of these ten years of border controls.

On 12 November 2015, Sweden introduced temporary internal border controls, which are still in use. Before that, the Swedish border had only been closed for short periods of time in connection with extraordinary events, such as the terrorist attack at Utøya in 2011. The reason why the Swedish government, at the time with Stefan Löfven (Social Democratic Party) as Prime Minister, introduced internal border controls in 2015 was the large number of refugees making their way to Europe and Sweden due to several conflicts in the Middle East and North Africa. Many people came to Sweden via the Øresund Bridge, and the government concluded that such a flow of refugees was unsustainable not only for the Swedish asylum system, but also for several other critical public services, such as healthcare, schools and social services.

Initially, the internal border controls were only introduced for a couple of weeks at a time. After six months, which is the maximum period for introducing temporary internal border controls, it was deemed that the situation and threat scenario still existed, and the border controls were extended for a further six months. The reason given for the extension was once again a "continued large influx of people seeking international protection".

The Swedish Act on ID Controls with Carrier Liability has been introduced, abolished and reintroduced

In conjunction with the introduction of internal border controls, the Swedish Parliament also voted through a temporary act on carrier liability for ID controls, with the aim of stopping people from making their way to Sweden. The Act meant that all carriers, including bus companies and train operators, were required to carry out ID checks on passengers travelling to Sweden. In practice, this meant that everyone travelling to Sweden via Denmark, for example by Øresund train or by ferry between Helsingør and Helsingborg, first had to present an identity document to the carrier and later to the Swedish police. The Act drew criticism from the Swedish Council on Legislation, which believed that it could be in violation of EU law.

In practice, this created far-reaching problems, especially for the nearly 20,000 people who commuted across the Øresund at that time. The travel time between Copenhagen and Malmö increased by 20-40 minutes one way, and the Danish-Swedish

labour market in Greater Copenhagen shrank. According to a report by Øresundsinstittutet, the number of Danish workplaces that could be reached within one hour from Malmö decreased by 322,000.

ID controls with carrier liability were abolished in May 2017, when internal border controls were also reinforced on the Swedish side. In 2018, the Swedish Act on Carrier Liability was also abolished in its form at that time. In 2024, however, a new act was introduced that gives the government the right to re-introduce ID controls with carrier liability. The Act may only be applied if a serious threat to public policy or internal Swedish security has arisen in the area of migration.

At present, passengers are checked at Hyllie station, at Lernaeken on the Øresund Bridge, and at the ferry terminals in Helsingborg and Trelleborg. The controls at Hyllie mean that all trains from Denmark to Sweden are stationary for an extra four minutes, in addition to the normal two minutes, to allow time for the border controls.

FACT: DIFFERENT TYPES OF CONTROLS

There are several different types of controls that the police in Sweden can use to carry out controls on persons with the aim of detecting persons who do not have the right to be in the country.

INTERNAL BORDER CONTROLS

Border controls carried out within the Schengen Area and regulated by the Schengen Borders Code, which forms part of EU legislation. Under Article 25 of the Schengen Borders Code, internal border controls may only be introduced or extended in the event of foreseeable and identified threats to the public policy or internal security of a Member State. According to the Schengen Borders Code, such border controls may be introduced for a maximum period of six months and, if extended, for a maximum of two years. Each renewal requires a new threat to have been identified by the Member State. In Sweden, internal border controls are regulated by the Swedish Aliens Act (2005:716).

EXTERNAL BORDER CONTROLS

The police are required to carry out checks on all persons crossing an external border, i.e. travelling to or from countries that are not part of the Schengen Area. Border control at the external border is mandatory, for example at airports.

INTERNAL ALIEN CONTROLS

Internal alien controls, which are regulated by the Swedish Aliens Act, are carried out primarily to check that aliens do not remain or work in the country without a permit, and also to look out for aliens for whom there is a decision on refusal of entry or expulsion to be enforced. In order to carry out a control, there must be a suspicion that the person is in the country illegally.

EXTENDED POLICE POWERS IN BORDER AREAS

The Act, which was introduced in 2023, gives the police and the coast guard the right to carry out selective internal controls at strategic locations in border areas, such as ports, airports and train stations.

ID CONTROLS WITH CARRIER LIABILITY

In 2024, a law was introduced that gives the government the right to introduce ID controls with carrier liability in the event of migration events that are considered to constitute a threat to the country's order and internal security. This means that all train, bus and ferry companies must carry out ID controls on passengers travelling to Sweden.

Source: Swedish Police, Swedish Government



2. EFFECTS AND CONSEQUENCES

LOW HIT RATE AND HIGH COSTS



Photo: News Øresund

The internal border controls have a low detection rate - according to the Swedish Police, only 0.03 per cent of those checked lack a valid identity document. At the same time, other control methods show significantly higher efficiency, raising questions about proportionality and resource utilisation. The controls also entail significant socioeconomic costs, particularly in the Øresund region, where commuting has been negatively affected. This section examines the effectiveness of controls and the costs they entail for individuals, the labour market and society.

Police data show that only 0.03 per cent of people checked during temporary internal border controls in Police Region South lack a valid identity document. In other words, that's three out of every 10,000 people checked. The statistics do not show whether these people have simply forgotten their Danish passport or driving licence when they are going shopping at Emporia, or whether they are persons without a permit to be in the country.

Instead, the statistics show that other methods are far more effective in intercepting people who are not entitled to remain in the country and who, according to the government, pose a threat to Sweden's public policy and internal security:

- Internal alien controls: 500 refusals of entry per 10,000 controls/5 per cent. (Swedish Police Annual Report 2024)
- Controls in border areas: 408 refusals of entry per 10,000 controls/4 per cent. ("Border controls - a critical examination" by Göran Lövestam)
- Internal border controls: 3 refusals of entry per 10,000 controls/0.03 per cent. ("Gränskontroller - en kritisk granskning" ["Border controls - a critical examination"] by Göran Lövestam)

Costs of increased travel time from Denmark to Sweden

To enable internal border controls to be carried out at Hyllie station, all trains from Denmark to Sweden must stop for an extra four minutes. These extra minutes mean that train passengers travelling from Denmark to Sweden spend an extra 510,000 hours on the train per year, corresponding to nearly 65,000 working days. The extra travel time is estimated at EUR 4 million (SEK 47 million) per year in socio-economic costs, according to the Swedish Transport Administration's values for travel time. This is shown by calculations from Greater Copenhagen.

The number of commuters crossing the Øresund dropped when border controls were introduced

When border controls were introduced in 2015, there were around 18,000 people commuting between Sweden and Denmark. After Sweden introduced both internal border controls and ID controls with carrier liability, which had a significant impact on travel times, especially by train, the number of commuters fell by 6 per cent to just under 17,000. The trend reversed in 2018 and 2019, and the number of commuters increased once again before declining sharply during the coronavirus pandemic.

The number of Øresund commuters is higher this year than at any point in the past ten years, reaching a total of 21,900 people in the first quarter of 2025. Figures from the Øresund Index show that the proportion of commuters travelling by train declined both during the coronavirus pandemic and following the introduction of border controls.

Significant socio-economic costs resulting from internal border controls

Several actors have estimated the socio-economic consequences of border controls between Sweden and Denmark to be significant. According to the Chamber of Commerce and Industry of Southern Sweden, the costs of the combined border and ID controls implemented by Sweden between January 2016 and May 2017 amounted to between SEK 1 and 2 billion (EUR 90–181 million) per year, primarily as a result of lost income, increased transport costs, and reduced trade and competition (2016).

Oxford Research (2016), commissioned by Greater Copenhagen, estimated the annual costs at approximately SEK 1.5 billion (EUR 135 million). Reference was made to factors including lower labour market integration, longer commuting times and increased transport costs. This analysis also includes costs of ID controls with carrier liability. The University of Copenhagen estimates that the effects of longer travel times, higher transport costs and reduced cross-border trade correspond to socioeconomic costs of between SEK 1 and 3 billion (EUR 90–270 million) per year (2017).

The Swedish Agency for Economic and Regional Growth points out that reduced integration and cooperation have resulted in lower innovation and growth, which corresponds to a decline in economic growth of 0.5-1 per cent (2018). A report by Greater Copenhagen (2024) shows that the region could have up to 95,000 cross-border commuters and generate annual tax revenues of more than SEK 4 billion (more than EUR 360 million) if all border barriers in Greater Copenhagen were removed.

0.03%

The proportion detected in the internal border controls in Police Region South (2025). This corresponds to three out of every 10,000 people checked.

6%

This is the decline in commuting between Sweden and Denmark when border controls were introduced.

4 million euros

This is how much the extra travel time caused by border controls costs train passengers.

90-270 million euros

In annual socio-economic costs for border controls, according to previous reports.

65,000

The number of working days that train passengers spend waiting at Hyllie station each year due to border controls.

3. HOW THE CONTROLS AFFECT TRAFFIC THE CONTROLS RESTRICT TRAIN SERVICES OVER THE ØRESUND BRIDGE



Photo: News Øresund

The internal border controls at Hyllie station affect the capacity of rail services across the Øresund Bridge. Extra stops for inspections limit the number of trains that can operate on the route, which affects both regional and freight traffic, as well as future capacity expansion. Despite a host of government mandates to boost railway capacity over the Øresund, there is a risk that restrictions will persist for as long as border controls are in place.

The internal border controls at Hyllie station have a direct impact on the capacity of train services between Sweden and Denmark. At present, all trains from Denmark make a mandatory stop of six minutes at Hyllie, regardless of whether controls are actually carried out. This limits the possibility of increasing service frequency and means that the full capacity of the Øresund Bridge cannot be utilised (Swedish Transport Administration, 2024).

The capacity restrictions caused by the border controls also affect traffic flows further inland, as opportunities for passenger and freight rail services to plan and make efficient use of train paths across the Øresund Bridge are limited.

All forms of internal border control affect train services

The Swedish Transport Administration has investigated alternative solutions for border control, such as a permanent border control station at Lernacken near the Øresund Bridge. However, such a solution would require significant investment, approximately SEK 400 million (EUR 36 million), according to previous estimates, and is nevertheless expected to result in similar capacity constraints in the form of additional stops and complex logistical challenges.

"Our analyses show that the full capacity of the Øresund Bridge cannot be utilised while border controls remain in place", Magnus Backman, capacity analyst at the Swedish Transport Administration, told Greater Copenhagen.

Train operators can choose not to plan for border controls

Since the border controls were introduced in 2015, several operators have adapted their timetables to allow for the extended stop at Hyllie. Nevertheless, one long-distance train operator has chosen not to adapt its timetable to the border controls. The Swedish Transport Administration's lawyers have concluded that the authority is not entitled to force an operator to plan for border controls. But if the police do carry out a control, the operator is obliged to stop until the control has been completed, which then counts as a normal delay.

The uncertainty resulting from the six-monthly extension of internal border controls creates challenges for long-term timetable planning, for both operators and the Swedish Transport Administration.

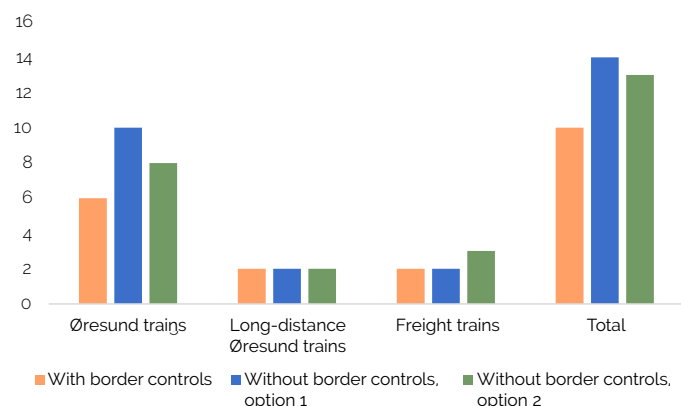
"This is one of the reasons why we cannot require operators to adapt their timetables. We do not know whether the border controls will still be in place when the timetable is finalised, as decisions on extensions are made months later", says Magnus Backman.

Government mandates to boost capacity over the Øresund

In recent years, the government has assigned the Swedish Transport Administration several mandates aimed at strengthening capacity and improving traffic management in the Øresund region. This is due to the expected increase in traffic in connection with the opening of the Fehmarn Belt fixed link. In this context, the Government has emphasised the importance of efficient and simple border crossings, as well as effective cross-border traffic management (Government Offices of Sweden, 2025). There is, however, a risk that these objectives will be difficult to achieve as long as internal border controls continue to constitute a limiting factor for efficient traffic flows and rail capacity across the Øresund Bridge.

TRAIN CAPACITY OVER THE ØRESUND BRIDGE WITH AND WITHOUT BORDER CONTROLS

Number of trains per hour in each direction



Source: Swedish Transport Administration

The internal border controls carried out at Hyllie station limit rail capacity across the Øresund Bridge due to the extended stop required for trains travelling from Denmark to Sweden, which lasts six minutes instead of two. The table on the left shows how many trains could have operated across the Øresund Bridge if the border controls had not been implemented in their current form. The table shows that it is primarily the regional Øresund trains that are affected by the restrictions caused by border controls.

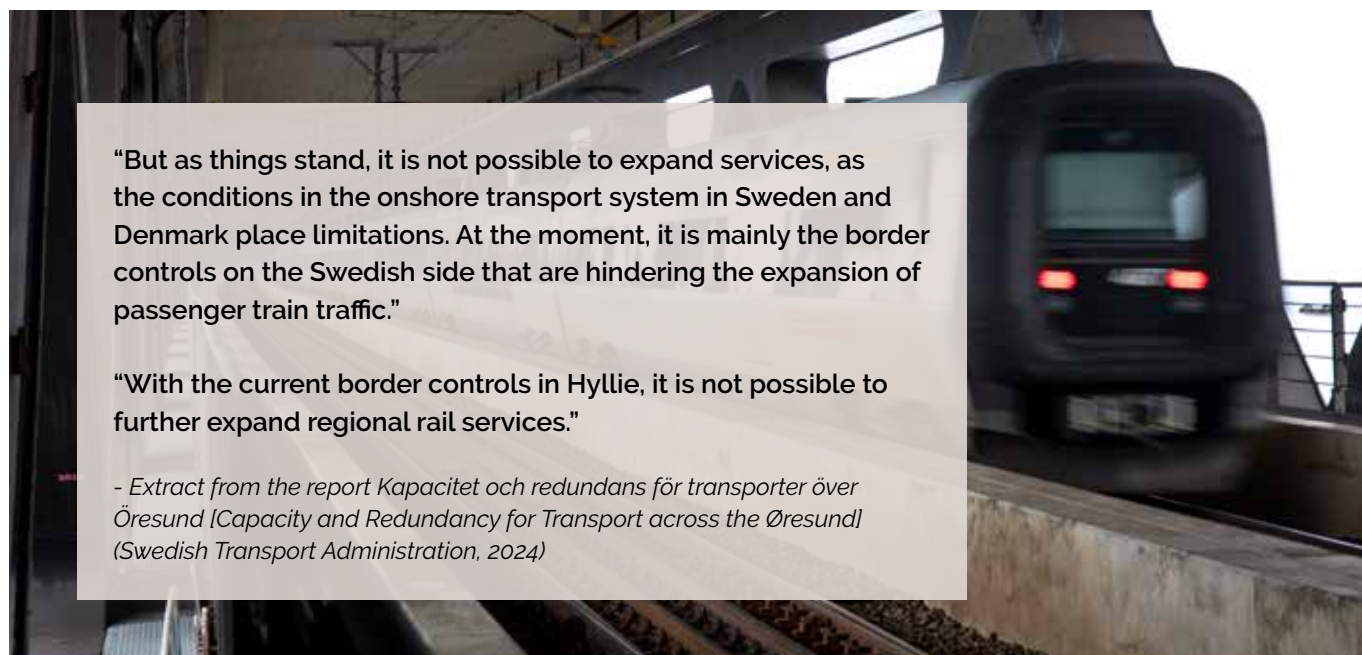


Photo: News Øresund

4. THE LEGAL BACKGROUND

BORDER CONTROLS MAY BE IN VIOLATION OF THE LAW



Photo: News Øresund

The Schengen Area is based on the principle of free movement and on the premise that border controls at internal borders may only be introduced temporarily in the event of serious threats. The Schengen Borders Code regulates when and how such controls may be used, as well as the justifications required for their implementation. Sweden's internal border controls have been extended regularly since 2015, with varying and sometimes general justifications. This section examines how well Sweden's argumentation over time relates to the Code's requirements and principles.

The Schengen Area is founded on an agreement between European countries aimed at enabling the free movement of people, services, goods and capital within the area. It includes both EU countries and certain non-EU countries (e.g. Norway, Switzerland and Iceland) that have chosen to join. Cooperation is based on the principle that border controls at internal borders should be the exception rather than the rule, while external borders with countries outside the Schengen Area are monitored jointly in accordance with common rules.

The Schengen Borders Code regulates how and when border controls may be used by Member States

The Schengen Borders Code is the legislative act governing how border controls are to be carried out within the Schengen Area. It contains rules on border controls at external borders, conditions for the temporary reintroduction of controls at internal borders and provisions on border crossing points, the rights of passengers and the proportionality of border surveillance.

The Schengen Borders Code is a binding EU regulation, meaning that it applies directly in all Member States without needing to be transposed into national law. It forms part of EU secondary legislation, and Member States are required to comply with it. If a

country violates the Code, the European Commission may initiate an infringement procedure and the case may be brought before the European Court of Justice.

The central principle of the Schengen Borders Code is that no personal controls shall be carried out at the EU's internal borders. It is, however, possible to temporarily reintroduce internal border controls in "exceptional circumstances", where there is a "serious threat to public policy or internal security in the Member State", and only as a "last resort". This means that there is a tangible and serious threat that affects one of the fundamental functions of society.

The Schengen Borders Code also stipulates that temporary internal border controls may be introduced for a maximum period of six months, unless such controls have been introduced on the recommendation of the European Council following a proposal from the European Commission (pursuant to Article 29 of the Schengen Borders Code). The Swedish internal border controls were based on such a recommendation during the period 2016-2017, when the EU Commission considered that there was a need for internal border controls during the period when a large number of refugees were making their way to Europe. The Code also emphasises that the so-called "principle of proportionality" must be respected, meaning that border controls may only be introduced if they are necessary and proportionate in relation to their purpose.

Formal requirements for the introduction of internal border controls

There are three different grounds for introducing internal border controls within the Schengen Area, regulated by Articles 25, 28 and 29 of the Schengen Borders Code:

- *Article 25:* A foreseeable serious threat to public policy or internal security has been identified by the Member State. The border control may last for a maximum of six months, after which a new threat must be detected in order for the internal border control to be extended. The Member State must inform the European Commission four weeks before the introduction of which threats have been identified and the border crossings involved.
- *Article 28:* There is an immediate threat associated with a specific event, such as a major event or terrorist act. This type of border control does not require the Member State to inform the European Commission a certain amount of time in advance, as it must be possible to engage in connection with urgent events. Internal border controls pursuant to Article 28 may be used for periods of ten days for a maximum of two months.
- *Article 29:* May be introduced on the recommendation of the European Council following a proposal from the European Commission in the event of exceptional circumstances threatening the overall functioning of the Schengen Area. Can be used in six-month periods for up to two years.

Sweden's justifications for introducing and extending internal border controls

Since November 2015, Sweden has repeatedly introduced and extended internal border controls under the framework of the Schengen Borders Code.

The reason for the introduction in 2015 and the extension six months later was the exceptional influx of refugees, which was deemed to threaten important societal functions. During the period from June 2016 to November 2017, the controls were carried out on the recommendation of the European Commission and therefore in accordance with Article 29 of the Schengen Borders Code. When the EU signed an agreement with Turkey in 2017 to reinforce its external borders, these recommendations expired.

Despite this, Sweden, together with several other countries, continued to extend the controls. From November 2017 to May 2018, the justification shifted to irregular migration as a threat to public policy and internal security. During the period from May 2018 to November 2019, the justifications became increasingly general and repetitive, using phrases such as "continuous serious threat to public policy and internal security" without specifying control points - something that is required under the Schengen Borders Code. During this period, the same justification for extension was used four times in a row.

From migration to terrorism and the influence of the European Court of Justice

From November 2019 to 2022, there was a clear shift in focus - from migration to terrorism and shortcomings at the EU's external borders. Yet the justifications remained non-specific and were reused several times.

In 2022, a Dutch researcher by the name of Stefan Salomonsen brought legal action against Austria before the European Court of Justice after being denied entry through the country's internal border controls, which had also been introduced and extended several times on similar grounds as in Sweden. The European Court of Justice then ruled that Austria's internal border controls were in violation of EU law and that there must be a new threat identified in connection with each extension. After this, Sweden began to adjust its justifications for each notification to the European Commission with a focus on current security policy events, such as the war in Ukraine, Islamic terrorist threats and increased tensions after the Hamas attack on Israel and the war in Gaza.

In summary, the justifications have shifted over time from acute migration-related crises to broader, more diffuse security threats, often with a global connection. The trend shows increased politicisation and flexibility in the argumentation, with the government adapting its justifications to the prevailing international events in order to legitimise continued controls.

Many of the arguments that the government uses in its justifications for extending border controls can be dismissed relatively easily by looking at current statistics. In his book "Gränskontroller - en kritisk granskning" [Border Controls - A Critical Review] (2025), Göran Lövestam notes, for example, that the border controls led to the reporting of four weapons offences during 2016-2017, while 800,000 checks were carried out each month. It thus seems far-fetched to assert that border controls prevent the import of weapons into the Schengen Area and Sweden, as it is the task of customs officers, not border control officers, to check goods that cross the border. Nor can available data confirm the notion that border controls will combat cross-border crime, which is also cited in connection with the extension in November 2024, for example. Persons with links to crime often have a valid ID document and can therefore not be refused entry.

TIMELINE: JUSTIFICATIONS FROM THE SWEDISH GOVERNMENT FOR INTRODUCING AND EXTENDING INTERNAL BORDER CONTROLS

2015

NOV 2015-JUN 2016

The Swedish government introduces internal border controls for the first time under Article 25 of the Schengen Borders Code, on the grounds that the country is dealing with an "unprecedented flow of refugees" considered to pose a risk to critical public services.

JAN 2016-MAY 2017

Sweden introduces a temporary act on ID controls with carrier liability. This has major consequences, especially for train commuters across the Øresund, as travel times are extended by 20-40 minutes per one-way journey between Copenhagen and Malmö. These ID controls are abolished in May 2017.

JUN 2016-NOV 2017

The internal border controls are introduced on the recommendation of the European Council following a recommendation from the European Commission (pursuant to Article 29 of the Schengen Borders Code), on the grounds of managing the situation arising from the large number of refugees. When the EU enters into an agreement with Turkey in 2017, as a step to reinforce the external borders, this is no longer considered a threat and the recommendations do not continue.

NOV 2017-MAY 2018

Despite the fact that the EU no longer recommends internal border controls, Sweden extends these together with Denmark, Germany, Norway, France and Austria. During this period, the Swedish government uses the justification that irregular migration poses a threat to public policy and internal security. Ports in Police Regions South and West, as well as the Øresund Bridge, are designated as control points.

MAY 2018-NOV 2019

During this period, the internal border controls were extended four times using an identical and vague justification - "continuous serious threat to public policy and internal security; all internal borders". During this period, it was also not specified where the controls would take place, although this is required under the Schengen Borders Code.

NOV 2019-MAY 2022

In November 2019, the justification shifted from migration to terrorism and inadequate controls at the EU's external borders - "terrorist threats, shortcomings at the external borders; to be determined but may concern all internal borders". This time too, it is not specified where the controls will take place. This justification is used five times in a row to extend the internal border controls.

MAY 2022-MAY 2025

In April 2022, the European Court of Justice issued a prejudicial preliminary ruling against Austria, pointing out that an application for extension of existing internal border controls must refer to a new threat. This resulted in the Swedish government changing the justification slightly for each extension of border controls, and referring to a greater extent to specific security policy events. See examples in the fact box on page 15.



2025

EXAMPLES OF JUSTIFICATIONS FOLLOWING THE EUROPEAN COURT OF JUSTICE RULING AGAINST AUSTRIA

In April 2022, the European Court of Justice issued a preliminary ruling in the joined cases against Austria (C-368/20 and C-369/20), finding that it is contrary to the Schengen Borders Code, and therefore to EU law, to reintroduce temporary internal border controls for more than six months on the basis of the same justification as previously invoked. In order to comply with the Schengen Borders Code, there must be a *new* threat that differs significantly from previous threats. Sweden, which previously used the same justification and threat scenario several times in a row, is now highlighting different and new threats to justify the extension of internal border controls. The justifications are taken from the European Commission and are based on threats highlighted by Sweden.

MAY 2022

"Terrorist threats, shortcomings at the external borders, risk of weapons from Ukraine to be smuggled into the EU and the Schengen area; to be determined but may concern all internal borders"

NOV 2022

"Irregular migration, risk of secondary movement, situation at the external border; all internal borders"

MAY 2023

"Islamic terrorist threat; all internal borders (exact borders to be determined)."

MAY 2024

"The attack on Israel by Hamas on 7 October 2023 and the Israeli offensive in Gaza, which have increased tensions in Sweden and in other Member States, increased risk of serious violence and attacks motivated by anti-Semitism, serious threat to public policy and internal security; may extend to all internal borders (exact borders to be determined)."

NOV 2024

"Serious threats to public policy and internal security posed by terrorism-related events and serious crime associated with an ongoing armed conflict in the organised and gang-related crime environment; all internal borders (land, air and sea)."

"THE SWEDISH GOVERNMENT IS CLEARLY CIRCUMVENTING THE LAW"

Despite repeated remarks from the European Commission, Sweden continues to maintain internal border controls. Joakim Zander, who is a lawyer, lecturer and expert in EU trade law, believes that the Swedish border controls are most likely illegal.

Sweden has had internal border controls since November 2015. This is well above the time limit of two years allowed by EU law in exceptional circumstances. Furthermore, new and clearly identifiable threats are required in order for internal border controls to be introduced under the practice established by the Schengen Borders Code.

According to Joakim Zander, who is a lawyer, lecturer and expert in EU trade law, the controls are not only disproportionate in their form, they are also in violation of EU law.

"The Swedish government is clearly circumventing the law time and time again, and thereby undermining the very purpose of the Schengen Area and free movement within the EU", he says.

Joakim Zander himself has refused to present ID documents at the Swedish internal border controls, taking a stance against controls he considers to be illegal. He is also hoping to be refused entry to the country during a border control, so that he has a case he can take to court, but so far he has been allowed through.

Joakim Zander believes that the key question is why the European Commission is not taking action.

"The Commission has asserted that it wants countries to remove internal border controls. But they have not proceeded with an infringement procedure against Sweden. This is partly explained by the fact that the Commission has been less inclined to take Member States to court over the last ten years, as the EU has been facing major crises such as Brexit and the war in Ukraine. They are preferring to exert pressure through negotiation rather than through legal proceedings."



Photo: Viktor Fremling

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