

## **The Constitution of the Kingdom of Sweden**

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# The Instrument of Government (SFS nr: 1974:152)

## Chapter 1. Basic principles of the form of government

**Art. 1.** All public power in Sweden proceeds from the people.

Swedish democracy is founded on the free formation of opinion and on universal and equal suffrage. It shall be realised through a representative and parliamentary polity and through local self-government. Public power shall be exercised under the law.

**Art. 2.** Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the private person.

The personal, economic and cultural welfare of the private person shall be fundamental aims of public activity. In particular, it shall be incumbent upon the public institutions to secure the right to health, employment, housing and education, and to promote social care and social security.

The public institutions shall promote sustainable development leading to a good environment for present and future generations.

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of private persons. The public institutions shall promote the opportunity for all to attain participation and equality in society. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.

**Art. 3.** The Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression are the fundamental laws of the Realm.

**Art. 4.** The Riksdag is the foremost representative of the people.

The Riksdag enacts the laws, determines State taxes and decides how State funds shall be employed. The Riksdag shall examine the government and administration of the Realm.

**Art. 5.** The King or Queen who occupies the throne of Sweden in accordance with the Act of Succession shall be the Head of State.

The provisions of this Instrument of Government which relate to the King shall apply to the Queen if the Queen is Head of State.

**Art. 6.** The Government governs the Realm. It is accountable to the Riksdag.

**Art. 7.** Sweden has municipalities and county councils. The decision-making power in these local authorities is exercised by elected assemblies.

The local authorities may levy taxes in order to perform their tasks.

**Art. 8.** Courts of law exist for the administration of justice, and central and local government administrative authorities exist for the public administration.

**Art. 9.** Courts of law, administrative authorities and others performing tasks within the public administration shall have regard in their work to the equality of all before the law and shall observe objectivity and impartiality.

## Chapter 2. Fundamental rights and freedoms

**Art. 1.** Every citizen shall be guaranteed the following rights and freedoms in his relations with the public institutions:

1. freedom of expression: that is, the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;
2. freedom of information: that is, the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;
3. freedom of assembly: that is, the freedom to organise or attend a meeting for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;
4. freedom to demonstrate: that is, the freedom to organise or take part in a demonstration in a public place;
5. freedom of association: that is, the freedom to associate with others for public or private purposes;
6. freedom of worship: that is, the freedom to practise one's religion alone or in the company of others.

The provisions of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression shall apply concerning the freedom of the press and the corresponding freedom of expression on sound radio, television and certain like transmissions, as well as in films, video recordings, sound recordings and other technical recordings.

The Freedom of the Press Act also contains provisions concerning the right of access to official documents.

**Art. 2.** Every citizen shall be protected in his relations with the public institutions against any coercion to divulge an opinion in a political, religious, cultural or other such connection. He shall furthermore be protected in his relations with the public institutions against any coercion to participate in a meeting for the formation of opinion or a demonstration or other manifestation of opinion, or to belong to a political association, religious community or other association for opinion referred to in sentence one.

**Art. 3.** No record in a public register concerning a citizen may be based without his consent solely on his political opinions.

Every citizen shall be protected, to the extent set out in more detail in law, against any violation of personal integrity resulting from the registration of personal information by means of automatic data processing.

**Art. 4.** There shall be no capital punishment.

**Art. 5.** Every citizen shall be protected against corporal punishment. He shall likewise be protected against any torture or medical influence aimed at extorting or suppressing statements.

**Art. 6.** Every citizen shall be protected in his relations with the public institutions against any physical violation also in cases other than cases under Articles 4 and 5. He shall likewise be protected against body searches, house searches and other such invasions of privacy, against examination of mail or other confidential correspondence, and against eavesdropping and the recording of telephone conversations or other confidential communications.

**Art. 7.** No citizen may be deported from or refused entry into the Realm.

No citizen who is domiciled in the Realm or who has previously been domiciled in the Realm may be deprived of his citizenship unless he becomes at the same time a citizen of another state, either with his own express consent or because he has taken up employment in the public service. The foregoing notwithstanding, it may however be laid down that children under the age of eighteen shall have the same nationality as their parents or as one parent. It may further be laid down that, in pursuance of an agreement with another state, a person who has been a citizen also of the other state from birth, and who has his permanent domicile there, shall forfeit his Swedish nationality at or after the age of eighteen.

**Art. 8.** Every citizen shall be protected in his relations with the public institutions against deprivation of personal liberty. He shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart the Realm.

**Art. 9.** If a public authority other than a court of law has deprived a citizen of his liberty on account of a criminal act or because he is suspected of having committed such an act, he shall be entitled to have the matter examined before a court of law without undue delay. This shall not, however, apply where the question relates to the transfer to the Realm of responsibility for executing a penal sanction involving deprivation of liberty which has been imposed in another state.

If, for reasons other than those specified in paragraph one, a citizen has been taken forcibly into custody, he shall likewise be entitled to have the matter examined before a court of law without undue delay. In such a case, examination before a tribunal shall be equated with examination before a court of law, provided the composition of the tribunal has been laid down in law and it is stipulated that the chairman of the tribunal shall be currently, or shall have been previously, a permanent salaried judge.

If examination under paragraph one or two has not been referred to an authority which is competent under the provisions laid down therein, such examination shall take place before a court of general jurisdiction.

**Art. 10.** No penalty or penal sanction may be imposed in respect of an act which was not subject to a penal sanction at the time it was committed. Nor may any penal sanction be imposed which is more severe than that which was in force when the act was committed. The provisions thus laid down with respect to penal sanctions apply in like manner to forfeiture and other special legal effects attaching to a criminal act.

No taxes or charges due the State may be exacted except inasmuch as this follows from provisions which were in force when the circumstance arose which occasioned the liability for the tax or charge. Should the Riksdag find that special reasons so warrant, it may however provide under an act of law that taxes or charges due the State shall be exacted even although no such act had entered into force when the aforementioned circumstance arose, provided the Government, or a committee of the Riksdag, had submitted a proposal to this effect to the Riksdag at the time concerned. A written communication from the Government to the Riksdag announcing the forthcoming introduction of

such a proposal is equated with a formal proposal. The Riksdag may furthermore prescribe that exceptions shall be made to the provisions of sentence one if it considers that this is warranted on special grounds connected with war, the danger of war, or grave economic crisis.

**Art. 11.** No court of law shall be established on account of an act already committed, or for a particular dispute or otherwise for a particular case.  
Proceedings in courts of law shall be open to the public.

**Art. 12.** The rights and freedoms referred to in Article 1, points 1 to 5, in Articles 6 and 8, and in Article 11, paragraph two, may be restricted in law to the extent provided for in Articles 13 to 16. With authority in law, they may be restricted by other statute in cases under Chapter 8, Article 7, paragraph one, point 7, and Article 10. Freedom of assembly and freedom to demonstrate may similarly be restricted also in cases under Article 14, paragraph one, sentence two.

The restrictions referred to in paragraph one may be imposed only to satisfy a purpose acceptable in a democratic society. The restriction must never go beyond what is necessary having regard to the purpose which occasioned it, nor may it be carried so far as to constitute a threat to the free formation of opinion as one of the fundamentals of democracy. No restriction may be imposed solely on grounds of a political, religious, cultural or other such opinion.

A draft law under paragraph one, or a proposal for the amendment or abrogation of such a law, shall be held in abeyance, unless rejected by the Riksdag, for a minimum of twelve months from the date on which the first Riksdag committee report on the proposal was submitted to the Chamber, if so moved by at least ten members. This provision notwithstanding, the Riksdag may adopt the proposal, provided it has the support of at least five sixths of those voting.

Paragraph three shall not apply to any draft law prolonging the life of a law for a period not exceeding two years. Nor shall it apply to any draft law concerned only with

1. prohibition of the disclosure of matters which have come to a person's knowledge in the public service, or in the performance of official duties, where secrecy is called for having regard to interests under Chapter 2, Article 2 of the Freedom of the Press Act;
2. house searches and similar invasions of privacy; or
3. deprivation of liberty as a penal sanction for a specific act.

The Committee on the Constitution determines on behalf of the Riksdag whether paragraph three applies in respect of a particular draft law.

**Art. 13.** Freedom of expression and freedom of information may be restricted having regard to the security of the Realm, the national supply of goods, public order and public safety, the good name of the individual, the sanctity of private life, and the prevention and prosecution of crime. Freedom of expression may also be restricted in commercial activities. Freedom of expression and freedom of information may otherwise be restricted only where particularly important grounds so warrant.

In judging what restrictions may be introduced by virtue of paragraph one, particular regard shall be had to the importance of the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.

The adoption of provisions which regulate in more detail a particular manner of disseminating or receiving information, without regard to its content, shall not be deemed a restriction of the freedom of expression or the freedom of information.

**Art. 14.** Freedom of assembly and freedom to demonstrate may be restricted in the interests of preserving public order and public safety at a meeting or demonstration, or having regard to the circum-

lation of traffic. These freedoms may otherwise be restricted only having regard to the security of the Realm or in order to combat an epidemic.

Freedom of association may be restricted only in respect of organisations whose activities are of a military or quasimilitary nature, or constitute persecution of a population group of a particular race, colour, or ethnic origin.

**Art. 15.** No act of law or other provision may imply the unfavourable treatment of a citizen because he belongs to a minority group by reason of race, colour, or ethnic origin.

**Art. 16.** No act of law or other provision may imply the unfavourable treatment of a citizen on grounds of gender, unless the provision forms part of efforts to promote equality between men and women or relates to compulsory military service or other analogous official duties.

**Art. 17.** A trade union or an employer or employers' association shall be entitled to take industrial action unless otherwise provided in an act of law or under an agreement.

**Art. 18.** The property of every citizen shall be so guaranteed that none may be compelled by expropriation or other such disposition to surrender property to the public institutions or to a private subject, or tolerate restriction by the public institutions of the use of land or buildings, other than where necessary to satisfy pressing public interests.

A person who is compelled to surrender property by expropriation or other such disposition shall be guaranteed compensation for his loss. Such compensation shall also be guaranteed to a person whose use of land or buildings is restricted by the public institutions in such a manner that ongoing land use in the affected part of the property is substantially impaired, or injury results which is significant in relation to the value of that part of the property. Compensation shall be determined according to principles laid down in law.

There shall be access for all to the natural environment in accordance with the right of public access, notwithstanding the above provisions.

**Art. 19.** Authors, artists and photographers shall own the rights to their works in accordance with rules laid down in law.

**Art. 20.** Restrictions affecting the right to trade or practise a profession may be introduced only in order to protect pressing public interests and never solely in order to further the economic interests of a particular person or enterprise.

The right of the Sami population to practise reindeer husbandry is regulated in law.

**Art. 21.** All children covered by compulsory schooling shall be entitled to a free basic education at a public school. The public institutions shall be responsible also for the provision of higher education.

**Art. 22.** A foreign national within the Realm is equated with a Swedish citizen in respect of

1. protection against coercion to participate in a meeting for the formation of opinion or a demonstration or other manifestation of opinion, or to belong to a religious community or other association (Article 2, sentence two);
2. protection of personal integrity in connection with automatic data processing (Article 3, paragraph two);

3. protection against capital punishment, corporal punishment and torture, and against medical influence aimed at extorting or suppressing statements (Articles 4 and 5);
4. the right to have a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs one and three);
5. protection against retroactive penal sanctions and other retroactive legal effects of criminal acts, and against retroactive taxes or charges due the State (Article 10);
6. protection against the establishment of a court of law for a particular case (Article 11, paragraph one);
7. protection against unfavourable treatment on grounds of race, colour or ethnic origin, or on grounds of gender (Articles 15 and 16);
8. the right to industrial action (Article 17);
9. protection against expropriation or other such disposition and against restriction of the use of land or buildings (Article 18);
10. the right to an education (Article 21).

Unless it follows otherwise from special provisions of law, a foreign national within the Realm is equated with a Swedish citizen also in respect of

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship (Article 1);
2. protection against coercion to divulge an opinion (Article 2, sentence one);
3. protection against physical violations also in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, and against violations of confidential communications (Article 6);
4. protection against deprivation of liberty (Article 8, sentence one);
5. the right to have a deprivation of liberty other than a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs two and three);
6. public court proceedings (Article 11, paragraph two);
7. protection against interventions on grounds of opinion (Article 12, paragraph two, sentence three);
8. authors', artists' and photographers' rights to their works (Article 19);
9. the right to trade or practise a profession (Article 20).

The provisions of Article 12, paragraph three; paragraph four, sentence one; and paragraph five shall apply with respect to the special provisions of law referred to in paragraph two.

**Art. 23.** No act of law or other provision may be adopted which contravenes Sweden's undertakings under the European Convention for the Protection of Human Rights and Fundamental Freedoms.

### **Chapter 3. The Riksdag**

**Art. 1.** The Riksdag is appointed by means of free, secret and direct elections. Voting in such elections is by party, with an option for the voter to express a preference for a particular candidate. The Riksdag consists of a single chamber comprising three hundred and forty-nine members. Alternates shall be appointed for members.

**Art. 2.** Every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm is entitled to vote in a Riksdag election. A person who has not attained the age of eighteen on or before election day is not entitled to vote.

The question of whether a right to vote exists under paragraph one is determined on the basis of an electoral roll drawn up prior to the election.

**Art. 3.** Ordinary elections for the Riksdag are held every four years.

**Art. 4.** The Government may order an extraordinary election for the Riksdag to be held between ordinary elections. An extraordinary election is held within three months from the issue of such an order.

After an election for the Riksdag has been held, the Government is debarred from calling an extraordinary election until three months from the date on which the newly-elected Riksdag first convened. Neither may the Government call an extraordinary election while ministers remain at their posts, after all have been formally discharged, pending assumption of office by a new Government. Rules for an extraordinary election in a particular case are set out in Chapter 6, Article 3.

**Art. 5.** A newly-elected Riksdag convenes on the fifteenth day following election day but no sooner than the fourth day after the result of the election has been declared.

Each election is valid for the period from the date on which the newly-elected Riksdag convenes to the date on which the Riksdag elected next thereafter convenes. This period is the electoral period of the Riksdag.

**Art. 6.** The Realm is divided up into constituencies for the purpose of elections for the Riksdag.

The Riksdag comprises three hundred and ten fixed constituency seats and thirty-nine adjustment seats.

The fixed constituency seats are distributed among the constituencies on the basis of a calculation of the relationship between the number of persons entitled to vote in each constituency, and the total number of persons entitled to vote throughout the whole of the Realm. The distribution of seats among the constituencies is determined for four years at a time.

**Art. 7.** The seats are distributed among parties. Party is understood to mean any association or group of voters which runs for election under a particular designation.

Only a party which receives at least four per cent of the votes cast throughout the whole of the Realm is entitled to share in the distribution of seats. A party receiving fewer votes however participates in the distribution of the fixed constituency seats in any constituency in which it receives at least twelve per cent of the votes cast.

**Art. 8.** The fixed constituency seats in each constituency are distributed proportionately among the parties on the basis of the election result in that constituency.

The adjustment seats are distributed among the parties in such a way that the distribution of all the seats in the Riksdag, other than those fixed constituency seats which have been allocated to a party polling less than four per cent of the national vote, is in proportion to the total number of votes cast throughout the whole of the Realm for the respective parties participating in the distribution of seats. If, in the distribution of the fixed constituency seats, a party obtains seats which exceed the number corresponding to the proportional representation of that party in the Riksdag, then that party and the fixed constituency seats which it has obtained are disregarded in distributing the adjustment

seats. The adjustment seats are allocated to constituencies after they have been distributed among the parties.

The odd-number method is used to distribute the seats among the parties, with the first divisor adjusted to 1.4.

**Art. 9.** One member is appointed for each seat a party obtains, together with alternates for that member.

**Art. 10.** Only a person who is entitled to vote may be a member or alternate member of the Riksdag.

**Art. 11.** Appeals against elections for the Riksdag may be lodged with an Election Review Board appointed by the Riksdag. A person who has been elected a member of the Riksdag exercises his mandate regardless of any such appeal. If the result of the election is revised, a new member takes his seat immediately after the revised result has been declared. This applies in like manner to alternate members.

The Election Review Board consists of a chairman, who shall be currently, or shall have been previously, a permanent salaried judge and who may not be a member of the Riksdag, and six other members. The members are elected after each ordinary election, as soon as the result of the election becomes final, and serve until a new election for the Board is held. The chairman is elected separately. There is no right of appeal against a decision of the Board.

**Art. 12.** Further rules concerning matters under Articles 2 to 11 and concerning the appointment of alternates for Riksdag members are laid down in the Riksdag Act or in another act of law.

#### **Chapter 4. The work of the Riksdag**

**Art. 1.** The Riksdag convenes in session every year. Sessions are held in Stockholm, unless otherwise determined by the Riksdag or the Speaker, having regard to the liberty or safety of parliament.

**Art. 2.** The Riksdag appoints a Speaker and First, Second, and Third Deputy Speakers from among its members for each electoral period.

**Art. 3.** The Government and every member of the Riksdag has the right to introduce proposals on any matter coming within the jurisdiction of the Riksdag, in accordance with more detailed rules laid down in the Riksdag Act, unless otherwise provided in the present Instrument of Government.

The Riksdag elects committees from among its members in accordance with rules laid down in the Riksdag Act, and these shall include a Committee on the Constitution and a Committee on Finance. Any matter raised by the Government or by a member of the Riksdag shall be prepared by a committee before it comes up for settlement, unless otherwise provided in the present Instrument of Government.

**Art. 4.** When a matter comes up for decision in the Chamber, every member of the Riksdag and every minister has the right to speak in accordance with more detailed rules laid down in the Riksdag Act. Rules concerning grounds for disqualification are laid down in the Riksdag Act.

**Art. 5.** When a vote is taken in the Riksdag, the opinion in which more than half of those voting concur constitutes the decision of the Riksdag, unless specially provided otherwise in the present Instrument of Government or, in the case of matters relating to Riksdag procedure, in a principal provision of the Riksdag Act. Rules concerning the procedure to be followed in the event of a tied vote are laid down in the Riksdag Act.

**Art. 6.** A member of the Riksdag or an alternate for such a member may exercise his mandate as a member notwithstanding any official duty or other similar obligation incumbent upon him.

**Art. 7.** A member of the Riksdag or an alternate for such a member may not resign his mandate without the Riksdag's consent.

Where grounds exist, the Election Review Board shall examine on its own initiative whether a particular member or an alternate is qualified under Chapter 3, Article 10. A person pronounced to be disqualified is deprived thereby of his mandate.

A member or an alternate may be deprived of his mandate in cases other than cases under paragraph two only if he has proved himself manifestly unfit to hold a mandate by reason of a criminal act. A decision in such a case shall be taken by a court of law.

**Art. 8.** No person may take legal action against a person who holds a man-date as a member of the Riksdag, or who has held such a mandate, deprive him of liberty, or restrict his movements within the Realm on account of an act or statement made in the exercise of his mandate, unless the Riksdag has given its consent thereto in a decision in which at least five sixths of those voting concur.

If, in any other case, a member of the Riksdag is suspected of having committed a criminal act, the relevant rules of law concerning arrest, detention or remand are applied only if he admits guilt or was caught in the act, or the minimum penalty for the offence is imprisonment for a minimum of two years.

**Art. 9.** During such time as a member is acting as Speaker of the Riksdag or is a member of the Government, his mandate as a member shall be exercised by an alternate. The Riksdag may stipulate in the Riksdag Act that an alternate shall replace a member when the latter is on leave of absence.

The rules laid down in Articles 6 and 8, paragraph one, concerning protection in respect of the exercise of a mandate as a member of the Riksdag apply also to the Speaker and the Speaker's mandate. The rules relating to a member of the Riksdag apply also to an alternate exercising a mandate as a member.

**Art. 10.** Further rules concerning the work of the Riksdag are laid down in the Riksdag Act.

## **Chapter 5. The Head of State**

**Art. 1.** The Head of State shall be kept informed by the Prime Minister concerning the affairs of the Realm. The Government convenes as Council of State under the chairmanship of the Head of State when so required.

**Art. 2.** No person who is not a Swedish citizen or who has not attained the age of eighteen may serve as Head of State. The Head of State may not at the same time be a minister or hold a mandate as Speaker or as a member of the Riksdag.

The Head of State shall consult the Prime Minister before undertaking travel abroad.

**Art. 3.** If, by reason of ill health, foreign travel or for any other cause, the King is prevented from performing his duties, that member of the Royal House under the valid order of succession who is not prevented therefrom shall assume and perform the duties of Head of State in the capacity of Regent ad interim.

**Art. 4.** Should the Royal House become extinct, the Riksdag appoints a Regent to perform the duties of Head of State until further notice. The Riksdag appoints a Deputy Regent at the same time. The same applies if the King dies or abdicates and the heir to the throne has not yet attained the age of eighteen.

**Art. 5.** If the King has been continuously prevented for six months from performing his duties, or has failed to perform his duties, the Government shall notify the matter to the Riksdag. The Riksdag determines whether the King shall be deemed to have abdicated.

**Art. 6.** The Riksdag may appoint a person to serve as Regent ad interim under a Government order when no one competent under Article 3 or 4 is in a position to serve.

The Speaker, or, in his absence, one of the Deputy Speakers, serves as Regent ad interim under a Government order when no other competent person is in a position to serve.

**Art. 7.** The King cannot be prosecuted for his actions. Neither can a Regent be prosecuted for his actions as Head of State.

## **Chapter 6. The Government**

**Art. 1.** The Government consists of the Prime Minister and other ministers.

The Prime Minister is appointed in accordance with the procedure laid down in Articles 2 to 4. The Prime Minister appoints the other ministers.

**Art. 2.** When a Prime Minister is to be appointed, the Speaker summons for consultation representatives from each party group in the Riksdag. The Speaker confers with the Deputy Speakers before placing a proposal before the Riksdag.

The Riksdag shall proceed to vote on the proposal no later than the fourth day following, without prior preparation in committee. If more than half the members of the Riksdag vote against the proposal, it is rejected. In any other case, it is adopted.

**Art. 3.** If the Riksdag rejects the Speaker's proposal, the procedure laid down in Article 2 is repeated. If the Riksdag rejects the Speaker's proposal four times, the procedure for appointing a Prime Minister is abandoned and resumed only after an election for the Riksdag has been held. If no ordinary election is due in any case to be held within three months, an extraordinary election shall be held within the same space of time.

**Art. 4.** When the Riksdag has approved a proposal for a new Prime Minister, he informs the Riksdag as soon as possible of the names of the ministers he has appointed. Government changes hands thereafter at a Council of State before the Head of State or, in his absence, before the Speaker. The Speaker is always summoned to attend such a Council.

The Speaker issues a letter of appointment for the Prime Minister on the Riksdag's behalf.

**Art. 5.** If the Riksdag declares that the Prime Minister, or any other minister, no longer enjoys the confidence of parliament, the Speaker shall discharge the minister concerned. If the Government is in a position to order an extraordinary election, however, no decision to discharge the minister shall be announced, provided the Government calls an extraordinary election within one week from the declaration of no confidence.

**Art. 6.** A minister shall be discharged if he so requests: the Prime Minister is discharged by the Speaker, and another minister by the Prime Minister. The Prime Minister may also discharge another minister in other circumstances.

**Art. 7.** If the Prime Minister is discharged or dies, the Speaker discharges the other ministers.

**Art. 8.** If all the members of the Government have been discharged, they remain at their posts until a new Government has assumed office. If a minister other than the Prime Minister has been discharged at his own request, he remains at his post until a successor has assumed office, should the Prime Minister so request.

**Art. 9.** Only a person who has been a Swedish citizen for at least ten years may be a minister. A minister may not have any other public or private employment. Neither may he hold any appointment or engage in any activity which might impair public confidence in him.

**Art. 10.** In the absence of the Speaker, a Deputy Speaker shall assume the duties incumbent upon the Speaker under the present Chapter.

## **Chapter 7. The work of the Government**

**Art. 1.** Government offices shall exist for the preparation of Government business. The Government Offices include ministries for different areas of activity. The Government allocates responsibilities among ministries. The Prime Minister appoints the heads of the respective ministries from among the ministers.

**Art. 2.** In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion as necessary.

**Art. 3.** Government business is settled by the Government at Government meetings. Government business relating to the implementation of statutes or special Government decisions within the armed forces may however be approved by the head of the ministry responsible for such matters, under the supervision of the Prime Minister and to the extent laid down in law.

**Art. 4.** The Prime Minister summons the other ministers to attend Government meetings and presides at such meetings. At least five ministers shall be present at a Government meeting.

**Art. 5.** At a Government meeting, the head of a ministry presents business falling within the purview of his ministry. The Prime Minister may, however, prescribe that a matter or group of matters coming within the purview of a particular ministry shall be presented by a minister other than the head of the ministry concerned.

**Art. 6.** A record is kept of Government meetings. A dissenting opinion shall be entered in the record.

**Art. 7.** Statutes, proposals for submission to the Riksdag, and other dispatches of Government decisions must be signed by the Prime Minister or another minister on behalf of the Government in order to be valid. The Government may, however, prescribe in a statutory instrument that an official may sign a dispatch of a Government decision in a particular case.

**Art. 8.** The Prime Minister may appoint one of the other ministers to perform the duties of Prime Minister in the capacity of Deputy Prime Minister and act in his absence. If the Prime Minister has not appointed a deputy, or if the deputy is also prevented from performing the duties of Prime Minister, these duties are assumed by that minister among those currently in office who has been a minister longest. When two or more ministers have been ministers equally long, the minister who is senior in age has precedence.

## **Chapter 8. Acts of law and other provisions**

**Art. 1.** It follows from the rules laid down in Chapter 2 concerning fundamental rights and freedoms that provisions with a particular content may not be adopted, or may be adopted only by means of an act of law, and that in certain cases draft laws shall be dealt with in a particular way.

**Art. 2.** Provisions relating to the personal status or mutual personal and economic relations of private subjects are laid down in law. These provisions include:

1. provisions relating to Swedish citizenship;
2. provisions relating to the right to a family name, or relating to marriage and parenthood, wills and inheritance, or family matters in general;
3. provisions relating to the right to fixed and movable property, contracts, companies, associations, collectives and foundations.

**Art. 3.** Provisions concerning the relations between private subjects and the public institutions which relate to obligations incumbent upon private subjects, or which otherwise encroach on the personal or economic circumstances of private subjects, are laid down in law. These provisions include provisions relating to criminal acts and the legal effects of such acts, provisions relating to taxes due the State, and provisions relating to requisition and other such disposition.

**Art. 4.** Provisions concerning the holding of a consultative referendum throughout the whole of the Realm and the procedure for holding a referendum on a matter of fundamental law are laid down in law.

Provisions concerning elections for a parliamentary assembly within the European Union are also laid down in law.

**Art. 5.** The principles governing changes in the division of the Realm into local government districts, and the principles governing the organisation and working procedures of the local authorities and local taxation, are determined in law. Provisions relating to the competence of local authorities in other respects, and to their responsibilities, are likewise laid down in law.

**Art. 6.** Provisions concerning religious communities are laid down in law. Provisions concerning the bases of the Church of Sweden as a religious community shall also be laid down in an act of law.

The enactment, amendment or abrogation of such a law is governed by the provisions of Article 16 concerning enactment of the Riksdag Act.

**Art. 7.** With authority in law, the Government may, without hindrance of the provisions of Article 3 or 5, adopt, by means of a statutory instrument, provisions relating to matters other than taxes, provided such provisions relate to any of the following matters:

1. the protection of life, health, or personal safety;
2. the sojourn in the Realm of foreign nationals;
3. the import or export of goods, money or other assets, manufactures, transport and communications, granting of credits, business activities, rationing, re-use and recycling of materials, design of buildings, installations and human settlements, or the obligation to obtain a permit in respect of measures affecting buildings and installations;
4. the cultural environment, hunting, fishing, animal protection, or nature conservation and environmental protection;
5. the circulation of traffic or public order;
6. training and education;
7. prohibition of the disclosure of matters which have come to a person's knowledge in the public service or in the performance of official duties;
8. the protection of personal integrity when handling personal data.

Authority of the nature referred to in paragraph one does not confer the right to adopt provisions concerning the legal effects of criminal acts other than the imposition of fines. The Riksdag may prescribe legal effects other than fines for contraventions of provisions laid down by the Government in an act of law granting authority under paragraph one.

**Art. 8.** With authority in law, the Government may, without hindrance of the provisions of Article 2, 3 or 5, adopt, by means of a statutory instrument, provisions concerning the granting of respites for the meeting of obligations.

**Art. 9.** With authority in law, the Government may, without hindrance of the provisions of Article 3, adopt, by means of a statutory instrument, provisions concerning customs duties on the importation of goods.

With authority from the Riksdag, the Government or a local authority may adopt provisions concerning charges which otherwise fall under Article 3 to be adopted by the Riksdag.

**Art. 10.** With authority in law, the Government may, in any matter referred to in Article 7, paragraph one, or in Article 9, prescribe by means of a statutory instrument that a provision of such law shall come into force or cease to apply.

**Art. 11.** Where, under the present Chapter, the Riksdag authorises the Government to adopt provisions in a particular matter, the Riksdag may authorise the Government in such context to delegate the power to adopt regulations in the matter to an administrative authority or a local authority.

**Art. 12.** Provisions adopted by the Government by virtue of authority in law under the present Instrument of Government shall be submitted to the Riksdag for examination, should the Riksdag so decide.

**Art. 13.** In addition to what follows from Articles 7 to 10, the Government may adopt by means of a statutory instrument

1. provisions relating to the implementation of laws;
2. provisions which do not under fundamental law fall to be adopted by the Riksdag.

The Government may not by virtue of paragraph one adopt provisions which relate to the Riksdag or authorities under the Riksdag. Neither may the Government adopt by virtue of paragraph one, point 2, provisions which relate to local taxation.

The Government may, by means of a statutory instrument under paragraph one, delegate to an authority under the Government the task of adopting regulations in the matter. The provisions of paragraph two notwithstanding, the Government may also employ a statutory instrument to delegate to an authority under the Riksdag the task of adopting regulations under paragraph one which do not relate to the internal affairs of the Riksdag or an authority under the Riksdag.

**Art. 14.** The power conferred on the Government to adopt provisions in a particular matter does not preclude the Riksdag from adopting provisions in the same matter in an act of law.

The Riksdag may direct the Riksbank in an act of law to adopt provisions coming within its remit under Chapter 9 and concerning its duty to promote a secure and efficient payments system.

With authority in law, authorities under the Riksdag may adopt provisions relating to the internal affairs of the Riksdag or authorities under the Riksdag.

**Art. 15.** Fundamental law is enacted by means of two decisions of identical wording. The second decision may not be taken until elections for the Riksdag have been held throughout the whole of the Realm following the first decision, and the newly-elected Riksdag has convened. At least nine months shall elapse between the time when the matter was first submitted to the Chamber of the Riksdag and the date of the election, unless the Committee on the Constitution grants an exception from this provision by means of a decision taken no later than the committee stage, in which at least five sixths of members concur.

The Riksdag may not adopt as a decision held in abeyance over an election a proposal for the enactment of fundamental law which conflicts with any other proposal concerning fundamental law currently being held in abeyance, unless at the same time it rejects the proposal it first adopted.

A referendum shall be held on a proposal concerning fundamental law which is held in abeyance over an election, on a motion to this effect by at least one tenth of members, provided at least one third of members concur in approving the motion. Such a motion must be put forward within fifteen days from the date on which the Riksdag adopted the proposal which is to be held in abeyance. The motion shall not be referred for preparation in committee.

The referendum shall be held simultaneously with the election referred to in paragraph one. In the referendum, all those entitled to vote in the election are entitled to state whether or not they accept the proposal on fundamental law which is being held in abeyance. The proposal is rejected if a majority of those taking part in the referendum vote against it, and if the number of those voting against exceeds half the number of those who registered a valid vote in the election. In all other cases the proposal goes forward to the Riksdag for final consideration.

**Art. 16.** The Riksdag Act is enacted as prescribed in Article 15, paragraph one, sentences one and two, and paragraph two. It may also be enacted by means of a single decision, provided at least three fourths of those voting and more than half the total membership of the Riksdag concur. Supplementary provisions of the Riksdag Act are however adopted in the same manner as ordinary law.

**Art. 17.** No law may be amended or abrogated other than by an act of law. Articles 15 and 16 apply in like manner with respect to amendment or abrogation of fundamental law or of the Riksdag Act.

**Art. 18.** A Council on Legislation which includes justices, or, where necessary, former justices of the Supreme Court and the Supreme Administrative Court, shall exist to pronounce an opinion on draft legislation. The opinion of the Council on Legislation is obtained by the Government or, under more detailed rules laid down in the Riksdag Act, by a committee of the Riksdag.

The opinion of the Council on Legislation should be obtained before the Riksdag takes a decision on fundamental law relating to the freedom of the press or the corresponding freedom of expression on sound radio, television and certain like transmissions and technical recordings; on an act of law restricting the right of access to official documents; an act of law under Chapter 2, Article 3, paragraph two, Article 12, paragraph one, Articles 17 to 19 or Article 22, paragraph two, or an act of law amending or abrogating such an act; an act of law relating to local taxation; an act of law under Article 2 or 3; or an act of law under Chapter 11, if such an act has significance for private subjects, or having regard to the public interest. The foregoing does not however apply, if obtaining the opinion of the Council on Legislation would be without significance having regard to the nature of the matter, or would delay the handling of legislation in such a way that serious detriment would result. If the Government submits a proposal to the Riksdag for the making of an act of law in any matter referred to in sentence one, and there has been no prior consultation of the Council on Legislation, the Government shall at the same time inform the Riksdag of the reason for the omission. Failure to obtain the opinion of the Council on Legislation on a draft law never constitutes an obstacle to application of the law.

The Council's scrutiny shall relate to

1. the manner in which the draft law relates to the fundamental laws and the legal system in general;
2. the manner in which the different provisions of the draft law relate to one another;
3. the manner in which the draft law relates to the requirements of the rule of law;
4. whether the draft law is so framed that the resulting act of law may be expected to satisfy the stated purposes of the proposed law;
5. what problems are likely to arise in applying the act of law.

More detailed rules concerning the composition and working procedures of the Council on Legislation are laid down in law.

**Art. 19.** An act of law which has been adopted shall be promulgated by the Government without delay. An act containing provisions relating to the Riksdag or authorities under the Riksdag which

shall not be incorporated in fundamental law, or in the Riksdag Act, may however be promulgated by the Riksdag.

Acts of law shall be published as soon as possible. The same applies to statutory instruments, unless otherwise laid down in law.

## **Chapter 9. Financial power**

**Art. 1.** Rules concerning the right to approve taxes and charges due the State are laid down in Chapter 8.

**Art. 2.** State funds may not be used other than as determined by the Riksdag.

The Riksdag approves the use of such funds for different purposes by adopting a budget in accordance with Articles 3 to 5. The Riksdag may, however, determine that funds may be employed in accordance with some other procedure.

**Art. 3.** The Riksdag adopts a national budget for the next following budget year or, if special reasons so warrant, for some other budgetary period. In this connection, the Riksdag determines estimates of public revenue and makes appropriations for specific purposes. Decisions taken in this connection are incorporated in a national budget.

The Riksdag may decide that a particular appropriation within the national budget shall be made for a period other than the budgetary period.

When adopting a budget under this Article, the Riksdag shall have regard to the need for funds for the defence of the Realm in time of war, danger of war, or other exceptional circumstance.

**Art. 4.** If time does not permit final adoption of the national budget under Article 3 before the start of the budgetary period, the Riksdag makes appropriations, as required, to cover the period until a budget is adopted for the budgetary period concerned. The Riksdag may authorise the Committee on Finance to take such a decision on the Riksdag's behalf.

**Art. 5.** The Riksdag may revise its revenue estimates, alter appropriations already approved, and determine new appropriations for the current budget year in a supplementary budget.

**Art. 6.** The Government submits proposals for a national budget to the Riksdag.

**Art. 7.** The Riksdag may lay down guidelines for a particular activity of the State which cover a period exceeding that to which appropriations for the activity concerned relate, in conjunction with adoption of the budget or in some other context.

**Art. 8.** Funds and other assets of the State are at the disposal of the Government. This provision does not, however, apply to assets intended for the Riksdag or for authorities under the Riksdag, or which have been set aside in law for special administration.

**Art. 9.** The Riksdag determines the principles for the administration and disposition of State property as required. The Riksdag may prescribe in this connection that measures of a particular nature may not be taken without the consent of parliament.

**Art. 10.** The Government may not take up loans or otherwise assume financial obligations on behalf of the State unless authorised by the Riksdag.

**Art. 11.** Further rules concerning the competence and responsibilities of the Riksdag and the Government in respect of the adoption of the national budget are laid down in the Riksdag Act and separate legislation.

**Art. 12.** The Government is responsible for general currency policy matters. Other provisions concerning currency policy are laid down in law.

**Art. 13.** The Riksbank is the central bank of the Realm and an authority under the Riksdag. The Riksbank is responsible for monetary policy. No public authority may determine how the Riksbank shall decide in matters of monetary policy.

The Riksbank has a Governing Council comprising eleven members, who are elected by the Riksdag. The Riksbank is under the direction of an Executive Board appointed by the Governing Council.

The Riksdag considers whether the members of the Governing Council and the Executive Board shall be granted discharge of responsibility. If the Riksdag refuses a member of the Governing Council discharge of responsibility he is severed thereby from his appointment. The Governing Council may remove from office a member of the Executive Board only if he no longer fulfils the requirements laid down for performing his duties or if he has been guilty of gross negligence.

Rules concerning elections for the Governing Council and concerning the management and activities of the Riksbank are laid down in law.

**Art. 14.** The Riksbank alone has the right to issue coinage and banknotes. Further rules concerning the monetary and payments system are laid down in law.

## **Chapter 10. Relations with other states and international organisations**

**Art. 1.** Agreements with other states or with international organisations are concluded by the Government.

**Art. 2.** The Government may not conclude an international agreement which is binding upon the Realm without Riksdag approval, if the agreement presupposes the amendment or abrogation of an act of law or the enactment of a new act of law, or if it otherwise concerns a matter which it is for the Riksdag to determine.

If, in a case under paragraph one, a special procedure has been prescribed for the Riksdag decision which is presupposed, the same procedure shall be applied in approving the agreement.

Nor may the Government, in cases other than cases under paragraph one, conclude an international agreement which is binding upon the Realm without Riksdag approval, if the agreement is of major significance. The Government may however act without obtaining the Riksdag's approval of the agreement if the interest of the Realm so requires. In such a case the Government shall confer instead with the Advisory Council on Foreign Affairs before concluding the agreement.

The Riksdag may approve an agreement under paragraphs one and three which is concluded within the framework of European Union cooperation, even if the agreement does not exist in final form.

**Art. 3.** The Government may commission an administrative authority to conclude an international agreement in a matter in which the agreement does not require the participation of the Riksdag or the Advisory Council on Foreign Affairs.

**Art. 4.** The rules laid down in Articles 1 to 3 apply in like manner to the commitment of the Realm to an international obligation in a form other than an agreement, and to the denunciation of an international agreement or obligation.

**Art. 5.** The Riksdag may transfer a right of decision-making which does not affect the principles of the form of government within the framework of European Union cooperation. Such transfer presupposes that protection for rights and freedoms in the field of cooperation to which the transfer relates corresponds to that afforded under this Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Riksdag approves such transfer by means of a decision in which at least three fourths of those voting concur. The Riksdag's decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law. Transfer cannot be approved until after the Riksdag has approved the agreement under Article 2.

A right of decision-making which is directly based on the present Instrument of Government and which purports at the laying down of provisions, the use of assets of the State or the conclusion or denunciation of an international agreement or obligation, may in other cases be transferred, to a limited extent, to an international organisation for peaceful cooperation of which Sweden is a member, or is about to become a member, or to an international court of law. No right of decision-making relating to matters concerning the enactment, amendment or abrogation of fundamental law, the Riksdag Act or a law on elections for the Riksdag, or relating to the restriction of any of the rights and freedoms referred to in Chapter 2 may be thus transferred. The provisions laid down for the enactment of fundamental law apply in respect of a decision relating to such transfer. If time does not permit a decision in accordance with these provisions, the Riksdag may approve transfer by means of a decision in which at least five sixths of those voting and at least three fourths of members concur.

If it has been laid down in law that an international agreement shall have validity as Swedish law, the Riksdag may prescribe, by means of a decision taken in accordance with the procedure laid down in paragraph two, that also any future amendment of the agreement binding upon the Realm shall apply within the Realm. Such a decision shall relate only to a future amendment of limited extent.

Any judicial or administrative function not directly based on this Instrument of Government may be transferred, in a case other than a case under paragraph one, to another state, international organisation, or foreign or international institution or community by means of a decision of the Riksdag. The Riksdag may also in law authorise the Government or other public authority to approve such transfer of functions in particular cases. Where the function concerned involves the exercise of public authority, Riksdag approval shall take the form of a decision in which at least three fourths of those voting concur. The Riksdag's decision in the matter of such transfer may also be taken in accordance with the procedure prescribed for the enactment of fundamental law.

**Art. 6.** The Government shall keep the Riksdag continuously informed and confer with bodies appointed by the Riksdag concerning developments within the framework of European Union cooperation. More detailed rules concerning the obligation to inform and consult are laid down in the Riksdag Act.

The Government shall keep the Advisory Council on Foreign Affairs continuously informed of those matters relating to foreign relations which may be of significance for the Realm, and shall confer with the Council concerning these matters as necessary. In all foreign policy matters of major significance, the Government shall confer with the Council, if possible, before making its decision.

**Art. 7.** The Advisory Council on Foreign Affairs consists of the Speaker and nine other members elected by the Riksdag from among its members. More detailed rules concerning the composition of the Council are laid down in the Riksdag Act.

The Advisory Council on Foreign Affairs is convened by the Government. The Government is obliged to convene the Council if at least four members of the Council request consultations on a particular matter. Meetings of the Council are presided over by the Head of State or, in his absence, by the Prime Minister.

A member of the Advisory Council on Foreign Affairs and any person otherwise associated with the Council shall exercise caution in communicating to others matters which have come to his knowledge in this capacity. The person presiding over a meeting of the Council may rule that a duty of confidentiality shall apply unconditionally.

**Art. 8.** The head of the ministry responsible for foreign affairs shall be kept informed whenever a matter arises at another State authority which has significance for relations with another state or an international organisation.

**Art. 9.** The Government may commit the armed forces of the Realm, or any part of them, to battle in order to repel an armed attack upon the Realm. Swedish armed forces may otherwise be committed to battle or dispatched abroad only provided

1. the Riksdag consents thereto;
2. the action is permitted under an act of law which sets out the prerequisites for such action;
3. a duty to take such action follows from an international agreement or obligation which has been approved by the Riksdag.

A state of war may not be declared without the consent of the Riksdag, except in the event of an armed attack upon the Realm.

The Government may authorise the armed forces to use force in accordance with international law and custom to prevent violation of Swedish territory in time of peace or during a war between foreign states.

## **Chapter 11. Administration of justice and general administration**

**Art. 1.** The Supreme Court is the highest court of general jurisdiction, and the Supreme Administrative Court is the highest administrative court. The right to have a case tried by the Supreme Court or by the Supreme Administrative Court may be restricted in law. A person may serve as a member of the Supreme Court or the Supreme Administrative Court only if he holds currently, or has held previously, an appointment as a permanent salaried justice of the Court.

A court of law other than the Supreme Court or the Supreme Administrative Court must be established by virtue of law. Provisions prohibiting the establishment of a court of law in particular cases are laid down in Chapter 2, Article 11, paragraph one.

There shall be a permanent salaried judge in any court under paragraph two. Exceptions to this rule in respect of courts established to try a specific group or specific groups of cases may however be laid down in law.

**Art. 2.** No public authority, including the Riksdag, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case.

**Art. 3.** A legal dispute between private subjects may not be settled by an authority other than a court of law except by virtue of law. Provisions concerning examination by a court of law of a deprivation of liberty are set out in Chapter 2, Article 9.

**Art. 4.** Provisions concerning the functions of the courts relevant to the administration of justice, the principal features of their organisation, and court procedure are laid down in law.

**Art. 5.** A person who has been appointed a permanent salaried judge may be removed from office only provided

1. he has shown himself through a criminal act or through gross or repeated neglect of his official duties to be manifestly unfit to hold the office;

2. he has reached the relevant retirement age or is otherwise obliged by law to retire on pension.

If a permanent salaried judge has been removed from office by means of a decision of a public authority other than a court of law it shall be possible for him to call for the decision to be examined before a court of law. The same applies to any decision as a result of which a permanent salaried judge is suspended from duty or ordered to undergo examination by a medical practitioner.

If organisational considerations so dictate, a person who has been appointed a permanent salaried judge may be transferred to another judicial office of equal status.

**Art. 6.** The Chancellor of Justice, the Prosecutor General, the central administrative boards and the county administrative boards come under the Government. Other State administrative authorities come under the Government, unless they are authorities under the Riksdag according to the present Instrument of Government or by virtue of other law.

Administrative functions may be entrusted to a local authority.

Administrative functions may be delegated to a limited company, association, collective, foundation, registered religious community or any part of its organisation, or to a private person. If such a function involves the exercise of public authority, delegation shall be made by virtue of law.

**Art. 7.** No public authority, including the Riksdag and the decision-making bodies of local authorities, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis a private subject or a local authority, or relating to the application of law.

**Art. 8.** No judicial or administrative function may be performed by the Riksdag except inasmuch as this follows from fundamental law or from the Riksdag Act.

**Art. 9.** Appointments to posts at courts of law or administrative authorities coming under the Government are made by the Government or by a public authority designated by the Government.

When making appointments to posts within the State administration attention shall be directed only to objective factors such as merit and competence.

Only a Swedish citizen may hold or exercise the functions of a judicial office, an office coming directly under the Government, an office or appointment as head of an authority coming directly under the Riksdag or the Government, or as a member of such an authority or its governing board, an appointment in the Government Offices coming directly under a minister, or an appointment as a Swedish envoy. Also in other cases only a person who is a Swedish citizen may hold an office or appointment if the holder of such an office or appointment is elected by the Riksdag. Swedish nationality may otherwise be stipulated as a condition of qualification to hold an office or appointment under the State or under a local authority only with support in law or in accordance with conditions laid down in law.

**Art. 10.** Basic rules concerning the legal status of civil servants in respects other than those covered in this Instrument of Government are laid down in law.

**Art. 11.** Re-opening of closed cases and restoration of lapsed time are granted by the Supreme Administrative Court or, inasmuch as this has been laid down in law, by an inferior administrative court if the case concerns a matter in respect of which the Government, an administrative court or an administrative authority is the highest instance. In all other cases, re-opening of a closed case or restoration of lapsed time is granted by the Supreme Court or, inasmuch as this has been laid down in law, by another court of law which is not an administrative court.

More detailed rules concerning the retrial of closed cases and restoration of lapsed time may be laid down in law.

**Art. 12.** The Government may approve an exception from a provision of a statutory instrument, or from a provision adopted by virtue of a Government decision, unless otherwise provided in an act of law or in a decision concerning a budget appropriation.

**Art. 13.** The Government may, by exercising clemency, remit or reduce a penal sanction or other legal effect of a criminal act, and remit or reduce any other similar intervention by a public authority concerning the person or property of a private subject.

Where exceptional grounds exist, the Government may order that no further action shall be taken to investigate or prosecute a criminal act.

**Art. 14.** If a court or other public body finds that a provision conflicts with a rule of fundamental law or other superior statute, or finds that a procedure laid down in law has been disregarded in any important respect when the provision was made, the provision may not be applied. If the provision has been approved by the Riksdag or by the Government, however, it shall be waived only if the error is manifest.

## **Chapter 12. Parliamentary control**

**Art. 1.** The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. The Committee is entitled for this purpose to have access to the records of decisions taken in Government matters and to all documents pertaining to such matters. Another Riksdag committee or a member of the Riksdag is entitled to raise in writing

with the Committee on the Constitution any issue relating to a minister's performance of his official duties or the handling of Government business.

**Art. 2.** It shall be incumbent upon the Committee on the Constitution to communicate to the Riksdag, whenever reasons so warrant but at least once a year, any observations it may find worthy of attention in connection with its examination. The Riksdag may make a formal statement to the Government in consequence thereof.

**Art. 3.** A person who is currently, or who has been previously, a minister may be held accountable for a criminal act committed in the performance of his ministerial duties only if he has grossly neglected his official duty thereby. A decision to institute criminal proceedings is taken by the Committee on the Constitution and the case is tried before the Supreme Court.

**Art. 4.** The Riksdag may declare that a minister no longer enjoys the confidence of the Riksdag. Such a declaration of no confidence requires the concurrence of more than half the total membership of the Riksdag.

A motion calling for a declaration of no confidence shall be taken up for consideration only if raised by at least one tenth of the members of the Riksdag. It is not taken up for consideration during the period between the holding of an ordinary election, or the announcement of a decision to call an extraordinary election, and the date on which the Riksdag elected in such an election convenes. A motion relating to a minister who has remained at his post, under Chapter 6, Article 8, after having been formally discharged, may not in any circumstances be taken up for consideration.

A motion calling for a declaration of no confidence shall not be prepared in committee.

**Art. 5.** Under rules laid down in the Riksdag Act, any member of the Riksdag may submit an interpellation or put a question to a minister on any matter concerning the minister's performance of his official duties.

**Art. 6.** The Riksdag elects one or more Parliamentary Ombudsmen to supervise the application of laws and other statutes in the public service, under terms of reference drawn up by the Riksdag. An Ombudsman may institute criminal and disciplinary proceedings in the cases indicated in these terms of reference.

An Ombudsman is entitled to be present at the deliberations of a court of law or an administrative authority and shall have access to the records and other documents of such an authority. A court of law or an administrative authority and any State or local government official shall provide an Ombudsman with such information and opinions as he may request. A similar obligation is incumbent upon any other person coming under the supervision of the Ombudsman. A public prosecutor shall assist an Ombudsman if so requested.

More detailed rules concerning the Ombudsmen are laid down in the Riksdag Act.

**Art. 7.** The National Audit Office is an authority under the Riksdag whose function is to audit the activities of the State. More detailed rules concerning the National Audit Office are laid down in the Riksdag Act and elsewhere in law. Under provisions laid down in such legislation, the National Audit Office's audit may extend also to activities other than activities of the State.

The National Audit Office is under the direction of three Auditors General, who are elected by the Riksdag. The Auditors General decide independently, having regard to the rules laid down in law,

what activities shall be audited. They determine severally and independently how their audit shall be carried out and formulate their own conclusions on the basis of their audit.

The Office also has a Board, which is appointed by the Riksdag. The Board's task is to monitor audit activities, to put forward to the Riksdag the proposals and reports which result from the audit activities and audit statements of the Auditors General, and to determine draft appropriations under the national budget and the annual reports of the Office.

The Riksdag may remove an Auditor General from office only provided the Auditor General no longer fulfils the requirements for the office or has been guilty of gross negligence.

**Art. 8.** Legal proceedings on account of a criminal act committed by a member of the Supreme Court, or a member of the Supreme Administrative Court, in the exercise of his official duties shall be instituted in the Supreme Court by a Parliamentary Ombudsman or the Chancellor of Justice.

The Supreme Court likewise examines, under relevant provisions, whether a member of the Supreme Court or the Supreme Administrative Court shall be removed from office or suspended from duty, or shall be obliged to undergo examination by a medical practitioner. Proceedings of this nature are instituted by a Parliamentary Ombudsman or the Chancellor of Justice.

### **Chapter 13. War and danger of war**

**Art. 1.** If the Realm finds itself at war or is exposed to the danger of war, the Government or the Speaker shall convene the Riksdag in session. Whoever issues the notice convening the meeting may determine that the Riksdag shall convene at some place other than Stockholm.

**Art. 2.** If the Realm is at war or exposed to the danger of war, a War Delegation appointed from among the members of the Riksdag shall replace the Riksdag if circumstances so warrant.

If the Realm is at war, the order instructing the War Delegation to replace the Riksdag shall be issued by the members of the Advisory Council on Foreign Affairs in accordance with more detailed rules laid down in the Riksdag Act. The Prime Minister shall be consulted, if possible, before the order is issued. If war conditions prevent the Council from convening, the order is issued by the Government. If the Realm is exposed to the danger of war, the aforementioned order is issued by the members of the Advisory Council on Foreign Affairs and the Prime Minister acting jointly. The issue of such an order requires the concurrence of the Prime Minister and six members of the Council in order to be valid.

The War Delegation and the Government may determine, either jointly or severally, that the Riksdag shall resume its powers.

Rules concerning the composition of the War Delegation are laid down in the Riksdag Act.

**Art. 3.** While the War Delegation is acting in place of the Riksdag, it exercises the powers otherwise vested in the Riksdag. It may not however take decisions under Article 12, paragraph one, point 1, or paragraph two or four.

The War Delegation determines its own working procedures.

**Art. 4.** If the Realm is at war, and if, in consequence thereof, the Government is prevented from carrying out its duties, the Riksdag may decide on the formation of a Government and determine its working procedures.

**Art. 5.** If the Realm is at war, and if, in consequence thereof, neither the Riksdag nor the War Delegation is in a position to carry out its duties, the Government shall assume its powers to the extent it considers necessary to protect the Realm and bring hostilities to a close.

The Government may not by virtue of paragraph one enact, amend, or abrogate a fundamental law, the Riksdag Act, or a law on elections for the Riksdag.

**Art. 6.** If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from the war or the danger of war to which the Realm has been exposed, the Government may, with authority in law, adopt by means of a statutory instrument provisions in a particular matter which shall otherwise, under provisions of fundamental law, be laid down in an act of law. If necessary in any other case having regard to defence preparedness, the Government may, with authority in law, determine by means of a statutory instrument that any provisions laid down in law, which relate to requisition or other such disposition, shall be brought into force or cease to apply.

In an act of law granting authority under paragraph one, the conditions under which such authority may be invoked shall be scrupulously defined. Such authority shall not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act or a law on elections for the Riksdag.

**Art. 7.** If the Realm is at war or exposed to the immediate danger of war, the provisions of Chapter 2, Article 12, paragraph three, shall not apply. The same is true in any other circumstances in which the War Delegation is acting in place of the Riksdag.

**Art. 8.** If the Realm is at war or exposed to the immediate danger of war, the Government may, with authority from the Riksdag, determine that a task which falls to the Government by virtue of fundamental law shall be performed by some other public authority. Such authority may not extend to any powers under Article 5 or 6, unless the matter relates solely to a decision that a law concerning a particular matter shall come into force.

**Art. 9.** The Government may conclude a ceasefire agreement without seeking the approval of the Riksdag and without consulting the Advisory Council on Foreign Affairs, if deferment of the agreement would imperil the Realm.

**Art. 10.** Neither the Riksdag nor the Government may make decisions in occupied territory. Nor may any powers vested in a person in his capacity as a member of the Riksdag or as a minister be exercised in such territory.

It shall be incumbent upon any public body in occupied territory to act in the manner that best serves the defence effort and resistance activities, as well as the protection of the civilian population and Swedish interests at large. In no circumstances may a public body make any decision or take any action which, in contravention of international law, imposes on a citizen of the Realm the duty of rendering assistance to the occupying power.

Elections for the Riksdag or for decision-making local government assemblies may not be held in occupied territory.

**Art. 11.** If the Realm is at war, the Head of State should accompany the Government. Should he find himself in occupied territory or separated from the Government, he shall be deemed to be precluded from carrying out his duties as Head of State.

**Art. 12.** If the Realm is at war, elections for the Riksdag may be held only if the Riksdag so determines. If the Realm is exposed to the danger of war when an ordinary election falls due to be held, the Riksdag may decide to defer the election. Such a decision shall be reviewed within one year and at intervals of no more than one year thereafter. Decisions under this paragraph are valid only if at least three fourths of the members of the Riksdag concur therein.

If any part of the Realm is occupied when an election falls due to be held, the Riksdag shall approve any necessary modification of the rules laid down in Chapter 3. No exceptions may however be made from Chapter 3, Article 1, paragraph one; Article 2; Article 6, paragraph one; or Articles 7 to 11. Any reference to the Realm in Chapter 3, Article 6, paragraph one; Article 7, paragraph two; or Article 8, paragraph two, shall apply instead to that part of the Realm for which the election is to be held. At least one tenth of the total number of seats shall be adjustment seats.

An ordinary election which is not held at the time prescribed, in consequence of paragraph one, shall be held as soon as possible after the war ends or the danger of war has passed. It shall be incumbent upon the Government and the Speaker, jointly or severally, to ensure that the necessary steps are taken.

If, in consequence of this Article, an ordinary election has been held at a time other than the time at which it would normally have been held, the Riksdag shall set the date of the next ordinary election for that month in the fourth or fifth year following the first-named election in which an ordinary election is due to be held under the Riksdag Act.

**Art. 13.** If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from the war or the danger of war to which the Realm has been exposed, the decision-making powers of local authorities shall be exercised as laid down in law.

## **Transitional provisions**

### **Transitional provisions 1974**

1. This Instrument of Government supersedes the previous Instrument of Government. With the exceptions given below, the previous Instrument of Government shall however apply in place of the new Instrument of Government until the end of the calendar year in which the Riksdag adopts definitively the new Instrument of Government and, in the cases below, also thereafter.

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6. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in this Instrument of Government. Authority granted under a joint decision of the King and the Riksdag, or the Riksdag acting alone, may be exercised even after the time appointed under point 1 above, until such time as the Riksdag determines otherwise.

The rules of Chapter 8, Article 17 of this Instrument of Government shall apply in respect of older statute adopted by joint decision of the King and the Riksdag, or by a decision of the Riksdag acting alone.

7. Rules of older law or other statute which refer to the King or the King in Council shall apply to the Government ... unless it follows from a statute, or is otherwise apparent from the circumstances, that the reference is to the King in person, the Supreme Court, the Supreme Administrative Court, or an administrative court of appeal.

Provisions which under older law or other statute shall be determined by joint decision of the King and the Riksdag shall be determined instead in an act of law.

8. Should an act of law or other statute contain a reference or allusion to a provision which has been superseded by a rule of this Instrument of Government, the new rule shall apply instead.

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14. This Instrument of Government in no way alters the provisions laid down in Article 2 of the previous Instrument of Government.

**Transitional provisions relating to 1976 amendments**

1. The changes in the Instrument of Government come into force on 1 January 1977.
2. The provisions of Chapter 2, Article 16, notwithstanding, older provisions purporting at differential treatment on grounds of sex shall continue to apply for the time being. Such provisions may be amended, even if the amendment is to the effect that such differentiation shall be upheld.

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4. The provisions of Chapter 2, Article 1, point 3, and Article 14, paragraph one, notwithstanding, it may be laid down in law that films and videograms shall not be shown in public without prior approval.

5. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in the Instrument of Government in its new wording.

**Transitional provisions relating to 1979 amendments**

1. The changes in the Instrument of Government come into force on 1 January 1980.
2. Older provisions relating to taxes or charges shall continue to apply, the provisions of Chapter 2, Article 10, paragraph two, notwithstanding.

## **The Act of Succession (SFS nr: 1810:0926)**

We CARL, by the Grace of God, King of Sweden, the Goths, and the Wends, &c., &c., &c., Heir to Norway, Duke of Schleswig Holstein, Stormarn and Ditmarsen, Count of Oldenburg and Delmenhorst, &c., &c., hereby make known that We, after the unanimous acceptance and confirmation by the Estates of the Realm of the Act of Succession according to which the male heirs begotten by His Noble-Born Highness, the elected Crown Prince of Sweden, His Royal Highness Prince JOHAN BAPTIST JULIUS shall have the right to the throne of Sweden and to accede to the government of Sweden, and after the submission of this fundamental law for Our gracious approval, by virtue of the right accruing to Us according to Article 85 of the Instrument of Government, adopt, accept and confirm this Act of Succession approved by the Estates of the Realm exactly as follows word for word:

### **Act of Succession**

according to which the male heirs begotten by His Noble-Born Highness, the elected Crown Prince of Sweden, His Royal Highness Prince JOHAN BAPTIST JULIUS of Ponte-Corvo, shall have the right to the Royal throne of Sweden and to accede to the government of Sweden; adopted and confirmed by the King and the Estates of the Realm at the extraordinary session of the Riksdag in Örebro on September 26, 1810.

We, the undersigned Estates of the Realm of Sweden, counts, barons, bishops, knights, and nobility, clergy, burghers and peasants, now convened in extraordinary general session of the Riksdag here in Örebro, hereby make known that, with the decease, without male heirs begotten by him, of His Noble-Born Highness, the elected Crown Prince of Sweden, His Royal Highness Prince CARL AUGUST, and by our choice, as evidenced by the Act of Agreement and Election of August 21, 1810, of His Noble-Born Highness, Prince JOHAN BAPTIST JULIUS of Ponte-Corvo, as Crown Prince of Sweden, to succeed to the government of Sweden and its subordinate provinces His Royal Majesty, our present most gracious King and Lord, Carl XIII, after his death (be it long deferred by the Grace of God Almighty) to be crowned and hailed as King of Sweden, and to govern the Realm, on the conditions specified in the abovenamed Act of Agreement and Election as well as in the Royal oath to be made, as required by us, by His Noble-Born Highness, we have this day determined and confirmed for the legitimate direct male heirs of His Royal Highness JOHAN BAPTIST JULIUS, Prince of Ponte-Corvo, the following order of succession to the crown and government of Sweden, applicable in the manner and on the conditions expressly set forth below.

**Art. 1.** The right of succession to the throne of Sweden is vested in the male and female descendants of King Carl XVI Gustaf, Crown Prince Johan Baptist Julii, later King Karl XIV Johan's, issue in direct line of descent. In this connection, older siblings and their descendants have precedence over younger siblings and their descendants.

**Art. 2.** The provisions of this Act of Succession relating to The King shall relate to The Queen if The Queen is Head of State.

**Art. 3.** Repealed.

**Art. 4.** In accordance with the express provision of Article 2 of the Instrument of Government of 1809 that The King shall always profess the pure evangelical faith, as adopted and explained in the unaltered Confession of Augsburg and in the Resolution of the Uppsala Meeting of the year 1593, princes and princesses of the Royal House shall be brought up in that same faith and within the Realm. Any member of the Royal Family not professing this faith shall be excluded from all rights of succession.

**Art. 5.** A prince or princess of the Royal House may not marry unless the Government has given its consent thereto upon an application from The King. Should a prince or princess marry without such consent, that prince or princess forfeits the right of succession for himself, his children and their descendants.

**Art. 6.** Repealed.

**Art. 7.** The heir to the throne may not undertake travel abroad without the knowledge and consent of The King.

**Art. 8.** A prince or princess of the Swedish Royal House may not become the sovereign ruler of a foreign state whether by election, succession, or marriage without the consent of The King and the Riksdag. Should this occur, neither he nor she nor their descendants shall be entitled to succeed to the throne of Sweden.

**Art. 9.** Repealed.

In witness of the fact that all that has been thus prescribed is identical with our intent and decision we, representing all the Estates of the Realm of Sweden, hereto attach our names and seals, in Örebro, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and ten.

For and on behalf of the nobility  
CLAES FLEMING  
(L.S.)

For and on behalf of the clergy  
JAC. AX. LINDBLOM  
(L.S.)

For and on behalf of the burghers  
J. WEGELIN  
(L.S.)

For and on behalf of the peasantry  
LARS OLSSON  
(L.S.)

Everything as herein provided We not only accept for Ourselves as the unalterable fundamental law, but also direct and graciously command all who are united in loyalty, fealty and obedience to Us, Our successors and the Realm, to acknowledge, observe, abide by and obey this Act of Succession.

sion. In witness whereof We have this day with Our own hand signed and confirmed it, and duly affixed Our Royal seal thereto, in Örebro, on the twenty-sixth day of September, in the year of our Lord and Saviour Jesus Christ one thousand eight hundred and ten.

CARL  
(L.S.)

# The Freedom of the Press Act (SFS nr: 1949:105)

## Chapter 1. On the freedom of the press

**Art. 1.** The freedom of the press is understood to mean the right of every Swedish citizen to publish written matter, without prior hindrance by a public authority or other public body, and not to be prosecuted thereafter on grounds of its content other than before a lawful court, or punished therefor other than because the content contravenes an express provision of law, enacted to preserve public order without suppressing information to the public.

In accordance with the principles set out in paragraph one concerning freedom of the press for all, and to secure the free exchange of opinion and availability of comprehensive information, every Swedish citizen shall be free, subject to the rules contained in this Act for the protection of private rights and public safety, to express his thoughts and opinions in print, to publish official documents and to communicate information and intelligence on any subject whatsoever.

All persons shall likewise be free, unless otherwise provided in this Act, to communicate information and intelligence on any subject whatsoever, for the purpose of publication in print, to an author or other person who may be deemed to be the originator of material contained in such printed matter, the editor or special editorial office, if any, of the printed matter, or an enterprise which professionally purveys news or other information to periodical publications.

All persons shall furthermore have the right, unless otherwise provided in this Act, to procure information and intelligence on any subject whatsoever, for the purpose of publication in print, or in order to communicate information under the preceding paragraph.

**Art. 2.** There shall be no scrutiny of any written matter prior to printing, nor shall it be permitted to prohibit the printing thereof.

Nor shall it be permitted for a public authority or other public body to take any action not authorised under this Act to prevent the printing or publication of written matter, or its dissemination among the general public, on grounds of its content.

**Art. 3.** No person may be prosecuted, held liable under penal law, or held liable for damages, on account of an abuse of the freedom of the press or complicity therein, nor may the publication be confiscated or impounded other than as prescribed and in the cases specified in this Act.

**Art. 4.** Any person entrusted with passing judgment on abuses of the freedom of the press or otherwise overseeing compliance with this Act should bear constantly in mind in this connection that the freedom of the press is fundamental to a free society, direct his attention always more to illegality of subject matter and thought than to illegality of expression, to the aim rather than the manner of presentation, and, in case of doubt, acquit rather than convict.

In determining the penal sanctions associated with abuses of the freedom of the press under this Act, particular attention shall be directed, when dealing with statements which require correction, to whether such correction has been brought to the attention of the public in an appropriate manner.

**Art. 5.** This Act applies to all written matter produced using a printing press. It shall likewise apply to written matter duplicated by stencil, photocopying, or other like technical process, provided

1. a valid certificate of no legal impediment to publication exists in respect of the written matter; or

2. the written matter is supplied with a note indicating that it has been duplicated and, in association therewith, clear information concerning the identity of the person who duplicated it and the year and place of duplication.

Rules in this Act which refer to written matter produced using a printing press, or to printing, shall apply in like manner to other written matter to which the Act applies under paragraph one, or to the duplication of such matter, unless otherwise indicated.

Pictorial matter is classified as written matter even when there is no accompanying text.

**Art. 6.** Printed matter shall not be deemed to be such unless it is published. Printed matter is deemed to have been published when it has been delivered for sale or dissemination within the Realm by other means. This does not however apply to printed documents of a public authority to which there is no public access.

**Art. 7.** Periodical is understood to mean any newspaper, magazine or other such printed matter, which, according to its publishing schedule, is intended for publication in at least four issues or instalments a year, appearing at different times under a particular title, and posters and supplements pertaining thereto. Once a certificate of no legal impediment to publication has been issued, a publication shall be deemed to be a periodical until such time as the certificate is rescinded or is declared to have lapsed.

If the owner of a periodical disseminates or causes to be disseminated the contents of the periodical, or parts thereof, in the form of a radio programme or technical recording under the Fundamental Law on Freedom of Expression, the programme or technical recording shall be equated, in respect to the application of Chapters 1 to 14, with a supplement to the periodical, insofar as the version disseminated in such form reproduces the contents of the periodical in unaltered form and indicates how the contents have been disposed. A special obligation to record such programmes, and retain technical recordings and keep them available, may be laid down in law. Rules concerning the right to broadcast are contained in Chapter 3 of the Fundamental Law on Freedom of Expression.

**Art. 8.** Provisions laid down in law apply in respect of the rights vested in the originator of a work of literature or art or the originator of a photographic picture, of rights neighbouring on such copyright, and the prohibition of the reproduction of works of literature or art in such a way as to encroach upon cultural interests.

**Art. 9.** The provisions of this Act notwithstanding, rules laid down in law shall govern

1. bans on commercial advertising insofar as the advertising is employed in the marketing of alcoholic beverages or tobacco products;
2. bans on commercial advertising employed in the marketing of goods other than tobacco products and services, if the advertisement contains a trade identification in use for a tobacco product, or which under current rules concerning trade marks is registered or established by custom in respect of such a product;
3. bans on commercial advertising introduced for the protection of health or the environment in accordance with obligations pursuant to accession to the European Communities;
4. bans on the publication, within the framework of the professional provision of credit information, of any credit information which improperly infringes the personal integrity of a private subject or contains false or misleading statements; liability for damages for such publication; and the correction of false or misleading statements;

5. liability under penal law and liability for damages relating to the manner in which information or intelligence has been procured.

**Art. 10.** This Act does not apply to the portrayal of children in pornographic pictures.

## **Chapter 2. On the public nature of official documents**

**Art. 1.** Every Swedish citizen shall be entitled to have free access to official documents, in order to encourage the free exchange of opinion and the availability of comprehensive information.

**Art. 2.** The right of access to official documents may be restricted only if restriction is necessary having regard to

1. the security of the Realm or its relations with another state or an international organisation;
2. the central fiscal, monetary or currency policy of the Realm;
3. the inspection, control or other supervisory activities of a public authority;
4. the interest of preventing or prosecuting crime;
5. the economic interest of the public institutions;
6. the protection of the personal or economic circumstances of private subjects;
7. the preservation of animal or plant species.

Any restriction of the right of access to official documents shall be scrupulously specified in a provision of a special act of law, or, if this is deemed more appropriate in a particular case, in another act of law to which the special act refers. With authority in such a provision, the Government may however issue more detailed provisions for its application in a statutory instrument.

The provisions of paragraph two notwithstanding, the Riksdag or the Government may be empowered, in a regulation under paragraph two, to permit the release of a particular document, having regard to the circumstances.

**Art. 3.** Document is understood to mean any written or pictorial matter or recording which may be read, listened to, or otherwise comprehended only using technical aids. A document is official if it is held by a public authority, and if it can be deemed under Article 6 or 7 to have been received or drawn up by such an authority.

A recording under paragraph one is deemed to be held by a public authority, if it is available to the authority using technical aids, which the authority itself employs, for communication in such form that it may be read, listened to, or otherwise comprehended. A compilation of information taken from material recorded for automatic data processing is however regarded as being held by the authority only if the authority can make it available using routine means.

A compilation of information taken from material recorded for automatic data processing is not however regarded as being held by the authority if the compilation contains personal information and the authority is not authorised in law, or under a statutory instrument, to make the compilation available. Personal information is understood to mean any information which can be referred back directly or indirectly to a private person.

**Art. 4.** A letter or other communication which is directed in person to an official at a public authority is deemed to be an official document if it refers to a case or other matter falling within the au-

thority's purview, and if it is not intended for the addressee solely in his capacity as incumbent of another position.

**Art. 5.** The Riksdag and any local government assembly vested with decisionmaking powers is equated with a public authority for the purposes of this Chapter.

**Art. 6.** A document is deemed to have been received by a public authority when it has arrived at the authority or is in the hands of a competent official. A recording under Article 3, paragraph one, is instead deemed to have been received by the authority when it has been made available to the authority by another in the manner indicated in Article 3, paragraph two.

Competition documents, tenders and other such documents which it has been advertised shall be delivered under sealed cover are deemed not to have been received before the time appointed for their opening.

Measures taken solely as part of the technical processing or technical storage of a document which a public authority has made available shall not be construed to mean that the document has been received by that authority.

**Art. 7.** A document is deemed to have been drawn up by a public authority when it has been dispatched. A document which has not been dispatched is deemed to have been drawn up when the matter to which it relates has been finally settled by the authority, or, if the document does not relate to a specific matter, when it has been finally checked and approved by the authority, or has otherwise received final form.

The provisions of paragraph one notwithstanding, a document of the nature referred to below is deemed to have been drawn up

1. in the case of a day book, ledger, and such register or other list as is kept on an ongoing basis, when the document has been made ready for notation or entry;
2. in the case of a court ruling and other decision which shall be pronounced or dispatched under relevant provisions of law, and records and other documents insofar as they relate to such a decision, when the decision has been pronounced or dispatched;
3. in the case of other records and comparable memoranda held by a public authority, when the document has been finally checked and approved by the authority or has otherwise received final form, but not the records of Riksdag committees, auditors of local authorities, official commissions of inquiry or local authorities where they relate to a matter dealt with solely in order to prepare the matter for decision.

**Art. 8.** If a body which forms part of, or is associated with, a public authority or other similar organisation for the public administration has transferred a document to another body within the same organisation, or has produced a document for the purpose of transferring it in this manner, the document is not deemed thereby to have been received or drawn up, other than if the bodies concerned act as independent entities in relation one to the other.

**Art. 9.** Neither shall a memorandum which has been prepared at a public authority, but which has not been dispatched, be deemed to be an official document at that authority after the time at which it would be deemed to have been drawn up under Article 7, unless it has been accepted for filing and registration. Memorandum is understood to mean any aide memoire or other note or record produced solely for the preparation or oral presentation of a matter, but not such part of it as contributes factual information to the matter.

Preliminary outlines or drafts of decisions or written communications of a public authority and other like documents which have not been dispatched are not deemed to be official documents unless they have been accepted for filing and registration.

**Art. 10.** A document held by a public authority solely for the purpose of technical processing or technical storage on behalf of another is not deemed to be an official document held by that authority.

**Art. 11.** The following documents are not deemed to be official documents:

1. letters, telegrams, and other such documents delivered to or drawn up by a public authority solely for the purpose of forwarding a communication;
2. notices or other documents delivered to or drawn up by a public authority solely for the purpose of publication in a periodical published under the auspices of the authority;
3. printed matter, recordings of sound or pictures, or other documents forming part of a library or deposited by a private person in a public archive solely for the purpose of care and safe keeping, or for research and study purposes, and private letters, written matter or recordings otherwise transferred to a public authority solely for the purposes referred to above;
4. recordings of the contents of documents under point 3, if such recordings are held by a public authority, where the original document would not be deemed to be an official document.

The provisions of paragraph one, point 3, concerning documents forming part of a library do not apply to recordings held in databases to which a public authority has access under an agreement with another public authority, if the recording is an official document held by that authority.

**Art. 12.** An official document to which the public has access shall be made available on request forthwith, or as soon as possible, at the place where it is held, and free of charge, to any person wishing to examine it, in such form that it can be read, listened to, or otherwise comprehended. A document may also be copied, reproduced, or used for sound transmission. If a document cannot be made available without disclosure of such part of it as constitutes classified material, the rest of the document shall be made available to the applicant in the form of a transcript or copy.

A public authority is under no obligation to make a document available at the place where it is held, if this presents serious difficulty. Nor is there any such obligation in respect of a recording under Article 3, paragraph one, if the applicant can have access to the recording at a public authority in the vicinity, without serious inconvenience.

**Art. 13.** A person who wishes to examine an official document is also entitled to obtain a transcript or copy of the document, or such part thereof as may be released, in return for a fixed fee. A public authority is however under no obligation to release material recorded for automatic data processing in any form other than a printout except insofar as follows from an act of law. Nor is a public authority under any obligation to provide copies of maps, drawings, pictures, or recordings under Article 3, paragraph one, other than in the manner indicated above, if this would present difficulty and the document can be made available at the place where it is held.

Requests for transcripts or copies of official documents shall be dealt with promptly.

**Art. 14.** A request to examine an official document is made to the public authority which holds the document.

The request is examined and approval granted by the authority indicated in paragraph one. Where special grounds so warrant, it may however be laid down in a provision under Article 2, paragraph

two, that in applying this rule, examination and approval shall rest with another public authority. In the case of a document of central significance for the security of the Realm, it may also be laid down in a statutory instrument that only a particular authority shall be entitled to examine and approve questions relating to release. In the aforementioned cases, the request shall be referred to the competent authority forthwith.

No public authority is permitted to inquire into a person's identity on account of a request to examine an official document, or inquire into the purpose of his request, except insofar as such inquiry is necessary to enable the authority to judge whether there is any obstacle to release of the document.

**Art. 15.** Should anyone other than the Riksdag or the Government reject a request to examine an official document, or release such a document with a proviso restricting the applicant's right to disclose its contents or otherwise dispose over it, the applicant may appeal against the decision. An appeal against a decision by a minister shall be lodged with the Government, and an appeal against a decision by another authority shall be lodged with a court of law.

The act referred to in Article 2 shall set out in greater detail how an appeal against a decision under paragraph one shall be lodged. Such an appeal shall always be examined promptly.

Special provisions apply to the right to appeal against decisions by authorities under the Riksdag.

**Art. 16.** A note concerning obstacles to the release of an official document may be made only on a document covered by a provision under Article 2, paragraph two. Such a note shall refer to the relevant provision.

**Art. 17.** It may be laid down in law that the Government, or a local government assembly vested with decision-making powers, may determine that official documents relating to the activities of a public authority which are to be taken over by a private body may be transferred into the safe keeping of that body, if it requires the documents for its work, without the documents ceasing thereby to be official. Such a body shall be equated with a public authority in respect of documents so transferred when applying Articles 12 to 16.

It may also be laid down in law that the Government may determine that official documents may be transferred to the Church of Sweden, or any part of its organisation, for safe keeping, without the documents ceasing thereby to be official. This applies to documents received or drawn up no later than 31 December 1999 by

1. public authorities which no longer exist and which performed tasks relating to the activities of the Church of Sweden; or
2. decision-making assemblies of the Church of Sweden.

In applying Articles 12 to 16, the Church of Sweden and any part of its organisation shall be equated with a public authority in respect of documents so transferred.

**Art. 18.** Basic rules concerning the storage of official documents, weeding and other disposal of such documents are laid down in law.

### Chapter 3. On the right to anonymity

**Art. 1.** An author of printed matter shall not be obliged to have his name, pseudonym or pen-name set out therein. This applies in like manner to a person who has communicated information under Chapter 1, Article 1, paragraph three, and to an editor of printed matter other than a periodical.

**Art. 2.** It shall not be permitted to inquire into the identity of an author or a person who has communicated information under Chapter 1, Article 1, paragraph three, in a case relating to an offence against the freedom of the press, nor shall it be permitted to inquire into the identity of the editor of non-periodical printed matter. However if, where non-periodical printed matter is concerned, the author or editor has been identified on the publication by name, or by means of a pseudonym or pen-name known generally to refer to a particular person, or if a person has acknowledged in a written statement that he is the author or editor, or has voluntarily made such a declaration before a court of law during the case, then the question of whether he is liable may be considered during the proceedings.

The provisions of paragraph one notwithstanding, the question of liability for an offence under Chapter 7, Article 3, may be examined in the same court proceedings as cases referred to therein.

**Art. 3.** A person who has engaged in the production or publication of printed matter, or material intended for insertion therein, and a person who has been active in an enterprise for the publication of printed matter, or an enterprise which professionally purveys news or other material to periodicals, may not disclose what has come to his knowledge in this connection concerning the identity of an author, a person who has communicated information under Chapter 1, Article 1, paragraph three, or an editor of non-periodical printed matter.

The duty of confidentiality under paragraph one shall not apply

1. if the person in whose favour the duty of confidentiality operates has given his consent to the disclosure of his identity;
2. if the question of identity may be raised under Article 2, paragraph one;
3. if the matter concerns an offence specified in Chapter 7, Article 3, paragraph one, point 1;
4. unless, where the matter concerns an offence under Chapter 7, Article 2 or 3, paragraph one, point 2 or 3, a court of law deems it necessary for information to be produced during the proceedings as to whether the defendant, or the person suspected on reasonable grounds of the offence, has communicated information or contributed to an item; or
5. unless, in any other case, a court of law deems it to be of exceptional importance, having regard to a public or private interest, for information as to identity to be produced in testimony under oath or in testimony by a party in the proceedings under an affirmation made in lieu of oath.

In examination under paragraph two, point 4 or 5, the court shall scrupulously ensure that no questions are put which might encroach upon a duty of confidentiality in excess of what is permissible in each particular case.

**Art. 4.** No public authority or other public body may inquire into the identity of the author of material inserted, or intended for insertion, in printed matter, a person who has published, or who intends to publish, material in such matter, or a person who has communicated information under Chapter 1, Article 1, paragraph three, except insofar as this is necessary for the purpose of such prosecution or other action against him as is not contrary to the provisions of this Act. In cases in which such inquiries may be made, the duty of confidentiality under Article 3 shall be respected.

**Art. 5.** A person who, whether through negligence or by deliberate intent, inserts in printed matter the name, pseudonym or pen-name of the author, or, in a case under Article 1, the editor or source, against his wishes, or disregards a duty of confidentiality under Article 3, shall be sentenced to pay a fine or to imprisonment for up to one year. The same penalty shall apply to a person who, whether through negligence or by deliberate intent, publishes in printed matter as that of the author, editor or source, the name, pseudonym or pen-name of a person other than the true author, editor or source. Inquiries made in breach of Article 4, sentence one, if made deliberately, shall be punishable by a fine or imprisonment for up to one year. Criminal proceedings may be instituted on account of an offence under paragraph one only provided the injured party has reported the offence for prosecution.

**Art. 6.** For the purposes of this Chapter, a person deemed to be the originator of material inserted or intended for insertion in printed matter is equated with an author.

#### **Chapter 4. On the production of printed matter**

**Art. 1.** It shall be the right of every Swedish citizen and Swedish legal person to produce printed matter by means of a printing press, either alone or with the assistance of others.

**Art. 2.** Any written matter produced in the Realm using a printing press or duplicated here by stencil, photocopying, or other like technical process, in respect of which a valid certificate of no legal impediment to publication exists, shall indicate clearly the identity of the person who printed or otherwise duplicated the matter, together with the year and place of duplication, if the matter is intended for publication in the Realm and is not classifiable as job printing or pictorial reproduction. Provisions are set out in Chapter 1, Article 5, paragraph one, concerning the publication of information under paragraph one in written matter duplicated by stencil, photocopying, or other like technical process, in respect of which no valid certificate exists.

**Art. 3.** For the purposes of this Act, job printing or pictorial reproduction shall be understood to mean postcards and picture albums, visiting cards and notices, address cards, labels, forms, advertising matter, printed packaging, other commercial printed matter, and any other such printed matter, provided always that an abuse of the freedom of the press on account of the text or otherwise can be presumed to be ruled out.

**Art. 4.** Provisions concerning an obligation to retain copies of printed matter for scrutiny and furnish copies of printed matter to libraries or archives are laid down in law.

**Art. 5.** A person producing written matter and thereby contravening the provisions of Article 2, paragraph one, shall be sentenced to pay a fine or to imprisonment for up to one year.

## Chapter 5. On the publication of periodicals

**Art. 1.** The owner of a periodical shall be a Swedish citizen or Swedish legal person. It may be provided in law that also a foreign national or foreign legal person may be the owner of such a publication.

**Art. 2.** A periodical shall have a responsible editor.

The responsible editor shall be a Swedish citizen. It may be provided in law that also a foreign national may be a responsible editor.

A responsible editor shall be domiciled within the Realm. No person who is a minor or an undischarged bankrupt, or for whom an administrator has been appointed under special provisions of law, may be a responsible editor.

**Art. 3.** The responsible editor of a periodical shall be appointed by the owner.

The mandate of a responsible editor shall embrace the power to supervise the publication of the periodical and to determine the contents thereof in such a way that nothing may be printed therein against his will. Any restriction of the powers thus vested in a responsible editor shall be null and void.

**Art. 4.** Once a responsible editor has been appointed, it lies with the owner to notify the appointment to the public authority designated in law. The information furnished shall include the responsible editor's name and place of domicile. It shall be accompanied by proof that the responsible editor has the required qualifications and a declaration from the responsible editor that he has accepted the appointment.

**Art. 5.** A periodical may not be published until a certificate has been issued stating that no impediment exists under this Act to prevent its publication. Such a certificate is issued, on an application from the owner, by the authority referred to in Article 4. The application shall indicate the title, place of publication and publishing schedule of the periodical.

A certificate of no legal impediment to publication may not be issued until the name of a responsible editor has been notified under Article 4.

An application for a certificate of no legal impediment to publication may be rejected if the title of the periodical so closely resembles the title of a periodical for which a certificate has already been issued that the two may easily be confused.

A certificate of no legal impediment to publication is valid for ten years from the date of issue. The certificate lapses thereafter. The decision that a certificate shall be deemed to have lapsed after the expiry of the ten-year period is taken by the authority referred to in Article 4.

The certificate may be renewed for ten years at a time, with effect from the expiry of the preceding ten-year period, on an application from the owner. An application for renewal may be made no sooner than one year before and no later than the expiry date. The same rules otherwise apply to an application for renewal of a certificate as applied in the case of the original application.

If an application for renewal has been received in due time, the certificate shall continue to be valid, the provisions of paragraphs four and five notwithstanding, until the decision resulting from the application has acquired legal force.

**Art. 6.** A certificate of no legal impediment to publication may be rescinded

1. if the owner has given notice that publication of the periodical has ceased;
2. if the rights of ownership in the periodical have been transferred to a person who does not have the required qualifications;
3. if there is no responsible editor, or if the responsible editor does not have the required qualifications and a qualified responsible editor is not appointed forthwith;
4. if the periodical has not appeared within six months from the date on which the certificate of no legal impediment to publication was issued;
5. if at least four issues or instalments of the periodical specified in the certificate have not appeared at different times in either of the previous two calendar years;
6. if within six months from the appearance of the first issue it becomes apparent that a certificate should not have been issued under the provisions of Article 5, paragraph three; or
7. if the typographical appearance of the masthead of the periodical so resembles the masthead of another periodical for which a certificate has already been issued that the two may easily be confused and the matter is not rectified forthwith.

A decision to rescind a certificate is taken by the authority referred to in Article 4. In matters under paragraph one, points 2 to 7, the owner and the responsible editor are afforded an opportunity, if possible, to put forward their views.

**Art. 7.** If a certificate of no legal impediment to publication has been rescinded on account of a circumstance under Article 6, paragraph one, point 2, 3, 5 or 7, or if the certificate has been declared to have lapsed, a certificate in respect of another periodical whose masthead so resembles the masthead of the original periodical that the two may easily be confused may not be issued without the owner's consent, until two years have elapsed from the date on which the certificate was rescinded or lapsed.

**Art. 8.** If a responsible editor is no longer qualified, or if his appointment as a responsible editor has otherwise been terminated, it is incumbent upon the owner to provide forthwith for the appointment of a new responsible editor and to notify the appointment to the authority referred to in Article 4. The provisions of Article 4 apply to such notification, which shall be accompanied, if possible, by proof that the previous responsible editor has been informed of the notification of a new name. If the place of publication or the publishing schedule changes, the owner shall notify the authority referred to in Article 4 forthwith.

**Art. 9.** The responsible editor of a periodical may have one or more deputies. These deputies are appointed by the responsible editor. When a deputy is appointed, the authority referred to in Article 4 shall be notified accordingly. Notification shall be accompanied by proof that the deputy has the required qualifications for a responsible editor, by a declaration from the deputy that he has accepted the appointment and by a statement from the owner that he has approved the deputy. The provisions of Article 2, paragraphs two and three, apply in like manner to deputies. If the appointment of a responsible editor is terminated, an appointment as deputy also lapses.

**Art. 10.** Once the appointment of a deputy has been notified, the responsible editor may authorise such a deputy, or, if there are two or more deputies, any one of them, to exercise in his place the powers vested in the responsible editor under Article 3.

If it can be presumed that a responsible editor will be continuously pre-vented for at least one month, by reason of ill health or for any other temporary cause, from exercising the powers vested

in him as responsible editor, he shall delegate these powers to a deputy forthwith. If no deputy exists, or if the appointment of the person or persons designated as a deputy or deputies is approaching termination, it shall be incumbent upon the responsible editor to provide as quickly as possible for the appointment of a deputy and to notify the appointment as laid down in Article 9.

**Art. 11.** The name of the responsible editor shall appear on each separate issue or instalment of a periodical.

If the responsible editor's powers have been delegated to a deputy, each issue or instalment of the periodical concerned shall state that the deputy is acting as responsible editor; if this is done, the name of the responsible editor need not be given as well.

**Art. 12.** If the owner of a periodical publishes the periodical without having a certificate of no legal impediment to publication, or without being qualified;

or if the owner fails to provide for the appointment of a new responsible editor or notify such an appointment as laid down in Article 8;

or if, in a case under Article 10, paragraph two, a responsible editor neglects to delegate his powers to a deputy;

or if a person publishes a periodical the publication of which has been declared prohibited under this Act, or which is manifestly a continuation of such a periodical;

or if a person allows his name to appear on a periodical as responsible editor or responsible deputy editor without being qualified;

the penalty is a fine. If the contents of the periodical have been declared to be criminal, or if the circumstances are otherwise exceptionally aggravating, the penalty is imprisonment for up to one year.

**Art. 13.** The penalties specified in Article 12 apply also to a person who knowingly submits false information in an application or notification under this Chapter, or a declaration appended to such an application or notification.

**Art. 14.** If the owner of a periodical fails to report a new place of publication or a new publishing schedule under Article 8, the penalty is a money fine.

If a responsible editor offends against the provisions of Article 11 the penalty is a money fine. This applies in like manner to a deputy acting as a responsible editor.

## **Chapter 6. On the dissemination of printed matter**

**Art. 1.** It shall be the right of every Swedish citizen and Swedish legal person to sell, consign, or otherwise disseminate printed matter, either alone or with the assistance of others.

**Art. 2.** The provisions of this Act notwithstanding, provisions laid down in law shall apply in cases in which a person

1. exhibits a pornographic picture on or at a public place, by displaying it or the like, in a manner liable to cause offence to the general public, or sends such a picture by post or other means to another person who has not ordered it in advance;

2. disseminates among children and young persons printed matter which by reason of its content might have a brutalising effect, or otherwise seriously imperil the moral tutelage of the young. More detailed rules concerning the dissemination of maps of Sweden or parts thereof which contain information of significance for the defence of the Realm, and dissemination of plans or pictures of a similar nature, are laid down in law.

**Art. 3.** If written matter under Chapter 4, Article 2, paragraph one, lacks the information prescribed therein, or if such information, or information provided under Chapter 1, Article 5, paragraph one, point 2, in written matter referred to therein is incorrect, and this fact is known to the disseminator, the penalty is a money fine.

The penalty for the dissemination of printed matter which, to the knowledge of the disseminator, has been impounded or confiscated, or published in violation of a ban issued under this Act, or which manifestly constitutes a continuation of printed matter the publication of which has thus been prohibited, is a fine or imprisonment for up to one year.

**Art. 4.** The consignment of printed matter by post or other common carrier shall not be subject to special restrictions or conditions on grounds of content. This shall not however apply to the consignment of printed matter which constitutes a violation of the provisions of Article 3. A common carrier who has accepted printed matter for carriage shall not be deemed to be a disseminator.

## **Chapter 7. On offences against the freedom of the press**

**Art. 1.** For the purposes of this Act an offence against the freedom of the press is understood to mean an offence under Articles 4 and 5.

**Art. 2.** No statement in an advertisement or other like communication shall be deemed an offence against the freedom of the press if it is not readily apparent from the content of the communication that liability for such an offence may be incurred. If the communication is punishable under law, having regard also to circumstances which are not readily apparent from its content, the relevant provisions of law apply. The foregoing applies in like manner to a communication conveyed in cypher or by other means secret from the general public.

**Art. 3.** If a person communicates information under Chapter 1, Article 1, paragraph three, or if, without being responsible under the provisions of Chapter 8, he contributes to material intended for insertion in printed matter, as author or other originator or as editor, thereby rendering himself guilty of

1. high treason, espionage, gross espionage, gross unauthorised trafficking in secret information, insurrection, treason or betrayal of country, or any attempt, preparation or conspiracy to commit such an offence;
2. wrongful release of an official document to which the public does not have access, or release of such a document in contravention of a restriction imposed by a public authority at the time of its release, where the act is deliberate; or
3. deliberate disregard of a duty of confidentiality, in cases specified in a special act of law; provisions of law concerning liability for such an offence apply.

If a person procures information or intelligence for a purpose referred to in Chapter 1, Article 1, paragraph four, thereby rendering himself guilty of an offence under paragraph one, point 1 of this Article, provisions of law concerning liability for such an offence apply.

The provisions of Chapter 2, Article 12, paragraph three of the Instrument of Government shall apply also in respect of proposals for provisions under paragraph one, point 3.

**Art. 4.** With due regard to the purpose of freedom of the press for all under Chapter 1, the following acts shall be deemed to be offences against the freedom of the press if committed by means of printed matter and if they are punishable under law:

1. high treason, committed with intent to bring the Realm or any part thereof under the subjection of a foreign power or render the Realm dependent on such a power by violent or other unlawful means or with foreign assistance, or to detach a part of the Realm by such means, or with foreign assistance to induce or prevent acts or decisions of the Head of State, the Government, the Riksdag, the Supreme Court or the Supreme Administrative Court, insofar as the act implies a risk that the intent will be realised;

any attempt, preparation or conspiracy to commit such high treason;

2. instigation of war, insofar as a danger that the Realm will be drawn into war or other hostilities is provoked with foreign assistance;

3. espionage, whereby, in order to assist a foreign power, a person conveys, consigns or discloses without due authority information concerning defence installations, armaments, storage installations, import, export, mode of fabrication, negotiations, decisions or other circumstances the disclosure of which to a foreign power could cause detriment to the total defence system or otherwise to the security of the Realm, regardless of whether the information is correct;

any attempt, preparation or conspiracy to commit such espionage;

4. unauthorised trafficking in secret information, whereby a person, with-out due authority but with no intent to assist a foreign power, conveys, consigns or discloses information concerning any circumstance of a secret nature, the disclosure of which to a foreign power could cause detriment to the defence of the Realm or the national supply of goods in the event of war or exceptional conditions resulting from war, or otherwise to the security of the Realm, regardless of whether the information is correct;

any attempt or preparation aimed at such unauthorised trafficking in secret information;

conspiracy to commit such an offence, if the offence is gross, having particular regard to whether the act involved assistance to a foreign power or was exceptionally dangerous having regard to an existing state of war, or concerned circumstances of major significance, or if the offender disclosed information entrusted to him in conjunction with public or private employment;

5. carelessness with secret information, whereby through gross negligence a person commits an act referred to in point 4;

6. insurrection, committed with intent to overthrow the form of government by force of arms or otherwise by violent means, or induce or prevent by such means acts or decisions of the Head of State, the Government, the Riksdag, the Supreme Court or the Supreme Administrative Court, insofar as the act implies a risk that the intent will be realised;

any attempt, preparation or conspiracy to commit such insurrection;

7. treason or betrayal of country, insofar as a person thereby, when the Realm is at war or provisions of law relating to such offences otherwise apply, misleads or betrays persons active in the defence of the Realm or induces them to mutiny, break faith or lose heart, or betrays property of significance for the total defence system, or commits any other similar treasonable act which is liable to cause detriment to the total defence system or which involves assistance to the enemy;

- any attempt, preparation or conspiracy to commit such treason or betrayal of country;
8. carelessness injurious to the interests of the Realm, whereby a person through negligence commits an act referred to in point 7;
  9. dissemination of rumours which endanger the security of the Realm, whereby, when the Realm is at war or provisions of law relating to such offences otherwise apply, a person spreads false rumours or other false statements liable to endanger the security of the Realm, or communicates or promotes the communication of such rumours or statements to a foreign power, or disseminates among members of the armed forces false rumours or other false statements liable to provoke disloyalty or to dishearten;
  10. sedition, whereby a person exhorts or otherwise seeks to encourage criminal acts, neglect of civil obligations, disobedience to a public authority or neglect of duty incumbent upon a serving member of the armed forces;
  11. agitation against a population group, whereby a person threatens or expresses contempt for a population group or other such group with allusion to race, colour, national or ethnic origin, religious faith or sexual orientation;
  12. offences against civil liberty, whereby a person makes unlawful threats with intent to influence the formation of public opinion or encroach upon freedom of action within a political organisation or professional or industrial association, thereby imperilling the freedom of expression, freedom of assembly or freedom of association;  
any attempt to commit such an offence against civil liberty;
  13. unlawful portrayal of violence, whereby a person portrays sexual violence or coercion in pictorial form with intent to disseminate the image, unless the act is justifiable having regard to the circumstances;
  14. defamation, whereby a person alleges that another is criminal or blameworthy in his way of life, or otherwise communicates information liable to expose another to the contempt of others, and, if the person defamed is deceased, the act causes offence to his survivors, or might otherwise be considered to violate the sanctity of the grave except, however, in cases in which it is justifiable to communicate information in the matter, having regard to the circumstances, and proof is presented that the information was correct or there were reasonable grounds for the assertion;
  15. insulting language or behaviour, whereby a person insults another by means of offensive invective or allegations or other insulting behaviour towards him;
  16. unlawful threats, whereby a person threatens another with a criminal act, in a manner liable to engender in the person threatened serious fears for the safety of his person or property or that of another;
  17. threats made against a public servant, whereby a person, threatening violence, attacks another in the exercise of his public authority, or any other activity accorded the same protection as is associated with the exercise of public authority, or as an accessory in an activity accorded such protection, for the purpose of coercing or preventing the other from taking action therein, or in retaliation for such action, or whereby a person thus attacks a person who was previously engaged in such activity or as an accessory therein, on account of his acts or omissions in this context;  
any attempt or preparation so to threaten a public servant, unless the offence, if realised, would have been deemed to be trifling;
  18. perversion of the course of justice, whereby a person, threatening violence, attacks another because he has filed a complaint, brought charges, testified or otherwise made a statement under examination before a court of law or other public authority, or in order to deter him from such action, or whereby a person attacks another threatening action which would result in suffering, injury or

nuisance, because he has testified or otherwise made a statement under examination before a public authority, or in order to prevent him from making such a statement.

**Art. 5.** Offences against the freedom of the press shall also include any act committed by means of printed matter and punishable under law whereby a person

1. deliberately publishes an official document to which the public does not have access, if he obtained access to the document in the public service, while carrying out official duties or in any other comparable circumstance;

2. publishes information, and thereby deliberately sets aside a duty of confidentiality under the special act of law referred to in Article 3, paragraph one, point 3;

3. publishes information, when the Realm is at war or exposed to the immediate danger of war, concerning facts the disclosure of which constitutes an offence against the security of the Realm other than an offence under Article 4.

**Art. 6.** Provisions of law relating to penal sanctions on account of offences under Articles 4 and 5 apply also in a case in which the offence is deemed to be an offence against the freedom of the press.

Provisions concerning private claims on account of offences against the freedom of the press are laid down in Chapter 11. If the defendant is convicted of an offence specified in Article 4, point 14 or 15, and the printed matter is a periodical, an order may be issued, on request, for the verdict to be inserted in the periodical.

**Art. 7.** Printed matter containing an offence against the freedom of the press may be confiscated.

Confiscation of printed matter means the destruction of all copies intended for dissemination and the taking of such action with respect to forms, lithographic stones, stereotypes, plates and other such material adapted exclusively to the printing of the matter as will render impossible their misuse.

**Art. 8.** In conjunction with the confiscation of a periodical, publication of the periodical may be prohibited in the case of an offence referred to in Article 4, points 1 to 3, point 4, insofar as the offence is to be regarded as gross, and points 6 and 7, for a particular period to be determined by the court, but not exceeding six months from the date on which the court's ruling in the freedom of the press case acquired legal force. Such a ban may however be issued only when the country is at war. General provisions of law applying to forfeiture of objects on account of an offence apply to the confiscation of a periodical disseminated in violation of a ban on publication, or manifestly constituting a continuation of a periodical specified in such a ban.

## **Chapter 8. Liability rules**

### **On liability for periodicals**

**Art. 1.** Liability under penal law for an offence against the freedom of the press committed by means of a periodical lies with the person notified as responsible editor at the time when the periodical was published.

If a deputy had been notified and was acting as responsible editor, the deputy is liable.

**Art. 2.** If no certificate of no legal impediment to publication existed at the time when the periodical was published, or if the responsible editor liable under Article 1, paragraph one, was no longer qualified, or his appointment as responsible editor had otherwise been terminated, the owner is liable.

The owner is likewise liable in a case in which the responsible editor was appointed for appearance's sake, or was otherwise manifestly not in possession of the powers stipulated in Chapter 5, Article 3, at the time when the periodical was published.

If a deputy acting as responsible editor was no longer qualified at the time when the periodical was published, or if his appointment had otherwise been terminated, or if a circumstance specified in paragraph two pertained in respect of the deputy, the responsible editor is liable.

**Art. 3.** If it is impossible to establish the identity of the owner at the time when the periodical was published, the printer is liable in place of the owner.

**Art. 4.** If a person disseminates a periodical which lacks information concerning the name of the printer, or if such information is known to the disseminator to be incorrect and the identity of the printer cannot be ascertained, the disseminator is liable in place of the printer.

#### **On liability for non-periodical printed matter**

**Art. 5.** Liability under penal law for an offence against the freedom of the press committed by means of non-periodical printed matter lies with the author, if he has been identified as the author of the printed matter in the manner prescribed in Chapter 3, Article 2. The author is not, however, liable if the matter was published without his consent, or if his name, pseudonym, or pen-name appeared therein against his will.

**Art. 6.** If an author is not liable under Article 5 for matter which includes or is intended to include contributions from several authors, and if a particular editor has been identified in the manner prescribed in Chapter 3, Article 2, the editor is liable.

In the case of printed matter other than printed matter under paragraph one, the editor is liable only if the author was deceased when the matter was published.

The editor is not liable if his name, pseudonym, or pen-name appeared on the matter against his will.

The editor of non-periodical printed matter is understood to be the person who, without being the author, delivers the matter for printing and publication.

**Art. 7.** If neither the author nor the editor is liable under Article 5 or 6, or if, when the matter was published, he was deceased, the publisher is liable.

The publisher of non-periodical printed matter is understood to be the person who has undertaken to print and publish the writings of another.

**Art. 8.** If there was no publisher, or if the identity of the publisher cannot be ascertained, the printer is liable in place of the publisher.

**Art. 9.** The provisions of Article 4 apply in like manner to the liability of a disseminator of non-periodical printed matter.

### **Provisions applying to all printed matter**

**Art. 10.** If the person who would have been liable under Article 2, 5, 6 or 7 at the time of publication of the printed matter has no known place of domicile within the Realm, and if his current whereabouts within the Realm cannot be ascertained in the case, liability shall pass to the person liable next thereafter, but not to the editor of non-periodical printed matter other than in a case under Article 6, paragraph one, or to a disseminator.

The same applies if a circumstance pertained in respect of the person liable under Article 1, 2, 5, 6 or 7 which according to law excluded criminal responsibility, and if the person liable next thereafter was cognizant of, or should have been cognizant of, the circumstance.

**Art. 11.** A circumstance which would result in the liability under this Chapter of a person other than the defendant shall be taken into consideration only if the circumstance was adduced prior to the main hearing.

**Art. 12.** In determining the liability of a person responsible for printed matter under this Chapter, the content of the matter shall be deemed to have been inserted with the knowledge and consent of the person concerned.

## **Chapter 9. On supervision and prosecution**

**Art. 1.** The Chancellor of Justice shall take heed that the limits set in this Act for the freedom of the press are not transgressed.

**Art. 2.** The Chancellor of Justice is sole prosecutor in cases concerning offences against the freedom of the press. No one other than the Chancellor of Justice may institute prejudicial inquiries concerning offences against the freedom of the press. Only the Chancellor of Justice and the court of law may approve coercive measures on suspicion that such an offence has been committed, unless otherwise provided in this Act.

The Government has the right to report printed matter to the Chancellor of Justice for prosecution on account of an offence against the freedom of the press. It may be laid down in an act of law that public criminal proceedings on account of an offence against the freedom of the press may be instituted only with the Government's consent.

The Chancellor of Justice is likewise sole prosecutor in freedom of the press cases which are not cases concerning offences against the freedom of the press, and in cases otherwise relating to violations of regulations contained in this Act: provisions of law however regulate the right of the Parliamentary Ombudsman to act as prosecutor in cases of this nature.

**Art. 3.** Public criminal proceedings on account of an offence against the freedom of the press shall be instituted, in the case of a periodical for which a valid certificate of no legal impediment to publication existed at the time of publication, within six months, and in the case of other printed matter, within one year from the date of publication, with effect that the matter shall otherwise be exempt from such proceedings. This provision notwithstanding, if such proceedings have been instituted within the time specified, fresh proceedings may nevertheless be instituted against another person who is liable in respect of the offence.

Provisions of law governing the period within which an offence must be prosecuted if penal sanctions are not to lapse apply also with respect to offences against the freedom of the press.

**Art. 4.** Provisions of law govern the right of a private plaintiff to report an offence against the freedom of the press or bring charges on account of such an offence.

**Art. 5.** If no one is liable under Chapter 8 for the offence, or if no summons can be served within the Realm on the person liable, the prosecutor or the plaintiff may apply to have the printed matter confiscated instead of instituting criminal proceedings.

### **Chapter 10. On special coercive measures**

**Art. 1.** If there are grounds for the possible confiscation of printed matter on account of an offence against the freedom of the press, the printed matter may be impounded pending a decision. In a case under Chapter 7, Article 8, an order may also be issued prohibiting publication of a periodical pending a decision by the court.

**Art. 2.** If the offence falls within the scope of public criminal proceedings, the Chancellor of Justice may order the printed matter to be impounded, and publication prohibited under Article 1, before proceedings have been instituted on account of an offence against the freedom of the press, or application made to the court for confiscation of the printed matter. It may be laid down in law that a public prosecutor may be similarly empowered to order material to be impounded within his jurisdiction.

**Art. 3.** If impoundment has been effected without a court order, the person affected may demand to have the matter examined before a court of law.

When a public prosecutor has ordered material to be impounded, the Chancellor of Justice shall be notified promptly. The Chancellor of Justice shall determine forthwith whether the order shall be upheld.

**Art. 4.** When the Chancellor of Justice has ordered material to be impounded or has confirmed an order issued by a public prosecutor, criminal proceedings shall be instituted, or application made for confiscation of the printed matter, within two weeks from the date on which the Chancellor of Justice pronounced his decision. Failing such action, the impoundment order and any accompanying order prohibiting publication lapse.

**Art. 5.** Once criminal proceedings have been instituted for an offence against the freedom of the press or an application has been made to the court for printed matter to be confiscated, the court is entitled to order the matter to be impounded and publication prohibited, or to rescind an impoundment order or order prohibiting publication which has already been issued.

In reaching its decision in such a case, the court shall determine whether an order which has been issued shall continue in force. If the case is dismissed because the court is not competent, or if the court otherwise dismisses the case without determining whether the printed matter is of a criminal nature, and if there is reason to suppose that there will be an application for confiscation in another

case, the court may confirm the order for a particular period which the court determines. If no proceedings are instituted within this period, the order lapses.

**Art. 6.** An impoundment order shall contain a statement indicating the passage or passages in the printed matter which occasioned the order and applies only to the volume, part, issue or instalment in which these passages occur.

**Art. 7.** An impoundment order shall be executed by the police authority forthwith. Provisions of law concerning the prohibition of the dissemination of printed matter which is subject to an impoundment order are laid down in Chapter 6, Article 3.

**Art. 8.** Impoundment of printed matter shall relate only to copies intended for dissemination. Proof of impoundment of printed matter shall be furnished as soon as possible, and free of charge, both to the person against whom impoundment was effected and to the person who printed the material. Such proof shall indicate the passage or passages in the printed matter which occasioned the impoundment order.

**Art. 9.** When an impoundment order has been rescinded or has lapsed, execution of impoundment is reversed forthwith.

**Art. 10.** Repealed.

**Art. 11.** If the country is at war or exposed to the danger of war and printed matter is discovered at a unit of the armed forces which manifestly constitutes such criminal sedition under Chapter 7, Article 4, as may induce members of the armed forces to neglect their duties, the printed matter may be taken into safe keeping pending issue of an impoundment order, on a decision by the officer competent in law to decide matters of disciplinary responsibility in respect of the unit concerned. If there is danger in delay, action as aforesaid may be taken also by another officer under provisions laid down in law, in default of a decision under paragraph one. Such action shall however be reported promptly to the officer referred to in paragraph one. This officer shall consider forthwith whether the printed matter shall remain in safe keeping.

**Art. 12.** When a decision has been made to take printed matter into safe keeping under the provisions of Article 11, the Chancellor of Justice shall be notified as soon as possible. The Chancellor of Justice then considers forthwith whether the printed matter shall be impounded.

**Art. 13.** General provisions of law applying to the impoundment of objects which may be declared forfeit apply to the impoundment of a periodical disseminated in violation of an order prohibiting publication, or manifestly constituting a continuation of a periodical, the publication of which has thus been prohibited.

**Art. 14.** A copy of printed matter which can reasonably be presumed to have significance for the investigation of a freedom of the press case may be impounded. The provisions of Articles 2 and 3; 5, paragraph one; 6; 7, paragraph one; and 9 apply. General provisions of law relating to impoundment apply in relevant parts. Criminal proceedings shall however always be instituted within one month from the date on which the impoundment order was issued, if the court does not allow an extension in response to a submission from the Chancellor of Justice.

## **Chapter 11. On private claims for damages**

**Art. 1.** A private claim for damages based on an abuse of the freedom of the press may be pursued only on grounds that the printed matter to which the claim relates contains an offence against the freedom of the press. Unless otherwise provided below, such a claim may be pursued only against the person liable under penal law for the offence under Chapter 8. If, by reason of circumstances under Chapter 8, Article 10, liability has passed to such a person, the claim may also be pursued against the person liable immediately before him, provided that, and to the extent that, grounds exist in law for the pursuit of such a claim.

The provisions of Chapter 8, Article 12, concerning liability under penal law apply also with regard to private claims for damages.

Relevant provisions of law apply with regard to private claims for damages in respect of offences under Chapter 7, Article 2 or 3.

**Art. 2.** A private claim for damages which may be pursued against the re-sponsible editor of a periodical or his deputy may be pursued also against the owner. In the case of other printed matter, a claim which may be pursued against the author or editor may be pursued also against the publisher.

**Art. 3.** If a person is liable for damages on account of an offence against the freedom of the press as legal representative of a legal person, or as a guardian, trustee or administrator, the claim for damages may also be pursued against the legal person, or the person for whom the guardian, trustee or administrator was appointed, provided that, and to the extent that, grounds exist in law for the pursuit of such a claim.

**Art. 4.** If a person is liable together with another person for damages under this Chapter, such persons are liable jointly and severally. The apportionment of liability between the parties is determined in accordance with relevant provisions of law.

**Art. 5.** A private claim for damages may be pursued on account of an offence against the freedom of the press even if liability under penal law has lapsed or an action under penal law is otherwise excluded.

## **Chapter 12. On court proceedings in freedom of the press cases**

**Art. 1.** Freedom of the press cases are heard by the district court within whose jurisdiction the county administration has its seat. Should any reason prompt the designation of another district court within the county administrative district to hear freedom of the press cases, the Government may adopt a statutory instrument to this effect.

Freedom of the press cases are cases concerning liability under penal law or private claims for damages on account of offences against the freedom of the press, and application cases under Chapter 9, Article 5. Freedom of the press cases also include cases concerning liability under penal law and private claims for damages in relation to offences under Chapter 7, Article 3. If the case concerns an offence under paragraph two of the last-named Article, and if the person who procured the information or intelligence has not published it in printed matter or communicated it to some other person

for the purpose of such publication, the case shall however be tried as a freedom of the press case only provided it is manifest that the information was procured for the purpose of publication in printed matter.

**Art. 2.** In freedom of the press cases in which there is a question of liability under penal law, the question of whether an offence has been committed shall be tried by a jury of nine members, unless both parties have declared themselves willing to refer the case for decision by the court, without trial by jury. The question of whether the defendant is liable for the printed matter under Chapter 8 is however always tried by the court sitting alone. When the question of whether an offence has been committed is tried by a jury, the answer shall be deemed to be in the affirmative if at least six members of the jury concur in that opinion.

If the jury finds that no offence has been committed, the defendant shall be acquitted. If the jury has found that an offence has been committed, the question shall be examined also by the court. If the opinion of the court differs from that of the jury, the court is entitled to acquit the defendant or apply a penal provision carrying a milder sanction than that applied by the jury. A superior court to which the judgment of a district court has been referred on appeal is no more entitled than the district court to overturn the jury's verdict.

**Art. 3.** Jurors shall be appointed for each county administrative district, and are divided into two groups, with 16 jurors in the first group and 8 in the second. In the case of the Stockholm county administrative district, the first group shall however consist of 24 jurors and the second of 12. The jurors in the second group shall hold currently, or shall have held previously, appointments as lay assessors of a court of general jurisdiction or a public administrative court.

**Art. 4.** Jurors are appointed, by election, for a period of four calendar years.

Jurors shall be elected by the county council of the county administrative district or, where the county administrative district includes a municipality which does not come under the county council, by the county council and the council of the municipality concerned. Jurors in the Gotland county administrative district are elected by the Gotland municipal council. If, under the foregoing, jurors shall be elected by more than one electoral body, the county administrative board shall apportion the number of jurors in each group among the electoral bodies in proportion to population. When a juror is to be elected it is incumbent upon the district court to notify to this effect the authority responsible for arranging the election.

**Art. 5.** Jurors shall be appointed from among Swedish citizens domiciled in the county administrative district for which they are to be appointed. They should be known for their soundness of judgment, independence and fairmindedness. Different social groups and currents of opinion, and different parts of the county administrative district, should be represented among the jurors. No person who is a minor or for whom an administrator has been appointed under special provisions of law may be a juror.

**Art. 6.** A juror who has attained the age of sixty has the right to resign his appointment. If in any other circumstances a juror wishes to retire, the district court considers whether valid cause exists to prevent him from carrying out his duties. If a juror ceases to be eligible for election, the appointment lapses.

**Art. 7.** If a juror retires or ceases to be eligible for election, the electoral body shall appoint another person from among the group of jurors to which he belonged to replace him for the remainder of the electoral period. Such a juror may be elected by the county council executive committee in place of the county council: such an election is however valid only until the county council next meets.

**Art. 8.** Appeals concerning the election of a juror shall be lodged with the district court. The court examines the qualifications of those elected even if no appeal is lodged.

Provisions of law relating to the prosecution of appeals against decisions of an inferior court apply to the prosecution of appeals against decisions of a district court on a matter under paragraph one. There is no right of appeal against the decision of the appeal court. If an appeal is lodged, the election nevertheless remains valid unless the court rules otherwise.

**Art. 9.** The names of persons appointed to serve as jurors shall be entered on a list of jurors. Each group shall be entered separately on this list.

**Art. 10.** In a case which is to be tried by a jury, the court shall present the list of jurors and consider whether there are grounds for disqualifying any person on the list. Provisions of law relating to the disqualification of judges apply to the disqualification of jurors.

The jury is empanelled thereafter from among the undisqualified jurors in such a way that each party is permitted to exclude three jurors in the first group and one in the second, and the court then selects by lot a sufficient number of deputies from among the remaining jurors to leave six in the first group and three in the second.

In the case of a jury in the Stockholm county administrative district, each party is permitted to exclude five jurors in the first group and two in the second.

**Art. 11.** If there are several parties on one side, only one of whom wishes to exercise his right to exclude jurors, an exclusion made by that party is deemed to be an exclusion made also by the other parties. If co-parties wish to exclude different jurors, and are unable to reach agreement, the court makes the exclusion by lot.

**Art. 12.** No person may avoid jury service without legal cause.

If the number of members required in a group cannot be made up because of disqualification or legal excuse, the court nominates three qualified group-members for each juror required. Each party is permitted to exclude one of the persons so nominated. No one may be nominated as a juror who has already been excluded in the same proceedings.

**Art. 13.** If several cases in which a jury is to act are being heard concurrently, the court may rule, after conferring with the parties, that the same jury shall act in all the cases. If a jury is to be empanelled jointly for two or more cases, the provisions of Article 11 concerning the exclusion of jurors in a case in which there is more than one party on one side apply in like manner.

**Art. 14.** If, in proceedings concerning liability under penal law, an action for damages is brought against a person other than the defendant, the measures which fall under Article 2, paragraph one, Article 10, paragraph two, and Article 12, paragraph two, to be taken by a respondent devolve upon the defendant.

If an action is brought which is not connected with criminal proceedings but concerns confiscation of printed matter or a private claim for damages, the provisions of Articles 2 and 10 to 13 apply

concerning court proceedings in the case; if, however, the question of whether an offence has been committed has already been examined in a freedom of the press case concerning liability under penal law, the same question shall not be re-examined. In an application case, the exclusion of jurors, which otherwise falls to the parties in the case, is effected by the court by lot.

**Art. 15.** More detailed provisions regarding court proceedings in freedom of the press cases are laid down in law.

Where there are several district courts in one county administrative district which are competent to hear freedom of the press cases, the duties specified in Articles 4, 6, 8 and 9 shall be carried out by the district court designated by the Government.

**Art. 16.** For cases in which the country is at war or exposed to the danger of war, or such exceptional conditions prevail as result from the war or danger of war to which the country has been exposed, provisions may be laid down in an act of law or in a statutory instrument adopted by the Government, with authority in law, concerning the postponement of elections of jurors or exceptions from the right of a juror to resign his appointment.

### **Chapter 13. On matter printed abroad etc.**

**Art. 1.** The provisions of Chapters 1, 3, 6 and 7; Chapter 8, Articles 1, 2, 5 to 7, and 10 to 12; and Chapters 9 to 12, apply in relevant parts to matter printed abroad and published in the Realm, unless otherwise provided below.

**Art. 2.** Matter printed abroad shall be deemed to have been published within the Realm if it has been delivered for dissemination within the Realm as described in Chapter 1, Article 6.

**Art. 3.** If a periodical which is printed abroad is intended primarily for dissemination within the Realm, the provisions of Chapter 5 apply in relevant parts; the provisions relating to the qualifications of owners shall not apply.

Publication in the Realm of any other periodical printed abroad does not require a certificate of no legal impediment to publication. Should such a certificate exist, the provisions of paragraph one shall apply in respect of the periodical.

**Art. 4.** The provisions of this Act concerning the liability under penal law of a person who has produced printed matter shall refer in respect of matter printed abroad to the person who caused the matter to be delivered for dissemination within the Realm, or, if it is impossible to establish his identity, or if at the time of publication he was not domiciled within the Realm, to the person who is deemed to be the disseminator under Chapter 6.

**Art. 5.** Provisions are laid down in law concerning the obligation to retain for scrutiny copies of matter printed abroad and to furnish copies of such matter to libraries or archives.

**Art. 6.** In the case of matter which is printed abroad and published in the Realm, but not intended primarily for dissemination within the Realm, and for which no certificate of no legal impediment

to publication exists, the provisions of Chapter 1, Article 1, paragraphs three and four, concerning the communication and procurement of information and intelligence for publication apply, unless

1. communication or procurement constitutes an offence against the security of the Realm;
2. communication includes supply or release of documents under Chapter 7, Article 3, paragraph one, point 2;
3. communication constitutes deliberate disregard of a duty of confidentiality.

Paragraph one applies also in respect of matter not published in Sweden, regardless of whether it is printed here or abroad. In this connection a person who contributes to material in a periodical by other means, as author or other originator, is equated with a person communicating information for publication.

If communication or procurement is punishable under law pursuant to paragraphs one and two, relevant provisions of law apply. Cases concerning liability under penal law or private claims for damages on account of an offence now referred to shall be heard as freedom of the press cases, unless Chapter 12, Article 1, paragraph two, sentence three, applies in like manner. The provisions of Chapter 3 shall apply in respect of the source's right to anonymity: the rule laid down in Article 3, point 3, however extends also to offences against the security of the Realm other than those referred to therein.

## **Chapter 14. General provisions**

**Art. 1.** Provisions of law relating to the re-opening of closed cases in general apply also to rulings in freedom of the press cases, even if the question of whether an offence has been committed has been tried by a jury.

If a case in which a jury has tried the question of whether an offence has been committed is re-opened and its re-opening is founded on circumstances which may be presumed to have influenced the jury's deliberations, it shall be determined at the same time to resubmit the case to a jury of the court which first pronounced judgment. If a retrial is granted in favour of the defendant and the matter is manifest, the court granting the retrial may instead revise the judgment forthwith.

**Art. 2.** When, as a result of a ruling by a higher instance, a freedom of the press case in which a jury participated shall be retried before a jury of the court which first pronounced judgment, the provisions of Chapter 12, Articles 10 to 14, apply with respect to the empanelling of the jury.

**Art. 3.** Freedom of the press cases and other cases concerning offences against the provisions of this Act shall always be dealt with promptly.

**Art. 4.** Repealed.

**Art. 5.** General provisions of law or statute apply in all matters not dealt with in provisions of this Act or special legislation enacted by virtue of this Act.

Except as otherwise laid down in this Act or elsewhere in law, foreign nationals are equated with Swedish citizens.

## **Transitional provisions**

### **Transitional provisions relating to 1976 amendments**

1. This Act comes into force on 1 January 1978.
2. The new provisions do not apply to written matter duplicated by stencil, photocopying or other similar technical process and published before the Act comes into force.

### **Transitional provisions relating to 1998 amendments**

1. This Act comes into force on 1 January 1999.
2. Older provisions shall apply to technical recordings disseminated before the Act comes into force.
3. The newer provisions contained in Chapter 1, Article 7, and Chapter 5, Articles 5 and 7, shall apply also to certificates of no legal impediment to publication issued before the Act comes into force. Contrary to the provisions of Chapter 5, Article 5, paragraph four, sentence one, such certificates shall be valid for a period of ten years from the date on which the Act comes into force.
4. In cases affecting the portrayal of children in pornographic pictures, older provisions shall apply if criminal proceedings have been instituted before the Act comes into force.

# The Fundamental Law on Freedom of Expression (SFS nr: 1991:1469)

## Chapter 1. Basic provisions

**Art. 1.** Every Swedish citizen is guaranteed the right under this Fundamental Law, vis-à-vis the public institutions, publicly to express his thoughts, opinions and sentiments, and in general to communicate information on any subject whatsoever on sound radio, television and certain like transmissions, films, video recordings, sound recordings and other technical recordings.

The purpose of freedom of expression under this Fundamental Law is to secure the free exchange of opinion, free and comprehensive information, and freedom of artistic creation. No restriction of this freedom shall be permitted other than such as follows from this Fundamental Law.

References in this Fundamental Law to radio programmes shall apply also to television programmes and to the content of certain other transmissions of sound, pictures or text made using electromagnetic waves, as well as to sound radio programmes.

Technical recordings are understood in this Fundamental Law to mean recordings containing text, pictures or sound which may be read, listened to or otherwise comprehended only using technical aids.

Database is understood in this Fundamental Law to mean a corpus of information stored for the purpose of automatic data processing.

**Art. 2.** Every Swedish citizen is guaranteed the right to communicate information on any subject whatsoever to authors and other originators, as well as to editors, editorial offices, news agencies and enterprises for the production of technical recordings for publication in radio programmes or such recordings. He also has the right to procure information on any subject whatsoever for such communication or publication. No restriction of these rights shall be permitted other than such as follows from this Fundamental Law.

**Art. 3.** There shall be no compulsory prior scrutiny by a public authority or other public body of matter which is intended for publication in a radio programme or technical recording. Nor is it permitted for public authorities or other public bodies to prohibit or prevent the publication or dissemination to the general public of a radio programme or technical recording on grounds of its known or expected content, except by virtue of this Fundamental Law.

The provisions of paragraph one notwithstanding, provisions may be laid down in law concerning the scrutiny and approval of moving pictures in films, video recordings or other technical recordings intended for public showing.

It is not permitted for public authorities or other public bodies to prohibit or prevent the possession or employment of such technical aids as are necessary to receive radio programmes or comprehend the content of technical recordings on grounds of the content of a radio programme or technical recording, except by virtue of this Fundamental Law. The same applies to any ban on the construction of landline networks for the transmission of radio programmes.

**Art. 4.** Public authorities and other public bodies may not intervene against any person on grounds that he has abused the freedom of expression or contributed to such abuse in a radio programme or technical recording, except by virtue of this Fundamental Law. Nor may they intervene against the programme or recording on such grounds, except by virtue of this Fundamental Law.

**Art. 5.** A person appointed to pass judgment concerning abuses of the free-dom of expression or otherwise oversee compliance with this Fundamental Law should bear in mind that the freedom of expression is fundamental to a free society. He should direct his attention always to the aim rather than the manner of presentation. In case of doubt, he should acquit rather than convict.

**Art. 6.** This Fundamental Law applies to transmissions of radio programmes which are directed to the general public and intended for reception using technical aids. Such transmissions of radio programmes are understood to include also the provision of direct broadcasts and recorded programmes taken from a database.

In the case of radio programmes transmitted by satellite and emanating from Sweden, the provisions of this Fundamental Law concerning radio programmes in general apply.

Exceptions from this Fundamental Law in respect of radio programmes intended primarily for reception abroad and radio programmes transmitted by landline but not intended for reception by a wider public may be laid down in law. Such exceptions may not however relate to the provisions of Articles 2 and 3.

**Art. 7.** In the case of simultaneous and unmodified onward transmission in this country of radio programmes under Article 6 emanating from abroad or transmitted to Sweden by satellite but not emanating from Sweden, only the following provisions apply:

Article 3, paragraph one, prohibiting prior scrutiny and other restrictions;

Article 3, paragraph three, on the possession of technical aids and the construction of landline networks;

Article 4, prohibiting interventions except by virtue of this Fundamental Law;

Article 5, on the attitude to be adopted in applying this Fundamental Law;

Chapter 3, Article 1, on the right to transmit radio programmes by land-line; and

Chapter 3, Articles 3 and 5, on special legislative procedures and examination before a court of law.

If the Riksdag has approved an international agreement concerning radio programmes, provisions under Article 12, paragraph two, may not constitute a barrier to onward transmission of radio programmes in breach of the agreement.

Chapter 10, Article 2, contains provisions concerning the right to communicate and procure information and intelligence for publication in radio programmes emanating from abroad.

**Art. 8.** In the case of radio programmes or part-programmes consisting of direct broadcasts of current events, or of religious services or public performances arranged by some person other than the person operating the programme service, the following provisions are not applied:

Article 2, on the right to communicate and procure information for publication;

Article 4, prohibiting interventions;

Article 5, on the attitude to be adopted in applying this Fundamental Law;

Chapter 2, on the right to anonymity;

Chapters 5 to 7, on freedom of expression offences, liability rules and supervision, prosecution and special coercive measures;

Chapter 9, on court proceedings in freedom of expression cases; and

Chapter 10, Article 2, on the right to communicate and procure information for publication in radio programmes emanating from abroad.

**Art. 9.** The provisions of this Fundamental Law concerning radio programmes apply also in cases in which the editorial office of a printed periodical or a radio programme, an enterprise for the professional production of printed matter or matter equated with printed matter under the Freedom of the Press Act, or of technical recordings, or a news agency, with the aid of electromagnetic waves

1. supplies to the general public, in response to a special request, information taken from a database the content of which can be modified only by the person carrying on the activity, either by direct transfer, or indirectly by the production of a technical recording, written document or picture; or
2. otherwise, in accordance with a prior agreement, supplies information to the public by direct transfer from a database under 1.

The provisions set out in paragraph one apply also to any other person holding a valid certificate of no legal impediment to publication in respect of such activity. The issue of such a certificate requires that

- the activity is organised in the manner referred to in paragraph one and transmissions emanate from Sweden;
- a qualified responsible editor has been appointed and has accepted the appointment;
- the activity has a name such that there is no risk of its being easily confused with the name of another activity under this Article.

A certificate of no legal impediment to publication is valid for ten years from the date of issue. The certificate lapses thereafter. The certificate may be renewed for ten years at a time, with effect from the expiry of the preceding ten-year period, always provided the preconditions exist for issue of such a certificate. A certificate of no legal impediment to publication may be rescinded if the preconditions for the issue of such a certificate no longer pertain, if the activity has not commenced within six months from the date of issue of the certificate, or if the person carrying on the activity has given notice that it has been discontinued. If the certificate lapses or is rescinded, provisions laid down in law or other statute apply.

More detailed rules concerning the issue, lapse, renewal and rescinding of a certificate of no legal impediment to publication are laid down in law.

Every database shall have a name. More detailed provisions concerning such names are laid down in law.

Provisions concerning penalties for persons offending against a provision under paragraph four or five are laid down in law.

**Art. 10.** This Fundamental Law applies to technical recordings which have been published. A technical recording is deemed to have been published when it has been delivered for dissemination to the general public in Sweden by being played, sold or otherwise made available.

The question whether or not this Fundamental Law is applicable is examined in individual cases on the basis of what can be presumed concerning dissemination. Unless otherwise indicated by the circumstances, this Fundamental Law shall be regarded as applying to a recording containing information under Chapter 3, Article 13, and Chapter 4, Article 4.

**Art. 11.** Chapter 1, Article 7, paragraph two of the Freedom of the Press Act establishes that certain radio programmes and technical recordings shall be equated with periodicals.

**Art. 12.** The provisions of Chapter 1, Articles 8 and 9 of the Freedom of the Press Act to the effect that provisions may, without hindrance of fundamental law, be laid down in law concerning originators' rights, certain commercial advertising, the provision of credit information and the manner in

which information is procured shall apply also to radio programmes and technical recordings without hindrance of fundamental law.

The rules contained in this Fundamental Law do not preclude the laying down in law of other provisions concerning bans on commercial advertising in radio programmes or the conditions applying to such advertising. The same applies to provisions concerning bans on and conditions applying to other advertising and the transmission of programmes financed wholly or in part by some person other than the person operating the programme service.

**Art. 13.** This Fundamental Law does not apply to the portrayal of children in pornographic pictures.

## **Chapter 2. On the right to anonymity**

**Art. 1.** The originator of a radio programme or technical recording is not obliged to disclose his identity. The same applies to a person taking part in such an item and to a person who has communicated information under Chapter 1, Article 2.

**Art. 2.** In cases concerning liability under penal law, damages or special legal effects on account of freedom of expression offences occurring in a radio programme or technical recording, no person may inquire into the identity of the originator of the item, or of a person who took part in it, made it available for publication or communicated information under Chapter 1, Article 2.

If a person has been declared to be the originator of an item or to have taken part in it, the court may however examine whether he is liable. The same applies should any person in the case acknowledge himself to be the originator or person who took part.

Paragraph one does not preclude consideration in the same court proceedings both of cases which concern freedom of expression offences and of cases which concern offences under Chapter 5, Article 3.

**Art. 3.** A person who has been concerned in the production or dissemination of an item comprising or intended to form part of a radio programme or technical recording and a person who has been active in a news agency may not disclose what has come to his knowledge in this connection concerning the identity of the person who originated the item or made it available for publication, took part in it or communicated information under Chapter 1, Article 2.

The duty of confidentiality under paragraph one does not apply

1. if the person in whose favour the duty of confidentiality operates has given his consent to the disclosure of his identity;
2. if the question of identity may be raised under Article 2, paragraph two;
3. if the matter concerns an offence specified in Chapter 5, Article 3, paragraph one, point 1;
4. unless, where the matter concerns an offence under Chapter 5, Article 2 or 3, paragraph one, point 2 or 3, a court of law deems it necessary for information to be produced during the proceedings as to whether the defendant, or the person suspected on reasonable grounds of the offence, is the person in whose favour the duty of confidentiality operates under paragraph one; or
5. unless, in any other case, a court of law deems it to be of exceptional importance, having regard to a public or private interest, for information as to identity to be produced in testimony under oath or testimony by a party in the proceedings under an affirmation made in lieu of oath.

In examination under paragraph two, point 4 or 5, the court shall scrupulously ensure that no questions are put which might encroach upon a duty of confidentiality in excess of what is permissible in each particular case.

**Art. 4.** No public authority or other public body may inquire into the identity of

1. the originator of an item published or intended for publication in a radio programme or technical recording or a person who has taken part in such an item;
2. the person who made available or purposed to make available for publication an item in a radio programme or technical recording; or
3. the person who communicated information under Chapter 1, Article 2.

This prohibition does not preclude inquiry in a case in which this Fundamental Law permits prosecution or other intervention. In such cases a duty of confidentiality under Article 3 shall however be respected.

**Art. 5.** A person who, whether through negligence or by deliberate intent, offends against a duty of confidentiality under Article 3 shall be sentenced to pay a fine or to imprisonment for up to one year. The same applies to a person who, whether through negligence or by deliberate intent, communicates false information in a radio programme or technical recording concerning the identity of the person who originated the item or made it available for publication, took part in it or communicated information therein.

Inquiries made in breach of Article 4 are punishable by a fine or imprisonment for up to one year, if made deliberately.

Public criminal proceedings may be instituted on account of an offence under paragraph one only provided the injured party has reported the offence for prosecution.

### **Chapter 3. On transmission, production and dissemination**

#### **Radio programmes**

**Art. 1.** Every Swedish citizen and every Swedish legal person has the right to transmit radio programmes by landline.

The freedom which follows from paragraph one does not preclude the publication in law of provisions concerning

1. the obligation of network owners to make space available for certain programmes, to the extent necessary having regard to the public interest in access to comprehensive information;
2. the obligation of network owners to make space available for transmissions, to the extent necessary having regard to the interest of network competition in respect of such transmissions, or the public interest in having access to such transmissions;
3. the obligation of network owners to take steps to assure listeners of influence over programme choice; or
4. interventions against continued transmission of a programme range directed towards the portrayal of violence, pornographic pictures or agitation against a population group.

**Art. 2.** The right to transmit radio programmes other than by landline may be regulated in an act of law containing provisions on licensing and conditions of transmission.

The public institutions shall seek to ensure that radio frequencies are utilised in such a way as to result in the widest possible freedom of expression and freedom of information.

The opportunity shall exist for organised groups of persons to obtain a licence to broadcast sound radio programmes on local radio transmissions, insofar as available frequencies permit. More detailed provisions in this connection are laid down in law.

**Art. 3.** In the case of restrictions of the right to broadcast of the nature envisaged in Articles 1 and 2, the provisions of Chapter 2, Article 12, paragraphs two to five, and Article 13 of the Instrument of Government concerning restrictions of fundamental rights and freedoms apply.

**Art. 4.** A person broadcasting radio programmes is free to determine independently the content of programmes.

**Art. 5.** Questions concerning the right to broadcast radio programmes are examined before a court of law or a commission, the composition of which is laid down in law and whose chairman shall hold currently, or shall have held previously, an appointment as a permanent salaried judge. Examination of a Government decision shall take place before a court of law and need relate only to the legality of the decision.

If the matter relates to a question of intervention on account of an abuse of the freedom of expression, the case shall be examined by a court of law sitting with a jury, in accordance with detailed rules laid down in law. This does not however apply if the matter relates to a violation of provisions or conditions regarding commercial advertising, other advertising or transmission of radio programmes under Chapter 1, Article 12, paragraph two.

**Art. 6.** Provisions may be laid down in law concerning an obligation to retain recordings of radio programmes and make them available for subsequent scrutiny, and to furnish them to archives.

**Art. 7.** Provisions aimed at preventing the dissemination through radio programmes of maps, drawings or pictures which represent Sweden, either in whole or in part, and which contain information of significance for the defence of the Realm, may be laid down in law.

### **Technical recordings**

**Art. 8.** Every Swedish citizen and every Swedish legal person has the right to produce and disseminate technical recordings. Scrutiny and approval under Chapter 1, Article 3, paragraph two, may however be required for the right to show in public a film, video recording or other technical recording containing moving pictures.

**Art. 9.** Provisions concerning an obligation to retain copies of technical recordings and make them available for scrutiny may be laid down in law. Provisions may also be laid down in law concerning an obligation to furnish copies of such recordings to a public authority and provide information in connection with such obligation.

**Art. 10.** No postal service or other common carrier may refuse to forward technical recordings on grounds of their content other than in cases where forward-ing would constitute a violation under Article 13, paragraph three or four.

A common carrier who accepts a technical recording for forwarding shall not be regarded as the disseminator of the recording under Chapter 6.

**Art. 11.** The provisions laid down in law concerning a case in which, for gainful purposes, a person supplies to a person under the age of fifteen a film, video recording or other technical recording containing moving pictures with detailed representations of a realistic nature which include acts of violence or threats of violence against persons or animals apply without hindrance of this Fundamental Law.

**Art. 12.** The rules set out in this Fundamental Law do not preclude the laying down in law of provisions concerning penalties and special legal effects in respect of a person who

1. exhibits pornographic pictures on or at a public place by displaying them or the like in a manner liable to cause offence to the general public;
2. supplies pornographic pictures by post or other means to a person who has not ordered them in advance; or
3. disseminates among children and young persons technical recordings which by reason of their content might have a brutalising effect or result in other serious danger to the young.

The same applies in respect of penalties and special legal effects for a person who offends against provisions concerning the scrutiny and approval of films, video recordings or other technical recordings containing moving pictures which are intended for public showing.

Provisions aimed at preventing the dissemination through technical recordings of maps, drawings or pictures which represent Sweden, either in whole or in part, and which contain information of significance for the defence of the Realm, may be laid down in law.

**Art. 13.** Copies of technical recordings produced in Sweden and intended for dissemination in this country shall be provided with clear information indicating who caused the recording to be made and where, when and by whom the copies were made. More detailed rules in this connection may be laid down in law.

A person who produces a technical recording and thereby offends, through negligence or by deliberate intent, against paragraph one, or against rules referred to therein, shall be sentenced to pay a fine or to imprisonment for up to one year.

A person who disseminates a technical recording which lacks, through negligence or by deliberate intent, any of the information prescribed in paragraph one shall be sentenced to pay a money fine. The same shall apply if such information is incorrect and this fact is known to the disseminator.

A person who knowingly disseminates a technical recording after it has been impounded or confiscated under this Fundamental Law shall be sentenced to pay a fine or to imprisonment for up to one year.

**Art. 14.** Provisions concerning an obligation for a person who professionally purveys or hires out films, video recordings or other technical recordings containing moving pictures to notify this circumstance to a public authority for registration may be laid down in law or, where the content of such notification or the detailed procedure for lodging such notification is concerned, by virtue of law.

#### **Preordered copies of recordings, written documents and pictures**

**Art. 15.** The name of the database and information about when, where and how the recording, written document or picture was produced shall be apparent from such a technical recording, written document or picture under Chapter 1, Article 9, paragraph one, point 1. The person carrying on the activity shall ensure that the recording, written document or picture carries such information. More detailed rules concerning this matter may be laid down in law.

A person who, through negligence or by deliberate intent, offends against paragraph one, or against rules referred to therein, shall be sentenced to pay a fine or to imprisonment for up to one year.

A person who, through negligence or by deliberate intent, supplies a technical recording, written document or picture under Chapter 1, Article 9, paragraph one, point 1, which lacks any of the information prescribed in paragraph one, shall be sentenced to pay a money fine. The same applies if such information is incorrect and this is known to the person supplying the recording, written document or picture.

#### **Chapter 4. On responsible editors**

**Art. 1.** Radio programmes and technical recordings shall have a responsible editor. A programme editor shall be appointed for each radio programme or programme service, or part thereof, in accordance with more detailed provisions laid down in law.

The responsible editor is appointed by the person operating the broadcasting service or causing the technical recording to be made.

**Art. 2.** The responsible editor shall be a Swedish citizen. It may be prescribed in law that also a foreign national may be a responsible editor.

A person who is a responsible editor shall be domiciled within the Realm. No person who is a minor or an undischarged bankrupt, or for whom an administrator has been appointed under special provisions of law, may be a responsible editor. Information shall be available to the general public concerning the identity of the responsible editor.

**Art. 3.** The responsible editor shall be empowered to supervise the publication of the item and so to determine its content that nothing may be included in it against his wishes. Any restriction of such powers shall be null and void.

**Art. 4.** The identity of the responsible editor shall be apparent from a technical recording. The responsible editor shall ensure that every copy of the recording carries such information. The identity of the responsible editor of the database shall be apparent from a technical recording, written document or picture under Chapter 1, Article 9, paragraph one, point 1. The responsible editor shall ensure that every copy carries such information.

Information concerning the responsible editor of a radio programme shall be kept available to the general public in accordance with more detailed provisions laid down in law.

**Art. 5.** A responsible editor appointed for a sound radio programme service may appoint one or more deputies. The provisions of Articles 2 to 4 concerning responsible editors shall apply also to deputies. If the appointment of the responsible editor is terminated, appointments as deputies are also terminated.

**Art. 6.** A person who, through negligence or by deliberate intent, offends against Article 1 shall be sentenced to pay a fine or, if the circumstances are exceptionally aggravating, to imprisonment for up to one year. A person who, through negligence or by deliberate intent, offends against Article 4, paragraph one, shall be sentenced to pay a money fine.

Penalties may be laid down in law for persons who offend against provisions of law laid down by virtue of Article 4 or 5.

## **Chapter 5. On freedom of expression offences**

**Art. 1.** The acts listed as freedom of the press offences in Chapter 7, Articles 4 and 5 of the Freedom of the Press Act shall be regarded as freedom of expression offences if they are committed in a radio programme or technical recording and are punishable under law.

Under the same conditions, unlawful portrayal of violence whereby a person intrusively or protractedly portrays in moving pictures gross acts of violence against persons or animals, with intent to disseminate the item, shall also be regarded as a freedom of expression offence unless the act is justifiable having regard to the circumstances.

**Art. 2.** Acts which under Chapter 7, Article 2 of the Freedom of the Press Act shall not be regarded as freedom of the press offences because they are committed by means of communications in which the offence is concealed, shall not be regarded as freedom of expression offences either.

**Art. 3.** If a person communicates information under Chapter 1, Article 2, or, without being liable under Chapter 6, contributes to an item intended for publication in a radio programme or technical recording, either as an author or other originator, or by taking part in the radio programme, and thereby renders himself guilty of

1. high treason, espionage, gross espionage, gross unauthorised trafficking in secret information, insurrection, treason or betrayal of country, or any attempt, preparation or conspiracy to commit such an offence;
2. wrongful release of an official document to which the public does not have access, or release of such a document in contravention of a restriction imposed by a public authority at the time of its release, where the act is deliberate; or
3. deliberate disregard of a duty of confidentiality in the cases specified in a special act of law; provisions of law concerning liability for such an offence apply.

If a person procures information or intelligence for a purpose referred to in Chapter 1, Article 2, and thereby renders himself guilty of an offence under paragraph one, point 1, provisions of law concerning liability for such an offence apply.

The provisions of Chapter 2, Article 12, paragraph three of the Instrument of Government concerning special legislative procedures shall apply also to proposals for provisions under paragraph one, point 3.

**Art. 4.** Provisions of law concerning penal sanctions on account of offences under Article 1 shall apply also when the offence is to be regarded as a freedom of expression offence.

Rules are set out in Chapter 8 concerning damages on account of freedom of expression offences.

When a person is convicted of defamation or using insulting language or behaviour under Article 1, paragraph one, the court may rule, on a petition by the other party, that, if the offence was committed in a radio programme, the verdict of the court shall be reproduced in full or in part in a radio programme transmitted by the same broadcasting service. The court may decide that the obligation to reproduce the verdict shall relate to a summary prepared by the court.

**Art. 5.** In determining penal sanctions on account of a freedom of expression offence, the court shall pay particular attention to whether a correction has been published.

**Art. 6.** A technical recording which contains a freedom of expression offence may be confiscated. If the offence is unlawful portrayal of violence, provisions of law concerning special legal effects in other respects shall apply.

In the event of confiscation, all copies intended for dissemination shall be destroyed. It shall further be ensured that material capable of being used specifically to duplicate the technical recording concerned cannot be used to make further copies.

## Chapter 6. Liability rules

**Art. 1.** Liability under penal law for freedom of expression offences committed in a radio programme or technical recording rests with the responsible editor. If a deputy is acting in place of the responsible editor, liability rests with the deputy.

In the case of direct broadcasts of radio programmes other than programmes under Chapter 1, Article 8, it may be laid down in law that a person taking part in a programme shall himself be liable for his own utterances.

**Art. 2.** Liability under penal law for freedom of expression offences which would otherwise rest with the responsible editor rests with the person responsible for appointing the responsible editor if

1. there was no qualified responsible editor at the time when the offence was committed;
2. the responsible editor was appointed for appearance's sake or was manifestly incapable of exercising the powers set out in Chapter 4, Article 3; or
3. information concerning the responsible editor has not been kept available to the general public in the prescribed manner.

If a deputy was acting in place of the responsible editor but was no longer qualified at the time when the offence was committed, or if his appointment had been terminated or some circumstance pertained concerning him of a nature set out in paragraph one, point 2 or 3, liability for freedom of expression offences rests with the responsible editor.

If a technical recording lacks the information prescribed in Chapter 3, Article 13, paragraph one, concerning who caused it to be made, and clarity cannot be reached concerning his identity, or he has no known domicile in Sweden and cannot be reached in Sweden during the court proceedings, liability for freedom of expression offences committed in the technical recording rests with the disseminator instead of with the person stipulated in paragraph one.

The provisions laid down in paragraph three concerning a case in which information is lacking apply also if the information provided implies that the person who caused the technical recording to be made is domiciled abroad, or if the information is incorrect and this fact is known to the disseminator.

**Art. 3.** If criminal proceedings are instituted in respect of a freedom of expression offence and the defendant considers some circumstance pertains as a result of which he shall not be liable, he shall adduce this circumstance prior to the main hearing. If he fails to do so, he will be regarded as liable.

**Art. 4.** The person liable under this Chapter for a freedom of expression offence in an item shall be regarded as having been cognizant of the content of the item. He shall also be regarded as having consented to its publication.

## **Chapter 7. On supervision, prosecution and special coercive measures**

**Art. 1.** The rules laid down in Chapter 9, Articles 1 to 4 of the Freedom of the Press Act concerning supervision and prosecution shall apply also with regard to radio programmes and technical recordings, and freedom of expression cases. The Chancellor of Justice may delegate a public prosecutor to act as prosecutor in a freedom of expression case which concerns liability or confiscation on account of unlawful portrayal of violence, agitation against a population group, offences against civil liberty, unlawful threats, threats made against a public servant or perversion of the course of justice committed in a technical recording. The right to institute public criminal proceedings may not however be delegated where the matter concerns the freedom of expression offences agitation against a population group or offences against civil liberty.

In the case of radio programmes, the period within which public criminal proceedings may be instituted for a freedom of expression offence is six months from the date on which the programme was broadcast, or, where the matter concerns the making available of information under Chapter 1, Article 9, from the date on which the information was no longer kept available. In the case of technical recordings, the period is one year from the date on which the recording was published. In the case of recordings which lack any of the information prescribed under Chapter 3, Article 13, however, the rules laid down in law concerning the period during which an action may be brought apply, with the limitation that public criminal proceedings may not be instituted more than two years from the date on which the recording was brought to the attention of the Chancellor of Justice.

**Art. 2.** If a freedom of expression offence has been committed in a technical recording and no one is liable under Chapter 6 for the offence, the public prosecutor or the plaintiff may apply to have the recording confiscated instead of instituting criminal proceedings. The same applies if no summons can be served in Sweden on the person liable for the offence.

**Art. 3.** The provisions laid down in Chapter 10 of the Freedom of the Press Act concerning the impoundment of printed matter shall apply also concerning the impoundment of technical recordings. In the case of recordings, written documents or pictures under Chapter 1, Article 9, paragraph one, point 1, where the matter concerns impoundment for the purpose of investigation on account of a freedom of expression offence, the provisions of Chapter 10, Article 14 of the Freedom of the Press Act apply. In the case of technical recordings, the provisions laid down in paragraphs two and three of this Article however apply in place of Chapter 10, Articles 6 and 8, paragraph two of the Freedom of the Press Act. If the time referred to in Chapter 10, Article 4 of the Freedom of the Press Act is insufficient having regard to the scope of the impoundment or for any other reason, the court may allow an extension following a submission from the Chancellor of Justice. Such extension shall not relate to a period in excess of what is unavoidably necessary and may not amount to more than two weeks in all. The provisions of Chapter 10, Article 3, paragraph two of the Freedom of the Press Act do not apply if the Chancellor of Justice has delegated a public prosecutor to act as prosecutor in a freedom of expression case under Article 1, paragraph one of this Chapter. The provisions

of Chapter 10, Articles 2, 4 and 14 of the Freedom of the Press Act and of this Article regarding the duties of the Chancellor of Justice apply in such a case also to the public prosecutor.

All impoundment decisions shall indicate which passage or passages in the item caused the material to be impounded. If it is not possible when effecting an impoundment under Chapter 10, Article 14 of the Freedom of the Press Act to indicate in the decision every such passage in detail, the passages which are being adduced as criminal shall be set out in a separate decision as soon as possible after the event. Impoundment relates only to the specific discs, reels or other such parts of the recording in which the passages occur.

Proof of a decision to impound material shall be furnished as soon as possible, and free of charge, to the person against whom impoundment has been effected and to the person who caused the technical recording to be made. Such proof shall indicate the passage or passages in the recording which occasioned the order.

**Art. 4.** It may be laid down in an act of law that a commission, the composition of which is laid down in law and whose chairman shall hold currently, or shall have held previously, an appointment as a permanent salaried judge, shall examine whether a radio programme which has been transmitted by some means other than landline complies with the provisions or other conditions applying to such transmissions. Such a commission may only express an opinion and enjoin the transmitter to observe the provisions or conditions. The act of law may prescribe that an injunction of the commission may be associated with penalties. Questions concerning liability for freedom of expression offences and the imposition of penalties are always examined by a court of law under Chapter 3, Article 5.

**Art. 5.** It may be laid down in an act of law that there shall be special supervision to ensure that there is no abuse of the freedom of expression in films, video recordings or other technical recordings containing moving pictures by means of unlawful portrayal of violence, and to ensure that recordings of this nature which contain violence or threats of violence are not disseminated for gainful purposes to persons under the age of fifteen. It may be prescribed in this connection that a supervising authority shall be empowered to take temporarily into safe keeping a copy of a film, video recording or technical recording containing moving pictures which it can be presumed includes unlawful portrayal of violence.

**Art. 6.** The provisions concerning restrictions of fundamental rights and freedoms contained in Chapter 2, Article 12, paragraphs two to five, and Article 13 of the Instrument of Government apply in respect of provisions under Articles 4 and 5.

## **Chapter 8. On damages**

**Art. 1.** Damages may not be awarded on grounds of the content of a radio programme or technical recording other than in cases in which the item contains a freedom of expression offence. Provisions of law apply in respect of damages on account of offences under Chapter 5, Articles 2 and 3.

**Art. 2.** The person who is liable under penal law according to Chapter 6 is liable also for damages. Damages may also be claimed from the person who operates the programme service or caused the technical recording to be made.

In cases under Chapter 1, Article 8, the perpetrator is liable for damages on account of offences committed by him during the transmission. Damages may also be claimed from the person who operates the programme service.

**Art. 3.** If the person liable under penal law has no known domicile in Sweden at the time of the offence and cannot be reached here during the court proceedings, with the result that liability passes under Chapter 6, Article 2, paragraph three, to some other person, damages may still be claimed also from the firstnamed, insofar as this is permitted in law.

**Art. 4.** The provisions of Chapter 6, Article 4 of this Fundamental Law shall apply also in respect of damages on account of freedom of expression offences committed in a radio programme or technical recording. The provisions of Chapter 11, Articles 3 to 5 of the Freedom of the Press Act on private claims for damages in certain cases shall apply also in respect of such damages.

### **Chapter 9. On court proceedings in freedom of expression cases**

**Art. 1.** The provisions laid down in Chapter 12 of the Freedom of the Press Act concerning court proceedings in freedom of the press cases shall apply also in respect of the corresponding cases relating to radio programmes and technical recordings (freedom of expression cases). The reference in Chapter 12, Article 2 of the Freedom of the Press Act to Chapter 8 of the Freedom of the Press Act shall relate in this connection to Chapter 6 of this Fundamental Law.

Persons appointed jurors for freedom of the press cases shall be jurors also for freedom of expression cases.

### **Chapter 10. On radio programmes and technical recordings emanating from abroad etc.**

**Art. 1.** The provisions laid down in Chapters 1 to 9 and Chapter 11 apply also to technical recordings produced abroad and delivered for dissemination in Sweden. The provisions otherwise laid down concerning the person who caused the recording to be made shall apply instead in this connection to the person who delivered it for dissemination in Sweden.

The provisions of Chapter 13, Article 6 of the Freedom of the Press Act shall however apply in relevant parts in respect of the right to communicate and procure information and intelligence for publication and the right to anonymity. In this connection,

the reference to Chapter 1, Article 1, paragraphs three and four of the Freedom of the Press Act shall relate to Chapter 1, Article 2 of this Fundamental Law;

the reference to Chapter 3 of the Freedom of the Press Act shall relate to Chapter 2 of this Fundamental Law;

the reference to Chapter 3, Article 3 of the Freedom of the Press Act shall relate to Chapter 2, Article 3 of this Fundamental Law; and

the reference to Chapter 7, Article 3, paragraph one, point 2 of the Freedom of the Press Act shall relate to Chapter 5, Article 3, paragraph one, point 2 of this Fundamental Law.

**Art. 2.** Whatever applies under Article 1 in respect of the right to communicate and procure information and intelligence and the right to anonymity applies also to radio programmes broadcast from transmitters outside Sweden and to technical recordings not delivered for dissemination in Sweden, regardless of whether the recording was made in Sweden or abroad. Exceptions from the right to communicate and procure information in respect of radio programmes transmitted from the high seas or the airspace over the high seas may however be laid down in law.

## **Chapter 11. General provisions**

**Art. 1.** The provisions laid down in Chapter 14, Articles 1 to 3 of the Freedom of the Press Act concerning the re-opening of closed cases, examination of freedom of the press cases before a higher instance and prompt handling of such cases shall apply also in respect of corresponding cases under this Fundamental Law.

Provisions laid down in an act of law or other statute apply in all respects not specially regulated in this Fundamental Law or in an act of law adopted by virtue of this Fundamental Law.

Foreign nationals are equated with Swedish citizens in respect of freedom of expression under this Fundamental Law unless otherwise provided in law.

## **Transitional provisions**

### **Transitional provisions 1991**

1. This Fundamental Law comes into force on 1 January 1992.
2. The new provisions shall not apply to radio programmes transmitted before the Law comes into force.
3. In the case of films and sound recordings delivered for dissemination before the Law comes into force, the new provisions shall apply with the following exceptions:
  - a) a film or sound recording shall be regarded as having been delivered for dissemination on the date on which this Fundamental Law comes into force;
  - b) the provisions of Chapter 2, Chapter 3, Article 13, paragraphs one to three, Chapter 4, Chapter 6, Articles 1 to 5, and Chapter 10, Article 1, paragraph one, sentence two, shall not apply;
  - c) the disseminator of a film shall be liable under law for a freedom of expression offence committed in the film, if dissemination would have been punishable also under older provisions;
  - d) liability for freedom of expression offences in a sound recording rests with the originator and the person who has taken part in the recording, if they are to be regarded as the perpetrators, and with the person who caused the recording to be made and the disseminator, always provided that their actions would have been punishable also under older provisions;
  - e) contrary to the provisions of Chapter 8, Article 2, paragraph one, damages may be claimed for the content of a film or sound recording, from the person liable in penal law under points (c) and (d);

- f) the new provisions do not apply in respect of dissemination before the Law comes into force of films portraying sexual violence or coercion, or intrusive or protracted portrayal of gross violence against persons or animals;
- g) the new provisions are not applied if criminal proceedings have been instituted before the Law comes into force. If application of the new provisions would have resulted in freedom from penal sanctions, such shall however not be exacted.

### **Transitional provisions relating to 1998 amendments**

1. This Act comes into force on 1 January 1999.
2. In the case of technical recordings not covered by earlier wording and delivered for dissemination before the Act comes into force, the new provisions shall apply with the following exceptions:
  - a) a technical recording shall be regarded as having been delivered for dissemination on the date on which this Act comes into force;
  - b) the provisions of Chapter 2, Chapter 3, Article 13, paragraphs one to three, Chapter 4, Chapter 6, Articles 1 and 2, and Chapter 10, Article 1, paragraph one, sentence two, shall not apply;
  - c) the disseminator of a technical recording shall be liable under law for a freedom of expression offence committed in the recording, if the act would have been punishable also under older provisions;
  - d) contrary to the provisions of Chapter 8, Article 2, paragraph one, damages may be claimed for the content of a technical recording from the person liable in penal law under point (c), if a liability for damages would have existed under provisions of ordinary law;
  - e) the new provisions do not apply in respect of dissemination before the Act comes into force of technical recordings with pictures which include portrayal of sexual violence or coercion;
  - f) the new provisions are not applied if criminal proceedings have been instituted before the Act comes into force. If application of the new provisions would have resulted in freedom from penal sanctions, such shall however not be exacted.
3. The older provisions shall be applied to sound recordings delivered for dissemination before the Act comes into force.
4. Older provisions are applied in cases affecting portrayal of children in pornographic pictures if criminal proceedings have been instituted before the Act comes into force.

### **Transitional provisions relating to 2002 amendments**

1. This law comes into force on 1 January 2003.
2. Older provisions apply to such making available of information under Chapter 1, Article 9, as occurs before the law comes into force.
3. The new provision in Chapter 7, Article 1, paragraph two, sentence one, concerning the period of limitation for freedom of expression offences committed by making available information under Chapter 1, Article 9, applies only to information which still forms part of the database when the law comes into force.
4. The new provision in Chapter 7, Article 1, paragraph two, sentence three, applies only to technical recordings published after the law comes into force.