

the Commissioner for Education, Culture, Multilingualism and Youth, Androulla Vassiliou,  
the Director General for Education and Culture, Jan Truszczyński,

Our attention has been drawn to a letter from the European Commission, Directorate-General for Education and Culture, Policy and interinstitutional coordination to the Government of the Kingdom of Sweden, regarding a new system for admission to higher education. The European Commission "would like to examine whether this new system is in conformity with EU law, especially whether it is in conformity with article 18 TFEU which prohibits any discrimination on grounds of nationality" and therefore "would like to ask for a detailed explanation of the operation of the new system" and "would also be grateful for the view of [Sweden's] authorities on the compatibility of the new admissions system with the requirements of European Union law on non-discrimination".

We applaud the Commission and its Directorate-General for this initiative and welcome an examination on the compatibility of the new admissions system with the requirements of European Union law.

The European Commission appears to be well informed on the discriminatory elements of the new admissions system and we shall leave it to the Swedish Government to provide the Commission with a detailed explanation of the new system. However, we would like to draw the Commission's attention to a few points.

The letter from the European Commission mentions specifically Lund University. We would like to point out that the new admissions system has been introduced to and adopted at all state universities and university colleges in Sweden, through national legislation. On the contrary, at Lund University, a national provision has been used to make exceptions from the new system and admit some of those applicants who did not stand a chance of admission without a secondary school-leaving certificate from Sweden. This exceptional practice by no means offers a solution to the many problems inherent in the new system, but it has been used to minimise the unreasonable and unacceptable consequences of the new admissions system on applicants with a secondary school-leaving certificate from outside Sweden.

The Swedish National Agency for Higher Education, Högskoleverket, advised the Government of the Kingdom of Sweden on 20 March 2007 against introducing a special group for applicants with foreign qualifications.

Following a letter to the Kingdom of Sweden from Åland, the Swedish National Agency for Higher Education, Högskoleverket, advised the Swedish Government on 7 April 2009 that if an exception would be granted for applicants with a secondary school-leaving certificate from Åland and they would be treated as having Swedish qualifications, there would be a risk that all countries and systems under the Lisbon Declaration would criticise the Kingdom of Sweden for this and make similar requests.

On 29 September 2009, the Swedish National Agency for Higher Education, Högskoleverket, advised the Government of the Kingdom of Sweden that trying applicants with foreign qualifications from the EEA separately from applicants with Swedish qualifications would probably not be in conformity with European Union law, nor with the Lisbon Convention, the Convention Defining the Statute of the European Schools or the applicable Agreement between Denmark, Finland, Iceland, Norway and Sweden, Överenskommelse mellan Danmark, Finland, Island, Norge och Sverige om tillträde till högre utbildning. The Agency also advised the Government that being tried in a separate, smaller group would be negative for the individual applicant.

The Swedish National Agency for Higher Education, Högskoleverket, repeated some of its earlier

points to the Government of the Kingdom of Sweden on 24 May 2010.

In light of the communications between the Swedish Government and its authorities, we would like to stress that the Swedish Government must have been well aware of the discrimination inherent in the new admissions system and of its incompatibility with European Union law and international conventions.

We would like to implore the European Commission to remain persistent in this matter and to expeditiously and diligently pursue legal action against the Kingdom of Sweden to ascertain that Swedish national legislation be in conformity with European Union law and international conventions on non-discrimination, mobility and equal access to higher education.

Lund University Student Unions Association

Uppsala Student Union

Umeå Student Union

Umeå Student Union of Science and Technology

The Student Union StuFF at Linköping University